

**Submission  
No 122**

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

**Organisation:** Central West Environment Council

**Date received:** 24 July 2016

---

General Purpose Standing Committee No 6  
Legislative Council  
NSW Parliament  
Macquarie St  
Sydney NSW 2001

Friday 22 July 2016

## **SUBMISSION**

### **Inquiry into Crown land**

#### **Introduction:**

Central West Environment Council (CWEC) is an umbrella organization representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

CWEC member groups have been actively engaged in voluntarily managing important areas of Crown Land in the region for many years. These areas have significant environmental, social and cultural values that need to be protected from future divestment decisions.

These areas include significant reserves such as Boundary Road Reserve in Bathurst, Peel Reserve outside Bathurst and Adams Lead Reserve near Mudgee. Many hours of voluntary work by CWEC member groups and individuals have been expended to develop management plans, community contribution to management and maintenance activities and the documentation of environmental, social and cultural values.

CWEC strongly supports the continued public ownership of Crown Land in NSW.

#### **Key Issues with Crown Land Management in NSW**

##### **1. Lack of Transparency**

There is a long history of very poor community consultation and lack of available information on all aspects of Crown Land management in NSW. This

includes lack of an accessible data base and current maps of the Crown estate across the state.

It also includes the lack of transparency around processes involved in selection and management of Crown Land Trusts and regular communication with these bodies.

The current review process undertaken by Department of Primary Industries did not release submissions to the White Paper and has moved directly to new legislation without an opportunity for public comment on a draft bill.

CWEC considers it imperative that proposed changes to state legislation in regard to Crown Land management be available for public consideration and comment before being submitted to Parliament for adoption.

## 2. Lack of recognition of community interest in Crown Land

The broad level of social capital invested in the voluntary management and care for areas of Crown Land across NSW has not been clearly assessed or valued.

The economic analysis of Crown Land values has not included the valuation of ecosystem services, irreplaceable biodiversity values, Aboriginal cultural heritage and European cultural heritage values and the broad spectrum of social values, including recreational opportunities and the voluntary care and maintenance of these values.

### **Inquiry Terms of Reference**

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

The extent of Crown Land in central west NSW at the present time in terms of total area; total number of parcels; or tenure types cannot be determined by the community because this data is not publicly available. Neither the DPI nor LLS websites provide this information.

On-line databases such as NSW Spatial Data Catalogue and the Central Register of Restriction (CRR), prepared by NSW Department of Finance and Services and Innovation also do not provide this information.

A report produced for National Parks Association in 2005<sup>1</sup> identified, at that time, that Perpetual Crown leases in the central and eastern divisions of NSW included 11,547 separate leases covering 3.4 million hectares of land, an area half the size of Tasmania.

---

<sup>1</sup> Flint, C. 2005 *Heritage Under the Hammer*

The historical use of the majority of Crown leases has been predominantly for grazing only, rather than other more intensive uses frequent on freehold tenures. These include subdivision, clearing, private logging and uncontrolled firewood collection.

The significant environmental values of these Crown lease areas must continue to be protected through the retention as public land.

The central west region has been heavily cleared, is very poorly reserved, and is a recognised national priority for conservation. Other public lands in central-western NSW are scarce or non-existent, and Crown leases represent the only opportunity to protect significant biodiversity values there.

There has not been a comprehensive analysis of the size and condition of Crown lease areas since the 2005 report which found at the time that:

- Approximately 1.16 million hectares of vegetated Crown leases occur in central western NSW.
- Leasehold Crown lands provide known habitat for at least 71 threatened plant species and 111 threatened fauna species, and likely habitat for an additional 234 threatened plant species and 72 threatened fauna species.
- Leasehold Crown lands encompass 93,900 hectares of wetlands, including two Ramsar listed wetlands, and provide habitat for at least 23 migratory bird species protected under international agreements.
- Crown leases are dominated by ecosystems that are a very high priority for conservation. Of the 193 ecosystems that occur within Crown leases, 143 are endangered, vulnerable or poorly reserved.
- Vegetation on Crown leases is of a suitable size and configuration to provide major habitat refuges, important additions to existing reserves and vital landscape connectivity.

The significance of the environmental values of Crown Land in NSW must be recognised and valued. 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.

CWEC considers the Travelling Stock Route and Reserve (TSRs) system across the Central Division has significant landscape scale values that must be protected from divestment to private ownership. The connectivity of environmental, social and cultural heritage values of TSRs must be maintained and assessed for their public benefit.

The active use and management of Crown Land in NSW has multiple, long term public benefit that needs to be rigorously and transparently assessed.

CWEC strongly supports the retention of the Crown Land estate as a public asset for the benefit of current and future generations.

It is critical that the land management principles currently in the *Crown Lands Act 1989* are maintained in legislation so that appropriate consideration of the social, cultural and environmental values of Crown Land is required in all decision-making processes.

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

CWEC is concerned about the current poor community consultation processes and lack of transparency in regard to current management and administration of Crown Land in NSW.

There is no ready access to information about how money raised from the sale, leasing and granting of other interests of Crown Land is spent.

There is particular concern about lack of transparency and accountability surrounding the sale of 'paper roads' in NSW especially in regard to consideration of their recreational access and environmental values.

The program to speed up closure of undeveloped Crown roads and facilitate their sale has caused considerable angst within regional communities. It has also placed an unnecessary impost on affected landholders who were happy with the original arrangements.

CWEC strongly objects to the inadequate consultation and community input into the proposed changes to the future management, use and disposal of Crown Lands as outlined in the Crown Lands Legislation White Paper released in 2014.

Public submissions were summarised but not made publicly available and draft legislation has not been provided for comment.

The secrecy around various aspects of the review process eg the Land Stocktake and Local Land Pilot Projects demonstrates clear lack of transparency and commitment to community consultation. This activity

reinforces the lack of community confidence in a fair decision-making process based on adequate assessment of Crown Land values.

The lack of a comprehensive assessment of the significant environmental, social and cultural heritage values within the Crown Land estate in NSW has been repeatedly raised with both Government officials and elected representatives.

Until this issue is resolved there will be no public confidence in future decisions on the commercial use and disposal of Crown Land.

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

For Crown Land to remain a valuable public resource for current and future generations it must stay in public ownership, held on Trust by the State on behalf of the people of NSW.

It is absolutely vital that the environmental, social and cultural values of Crown Land are properly evaluated before further decisions can be made about their future management, including TSRs.

Crown Land must be administered in an open, transparent and accountable manner that increases public participation in their management. This management 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.

Both DPI and LLS must be adequately resourced and have staff with appropriate expertise to identify and manage high conservation value Crown Land. Better recognition of and support for voluntary community groups who manage important areas of Crown Land for their environmental values will build on the social capital invested in this work.

**Recommendations:**

1. A moratorium on the sale and lease of Crown Lands until all aspects of management and assessment of values are reviewed and finalised
2. A comprehensive assessment of the environmental, social and cultural values of Crown Lands be conducted as an urgent priority
3. Draft legislation on the management of Crown Lands be exhibited for community consultation

For further information about this submission please contact:

Bev Smiles  
Secretary

Cilla Kinross  
President

CWEC requests an invitation to present to the Inquiry Hearing in Dubbo on Tuesday 2 August.