

**Submission  
No 309**

**INQUIRY INTO MANAGEMENT OF PUBLIC LAND IN  
NEW SOUTH WALES**

**Organisation:** National Parks Association of NSW Southern Sydney Branch  
**Name:** Mr Gary Schoer  
**Date received:** 31/08/2012

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**NATIONAL PARKS ASSOCIATION OF NSW  
SOUTHERN SYDNEY BRANCH**

PO Box 312, Engadine, NSW 2233

**A SUBMISSION TO THE INQUIRY INTO THE  
MANAGEMENT OF PUBLIC LAND IN NEW SOUTH  
WALES**

Most of this submission comes under Terms of reference (TOR) 1 and 4 as indicated

The Southern Sydney Branch of National Parks association of NSW endorses the submission made on behalf of the Association's NSW body, but wishes to make some local comments related to the terms of reference.

**Background**

Our Branch has been making submissions on the management of public lands between the Cooks River and Botany Bay and the Northern Illawarra for forty years. Through its research, educational and advocacy activities our Branch has alerted governments at state, National and local level and citizens and courts about the values of ensuring that naturally vegetated Crown Lands are converted to the highest level of zonation to ensure conservation of biodiversity values. In that time, we have been a critical partner of National Parks and Wildlife Service due to their long-term experience in assessing the values of public lands and the formal "Referencing" processes that earmark potential additions to the National Parks Estate. It has been our experience that even after briefings of Local MPs, and appropriate Ministers, the major barriers for final decision making on future tenures of high conservation value lands have been the poor governance and local understandings of local land's conservation values by Ministers for Lands and beauracrats working in that Department.

**Terms of Reference 1...An overview of issues related to conversion of Crown Lands to National Parks or improved nature conservation zonation.**

There are high dunes at Cronulla and Kurnell, bushland between Heathcote and Waterfall and foreshore lands around the Georges River that have either been converted to National Parks status (mostly additions to existing NPWS estate) or afforded the strongest possible zonation for local government to manage on behalf of the Crown through the efforts of NPA in association with often clear groundswells of community and other group support. If larger tracts of natural lands or those adjacent to existing parts of the National Parks estate had high demonstrable natural and cultural conservation values, NPA could generally predict that once normal processes of community consultation had occurred and appropriate

and timely state and local government level investigations had occurred, then those lands were generally gazetted as additions to National parks or for smaller, isolated natural assets, enjoyed appropriate zonations that might only be upgraded in the future, not regressed. These assumptions now seem to be changing as some State Government instrumentalities find cause to delay such actions for many unacceptable reasons. And this is not just a criticism of the present government as NPA for several years under Labor, has been a strong critic of the assumption by Department of Lands that assessments by NPWS and local communities lacked the credibility that Lands and other Government Departments might counterclaim. But generally, Lands has been noted in recent years for its inertia in considering such cases for National Parks establishment or additions or an upgrading of public lands to an appropriate strong conservation zonation that is evidence-based. Our Branch can see no indicators that this parlous situation is changing for the better under a Liberal Government.

### **Unacceptable assumptions within the Terms of Reference**

It is thus with a high level of incredulity that our Branch of NPA (and indeed the broader NSW citizenry within hundreds of conservation organisations) has viewed these regressive terms of reference for this Inquiry that questions the very basis on which conservation decision making has occurred for some stated National Parks, and by implication, challenges the very basis on which the states major conservation arm, the National Parks and Wildlife Service, has cooperated with other government departments and the public generally to effect its conservation objectives under the *National Parks and Wildlife Act*. But this is a body whose earned respect from the community is being threatened by an onslaught of politically motivated initiatives by the Shooters and Fishers Party clearly aimed at the very heart of what a National Parks Service was established to do.

Our Branch wishes to document some local issues relevant to the terms of reference of this negative values-loaded Inquiry, and to concurrently remind all members of the Committee what a reserves system is meant to achieve.

### **Related to Terms of Reference 1a and 1b**

1. Our conservation areas are important not only for biodiversity protection, but also for other critical ecosystem services such as fresh water catchment protection, and carbon sequestration. NPA successfully argued, for example, during a Crown Lands Inquiry near 15 years ago that all the vegetated Crown Lands between Heathcote and Waterfall should be added to the National Parks estate (Heathcote National Park).

While this process for Heathcote National Park Additions from Crown Land did take a few years to run, more recently, NPA has been waiting for close on 10 years for consideration of additions of Crown Lands adjacent to Garawarra Hospital to the Garawarra State Conservation Area or Royal National Park. These lands have now been "Referenced" by NPWS for additions after their investigation as to their natural values...They are part of the Hacking River Catchment that rises here and flows through Royal National Park, so one ecosystem Service is to help provide high quality fresh water to Royal National Park. These lands are also part of the wet forest corridor that is an NPWS acknowledged wildlife corridor between Royal National Park and the Illawarra escarpment to the south and to (the Liberal Government recently created) Dharawal national Park and water catchment Special Areas to the west. This corridor value has been acknowledged by the Government's own Environment Minister, Robyn Parker, in a recent letter to our Branch, via Lee Evans, MP for Heathcote (attached) The area is also a probable habitat of the rare Mountain brush tail Possum, its most eastern limit of distribution. It is ironic that despite the current Minister for Environment's confirmation of natural values of these Crown Lands and the allusion to possible future additions to the National Parks estate, Ms Parker highlights the potentially blocking necessary acquiescence of the Deputy Premier, Andrew Stoner, as the Minister for Trade, Investment and Infrastructure before anything proceeds. Nothing is mentioned regarding the involvement of Katrina Hodgkinson as Minister responsible for Crown Lands as a key person to agree to this transfer of lands acknowledged for many years as a suitable candidate for addition to the National Parks estate.

If such a clear-cut case is going to be part of ANOTHER Government Inquiry into Crown Lands (and why is there reference to Aboriginal lands Inquiry, if this is unclaimed land?) we can only begin to appreciate what further delays will ensue. And this Crown Land conversion candidate is probably relatively simple with minimal governance challenges. What does this say about chances of timely conversions of many more parcels of high conservation Crown Lands that are in a state of unresolved Limbo?

Some attached documents demonstrate both the acknowledged values of the area and the barriers placed in this upgrade of zonation as enunciated by Warwick Watkins, former Labor DG of Crown Lands. Attached also is the as yet unanswered letter to the current Minister for Lands, Katrina Hodgkinson (cc Robyn Parker)

alerting her to the inordinate delays in transferring high conservation value Crown lands to the National Parks estate...a letter unanswered 4 months after sending via Mr Lee Evans, MP for Heathcote. Attached is a response from Robyn Parker, but our Branch asks, why after 4 months there is no response from the prime Minister for Lands to whom the letter was addressed. NPA can only assume that EVERY application for Crown Land conversion to National park/additions will go through the choking funnel of the Minister for Trade, Investment and Infrastructure. Where is the reference to accepting the data from NPWS and even recommendations from Local Members who would be well briefed by the local communities on the known values of public Crown Lands that have no significant management regime or zonation to ensure the sustainability of that land's natural assets?

NPA Recommends that the Panel recommends a greater role for the Local Member in drawing on NPWS and community advice about significant National Park addition opportunities that can be fast-tracked, to help overcome the backlog of potential Crown land conversions. Several Local Members received advice from local community groups as to the value of upgrading Dharawal State Recreation Area to a National park Status, where negotiations with other Government Departments would have been necessary. This process took a year. There is no excuse for decade and more delays in the Crown land conversion process if the present Government is to rise above Labor's record of stalling such conversions.

As NPA Southern Sydney Branch's Secretary, I had chased up why there was this great delay in the Garrawarra Crown Lands conversion with a senior Lands Department Officer at Nowra. I was advised that the backlog in land rights applications was the reason for the delay...but to my knowledge there is no land claim on this crown land, as conservation additions to the national Parks estate is the clear primary potential value of this land. NPA does not accept that this length of delay could be excused, and the time for a Minister for Lands to answer a current Ministerial letter on the issue does not give NPA much hope that the NPWS recommended use for the land will be formalised any time soon.

NPA would ask that the Committee make the strongest possible recommendation that Crown Lands identified by NPWS to be of high conservation value and which have been formally "Referenced" for future additions, be much faster tracked to completion. If NPWS has investigated the land's conservation values, there should not be the excuse that further conservation investigations need to be done.

The longer the delay, the greater is the risk that someone or some government body will advocate an alternative use. NPA can recall a thin strip of Crown land between Railway and Princes Highway at Heathcote that allowed horse agistment for some time despite corses of the threatened *Eucalyptus camfieldii* being present. The arguments are FAR clearer in the case of the Garawarra lands that timely action for addition to the National Parks estate is warranted.

**The landscapes, places and objects in national parks are significant or their Aboriginal and non-Aboriginal cultural values**  
**Terms of reference 4 Other Matters**

NPA did successfully argue that the aboriginal middens at Boat Harbour on Crown lands warranted protection. Zonation as regional open space provided some protection, but addition to Botany Bay National Park would provide a stronger protective outcome.

The landscapes of crown-owned high dunes at Kurnell and Cronulla are protected under strong local zoning, and NPA's (and many others) contribution to this outcome have been acknowledged in a sign produced by Sutherland Council at Wanda beach, with Council managing the area in trust for the Crown, an outcome that NPA supports. Here, community action to protect our public lands is acknowledged, but all we have received so far from Government Ministers of all persuasions and beauracrats is stony silence or "slaps" over the wrist for our presumed impatience over a decade in the case of the Garawarra lands. This is a common story with citizens, who, unlike the chair of this Inquiry, have worked for decades to keep our natural areas natural and thriving. Yes, NPA is very angry at having to take this time to state the obvious.

**Australia has signed the International Convention on Biodiversity and committed to conserve biodiversity.**

**Terms of reference 4 Other Matters**

NPA questions that Department of Lands has been managing the Garrawarra lands. Any management has been done by the Council and NPWS wrt fire controls, as NPWS lands adjoin. NPA has seen no signs of Lands-initiated programs of bush regeneration where some sewage overflows from Garawarra hospital have produced one prominent weed plume. Warwick Watkins was making up a story that didn't exist. The sooner these lands are under care and control of a properly resourced National parks and Wildlife service, the better for biodiversity conservation gains.

The NSW government is a signatory to the Intergovernmental Agreement on the Environment whereby the Australian Government and all State Governments agreed to the establishment of a comprehensive, adequate and representative system of protected areas, and while the NSW government has made significant progress to date in this regard, many biogeographic subregions remain under represented.

Term of reference 1a Related to Intertidal Crown Lands adjacent to National Parks.

NPA awaits the decision of the NSW Government to initiate a Marine Park in the Hawkesbury Shelf Bioregion as part of a at present inadequate statewide Marine Park system. The intertidal zones are generally crown lands, and unless a planned Marine park for Sydney eventuates soon, all the intertidal crown lands surrounding our state National Parks should be added to these parks to facilitate more unified management. At Bundeena in the Royal National Park, for example, residents know they can walk their dog with impunity along the intertidal zone, and some spear fishers sometimes have been seen transporting spear guns along this corridor on the way to the ocean..despite weapons being prohibited in National Parks.

**The science is clear that protected areas are the most effective way of conserving biodiversity.[\[1\]](#)**

### **Terms of Reference 3:**

We support the fact that NPWS, Not Department of Lands is the major agency experienced in managing larger tracts of bushland for biodiversity purposes, though NPA acknowledges, as above that small pockets of urban bushland and sand dunes CAN be effectively managed by local government on behalf of the Crown, but the Committee needs to recommend strongly that Department of Lands does not establish a Reserve system duplicating what NPWS does better, despite personal aspirations of former Crown Lands DG.

### **Terms of Reference 1b**

Local communities benefit economically and socially from national parks. Royal National Park has close to 2 million visitors a year. The contention that economic services such as café, restaurant and event locality at Audley will attract more people to enjoy the natural values of Royal National Park, is as yet, untested. A National Parks Service needs to concentrate on natural areas management. Compromising of National parks values by development within its boundaries

should be replaced by community driven enterprises on a National parks boundaries to benefit local communities more broadly.

#### **Terms of Reference 4: Other**

The management of national parks is undertaken by the skilled professional staff of the National Parks and Wildlife Service and supported by a large number of community volunteers who take pride in these special areas. The NPWS has considerable expertise in feral animal control, invasive weed management and fire management. Royal National Park has close to 200 volunteers who contribute to the common good at Royal National park because they agree with the values propulgated by its staff, and inherent in what National Parks are meant to be. NPA is extremely fearful that if there is questioning of the very basis on which National Parks are gazetted, and see actions by volunteers in other parks that don't match theirs (eg hunting, as opposed to professionally directed and implemented feral pest culling), then the good will that these local national parks have built up will be lost.

Our Branch thus sends a warning to Committee members that the economic savings made by our National Parks System through a strong volunteer base will start to disappear as such volunteers protest a perceived erosion of well established and accepted National parks values in NSW. The liberal government may well be trying to bring about cultural change about economic imperatives in the ways our parks are managed and what is allowed in them, but there will be many negative economic consequences should the NSW government continue to bow to the anti-national parks sentiments of minority members who hold the balance of power...despite their claims that their moral intentions are in the right place. The community can easily see though such intended deceptions, and the risks in acquiescence to pressures of this type need to be acknowledged in the final report.





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Hon Katrina Hodgkinson  
Minister for Lands  
And Robyn Parker  
Minister for Environment

Dear Ministers,

I wish to draw to your attentions to attached copies of letters from former Labor state government Ministers regarding progress (or lack of it over near a decade that NPA has been corresponding on this matter) on negotiations between Crown Lands and National Parks and Wildlife Service regarding what we thought was pending approval for addition of Crown Lands adjacent to Garawarra Hospital to Garawarra State Conservation Area (if mining leases still occur beneath the ground) or preferably to Royal National park if leases no longer exist.

We have had a number of confirmations at a Environment Ministerial level and from the Environment Department alluding to these lands as being an important addition to the National parks Estate due to their role in part of the wet forest corridor in the upper reaches of the hacking River that drains into Royal National Park. It is also possible that the locality rare Mountain Brushtail possum can also occur here.

Would your Departments please cooperate to ensure that these Crown lands are conserved in the highest possible category of National Parks zonation? NPA should not have to wait another 10 years for a decisioin to be made for these important corridor lands that also provide a link westwards between Garrawarra State Conservation Area and the Dhrawal and Special (Catchment) Areas. This transfer should not require a large expenditure by Government, hence we would expect no great burden to Government's budgetary constraints, and such a decision would further consolidate the Government's good record on upgrading conservation zonings fto help connect Southern Sydney's regional reserve networks.

Thank you

Yours faithfully,  
Gary Schoer  
Secretary

23 / 4/2012



**The Hon. Robyn Parker MP**  
Minister for the Environment  
Minister for Heritage

RECEIVED  
27 AUG 2012  
BY: .....

MD12/2866

Mr Lee Evans MP  
Member for Heathcote  
Shops 1 and 2  
17 - 23 Station Street  
ENGADINE NSW 2233

Dear <sup>Lee</sup> Mr Evans

I refer to your representations on behalf of Mr Gary Schoer, Secretary of the National Parks Association, Southern Sydney Branch, to the Minister for Transport, the Hon Gladys Berejiklian MP, concerning the proposed reservation of Crown land near the Garawarra Centre. Minister Berejiklian has forwarded your representations to me for reply.

I appreciate Mr Schoer's support for the reservation of these lands. I am advised that these are high conservation value lands, particularly as they provide an important green corridor between existing reserves in the area, and that the Office of Environment and Heritage has maintained an interest in their reservation under the *National Parks and Wildlife Act 1974* in recent years.

As you would be aware, the NSW Government has recently announced a comprehensive review into the management of Crown land. This review will help ensure the best use is made of the State's valuable Crown land assets by improving community outcomes, engaging with the private sector and revitalising the regions.

The Crown lands review will complement the review of the *Aboriginal Land Rights Act 1983* which is already underway and currently considering improvements to the management of Aboriginal land claims. The steering committee has been established, consultation will take place with all interest groups and a final report is expected by June 2013.

Responsibility for the management and potential future use of these Crown lands lies with the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure, the Hon Andrew Stoner MP. Should the Deputy Premier support a proposal for the lands to be reserved under the *National Parks and Wildlife Act 1974*, I would be pleased to consider this proposal as an important contribution to the Government's Green Corridors Program.

Please thank Mr Schoer for his interest in this matter.

Yours sincerely

**Robyn Parker MP** 21/8/12  
**Minister for the Environment**

cc. the Hon Andrew Stoner MP



**NSW National Parks  
and Wildlife Service**

Our reference: MD10/3710

Mr Gary Schoer  
Secretary  
Southern Sydney Branch  
National Parks Association NSW  
PO Box 312  
ENGADINE NSW 2233

Dear Mr Schoer

I refer to your e-mail of 3 November 2010 to the Premier, the Hon Kristina Keneally MP, which was referred to the Minister for Climate Change and the Environment, the Hon Frank Sartor MP, concerning Garawarra State Conservation Area. Your e-mail was forwarded to the Department of Environment, Climate Change and Water and I am replying on the Minister's behalf.

Negotiations are continuing with the Land and Property Management Authority regarding the transfer of Crown land east of Garawarra Hospital to Garawarra State Conservation Area. The Department continues to maintain a strong interest in reserving this land due to its high conservation values.

I am pleased to advise that the land the Association brought to the Minister's attention, Lot 1, Lady Wakehurst Drive, Helensburgh, as having significant conservation values, was purchased by the Department at auction in May 2010. This land is expected to be reserved as part of Garawarra State Conservation Area in the coming months.

I appreciate the work of the Association and its commitment to conservation.

Yours sincerely

*A*  
*1/12/10*  
Adrian Toovey  
A/Director Reserve & Wildlife Conservation Branch  
Parks and Wildlife

The Department of Environment and Climate Change NSW is now known as the Department of Environment, Climate Change and Water

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Department of **Environment and Climate Change** NSW





NATIONAL PARKS ASSOCIATION OF NSW  
protecting nature through community action

Southern Sydney Branch  
PO Box 312  
Engadine  
NSW 2233

The Premier  
Kristina Keneally  
Cc Hon Tony Kelly, Minister for Lands  
Hon Frank Sartor, Minister for Climate Change and Environment

Dear Premier,

Our Branch of the National Parks Association of NSW has been attempting for near a decade to bring about the transfer of vegetated Crown Lands east of the Garrawarra Hospital to the Garrawarra State Conservation Area. Files on this issue at the Department of Climate Change and Environment will reveal your government's statements of the high conservation values of these tall-forested lands and their key location in the upper catchment of the Hacking River which bisects Royal National Park, arguably the world's first national park. We also understand that National Parks and Wildlife Service has "Referenced" these lands for addition to Garrawarra SCA.

Personal calls to the LPMA office a couple of years in Nowra urged us to encourage NPWS and its Minister to liaise directly with the Department of Lands, since we were led to believe that the normally lengthy assessments of Crown lands excess to needs for other purposes could be shortened where there was a very strong argument for such lands being added to the National parks Estate.

Premier, your Environment Department has made a very definitive call on their desires to add these lands to Garawarra SCA, so it is with some dismay, after 10 years of urging on NPA's part to hear of Tony Kelly's MLC, Minister for Lands advice that this proposal is still being assessed. Mr Kelly states that Joy and Murray Scott (local NPA members) would be pleased to hear this advice. Neither the Scott's or NPA is pleased with the tawdry governance that is exemplified by this procrastination. (Reference MIN10/1598/7 sent to the Scotts via Paul McLeay MP)

If, Premier, you truly "intend to restore trust to the community", can NPA respectfully ask that you request Ministers Kelly and Sartor to engage in an urgent, meaningful dialogue to remove any barriers that have contributed to this decision being dragged out for so long. Why should we in the community have to remind government of how poor its governance is in such matters. If The Scotts or NPA was to contact Mr Grant Merinuk at the Nowra Office of LMPA, as Mr Kelly suggests, that would complete the cycle of government buck passing and perhaps send us on another decade of frustrating communications.

Can you fix this madam Premier?

Gary Schoer, Secretary  
Southern Sydney Branch  
National Parks Association NSW  
0570 1012

3/11/10