

**Submission  
No 165**

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

**Organisation:** Tomaree Ratepayers and Residents Association

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General Purpose Standing Committee No 6  
Legislative Council of NSW

## **Inquiry into Crown Land : Submission**

Tomaree Ratepayers and Residents Association Inc. (TRRA) are making this submission in light of experience in Port Stephens Local Government Area (PSLGA) of land use and management issues relating to Crown Land.

TRRA and many other local community groups in PSLGA have to spent countless hours of volunteer time fighting proposals for change of use of public land, as a result of both the State government and our local Council failing to protect the public interest.

### ***Summary of TRRA concerns***

In summary, our main concerns are as follows:

- There should be an immediate moratorium on any Crown Land being sold, leased or privately developed until this Parliamentary Inquiry publishes its report.
- The Government should publish all of the more than 600 submissions to the 2014-15 Crown Land review (except where individuals have requested confidentiality) – the Community cannot rely on or trust the summary provided in the Government’s response.
- There needs to be a much clearer definition of ‘crown land’ – even after the White paper and subsequent documentation there is much confusion about what is covered – all publicly owned land, including National Parks, State Nature Reserves and Conservation areas, and all land owned by State agencies and Local Councils, or just a sub-set of parks and reserves?
- There should be a comprehensive register of all publicly owned lands, their permitted uses and constraints and their management arrangements – publicly available and searchable online. The ‘Inventory’ provisions of the Crown Lands Act 1989 have clearly failed to deliver a readily accessible and understandable public register.
- There is constant pressure from developers to reclassify and sell or lease publicly owned land for private development. Based on experience, the public has little confidence in the commitment of either State government or Local Councils to protect public land and not to give in to these private interests – sale, lease or development is too often seen as a short term financial benefit, without regard to the longer term public interest.



- Legislation should provide for a triple safeguard involving approval by *both* the State government *and* relevant Local Council for any change in the status and use of public land, and only after full and open public consultation.
- The concept of special protection only for land of ‘State significance’ is flawed, because much crown land is of local significance but still needs protection.
- Legislation should include a default presumption that all public land should be preserved in public ownership and used for public purposes. Exceptions should be limited and only approved after extensive public consultation (and with the approval of both State and local government as proposed above).
- Arrangements between the State government and Local Councils for the management of crown land, and subsequent financial performance, need to be much more transparent.

### ***TRRA experience***

TRRA represents the interests of more than 25,000 residents of the Tomaree peninsula – the area of PSLGA lying to the east of the sandhills between Saltash and Bobs Farm. The area is a major tourist destination with the population doubling in peak holiday season.

We are fortunate that large areas of the peninsula are Crown land – including the Tomaree National Park, Worimi National Park, Tilligerry Nature Reserve and John Gould and Boondelbah Nature Reserves on offshore islands. The Myall Lakes National Park and Little Broughton Island Nature Reserve lie immediately to the north, and the Karuah and Tilligerry and Gir-um-bit National Parks; Tilligerry and Medowie State Conservation Areas and various island Nature Reserves to the west and north west.

Those areas of Parks and Nature Reserves managed by the National Parks and Wildlife Service (NPWS) seem generally well managed with an emphasis on protection of these areas of high ecological and/or scenic value, although we have some concerns about arrangements for commercial and/or Council managed facilities in these areas (see below).

Some areas of the National Parks and of the State Conservation Areas are jointly managed by NPWS and Hunter Water Corporation (Hunter Water) with an emphasis on protection of aquifers used for drinking water supply. Again, these areas seem generally well managed.

Many other smaller parcels of Crown land on the Tomaree peninsula, and elsewhere in the PSLGA are managed by Port Stephens Council as Trustees. They include four holiday parks – Thou Walla at Soldiers Point; TreEscape at One Mile Beach; Halifax Park at Little Beach and Shoal Bay park at Shoal Bay. TRRA Inc. has major concerns about the way Council has managed these parks in recent years.

- The finances of all the holiday parks have been opaque – with Council appearing to go to great lengths to prevent ratepayers and the general public from being able to assess the financial performance.



- Very poor decisions have been made about the TreEscape resort at One Mile Beach (formerly Samurai Beach Resort) since it was acquired by Council have to date cost ratepayers, in our estimation, more than \$17 million, with little prospect of any significant future return.
- Recent decisions relating the Thou Walla park (formerly Soldiers Point Holiday Park) including investment in cabins and luxury tents, and fencing the park off from public access are a matter of community concern, as are the financial arrangements with the Park operator
- Council has sought to expand the Halifax Park site at Little Beach into the adjacent reserve (also Crown land) thereby alienating part of that reserve from general public access
- Council has generally pursued a policy of reducing the number of sites for camping and touring vans and investing instead in cabins for hire. We question whether this is in the long term interests of the community if provision for an important sector of the tourism market is reduced. Council should not in our view be attempting to run commercial holiday park sites in competition with the private sector, whereas it should have a role in the provision of low cost camping/touring sites.

It is not clear to what extent the State government, as landowners of these sites, has been involved in these decisions. If it has been encouraging Council's apparent objective of increasing commercial return, then (a) it has clearly not been successful, and (b) we question whether such an objective is desirable in the public interest. We submit that there needs to be a more open local public consultation about the role of Council managed holiday parks on Crown land.

TRRA has covered the holiday park issues in detail on its website – see <http://trra.com.au/?cat=34>

Other issues related to public land on the Tomaree Peninsula in recent years include:

- The future of the Tomaree Lodge site at Shoal Bay after the closure of the residential care facility planned for 2017-18. This iconic site at the foot of Tomaree Headland in the National Park will be very attractive to developers and TRRA has no confidence that either the State government or Port Stephens Council will see it as needing protection. Indeed in 2012 the Port Stephens Mayor proposed a major high rise commercial development. See <http://www.portstephensexaminer.com.au/story/194875/calls-for-a-tourist-development-casino-at-tomaree-head/>
- The recent sale by tender of more than 5 hectares of land at the Mambo Wetlands reserve at Salamander Bay regarded by the Department of Education as surplus to its requirements. The surprise sale generated an immediate and spontaneous community campaign to keep the site in public ownership. Regrettably, the Department persisted with the sale and the site is now owned by an unknown party who could apply for re-zoning from the current environmental protection classification. See <http://trra.com.au/?p=6129>

- The proposed residential development of a large parcel of land at Fishermans Bay/Anna Bay by the State Government agency UrbanGrowth. The land in question has high ecological value and is seen by the local community as an essential complement to the adjoining National Park. A major local campaign was organised to fight the development. Fortunately in this case UrbanGrowth decided in 2014 to abandon its development proposal and to surrender its Development Approval, but the history leaves the wider Tomaree community with little confidence in the State government to strike an appropriate balance between development and environmental protection.

Outside the peninsula, but of major concern as a potential precedent is the proposed sale or lease by Port Stephens Council of a large part of Boomerang Park in Raymond Terrace for residential development. Council has been resistant to a major community campaign to save the park and the State government has so far failed to intervene. TRRA's coverage of this issue, with links, is at <http://trra.com.au/?p=5232>

These examples have led TRRA to the views expressed in the Summary of concerns at the start of this submission.

TRRA has no objection to this submission being made public.

**Nigel Waters**  
**Convenor, Planning Committee**  
**Tomaree Ratepayers & Residents Association Inc.**