

**Submission  
No 324**

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

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## **Submission to the Upper House Inquiry into Crown Land**

### **Introduction**

Thankyou for the opportunity to make a submission on this important issue. I make this submission as a previous Palerang councillor (2004 – 2012) and a Sydney Catchment Area land-holder, with a Crown Road running through the property, since 1986.

### **Addressing the Terms of Reference (ToR)**

- a) the extent of Crown land and the benefits of active use and management of that land to New South Wales,
- b) the adequacy of community input and consultation regarding 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, and
- d) the extent of Aboriginal Land Claims over Crown land and opportunities to increase Aboriginal involvement in the management of Crown land.

This submission is based on the following principles:

- Conservation and environmental protection outcomes must be at the foundation of any change to legislation regarding Crown Land [ToR (a)].
- Wherever possible and practical, public ownership must be retained and Crown land actively managed to ensure that public enjoyment of and access to activities such as surfing and swimming, jogging, bushwalking, fishing, kayaking and bird watching is maintained [ToR (c)].
- There is a need for an ongoing campaign to educate the public that we are custodians of the land and accordingly, it is beholden upon us to act for the greater good. [ToR (c)].
- As part of our recognition of past wrongs inflicted on Aboriginal people in NSW, including taking their land and separating them from their land and families as part of Stolen Generation acts, it is essential that we ensure traditional custodians play a key role in decision-making and involvement in the management of Crown Lands [ToR (b) and (d)].
- Crown land must be administered in an open, transparent and accountable manner that increases public participation in its management [ToR (a), (b), (c) and (d)].

### **The importance of protecting what is left**

Many people will be as surprised as I was to learn that Crown Land takes up about 42% of NSW. Given that Crown Land often contains relatively undisturbed natural landscapes in rural, coastal and urban areas, and given how much native vegetation has been lost since European settlement, it is essential that we do everything we can to ensure that we do not risk losing even more of the little that remains, particularly in the light of the destruction of valuable farming and agricultural land as a result of mining activities and the erosion of our native vegetation legislation by the current government.

It is in the public interest to initiate an ongoing education campaign around the fact that we are custodians of the land and accordingly, must act for the greater good. During the eight a quarter years as a local government councillor I observed too often the attitude that “a person should be able to do whatever they want on their own land,” witnessing changes to planning instruments that would allow councillors to directly benefit financially from the changes they were proposing. The recent case of the enforcement officer murdered by a landholder who held that view and who individually and with his family are reportedly repeat offenders in relation to illegally clearing native vegetation is a tragic example of this attitude taken to extremes. Protecting and valuing native vegetation will benefit us all in the long-run and we must unite to work co-operatively together as a community to bring about that outcome.

### **The proposed transformation of the Crown Lands Division into a Public Trading Enterprise**

It is hard to see how such a proposal will not result in the widespread sale and commercialisation of Crown land, and the subsequent degradation and/or destructive of environmental values. There are benefits in the active use and management of Crown land, the environmental value of which is significant. When properly managed, it contributes enormously to the conservation of native vegetation, wildlife habitat and corridors, biodiversity and coastal environments, wetlands, rivers and estuaries in NSW. 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. 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. 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.

**RECOMMENDATION: that the Crown Lands Division be retained as a public entity and that adequate funding be made available to facilitate its proper management.**

### **The importance of community consultation and input**

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. An example of this is the use of Crown Land for shooting and for hunting festivals, whereby local communities can unite in opposition to these sorts of activities, yet they will still be granted approval.

**RECOMMENDATION: that local communities are involved from the beginning of any process to determine a change of use or sale.**

### **Western Lands Division**

It is of great concern that a reduction in the active management of the Western Lands Division of NSW is proposed. This not only threatens biodiversity and ecosystem services but also the viability of agricultural land, and has the potential to significantly increase carbon emissions. Of equal or more concern is the proposal to remove requirements that management be consistent with the principles of ecologically sustainable development.

**RECOMMENDATION: that any conversion of leasehold to freehold land be accompanied by the requirement that no activities undertaken on that land will reduce its biodiversity and that in the case of degraded land, steps are taken to reintroduce some the vegetation that has been lost.**

### **Travelling Stock Routes and Reserves (TSRs)**

TSRs are an essential part of grazing activities and as long as they have time to recover they also present opportunities for retaining remnant vegetation, particularly since the wholesale clearing of remnant roadside with the justification that they make roads safer. 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, as well to provide the opportunity for the purposes they were intended.

**RECOMMENDATION: that TSRs be retained for the purposes they were intended and that local environment organisations/LLS bodies be assisted to identify remnant vegetation/endangered species that may be present in these areas, so that they may be protected if necessary.**

### **Waterways**

It is crucial that we protect our catchments and riparian zones for both water quality and the ongoing health of ecosystems. The approach to this has been inconsistent; while there are rigorous requirements for home burials in the SCA for example, there is no requirement for stock to be fenced out of creeks and rivers, where animals can defecate and urinate and carcasses can rot in streams. Similarly, logging operations and tree-clearing can have a devastating effect on water quality and supply, yet there is no evident commitment by successive governments to ensure this does not happen, even when illegal operations and those that do not conform to requirements come to light.

In the case of subdivisions, it is entirely possible for those properties bounded by waterways to be accorded pumping rights beyond those reasonably expected in the case of bushfire or drought. My property is bounded on two sides by permanent creeks, but I do not believe I have a right to pump from either or both of creeks simply because I am lucky enough to have access to that running water. I

**RECOMMENDATION: that land-holders be required to fence stock out of waterways and wetlands.**

**RECOMMENDATION: that land-owners who live adjacent to waterways be required to provide their water using the the same/similar means used by those who do not have access to waterways.**

### **Crown Roads and their transfer to local councils**

The State Government is already well aware of some of the concerns expressed by a range of stakeholders in regard to Crown Roads, and there has been significant and justifiable 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.

As a landholder who has witnessed the down side of having a Crown Road run through her property, I would like to offer a personal perspective on this issue.

While I agree that more openness and accountability needs to be applied to the sale of Crown Roads, and their closure should not negatively impact on the ability of people to access public land, there is no one “fix-all” situation for Crown Roads and assessment needs to be on a case-by-case basis. The alternative of transferring Crown Roads to local councils may also be problematic and is not necessarily a solution.

My property straddles the Crown Road which I have been “renting” since 1986 when I purchased the land.

The land in question comprises several portions of an earlier 3,000 acre property. This property was subdivided in the 80s and my partner (now deceased) and I bought two (adjoining) of the eleven blocks. One of my portions was a Crown Lease (included in the sale to bring the area to above the 100 acre minimum lot size) which I subsequently made freehold and some years ago we amalgamated the blocks into one.

We did this to protect the land from further development and as part of this approach were intending to enter into a Voluntary Conservation Agreement (VCA) over a large proportion of the property. We were spurred on to do this after observing a diverse range of flora and fauna on the combined properties during our extensive walks over them, during which we made a number of discoveries including the existence of a rare grevillea, *Grevillea renwickiana*. It is still my intention to enter into a VCA, or its equivalent, as the process and outcome has now partly changed.

I provide this background because it has no small amount of bearing on the Crown Road which runs through the property, but the finer details relevant to any further negotiations with the relevant department are excluded from this submission.

For the purpose of this inquiry and as evidence that the Crown Roads issue need to be assessed on a case-by-case basis I offer the following summary of my particular circumstances:

- The maintenance of the Crown Road as a public road is detrimental to any good conservation outcomes, in relation to both the the rare grevillea growing on the side of it and to the access to native animals that shooters (albeit illegally) have as a result of the road being public.
- It presents a safety issue for me personally due to its usage by hunters.
- No-one else is responsible for maintaining the road and so any roadwork falls to me, despite it being available for use by the public, and the fact that I probably use it less than the other residents.
- Transferring ownership to the local (now regional) council would only exacerbate the problem as the road would remain public and may even be named, thus further encouraging people to travel along it through the centre of my property.
- I pay rent for nothing except the privilege of other people having access to the road which goes nowhere.
- I cannot afford to buy the road, nor to fence it, and indeed, fencing it is not conducive to animal egress given that a substantial part of it will be protected under a VCA or equivalent.

**RECOMMENDATION: that there be a review into the renting and sale of Crown Roads with a view to changing the requirement in regard to fencing, and that Crown Roads which do not provide access to public areas be closed at no cost, with the road retained for the use of residents and their associated activities alone.**

Thankyou again for the opportunity to make a submission.

Catherine Moore, July 2016