

**Submission
No 39**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

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Crown land is extensive, making up approximately 42% of New South Wales. The vast majority is in the Western Division of NSW and is leasehold land. The remainder includes Crown reserves, the travelling stock route and reserve network (TSRs), unallocated Crown land, Crown roads, waterways and commons. Some Crown land is leased or under licence. Crown land is managed separately to national parks and State forests. It is used for a wide range of purposes including agriculture, environmental conservation, cemeteries, sporting and other public facilities, active and passive recreation.

I understand that the NSW Government has been undertaking an extensive review of the Crown lands legislation. It is proposing to introduce changes that will involve:

- transferring Crown land with local values to local councils
- allowing conversion of some Western Lands grazing leases to freehold
- transforming the Crown Lands Division into a Public Trading Enterprise
- reviewing all Travelling Stock Routes and Reserves

I don't think that the Government's review and proposed changes provide adequate protection for the social, environmental and cultural values of Crown land, as detailed below.

a) The extent of Crown Land and the benefits of active use and management of the land to New South Wales

- Crown land extends from marine, freshwater and coastal ecosystems to the arid ecosystems of western NSW. Crown land often contains relatively undisturbed natural landscapes in rural, coastal and urban areas.
- There is a lack of publicly available up-to-date State-wide mapping of Crown land. Therefore, the public cannot independently verify the current extent of Crown land.
- Crown land is used for a wide range of active and passive recreational activities including going to the beach, jogging, bushwalking, fishing, kayaking and bird watching. Crown land must be managed actively to ensure that public enjoyment of and access to these activities is maintained.

- Crown land has significant environmental values, and when properly managed, contributes enormously to the conservation of native vegetation, wildlife habitat and corridors, biodiversity and coastal environments, wetlands, rivers and estuaries in NSW. The retention and appropriate management of Crown land will provide a long-term public benefit including in the form of ecosystem services, landscape resilience and river health.
- Crown land of high conservation value needs active management including control of weeds and pest animals and ensuring that its ecological value is not undermined by commercial activities such as grazing.
- Reducing active management of the Western Division of NSW threatens biodiversity and ecosystem services as well as the viability of agricultural land, and will significantly increase carbon emissions. Proposed changes to the way Crown land is managed in the Western Division include conversion of some leasehold land to freehold land, and removing requirements that management be consistent with the principles of ecologically sustainable development.
- Changes to Crown land management will be exacerbated by proposed changes to native vegetation laws in NSW which will see land clearing rules significantly weakened by the proposed Biodiversity Conservation Bill and Local Land Services Amendment Bill, including enabling broad-scale land clearing via the equity code.
- Controlled grazing of TSRs has helped to conserve significant parcels of remnant vegetation including endangered ecological communities and threatened species in the Central Division. TSRs need appropriate grazing regimes and management to maintain their importance as wildlife corridors.

Do you have a case study? Is there a local parcel of Crown land that you use? Describe how you use or value Crown land and the benefits your local areas of Crown land provide.

- b) The adequacy of community input and consultation regarding the commercial use and disposal of Crown land.

There is broad community concern that the current management and administration of Crown land, including in relation to its sale and leasing, is not transparent and there is little public accountability. For example:

- There is no readily available information to the public about how money raised from the sale, leasing and granting of other interests of Crown land is spent.
- It is not mandatory to prepare a plan of management for a Crown reserve under the Crown Lands Act 1989 that sets out what activities and development are permissible or what leases or licences are authorised.
- There is significant community concern regarding the program to speed up closure of undeveloped Crown roads and facilitate their sale. It is unclear what consideration has been given to the broader values of “paper” roads, particularly regarding their recreational access and environmental values. There has also been a lack of transparency and accountability in determining which roads should be closed, and sales have continued to occur despite strong objection from the community.
- Many community groups have significant concerns with the current mismanagement of Crown land reserved for open space or public recreation, particularly in circumstances where Crown land is leased for commercial purposes, reducing public access and impacting on environmental, cultural and social values. There is also considerable concern about the carrying out of commercial activities on Crown land which are unrelated to the particular purpose for which they were originally reserved.

There has been inadequate consultation and community input on proposed changes to the future management, use and disposal of Crown lands. In particular:

- There has been no proper assessment of the environmental, social and cultural values, and public benefits, of Crown land.
- The Crown Lands Legislation White Paper gave the public the opportunity to comment on the Government’s proposals. However, it provided insufficient detail for the outcomes of the Review

to be fully understood and it did not contain a copy of draft legislation. The proposal that Crown land should be administered as a Public Trading Enterprise raised concerns that there will be widespread sale and commercialisation of Crown land.

- Public submissions on the Crown Lands Legislation White Paper were summarised but not made publicly available. Therefore, the public did not see the full range of issues raised in submissions.
- Although the public did have the opportunity to comment on the draft NSW Travelling Stock Reserves State Planning Framework 2016-19, it is concerning that five year grazing permits were being advertised even before this draft document was placed on public exhibition or finalised.
- There has been a lack of community involvement and secrecy surrounding both the Land Stocktake and Local Land Pilot Projects undertaken following the Crown Lands Legislation White Paper. It is unclear how "Local" land is to be transferred to Councils, including whether Councils will be provided with funding for transferred land. It is outrageous that the community has had no say in the criteria which will determine Crown land as either State or Local land.
- It is proposed to repeal the land management principles currently in the Crown Lands Act 1989. These require consideration of a number of factors including environmental matters before land can be sold or leased. It is essential that there is appropriate consideration of the social, cultural and environmental values of Crown land before land they are leased or licensed and sold to ensure that the public benefit of Crown land is preserved for future generations.

c) The most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations.

- If Crown land is to remain a valuable public resource it must stay in public ownership, held on Trust by the State on behalf of the people of NSW.
- It is crucial that the social, cultural or environmental values of Crown land are properly evaluated before further decisions are made about the future of Crown land, including TSRs.

- Crown land must be administered in an open, transparent and accountable manner that increases public participation in their management.
- Management of Crown land throughout the State must be based on the principles of ecologically sustainable development.
- Crown land management must recognise the importance of and protect ecosystems and the services they provide such as clean water and air, carbon sequestration and biodiversity.
- Agencies responsible for the administration of Crown land, including TSRs, must work co-operatively with other land managers including State Forests, NPWS and councils to promote conservation of biodiversity and protection of ecosystem services.

d) The extent of Aboriginal Land Claims over Crown land and opportunities to increase Aboriginal involvement in the management of Crown land.

- Increased Aboriginal involvement in the management of Crown land to conserve its cultural and heritage values as well as environmental values is strongly supported.
- It is unclear what implications the proposed changes to Crown land management will have on pending or future Aboriginal land claim rights. In particular consideration must be given as to what effect proposals to transfer or sell land to agencies or private persons will have on future claims. It is essential that Crown land is properly managed to protect its important environmental, social and cultural values pending the resolution of any outstanding land claims.