

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Name: Name suppressed
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Partially
Confidential

The attachment was submitted to Nial Blair and apart from an acknowledgement of receipt, I have heard nothing further. Neither has the member for Wyong advised the outcome of discussions he expected to have with the minister.

I am unaware if new trustees have been considered and appointed. However what we see at Tuggerah Lake Reserve Trust typifies what can happen when Lands Dept representatives on the Trust fail to do their job properly, and do not hold the Trust to perform to the terms of the plan of management.

As a case study, you may see an independent detailed investigation of Tuggerah Lake Reserve Trust as providing evidence of the systemic management neglect of Trusts by the Lands Department.

Niall Blair
Minister for Lands and Water
New South Wales Government

Copies to: David Harris; Member for Wyong and Shadow Minister for The Central Coast
Scot MacDonald; Parliamentary Secretary for The Central Coast

Re: Tuggerah Lake Reserve Trust

Dear Minister,

The NSW Government Gazette is calling for applications to fill vacancies on the above Trust, with applications closing on 27 May 2016. The purpose of my letter is to suggest that such action is not in the best interests of the either people of The Central Coast or the wider New South Wales community.

I believe that a better outcome would be achieved if instead of appointing additional members to what is a dysfunctional trust body (explained below), the Government and people of NSW, particularly those of us who live in The Central Coast, would be better served through the appointment of an Administrator to the Trust. In the course of the administration period a forensic examination of the finances and activities of the current Trust should be undertaken.

At the conclusion of the administration period, a new trust board could be appointed, excluding any members of the Trust for the previous eight years, to avoid any carry-over of the inappropriate practices of the current Trust. However as an alternative, I believe serious consideration should be given to amalgamating the trust lands with those of the adjacent NSW National Parks Reserve, to create a unique wetland and forest precinct of approximately 400 hectares, to be jointly managed by National Parks and the Central Coast community.

This larger reserve would incorporate several listed ecologically endangered plant communities, as well as the significant wetlands of Tuggerah Swamp on the shores of Tuggerah Lake, Dairy Swamp in the Tuggerah Lake Reserve Trust lands and the SEPP14 Wetland in the National Park Reserve. The wetlands, riparian corridors and open forests of the combined site are known to be home to over 150 species of local and migratory birds – both national and international - as well as many species of native animals, reptiles and bats. Fungi species and insects are numerous and the now fenced riparian corridors are showing a significant number of naturally regenerating native plant varieties. The lands currently used for cell grazing of cattle could be planted with local provenance native species, thus expanding the habitat available for the development of stronger fauna populations.

Sadly, it is fact that the Tuggerah Lake Reserve Trust has failed to implement its obligations under the 2007 Plan of Management, to make the former Pioneer Dairy lands accessible to the public for environmental and educational purposes. It has yet to develop a business plan for the site, a primary requirement of the 2007 Plan of Management.

Since NSW Government approval of the 2007 Plan of Management the Trust has received substantial grant funding, of close to \$2 million, but has very little to show for the use of these funds.

The following events are examples of the ongoing incompetence of the Trust's administration in just the past year. They exemplify the endemic maladministration of this body over an extended time frame.

- The Land Care group of 8, (one of whom travelled to the site twice weekly from Five Dock in Sydney) walked out last June, as the Trust had become impossible to work with. This dedicated team and its predecessors, had worked on the site 2 days per week since the site's inception, had fenced and rehabilitated the riparian areas, removed hectares of environmental weeds, planted over 140,000 native trees and plants, created and maintained over 12 kilometres of bushland walking tracks and maintained and enhanced the site's natural environment.
- The Trust secretary, a long term trustee and former Landcare team member, walked out
- The Green Army team walked out
- A further long term trustee walked out
- Access to the site in the past year (and longer) has been restricted to weekends between the hours of 10am to 4pm. Local workers who used to visit the site during their lunch breaks were told to leave and have been denied further weekday access.
- The cattle lease tenants have been continually harassed and recently have been give notice to quit
- Staff of the Community Environment Network nursery on the site have been harassed and bullied by Trust members.
- Through lack of appropriate maintenance and protection, a unique metal construction heritage grain silo reached such a degraded state that it was unable to survive high winds and has now been demolished.
- As one of his last acts, the former member for Wyong – (Darren Webber, dis-endorsed by the Liberal Party following unfavourable ICAC mention) – handed the Trust a substantial cheque from the NSW Government for construction of a board walk and bird observation hide to facilitate safe viewing of the abundant birdlife on the large "dairy swamp", a significant wetland attraction of the site. Neither planning nor construction of this facility has yet happened. One has to ask what has happened to the money?

The above series of events typify the outcome of the management style of the current Trust over the past several years.

In the interests of clarifying my position, I advise that I was a member of the Landcare team from early 2009 until our walkout. For most of the last four years as a member of that team, I took on responsibility for plant propagation, resulting in many thousands of local provenance plants and grasses being made available to the team for enhancement of the native plant corridors, and to meet requirements of the Trust for specific area plantings.

I have twice applied, unsuccessfully, for a position of Trustee on the Trust board. I have no intention of making further application. When applications for the position of trustee were previously called for, nineteen non trust member citizens made application for the role. However, on the sole recommendation of the then member for Wyong, the Deputy Premier Andrew Stoner unilaterally decided to ignore all applications and reappointed all the continuing Trust members, together with a first year university student, the latter being a token gesture to new community participation.

Not long after these appointments, the then Trust Chairman resigned, due to as he confided to me, the unacceptable practices of and severe governance issues surrounding the Trust operations.

In August 2009, the then NSW Government gave the Trust \$1 million for specific works on the site, to assist the Trust in meeting its site development obligations under the 2007 Plan of Management. There has been little effort to apply the funds to the purposes defined under the grant, and less effort to follow the requirements of the Plan of Management. It is fair to say this money has been squandered on projects that have done little to enhance the attractiveness of the site to the public and with little benefit to the site's environment. Other grant funds received appear to have been swallowed up with little of value to show for their disbursement.

There is little of the historic dairy heritage remaining on the site. The few remaining dairy industry heritage buildings have been demolished. All that remains are two concrete silos, a metal tractor shed and a renovated manager's cottage, now used as tea rooms.

Destruction of other heritage assets has occurred despite large public protest. But the Trust was encouraged and authorised, by the now retired Lands Department representative to the Trust board together with the former member for Wyong, to effect the destruction of milking bails, buildings and dairy cattle management and feeding facilities.

Together with other concerned citizens, I had previously brought complaints about the Trust to the attention of Katrina Hodgkinson when she was the responsible minister and we met with her senior staff at Parliament House to detail our concerns. At the instruction of the community at a public meeting I requested the NSW Auditor General to investigate the Trust finances; however the Auditor was content to rely on assurances from the Lands department representative that all was OK and took no action.

The Central Coast public has lost all faith in the Trust to deliver a facility that meets the objectives that were defined when the NSW Government originally gifted the land to the community. Due to this loss of faith, the community now declines to be involved in the site.

The public lands under the Trust control have displayed their resilience to come back from empty paddocks through the efforts of the previous dedicated volunteers, despite the lack of support from the Trust. The whole site is perfectly located for public access by both rail and road. With enlightened and creative management, this site has the potential to become a significant tourist attraction for the region.

The current sad state of affairs can only be turned around through appointment of a new management organisation for the site, one that will adhere to the Plan of Management and that will develop a business plan to ensure the long term viability of the site, in the form that was originally envisaged by the people.

I trust you will consider my suggestions seriously and take appropriate action.

Sincerely