

General Purpose Standing Committee No. 5

Management of public land in New South Wales

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Summary of key issues

A key theme throughout the Inquiry and this report is the complexity of the current approach to public land management in New South Wales. This is underscored by evidence of inconsistency and variation in the way in which public lands of different tenure are managed, and in the obligations required of public land managers and private land managers. These differences are no more apparent than when examining the impacts of converting Crown land, State forest and agricultural land to national park estate.

The rapid expansion and current management of national parks highlights the growing tension between achieving conservation outcomes and meeting the economic and social needs of communities across the State, particularly those in regional New South Wales. While it is not clear at this stage how public lands should be best managed into the future, it is clear that the current approach in New South Wales requires improvement and renewal.

The key issues considered in this report, and the Committee's recommendations, are summarised hereunder, concluding with the seminal recommendations of this Inquiry.

The role of national parks

A fundamental question raised during this Inquiry was whether national parks provide the best means of conservation and, if so, whether they are indeed fulfilling the conservation objectives they were designed to meet. The Committee received a wealth of conflicting evidence on these issues. The Committee recognises the importance of protecting biodiversity and conserving the many natural and heritage values inherent to the New South Wales landscape. However, the Committee acknowledges the limitations of national parks and questions their ability to solely provide the best conservation outcomes for the State, given the history of recently converted lands that were actively and sustainably managed to produce the very values that are deemed worthy to conserve. In particular, the Committee looks to areas such as the river red gum forests of the Riverina and the Pilliga forest in north-western New South Wales as Case Studies where some evidence suggests that conversion has had adverse impacts on biodiversity.

The Committee concludes that reservation is not the only means to protect biodiversity and that conservation outcomes can be achieved alongside other land uses. The Committee therefore recommends that there be investigation into the wider application of the multiple land-use model in public land management in New South Wales (Recommendation 1.2) in recognition that public lands can be managed for a range of purposes while achieving the best conservation outcomes for that land.

A nil-tenure approach

Evidence received during this Inquiry, particularly in relation to how fire, pests and weeds are currently managed on public and private land, suggests that a nil-tenure approach, also known as a 'cross-tenure' approach, is not only supported by some Inquiry participants but is regarded as necessary to combat these threats and address broader land management issues in New South Wales. The Inquiry also heard evidence that effective conservation management and planning is best done with a tenure-blind approach, working to improve natural vegetation corridors and ecological health across the landscape. While it was recognised that a cross-tenure cooperative approach has been undertaken in limited examples across the State, the Committee believes that the cross-tenure approach needs to be extended

to a nil-tenure standard on all policy areas in land management (Recommendation 1.3), beginning with fire, pests and weeds and conservation management, to ensure consistency and improved land management outcomes for both public and private land managers.

The conversion process

Some Inquiry participants raised particular concerns about the process of converting Crown land, State Forest and agricultural land to national park estate. While the basis upon which lands are identified for reservation in New South Wales seeks to protect areas of the highest conservation value, it is unclear whether economic and social values are equally considered in this process. Many Inquiry participants expressed disappointment and anger at what they perceived to be a disregard of their livelihoods and futures. The Committee is particularly concerned about the public perception that the conversion process has been politicised. To this end, the Committee believes that the conversion process requires considerable improvement and addresses this issue as part of the Committee's seminal recommendations below.

Impacts of conversion

The impacts of converting land to national park estate, particularly of conversions in recent years, have proven significant and long-lasting. The environmental benefits of national parks have been contested throughout this Inquiry, however, as described earlier, the Committee believes that national parks have not always provided the best conservation outcomes for an area. Significantly, what was apparent during the Inquiry was the overwhelming concern about the economic and social impacts that have ensued from conversion. Important industries, such as the timber industry, suffered, communities are now struggling and calls are being made to reconsider the reservation of land as national park estate. The Committee is sympathetic to this cause and believes that some reserved areas should indeed be released to provide enough wood supply to sustain the timber industry and provide the industry with some certainty for the future (Recommendation 10).

In addition, the Committee is aware of the impacts conversion has had on accessing lands for recreational and commercial purposes. While the Committee accepts that some activities may not be appropriate in national park estate, greater flexibility should be afforded to allow access so that national parks can be enjoyed by a wide spectrum of people, as is their purpose, and, where there is no conflict with conservation objectives, provide economic opportunities for those who rely on access to the land to pursue these opportunities, including Indigenous groups, some of whom now seek sole management to increase economic opportunities for Aboriginal communities (Recommendation 12).

The way forward

The Committee urges the NSW Government to pursue a considered approach to the management of public land in New South Wales. The breadth of evidence received during this Inquiry does not provide a clear consensus on the best way to move forward. What is clear, however, is the complexity of the current approach and serious questions about the effectiveness, adequacy and appropriateness of this approach. The key message from this Inquiry is the need for a fresh look at the management approach currently in place.

The Committee notes that a comprehensive review of Crown land management is already underway, including its legislative framework, financial management, governance, and business structure. The Committee understands that the review will consider the constraints imposed by the current Crown lands legislative framework and examine the overlap between Crown lands legislation and legislation administered by other agencies, such as the National Parks and Wildlife Service and the Forestry Corporation of NSW.

The Committee suggests that this review be extended to the management of *all* public lands, in view of the need to streamline the complex and extensive land management system we have today and in recognition of the concerns raised by Inquiry participants regarding current land management practices. To this end, the Committee believes that the review provides a timely opportunity for a whole-of-government approach to be taken to the management of public land in New South Wales.

Therefore the Committee recommends that, as part of a full-scale and comprehensive independent assessment of the management of all public lands in New South Wales, the current Crown land management review be extended to evaluate the management of all national parks and State forests in New South Wales. The Committee calls on the NSW Government to follow the approach taken to the Independent Scientific Audit of Marine Parks in New South Wales, which was undertaken by an Independent Scientific Panel comprised of experts in the field and was headed by an independent chair.

Recommendation 1

That the NSW Government conduct an independent, full-scale and comprehensive assessment of the management of all public lands in New South Wales, and that this be achieved by extending the current review of Crown land management to include an evaluation of the management of all public lands, including all national parks and State forests in New South Wales. The review should:

- 1.1 be conducted by an independent panel comprised of experts in the relevant fields, and be led by an eminent expert as chair
- 1.2 investigate the wider application of the multiple land-use model in the management of public land in New South Wales, and identify appropriate areas for the multiple land-use model to be implemented
- 1.3 investigate the adoption of a nil-tenure approach to the management of public land in New South Wales
- 1.4 investigate innovative land management models, including the use of private conservancies, for possible application to public land in New South Wales
- 1.5 examine requiring all public land managers to make a financial contribution to maintain local infrastructure, and investigate whether this contribution should be made through council rates or an alternative mechanism
- 1.6 for the sake of simplification of land tenure arrangements in the State, investigate the option of converting all remaining Western Land Leases into freehold title.

The Committee acknowledges the numerous concerns raised by Inquiry participants regarding current management practices on public land in New South Wales, and in particular, the management of national park estate following conversion of land to this tenure. As such, the Committee recommends that, for the duration of the review of public land management in New South Wales, a moratorium on the creation of any new national parks be imposed

Recommendation 2

That the NSW Government impose a moratorium on the creation of any new national parks or the extension of any existing national parks, for the duration of the review of public land management in New South Wales, with the exception of conversion of existing reserved areas, or a National Park declaration that is currently before the NSW Government.

The Committee acknowledges the concerns raised by Inquiry participants regarding the process of converting land to national park estate and believes that the current conversion process requires substantial improvement if new national parks are to be created in the future. Therefore, the Committee recommends that a consistent, transparent, inclusive and independent conversion process be developed, and in which the economic and social impacts of conversion decisions are accorded equal weight with conservation objectives. In addition, the conversion process should require a comprehensive Impact Statement outlining the economic, social and environmental impacts of conversion for public exhibition prior to the conversion of land to national park estate.

The Committee is also mindful that some Inquiry participants were disheartened by attempts to engage local communities, including local government, throughout the conversion process. This has highlighted to the Committee the importance of providing a clear and genuine pathway for the community to have their say about the management of public land, including any decisions to be made that may affect the wider community.

Recommendation 3

That the NSW Government develop a process of converting land to national park estate that:

- 3.1 is consistent, transparent, inclusive and independent, and in which the economic and social impacts of conversion decisions are accorded equal weight with conservation objectives. In addition, the conversion process should require a comprehensive Impact Statement outlining the economic, social and environmental impacts of conversion for public exhibition prior to the conversion of land to national park estate.
 - 3.2 includes the development of a community engagement strategy to guide consultation with local communities prior to making decisions on the conversion of land to national park estate. The strategy should set clear expectations regarding what consultation will occur and mandate consultation with local government throughout the conversion process.
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Summary of recommendations

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- Recommendation 4** **152**
That the NSW Government expand the current joint New South Wales-Victorian thinning trial to initiate a large-scale trial of ecological thinning in the river red gums forests of the southern Riverina, in accordance with the Natural Resource Commission's recommendations, and that commercial operators be engaged to conduct these thinning operations.
- Recommendation 5** **155**
That the NSW Government commission more independent research into the impact of different forestry management practices on the sequestration of atmospheric carbon dioxide and other greenhouse gases.
- Recommendation 6** **197**
That the NSW Government, with regard to fire management in New South Wales:
- 6.1 require public land managers to comply with the same fire management requirements as private land managers, and require them to maintain adequate fire breaks on the borders of their property to ensure fires can be suppressed adequately before injury or damage is caused to neighbouring land
- 6.2 investigate the application of the National Parks and Wildlife Service draft plan of management *Living with Fire in NSW National Parks – A Strategy for Managing Bushfire in National Parks and Reserves to 2021* to all current parks and newly acquired land and support the National Parks and Wildlife Service's five primary fire management objectives.
- Recommendation 7** **229**
That the NSW Government actively support the apiary and commercial inland fishing industries by enabling continued access to land which has been converted to national park estate.
- Recommendation 8** **233**
That the NSW Government take urgent action to resolve outstanding disputes between the National Parks and Wildlife Service and its neighbours, particularly in regard to disputes on boundary fences and access roads.
- Recommendation 9** **233**
That the NSW Government investigate whether the *Dividing Fences Act 1991* should be amended to apply to all public land managers in New South Wales.
- Recommendation 10** **255**
That the NSW Government immediately identify appropriate reserved areas for release to meet the levels of wood supply needed to sustain the timber industry, and that the NSW Government take priority action to release these areas, if necessary by a 'tenure swap' between national park estate and State forests. In particular, urgent action is required for the timber industry in the Pilliga region.
- Recommendation 11** **273**
That the NSW Government provide further investment in promoting tourism and developing facilities and infrastructure for national parks, and in particular, those in western and southern New South Wales, created following recent conversion decisions.

Recommendation 12

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That the NSW Government improve engagement with Indigenous communities to explore opportunities for the management of public land, including the acceleration and expansion of joint management arrangements and the priority development of sole management opportunities. As part of the priority development of sole management arrangements, the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation should be given the opportunity to solely manage the Werai forest on a trial basis.