

**Submission  
No 219**

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

**Organisation:** NSW Angler Access Project

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# **SUBMISSION TO NSW PARLIAMENTARY STANDING COMMITTEE 5 ON THE REVIEW OF PUBLIC LAND**

## **COMMENT BY NSW ANGLER ACCESS PROJECT**

### **Background to the NSW Angler Access Project**

The NSW Angler Access Project is a Recreational Fishing Alliance (RFA) project run in conjunction with DPI –Catchment & Lands and Fisheries. It is funded by the Recreational Fishing Trust Expenditure Committees. The project investigates Crown land that provides access to waterways and assesses its suitability to meet the project's aims. The project endorses and follows the "Principles of Crown Land Management" with particular emphasis on multiple use, conservation values and public use. The project benefits all recreational users of Crown land. Where appropriate the land is placed under the trusteeship of the NSW Angler Access Reserves Reserve Trust (NSWAARRT) and land is reserved for the purposes of "Public Recreation, Recreational Fishing, Access and Government Purposes", The DPI – Fisheries and Catchments and Lands has two ex officio representatives on the trust.

The NSW Angler Access Project officer's previous experience involves dealing with Crown land management issues for many years whilst employed with the Department of Lands and its subsequent identities in the Sydney metropolitan, south coast and Hunter regions.

### **Project Aims**

To ensure public access to Crown land that provides access to waterways suitable for recreational fishing is retained so that it will be available for future generations.

## **COMMENTS & CONCERNS**

### **CROWN & PUBLIC LANDS**

1. If Crown Land is to be converted in to NATIONAL PARK or conservation areas provision must be made to ensure public access, the natural resources are conserved (especially water issues) and multiple use. These are all current "Principles of Crown Land Management".

### **RECOMMENDATION- adherence to the "Principles of Crown land Management"**

2. Recreational fishing must be included as an acceptable use where recreational fish species are present in a waterway.

### **RECOMMENDATION-the purposes of "Recreational Fishing" and "Access" be added to all such Crown reserves**

3. Joint management by community groups and Local Aboriginal Land Councils 'should be considered where appropriate so that access is available to all and cultural issues can be managed to the benefit of all.

4. Aboriginal Land Claims need to be finalised and addressed as a matter of urgency- current delays are unacceptable to all parties. Legal representation should be available to all parties. Consultation/negotiation/compromise between all groups should be the priority before legal action is undertaken.

**RECOMMENDATION-Urgent action be undertaken to finalise all Aboriginal Land Claims with a view to compromise, compensation and avoidance of legal procedures. Joint management, by LALC and the community, of community significant sites should be a priority. Consideration be given to the establishment of a trust with relevant representation. A working group be set up to facilitate this process, consisting of representation from LALC, Catchment & Lands, community groups, Recreational Fishing Alliance of NSW etc.**

5. Only the highest priority conservation areas should be locked up, with the preference being for public access in most cases. The locking off of public access or making areas only accessible by lengthy foot access denies large sections of the community feasible access e.g. Meroo Lake, Geehi track through NP. National Parks should not use lack of maintenance as a management tool to deny public access.

**RECOMMENDATION-A government direction that National Parks be required to maintain and facilitate public access to National Parks and restricted access only be considered for the most significant conservation areas ( it is understood that some temporary closures may be applied e.g. snow closures.**

6. Community groups, clubs and organisations should be considered for management control of relevant areas of public land. They need financial and technical support to successfully do this work. In most cases public access should be part of any management strategy.

**RECOMMENDATION- Government support for community managed public land with public access. Public land needs to be promoted by government. It is an opportunity for government to promote their active support for community facilities; it needs a greater input of funds into the Crown's Reserve Trust Management Fund.**

7. In relation to 1(c) of the terms of reference– The River Red Gum Forest, Native Hardwood State Forests, Yanga Station and Toorale Station, should allow public access and recreational fishing where they adjoins public waterways with recreational species present.

**RECOMMENDATION- The purposes of "Public Recreation, Access and Recreational Fishing" be added to these reserves, fishing only where a relevant waterway/fishery is present. The inclusion of recreational fishing and public recreation will help promote local tourism opportunities for communities not just for these sites but for all public land involved across the State.**

8. Community groups managing land for the community and with public access should be free from council/water rates if they are a non-profit organisation.
9. Cooperation between community groups, LALC and councils should be encouraged and financially supported where public access is retained to public lands. The organisation of this cooperation should be a State obligation.

**RECOMMENDATION –a government, land council & community representative group be set up to facilitate this.**

10. Weed & pest control on public land should be a State responsibility.

**RECOMMENDATION- LHPA and/or CMA be responsible for the management of all weeds and feral animal control on public land. They must be provided with adequate funding to carry out this work.**

11. Firearms on public land must be managed to ensure the safety of the general public accessing that public land and adjacent public roads.

12. The provision of facilities that can be utilised by the public should be financially supported by government; the level of support would be assessed for each site.

13. Before any public land is disposed of by way of lease or sale appropriate reservations & access provisions need to be included. This is especially relevant for recreational fishing access. The old one chain reservation either side along waterways was a very good, forward thinking idea by our forefathers.

**RECOMMENDATION-Before any disposal of public land by way of sale, lease or transfer out of public ownership the land be reviewed by an independent committee to ensure it is the best management option for that land. Public access should be a priority for such land e.g. Crown land has been sold on the Murrumbidgee River in the Adaminaby/Bolaro area which could have provide excellent access for the public to fish, that access has now been lost. Similar is likely to happen on the Goodradigbee River at Brindabella.**

14. Before disposal, lease or change of status of public land safeguards need to be in place to ensure they remain available to the general public. Negotiation should be undertaken with LALC to share public land and as a part of this arrangement government & society needs to recognise & protect the cultural significance of the subject lands and assist financially in the management of such. Compromises and trade offs need to be part of the process.

**RECOMMENDATION -No disposal of public land, fronting a waterway, which provides access to recreational fishing without an arrangement for practical public access to that waterway. Where suitable the old “100’ reservation” along the waterway should be put in place.**

15. Public land (usually part of the road corridor) adjoining bridges over waterways are often fenced to the made road by adjoining landholders. Often constructed roads are 8 to 10m wide but the actual road reserve can be much wider, we need to ensure public access over this public land is available for public access.



Landholder has fenced in the public road reserve with his freehold land and erected signs denying public access to the river, the alternative is a stile or gate with appropriate signage.

**RECOMMENDATION- A government direction that public access to public land adjoining bridges, usually the road reserve, is supported by government and that where appropriate gates/stiles are provided where adjoining landholders have been fenced out and often signposted “No Access” to land which is public land. That an avenue for negotiation and compromise for reasonable access be set up, possibly within Catchment & Lands with access to Land Board where necessary. This avenue could also handle other public land issues where access is a problem e.g. TSRs and the beds of waterways.**

16. Conservation and recreational pursuits are generally compatible and can be managed together on public land. Just because it is a conservation area, recreation must not be excluded.
17. There needs to be a one contact point for the public to refer complaints about restrictions to access over public land and there needs to be procedures in place for appropriate action to be taken to rectify access issues, removal of illegal signs, erection of appropriate signs, construction of access, the marking of the boundaries of public land or Crown/public roads that provide legal access. Alternatively the promotion of the public's' (anglers, kayakers, recreational users etc.) right to refer their access issues to their local member for referral to the appropriate minister.

**RECOMMENDATION-a government policy put in place that states that the sign posting of public land with inappropriate signage e.g. “No Access” is an offence and that government officers are authorised to remove such signs and that the adjoining landholder may be held responsible and subject to penalty.**

18. Crown roads- Need for DPI Catchment & Lands to accept legitimate objections from other government agencies and act positively on those objections. The retention of Crown roads which provide access to waterways, negotiation of practical access where roads in use do not follow the Crown road as shown on the relevant map e.g. Parish map. There is an existing intent for this to occur in Crown Lands but too often Crown roads which provide relevant access are sold off despite objections from the public and other government departments e.g. roads that used to provide access to the iconic Maclaughlin River in the Snowy Mountains, this is the most recent example and occurred in the last month.

**RECOMMENDATION- DPI Catchment and Lands put in place a policy that where Fisheries NSW object to a road closure that road will remain a Crown road unless there are exceptional circumstances and that discussions have been undertaken between Catchment & Lands and Fisheries NSW and a mutually agreeable resolution has been reached.**

#### **TSRs & LHPA**

The NSWAA project has commented on the recent review of the LHPA with regards to TSRs, both reserves & routes. TSRs are Crown land under the control of the LHPA so the projects submission refers to TSRs, Crown land and all other public land.

1. DPI -Catchment & Lands does have the methodology to assess TSRs & public land to determine that lands optimal use and management. If TSRs are ceded back to Catchment & Lands as part of the existing reserve system then C & L should be funded to manage this public land in the interests of the community and reflecting the current "Principles of Crown Land Management".

**RECOMMENDATION- All public land held by LHPA that does not meet the core functions of that organisation be transferred to DPI Catchment and Lands with relevant safeguards included before that transfer and the transfer be supported by adequate funding to manage this addition public resource.**

2. There should be no disposal of TSRs (or public land) by sale or long term lease where that land contributes socially, culturally, recreationally or economically to the local community or the State as a whole.
3. TSRs frequently follow historical routes such as those established by aboriginal tribes as they moved from place to place often linked to available water supplies. These routes are significant to aboriginal culture and to our pastoral history as drovers also followed these routes when moving stock. This cultural and historic value is worth preserving.
4. There is a need for the Committee to understand & acknowledge the wider benefits to the community of LHPA and their management of public land, the community needs to be educated in this regard and have access to readily available information which shows the location of these sites and the signs need to be signposted.

**RECOMMENDATION- Proper sign posting of public land to let the public know they have a legal right of access. Consider a Catchment & Lands program for this. Publicise the sites and- the access points for public land- there is an excellent A4 brochure available for recreational anglers in the New England. A government program to promote public lands, their value to the community and their use by the public.**

5. Need for balance between public and private benefits; proportion of public private benefits and degree of split with regards funding sources. Government has a financial responsibility to fund the public benefit proportion of the management/maintenance of these public lands

6. “Public good benefits”- “spill over benefits”- recreational use of TSRs and public land that provides spillover benefits are of benefit to the whole community and government must realise this when funding managers of public land. Environmental spillover benefits to the community are obtained free because of the rates paid by landholders to the LHPA; this is a responsibility that should be government funded and public land management funding should reflect this.
7. Pg 6 Pt 7 – Act & regs requires the establishment and management of TSRs- the government and the LHPA need to educate and promote to the community the whole value of TSRs and gain public support for the network, they provide immense public good and spillover benefits to the community.
8. The public should not have to deal with private landholders erecting signs on public land denying public access. TSRs should be sign posted as such and signs showing permitted uses/access should be displayed. Illegal no entry signs should be removed by the managing authority (LHPA) or the land owner (DPI – Catchment and Lands). This same situation also occurs on Crown land managed by DPI \_ Catchment & Lands.  
A good example of this is the TSR adjoining Jocks Water in the Ebor district, there are signs prohibiting public access to the TSR erected by the adjoining landholder, requests by government officers for the LHPA to remove them have failed as feedback from relevant local officials considers the signs are appropriate.





In the above picture on the fence line on the left, there is also conveyor belting across the waterway which prohibits legal angler access within the bed of the waterway (see also picture below).



9. The committee must consider the economic rationale and functioning of TSRs- I think that there should be wider involvement in determining this than just the LHPA review, it needs whole of government involvement to cover all the cross departmental issues and this committees review may meet that need.
10. TSRs that do not meet the core functions of the LHPA should be returned to Crown Lands for long term management. Appropriate safeguards should be put in place before their return; this process should be discussed between Crown Lands and LHPA. There should be no sell off or long terms leasing of TSRs without proper review by all relevant sections of government and community groups.



11. The community as a whole should be aware that there are groups who would like to gain control of TSRs which would result in a lockout of many existing users such as recreational users, people who graze stock and campers.
12. Western division TSRs- there is a major problem with lack of public access and limited permitted recreational uses such as fishing which impedes "more efficient and effective approaches" and the multiple use of the reserves by the community as a whole of what is public land. The public value of these Western Division TSRs can be increased by permitting multiple use and engaging community groups to become involved in their management. We need an economic argument to protect TSRs for the future- they should be valued in the context of their value to the entire economy.

**RECOMMENDATION- Immediate review by government of public access to TSRs in the Western Division and the inclusion of public recreation, recreational fishing as permitted uses on these lands and 24 hour access to all TSRs in all divisions where appropriate.**

13. The linearity of TSRs must be retained – their value as a whole is much greater than the value of the individual parts. The TSRs greater value is in the whole network of the TSRs
14. There is a major shortage of resources and funding in general to manage the TSR network, funding needs to reflect its value to the whole community and the environment.

**RECOMMENDATION- LHPA and/or CMA be responsible for the management of all weeds and feral animal control on public land. They must be provided with adequate funding to carry out this work.**

15. The use of TSRs for CSG extraction and mining access should not be permitted- why? – because many of the TSRs are adjacent to water supplies, the uniqueness of many TSRs for conservation values and would deny public access which is currently permitted. There is a regulatory requirement for the LHPA to protect water quality on land under its control, this requirement must be passed on to future managers of such lands

**RECOMMENDATION- Public land adjacent to a waterway must be protected from development by CSG operations so as to ensure the water quality and integrity of that waterway for future generations.**

16. RECREATION USES OF TSRs – fishing, fish stocking, camping, bird watching, canoe/kayak access, picnicking etc. add value to the TSR network
17. Determining priorities & dealing with TSR issues in a timely and efficient manner-There was a lack of LHPA input to the recent TSR Conference in Orange run by the National Parks Association and I have experienced a lack of response from LHPA to requests for meetings in connection with the NSW Angler Access project.

18. The public benefit is not reflected in the level of LHPA funding provided by government.  
There are recreational, conservation and environmental benefits that are in LHPA funding and they should be. The TSRs network is of immense value to the whole community.
  
19. Public access is generally only daylight hours, WHY? Surely at least some of these sites could have 24 hour access.
  
20. Is current LHPA able to manage TSRs, set appropriate stocking rates and manage conservation issues, erosion, weeds, feral animals and water quality? A whole of government approach is needed; maybe it all should come under the umbrella of DPI, Catchments & Lands.

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