

**Submission  
No 81**

## **INQUIRY INTO CROWN LAND IN NEW SOUTH WALES**

**Name:** Mr Richard Murray

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21.7.2016  
The Director, General Purpose Standing No.6  
Parliament NSW  
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Dear Sir,

**Re Submission to the Parliamentary Inquiry into Crown Land**

I wish to make the following submission to the Parliamentary Inquiry into Crown Land.

**Background**

The National Parks Association of New South Wales advises that:

‘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.

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 Reserve’s

**Submission outlining our community concern regarding the Transformation of the Crown Lands Division into a Public Trading Enterprise**

Our community is greatly concerned with the way the Crown Lands Division is currently doing government business in the Tweed Shire without adequate public consultation.

The proposed transforming of the Crown Lands Division into a Public Trading Enterprise is likely to make the current way of doing business even more unsatisfactory to the public interest, unless there is an improved consultative policy put in place.

Together with the Nature Conservation Council, I am also concerned, that Crown Lands transferred to local councils, will not have the social and environmental protections guaranteed under the Crown Lands Act but are now to come under local government legislation, which may be less stringent and is currently under review.

The following Crown Lands in our local area are highly valued by the community and the threats to them are or have been as follows:

**Crown Reserve 59360**

Crown Reserve 59360 has been leased to the Gold Coast Airport, essentially a private interest and to increase their profits, without any public consultation.

Tweed residents are supportive of a public inquiry into how this public land has been transferred to the Gold Coast Airport, allowing their runway to be extended without adequate public consultation and to allow other development that is damaging to our social and natural environment.

The proposed ‘Instrument Landing System’ at the airport is considered an ‘act of subterfuge’ and is all about the twice defeated Gold Coast Airport plans and the Tweed community, for a runway extension.

Not only are there Community concerns about an increase in Gold Coast Airport infrastructure, but it is likely that that the Gold Coast Airport could develop remaining Open space/Recreation land on Crown Reserve 59360 for industrial uses, not associated with direct airport use.

Our community is concerned that a runway extension has been written into the lease granted to the airport for the NSW Crown Reserve at West Tweed. This lease was signed between the Government and the airport without public consultation and the community is asking for the protection of public land for recreation and environmental conservation, not given away on our behalf to private interests.

The increased aircraft traffic now numbering up to 82 a day, will come at the cost of precious public lands, including the significant Cobaki SEPP 14 Wetlands with salt marsh and fish breeding habitat, providing fish stock for nearby coastal reefs, being destroyed or placed at great risk.

Crown Land 59360, reserved for 'public recreation' and not private interest, has been used for Tweed public recreation for more than thirty five years, has now been lost for public use. No other Open space/Recreation compensatory provision has been made for Tweed residents.

The runway extension proposal had twice been rejected because of the impact on the Crown Land which will include wholesale clearing of public land and protected vegetation and habitat. With the approval for the ILS by the federal government, no state laws apply and no further approval is needed by the state Minister for Crown Lands.

There are community concerns as to whether the state approved lease was valid at the time of its approval.

It has been press reported that the NSW Government may have passed laws that allowed inconsistent land uses to be validated but it appeared the lease was given one month before the legislation was introduced to Parliament.

The public has a right to know that public land is being managed in the public interest, not to enrich private interests.'

In regards to the above information, acknowledgement is also made of the news article dated 1<sup>st</sup> February 2016.

<http://www.echo.net.au/2016/02/tweed-residents-want-inquiry-into-airport-land-deal/>

I wish to advise that there is strong community support, which is still in favour of retaining the Tweed Heads Pony Club site as Recreation/ Open space, for the following reasons: -

- Open space is required in Tweed Heads for future sporting/recreational use and the provision of safe Open space.
- The pony club site is located directly behind the south-eastern end of the airport runway. At present the safety provision of the runway is on its boundary. There are plans to increase the runway beyond the existing airport boundary. This will bring the runway closer to West Tweed residents, causing unwanted aircraft noise and dangerous exhaust fuel pollution. In the future there will be a need for increases in runway length for larger planes and for safety reasons for those aircraft that are forced to use this airport by weather conditions elsewhere.
- The existing open space has been used as a safety zone in the event of a failed aircraft arrival/Departure. It is not uncommon to see large aircraft making second attempt landings at this airport. Currumbin Hill at the Northwest end and land features at the south-eastern end are limiting factors to allow aircraft crash safety.

Crown Reserve 59360 has significant environmental values, and if properly managed, can continue to contribute enormously to the conservation of remnant native vegetation, wildlife habitat and corridors, biodiversity and coastal environments, SEPP 14 Wetlands, Tweed's Coastal Lakes, river and creek. Remaining vegetation in environmental areas can be critical to the survival of known resident, itinerant and migratory birds and other animals.

The retention and appropriate management of Crown land can provide a long-term public benefit including in the form of ecosystem services, landscape resilience and river health. (Advice -National Parks Association of New South Wales)

### **NSW Crown Land held in trust by Tweed Shire Council – Re-Aquatic Fun Park at Tweed Heads**

This proposal concerns a proposal for a short term Crown Land lease of three months for an aquatic fun park at the Jack Evans Boat Harbour Park

Our community is concerned by some of the Tweed Shire councillors who represent Tweed Heads, The Trustee, Tweed Shire Council and the government departments of Crown lands and DPI Fisheries who are advancing this proposal without adequate public consultation.

I support the July 2016 submission of The Save the JEBH committee which recommends:

### **Recommendations**

The Save the JEBH committee requests that the following recommendations are considered for implementation as a result of the Inquiry in to Crown Lands:

1. Community consultation should be mandated as part of any request to use Crown Land for commercial purposes.
2. Development of Crown Land should only be allowed as part of an existing, site specific management plan.
3. A management plan should be prepared prior to any development if one is not already in existence.
4. Local authorities should not approve or support any development of Crown Land without community consultation
5. The JEBH should not be developed for commercialisation until all of these criteria have been implemented.

I also support the following recommendation by The Nature Conservation Council of New South Wales in regards to Aboriginal Land Claims over Crown Lands:

The extent of Aboriginal Land Claims over Crown land and opportunities to increase Aboriginal involvement in the management of Crown land needs to be adequately addressed by this Inquiry, and should include:

- 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.

### **Conclusion**

In addition to the above recommendations, I also support the following submission on the NSW Crown Lands Management Review made by EDO NSW on the 20 June 2014, and request that you consider the following NSW EDO recommendations:

Overall, EDO NSW supports improved legislation, governance and management of Crown lands in accordance with the following principles:

- NSW Crown lands should be managed for the benefit of the people and environment of NSW in perpetuity, in accordance with the concept and principles of ecologically sustainable development (ESD).
- Legal safeguards are needed to ensure short-term economic benefits (such as selling or commercialising crown lands) are not given precedence over long-term social, environmental and economic values.
- Good decisions require full valuation of environmental and social values of Crown lands, including diverse contributions of ecological services, now and in the future.
- Land managers should be required to assess, protect and manage Crown lands in ways that maintain or improve environmental outcomes, based on leading practices.
- Good management and accountability requires proactive community engagement, transparent processes, and public participation in management and decision-making.
- Crown lands management should integrate with state environmental protection and planning laws and policies, including to the address of biodiversity loss and climate change.
- Travelling Stock Routes must be conserved and managed appropriately in perpetuity.
- Ensure ongoing protection of Aboriginal cultural heritage and land rights, via tailored engagement, appropriate safeguards and whole-of-government policy integration.
- Clear regulatory responsibilities and safeguards are necessary for good governance that achieves the legislative objects; Proper monitoring, enforcement, auditing and reporting on Crown lands management is needed, including open standing for community enforcement of legal breaches.

Yours sincerely

Richard W Murray,