

## INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

**Organisation:** Lake Wollumboola Protection Association

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NSW Legislative Council  
Inquiry into Crown Lands.  
Parliament House.  
Macquarie St  
Sydney NSW.

Attention. Inquiry Chairperson.

24 July 2016.

## **Lake Wollumboola Protection Association Inc submission to NSW Legislative Council Inquiry into Crown Lands.**

The Lake Wollumboola Protection Association Inc is a NSW South Coast community environment group located at Culburra Beach. We are involved in advocacy, community education, bushcare and wildlife protection, promotion of nature tourism and historical research. The Association's main objective is to achieve protection of the natural and Aboriginal cultural values of Lake Wollumboola and its catchment. We also support efforts to protect natural coastal environments at Culburra Beach and throughout the Shoalhaven, including areas of Crown land.

Lake Wollumboola and its south west catchment are part of Jervis Bay National Park. The Lake is listed as a Wetland of National Importance and meets criteria for listing as a Wetland of International Importance under the Ramsar Convention primarily because of its unique character and significance as habitat for threatened species including 23 Threatened migratory and indigenous bird species. The Lake catchment is also recognised as threatened species habitat and part of a regional habitat corridor supporting over 40 Threatened flora and fauna species and 7 Endangered Ecological Communities.

The entire landscape is of spiritual and cultural significance for Aboriginal people of the Region.

Parts of the Lake's northern shore are Crown Land managed by Shoalhaven City Council under its Generic Community Land Plan of Management as a "Natural Area-Foreshore." SEPP 14 Wetland 365 is zoned in the Shoalhaven Local Environment Plan as E 2 Environment Protection and RE 1 Public Recreation. Members of our group are directly involved in management of the Lake Wollumboola foreshore as members of the Lake Wollumboola Bushcare Group, which assists Shoalhaven City Council with regeneration of the native vegetation of the site.

We are concerned that in conducting an extensive review of Crown Lands Legislation, the NSW Government has largely ignored the environmental, social and economic significance to coastal communities of coastal Crown lands and that the proposed changes do not provide adequate protection for these significant values. We are also concerned at the very significant delays in finalising Aboriginal Land Claims over Crown Lands, which have prevented Aboriginal traditional owners and Land councils exercising their rights under the NSW Aboriginal Land Rights Act 1984.

The NSW Government proposals seem in large part directed at privatizing public lands with the Government largely abdicating its responsibilities for Crown Lands. Increased privatization of public lands for commercial purposes through lease or sale would result in loss of public resources and access rights, with significant impacts on the environment, social and cultural values, due to inappropriate uses and development. Such outcomes are unacceptable.

A high degree of uncertainty exists regarding impacts on coastal environments and on the social and economic well-being of coastal communities from a plethora of new and proposed NSW legislation. These measures include the NSW Coastal Management Act 2016, the proposed biodiversity protection and native vegetation legislation Bills, changes to the Local Government as well as to Crown Lands Act.

Yet none of these changes are integrated and in some instances, the measures are contradictory or overlap. What is needed is a coherent policy framework to co-ordinate objectives and to integrate the changes and the various measures and management programs. It is not possible for community members to clarify the inter-relationships and understand the impact of the changes, because these depend on mapping for different purposes, none of which are currently available for public scrutiny.

It is unacceptable that insufficient information is available to community members and to Local Councils to come to terms with these changes. Accordingly we urge the Legislative Council Inquiry to consider the potential inconsistencies between the Crown Lands proposals and other legislative changes as part of its Inquiry.

Our attached submission addresses the Terms of Reference of the NSW Legislative Council Inquiry into Crown Lands as they apply to Shoalhaven coastal Crown Lands. Recommendations 1-18 are discussed.

Yours faithfully,

Frances Bray PSM BA B Ed Dip Ed

President.

## **A. The Extent of Crown Land and the benefits of active use and management of that land to NSW.**

### **Environmental values and benefits.**

Most of the Shoalhaven coastal foreshores are either Crown Land, Council-owned land or National Park. Crown lands include marine, estuarine, wetland, Lake and foreshore ecosystems of great intrinsic value as well as benefit to the Shoalhaven community and the many visitors who rely on it for family holidays and as tourists.

Shoalhaven foreshores are of high conservation value, because their physical and ecological features are in large part in natural condition. Physical features of beaches, sand bars, dunes and foreshores are critical elements of the coastal environment. They also support unique ecosystems including coastal dune and foreshore vegetation, coastal forest and woodland and diverse fauna, including Threatened shorebirds and seabirds aquatic and terrestrial organisms on which they depend.

In areas such as the Shoalhaven Crown Lands contain the last remnants of once-extensive natural ecosystems, which have been cleared for development and agriculture.

Our foreshores provide beneficial wildlife habitat corridors including for many Threatened Species both north-south along the coast and east-west to the escarpment.

The values of these ecosystems are recognized by listing as Endangered Ecological Communities under the NSW Threatened Species Conservation Act and in the Environmental Planning and Assessment Act eg via SEPP 14 Coastal Wetlands, SEPP 25 Littoral Rain Forests and SEPP 71 the Coastal Management SEPP, to be incorporated in a new Coastal SEPP under the Coastal Management Act 2016.

Most coastal flora and fauna species are also listed under the NSW Threatened Species Conservation Act

Of particular importance are the benefits of Crown land beaches and estuaries, which provide vital habitat for coastal bird species, including native species and migratory bird species. The migratory seabirds, Little Terns and native Pied and Sooty Oyster catchers and the Hooded Plovers and Fairy Terns nest on open ocean and estuary beaches. Migratory and native waders depend on the shallow protected waters and sand and mudflats of our estuaries for food and roosting sites. The nesting shorebirds/seabirds are Threatened Species, as are many of the migratory wading species.

Shoalhaven-Crookhaven River Estuary, which is Crown Land and Lake Wollumboola, which is part of Jervis Bay National Park, provide the most important NSW South Coast habitat for migratory waders as part of the East Asian-Australasian Flyway. These amazing birds nest in Arctic tundra in north Asia and Alaska and each year migrate thousands of kilometers south to our beaches and estuaries for the southern summer. Some young also spend winter here before departing on their first migration.

Lake Wollumboola supports 23 migratory wading species, with Shoalhaven estuary likely to support similar species numbers. These habitats, so vital for the waders to fatten up before they migrate, are protected under Commonwealth and State legislation and International Migratory Bird Agreements with China, Japan and South Korea.

### **Ecosystem benefits**

Foreshore Crown lands maintained in natural condition provide important ecosystem services to the community including protection of water quality and aquatic ecosystems including coastal wetlands, estuaries, rivers and beaches and the marine environment. Native vegetation secures creek and wetland banks, reducing impacts of erosion and filtering polluted storm water runoff from adjacent developed areas.

Coastal vegetation protected in Crown lands is vital in securing dunes and beaches against coastal hazards including erosion from storm waves and reducing the severity of coastal flooding. The Coastal Management

Act 2016 acknowledges the significance of natural coastal vegetation as the first defense against coastal erosion.

**The Coastal Vulnerability Area objective f) is “to adopt coastal management strategies that reduce exposure to coastal hazards,  
(i) in the first instance and wherever possible, by restoring or enhancing natural defences including coastal dunes, vegetation, wetlands.”**

The impacts of climate change on the coast including ocean warming, sea level rise and increased storminess are already occurring with predicted intensities and impacts well beyond the current impacts of natural coastal hazards.

Maintaining coastal dune and foreshore vegetation in protected areas such as Crown Lands and Council Reserves, is vital in increasing the resilience of coastal foreshores to climate change and sea level rise. In turn private residences and public infrastructure such as surf clubs, parkland, roads, power and sewerage facilities are also protected.

### **Aboriginal Cultural Values and benefits**

The Shoalhaven coast is rich in Aboriginal cultural heritage, both in terms of material culture and sites of spiritual significance. Aboriginal communities continue to maintain their spiritual custodial responsibilities for the land and waters although coastal development expansion continues to threaten this heritage with coastal dune development in particular, destroying middens and other important sites.

Coastal Crown land in the Shoalhaven protects significant Aboriginal cultural heritage values, when appropriately managed. Aboriginal cultural land management practices of these lands are important both in maintaining native flora and fauna, for example with traditional fire regimes, as well as in maintaining cultural practices and passing on traditional knowledge to younger generations.

### **Social values and benefits**

Members of the public have a right of public access to foreshore Crown Lands. This contrasts to the privatization of beaches and other coastal lands and lack of public access in parts of Europe.

Such rights must be maintained, whilst also recognizing that they come with responsibility for management and uses that maintain the environmental, cultural and social values.

Valuing the coastal environment and lifestyle is part of Australian cultural identity. People benefit from living and holidaying near our natural beaches, headlands and estuaries fringed with native vegetation, which provide vistas over the ocean and to the escarpment.

Most residents and visitors enjoy passive, ecologically sustainable recreation including observing bird and marine life, walking, bird watching, swimming, snorkeling, diving, surfing photography, boating, kayaking, fishing and prawning. The natural values of coastal Crown Lands are also important for scientific study and education including student excursions.

Crown lands benefit the community by providing resources for a range of community activities, including locations for community halls and social activities, sports fields, show grounds and surf clubs. Surf clubs and marine rescue facilities are usually located on coastal foreshores, providing a valuable community resource, both monitoring beach and ocean conditions, contributing to community safety educating young people regarding ocean hazards and safe swimming, surfing boating and fishing.

Economic benefits of coastal Crown lands include caravan, camping and holiday chalet accommodation, recreational and commercial fishing, nature tourism particularly bird watching involving international, interstate as well as local visitors. Considerable potential exists for Aboriginal cultural heritage tourism should Aboriginal communities wish to pursue these opportunities.

### **Benefits of active management.**

In order to maintain these values and benefits it is essential that coastal Crown Lands be managed to ensure that these values are conserved, maintained and enhanced and managed in accordance with the Principles of Ecologically Sustainable Development.

It is essential also that Crown lands are managed as part of a total landscape approach into the future whereby planning and management of Crown Lands is part of a strategic, integrated approach that involves consistency in legislation and integration of management between Crown Lands, National Parks and Councils, all in consultation with the community.

Shoalhaven City Council has the major role in managing Crown Lands in the Shoalhaven under the Local Government Act and its provisions for Community and Operational Land and under the previous Coastal Protection Act and now Coastal Management Act 2016.

Council manages natural areas under a Generic Community Land Plan of Management, which includes Natural Areas. Under this Policy Council employs expert staff and undertakes a variety of activities including protection of foreshore vegetation, managing pest species, maintaining public access and enjoyment, community education and managing compliance and conflicts between various uses.

Council manages a Bushcare Program and Community native plant propagation nurseries. Both of these activities depend in large part on community volunteers. There are over 80 Bushcare Groups involved in bush regeneration and control of invasive weed species, maintenance of access tracks, community information and education. These activities must be maintained on a continuous basis; otherwise invasive weeds will take over and degrade native vegetation and the fauna species they support.

Management programs for Foreshore Reserves, the Nurseries and Bushcare are generally successful and well supported by the community. However their effectiveness is limited by under-funding and by a seeming lack of support from many Councillors.

Whilst Council funds provide for expert support staff and resources for volunteers, most project activities are dependent on grant monies via Commonwealth funding, including Green Army resources and the previous Biodiversity fund.

Accordingly it is difficult for the dedicated staff members to maintain management standards particularly for isolated and difficult to manage areas such as Crook haven Headland and areas where community members have not offered to volunteer.

NSW Government funding under Coastal Zone Management Plans has been provided through the Office of Environment and Heritage grants. Under the new Coastal Management Act 2016 coastal management programs are to be mainstreamed through Local Government funding.

### **Recommendation 1. Government and Council funding support for programs designed to protect and manage sensitive coastal foreshore environments, including Crown land should be increased.**

However we are concerned that some previous and pending decisions by Councillors conflict with Government policy and guidelines for crown/foreshore management as well as the expert advice of Council staff. Such decisions are damaging of Crown land environments and wasteful of Government resources.

### **Recommendation 2. That Government initiatives to identify “Local issues” and hand over management responsibility entirely to Councils, only be supported when mandatory management standards for Councils are specified, including the principles of Ecologically Sustainable Development, as conditions for funding and accountability.**

Examples of Councillor decision-making in conflict with protecting foreshore crown Land values:

- Proposing that coastal dune vegetation at Collingwood Beach Vincentia be “pruned” to heights between 1 m to 2.5 m along a 50 m stretch as a trial to demonstrate protection of water views of adjacent landowners, both resident and part-time. Collingwood Beach is a recognised coastal erosion hot spot and substantial public funds over a long period have been expended on bush regeneration at this site.

Council has removed an anti-vandalism banner and suspended usual community consultation processes to allow for this trial project. We consider this constitutes official vandalism of foreshore vegetation no better than previous occurrences of poisoning and chopping down/lopping of trees and shrubs by unknown persons. Such support for destruction of foreshore vegetation is against all principles of foreshore vegetation management and coastal hazard reduction and would set a damaging precedent throughout the Shoalhaven resulting in widespread destruction of protected foreshore vegetation. The final decision is now on hold until after the Council election!

- Allowing practices such as mowing and Coastal Salt Marsh vegetation and construction of private access tracks for vehicles and informal boat ramps.
- Previous attempts to close down the Bushcare Program.
- Setting aside expert consultant recommendations on sea level rise projections associated with climate change as the basis for planning and management of current and future coastal hazards in favour of non-expert and non-peer-reviewed advice, thus increasing risks to communities and the environment in the future.

There is also potential for uses to be allowed and managed in conflict with maintaining environment and Aboriginal cultural values and access to Crown land by the general public.

These uses include foreshore caravan parks, which have become high-density development with most foreshore vegetation removed. These parks are often fully fenced. Such constraints on public access may prevent Aboriginal communities from visiting important cultural sites. It also limits the public’s right of access to foreshores and beaches.

The establishment of golf courses of coastal crown lands also results in ongoing degradation of high conservation value native vegetation and loss of public access.

### **NPWS Shorebird Recovery Program.**

The NPWS Shorebird Recovery Program involves protection and active management of Threatened Shorebird nesting sites on both National Park and Crown land beaches managed by Shoalhaven City Council. The Program has been successful in improving the nesting success for all species, which include the migratory Little Tern and native species such as the Hooded Plover, Pied Oyster Catcher, and Sooty Oyster Catcher.

Community volunteers assist with the program including during the busy holiday season. Council staff play important roles in landscape scale control of pest species particularly foxes, which prey on eggs and chicks and in dog control and signage.

However Council has not been prepared to designate all shorebird nesting areas as “No Dog” areas and promotes the Shoalhaven as dog friendly even at Shorebird nesting sites.

## **B. The Adequacy of community input and consultation regarding the commercial use and disposal of Crown Lands.**

We do not consider that the community has been appropriately consulted in the past regarding use the use of Crown Lands commercial or other private uses. Nor do we consider that the Government has appropriately consulted the community regarding its proposed changes to the Crown Lands Act.

Simply making documents available on the internet does not in our view constitute appropriate community consultation. In any case the Crown Land Legislation White Paper did not provide sufficient detail for the potential outcomes of the Review to be understood and did not provide a copy of draft legislation. It is therefore extremely difficult to ascertain what is proposed for what appears to be a largescale removal of public lands from public ownership.

We understand that there has been no proper assessment of the environmental, social and cultural values and public benefits of public land.

Furthermore, no criteria have been provided as the basis for the proposed classification of State and Local land and how Local land is to be transferred to councils, including whether additional funds would be transferred to Councils for management of the lands.

We are concerned that the current situation under the Act where it is not mandatory to prepare a plan of management for a Crown Reserve or to specify what activities or developments are permissible or what leases or licenses are authorised, would be transferred to the new Act.

This makes both the Crown Land administration and local Councils unaccountable to the public and to the Parliament.

### **We recommend that:**

**4. Proposed management principles for any new Act be critically scrutinised to ensure that appropriate consideration is given to social, cultural and environmental values of crown Lands before specific sites are leased or licensed or sold to ensure that the public benefit of Crown Lands 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.**

**We recommend that:**

**5. Legislative Council Inquiry into Crown Lands seeks to ensure that the high environmental, social and economic values of coastal Crown Lands are maintained and enhanced, by ensuring that they are not alienated from public ownership and access and that high standards of management are required, consistent with the principles of Ecologically Sustainable Development.**

### **General issues regarding protecting crown Lands for future generations.**

We are concerned that the current arrangements for coastal Crown Lands fall well short of preserving and enhancing Crown Lands for future generations.

The current Crown Lands Act requires that a of Crown lands program requires an assessment of capabilities of the land and identification of suitable uses for the land, including preferred uses and including an inventory.

The inventory shall contain particulars of physical characteristics and other matters considered necessary to assess the capabilities of the land.

In our view limited assessment of the environmental and social values of Crown Lands has taken place in order to establish and maintain these values.

Currently no mapping or other data sets are available to provide information on environmental values, ecological condition, management purpose and responsibility, status of Aboriginal Land claims, leasing arrangements etc.

In large part Crown Lands administrations do not pro-actively manage Crown Lands. Management responsibilities are unclear and in most cases have been handed over to local Councils to administer under the Local Government Act, but without resources to maintain substantial areas of land particularly natural areas, where ecological and cultural values have become degraded by lack of management and misuse.

We also understand that Government proposals involve classifying Crown Land as “State Significant” and “Local,” yet no criteria are available to establish how these categories would be applied. Furthermore Crown lands classified as “local” would be handed over to Councils to manage, but no details are available regarding appropriate management standards as currently exist under the Local Government Act provisions for Community and Operational Lands.

Whilst we support the Government maintaining overall responsibility for Crown Lands and setting standards for their management insufficient detail has been provided to enable us to express support for such proposals.

**We recommend that:**

**6. Crown land should remain as a valuable public resource in public ownership, held on trust by the State on behalf of the people of NSW.**

**7. Crown Lands are identified and appropriately mapped, including physical, ecosystem and values and services and existing assets and uses.**

**8. Environment, cultural and social values must undergo expert evaluation and are documented in Plans of Management to ensure that these values are identified as the foundation for management and use.**

**9. The principles of Ecologically Sustainable Development apply to management standards and priorities for enjoyment and use.**

**10. Crown lands are managed as part of a total landscape approach where planning and management of Crown Lands is part of a strategic, integrated approach that involves consistency in legislation and integration of management between Crown Lands, National Parks and Councils, all in consultation with the community.**

**Jervis Bay Case Study.**

**We recommend that:**

**11. Large areas of high conservation value Crown Land identified by the NPWS for inclusion in Jervis Bay National Park and not subject to Aboriginal land claims should be transferred to Jervis Bay National Park to ensure that these lands are managed for their high conservation values under Plans of Management developed on the basis of expert environmental and cultural assessments and after extensive community consultation.**

The NSW National Parks Establishment Plan 2008 sets out criteria, directions and priorities for acquisition. The Statement of Intent for reserve system building over the decade following 2008 identifies locations in the coast and coastal ranges bioregions. Priorities include:

- consolidation of NPWS coastal public reserves.
- **appropriate high conservation value Crown Lands adjacent to reserves.**
- high priority intertidal, estuarine and lakebed areas, which adjoin existing coastal and estuarine reserves.
- **iconic places of special significance to Aboriginal people.**
- **consolidating the existing east-west coast –to ranges corridor near Jervis Bay National Park.**
- **protecting critical parts of the catchments and shorelines of coastal lakes and estuaries identified as having high conservation value by the NSW healthy Rivers Commission.** (including Lake Wollumboola)

National Parks are gazetted and managed under the NSW National Parks and Wildlife Act, which specifies the scope of Plans of Management including community consultation. National Park management is characterised by in-depth expert assessment of natural, cultural and social including recreational values of particular sites. Extensive community consultation and engagement takes place through public exhibition of draft Plans of Management and review by Regional NPW Advisory Committees and State Council.

Significant areas of Crown Lands in the northern Jervis Bay Region were identified in a Regional Forest Agreement for transfer to Jervis Bay National Park. They are known as the 8 (b) zoned lands, as zoned in Shoalhaven LEP 1985. These lands now include Abraham's Bosom and surrounds at Currarong, lands along the Jervis Bay shore between Callala Beach and Myola, including the spit and a site on the western shore of Currumbene Creek south of the Woollamia Boat ramp.

Several of the original 8 (b) sites have been the subject of Aboriginal land claims by the Jerrinja Local Aboriginal Land Council. It is our understanding that these land claims have been decided with one of the successful claimed lands at Jervis Bay, now owned by the Land Council.

However other successful claims have not been handed over to Jerrinja LALC. It is our understanding that Crown Land administrations have failed to transfer these and other successful Aboriginal Land Claims, to Aboriginal ownership, apparently because the lands have not been surveyed. Some claims have been outstanding for many years and prevent Aboriginal communities from exercising their rights and benefiting from land ownership.

Such delays are a denial of justice.

**We recommend that:**

## **12. The Inquiry urges the NSW Government to outline a plan for finalizing transfer of successful Aboriginal Land Claims to the claimants as a matter of urgency.**

The transfer of the remaining Crown lands around the northern shores of Jervis Bay to the NPWS has not occurred. Instead prior to 2011, the then Minister for Lands, Tony Kelly created the Jervis Bay State Park apparently, as a means of preventing transfer of these Crown Lands to National Park. We consider that these high conservation value, sensitive lands should be transferred to Jervis Bay National Park. State Park status for crown lands may well have a role in protecting natural areas that do not meet National Park criteria but should not be regarded as a substitute for National Park reservation, especially when management arrangements are minimal.

The Abraham's Bosom site at the Beecroft Peninsula is an exception. We understand that the NPWS has not pursued transfer of this area to Jervis Bay National Park because the Jerrinja Local Aboriginal Land Council has indicated its preference for the site to continue to be managed by Crown Lands in association with Council.

We understand that management responsibilities for the remaining parts of Jervis Bay State Park are shared between the Crown Lands administration and Shoalhaven City Council. The site north of Myola, successfully claimed by Jerrinja LALC but yet to be transferred to Aboriginal ownership may also be managed under these arrangements.

We are unaware of any Plan of Management for these Crown lands. Certainly no formal process for development of a specific draft Plan of Management and public consultation has been undertaken. It may be however that Council manages these lands under its Generic Plan of Management for Natural Areas. We are aware of inappropriate uses of this land including for recreational activities and remain concerned that Council does not have the resources to actively manage these high conservation value sensitive sites.

The land use zones in the Shoalhaven LEP 2014 for these lands are Environment Protection E 2 for the Jerrinja owned lands and E 1 National Park for the Crown Lands intended for Jervis Bay National Park.

### **Crown Land management under the NSW Local Government Act.**

The objectives and principles as currently provided for in the Crowns Land Act and Local Government Act as they apply to Natural Area Crown Lands should be retained with management requirements strengthened.

The Local Government Act introduced requirements for all Councils to implement for Council-owned and managed land including Crown Land, dividing such lands into Community and Operational categories. In 1996 the Act was amended to assist in further categorization of the management process. Community land is categorized as one or more of the following; sports ground, parkland, general community use, area of cultural significance and natural area.

Natural Areas are further categorized as foreshore, bushland, wetland, escarpment and water course. Councils were required to prepare Plans of Management for Community Land. Shoalhaven City Council has a "Generic Community Land Plan of Management-Natural Areas."

The core objectives for Natural Areas in summary are:

- "To conserve biodiversity and maintain ecosystem function in respects of the land, or feature or habitat...
- To maintain the land, or that feature or habitat, in its natural state and setting
- To provide for restoration and regeneration of the land
- To provide for community use and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion
- To assist in and facilitate the implementation of any provisions restricting the use and management of the land that is set out in a recovery plan or threat abatement prepared under the TS Con Act 1995 or the Fisheries Act 1994."

**We recommend that:**

**13. The Local Government Act Natural Area objectives for Plans of Management continue to be applied to Natural Area Crown lands. However these objectives should be requirements for Councils and Crown Land Managers to observe, not guidelines, as is the current situation.**

**14. Crown Land Natural Areas must undergo expert environmental assessment to establish their environmental and other values and sensitivity and connectivity to adjacent landscapes as part of an integrated, whole of landscape approach to planning and management.**

**15. The principles of Ecologically Sustainable Development must continue to apply to planning and management decisions in accordance with the Local Government Act and Environmental Planning and Assessment Act and the Coastal Management Act.**

#### **Shoalhaven Crown Lands zoning Case study.**

The Environmental Planning and Assessment Act provides the zoning framework for all lands, including Crown Lands. State Environment and Planning Policies apply to high conservation value, sensitive coastal lands under SEPP 14 Coastal Wetlands, SEPP 25 Littoral Rain Forests and SEPP 71 Coastal Protection. (These are to be maintained and modified in the proposed Coastal Management SEPP).

For the Shoalhaven, Council determined at the beginning of the LEP process that in most cases, there would be a “like-for-like” transfer of zones from SLEP 1985 to SLEP 2014. As a consequence, Natural Area coastal lands in the Shoalhaven have been zoned E 2 Environment or RE 1 Recreation, without a full assessment of values of particular sites.

The Shoalhaven LEP Review Group, which included LWPA, expressed concern to Council that many areas of Crown foreshore land would be inappropriately zoned for “Recreation,” when they were high conservation value, sensitive lands including Endangered Ecological Communities.

As a result Council decided and has commenced a Council Land Review of the zoning, classification and categorization of every parcel of Council-owned land. The Review will also consider zoning of every parcel of Crown Land for which Council is trust manager or has “care, control and management.” (Shoalhaven City Council agenda paper to meeting of Council Bushcare Representatives Group meeting 14<sup>th</sup> December 2015.)

We understand further that the zoning of high conservation value land will be considered and where appropriate recommendations will be made to change the zoning of the land to recognize and protect these values.

Council intends intended to prepare a Planning Proposal to be placed on public exhibition. It is our understanding that the assessment of values has been completed, with further assessment of zoning anomalies under way. However the project is on hold because of competing priorities.

In principle we support this approach. However we consider that proposals for changing zonings must be based on expert advice, not on subjective decision-making by Councillors.

We look forward to seeing resolution of anomalies in land use zonings for Crown land, managed by Shoalhaven Council along the northern shore of Lake Wollumboola where the SEPP 14 Wetland is zoned Environment Protection E 2 but the adjacent Endangered Ecological Communities, Bangalay Sand Forest and Swamp Oak Flood Plain Forest are zoned Public Recreation RE 1.

The RE1 objectives are “to enable land to be used for public open space or recreational purposes and to provide a range of recreational settings and activities and to protect and enhance the natural environment for recreational purposes.” We note that the objectives do not aim to conserve and maintain the environment per se and thus are inconsistent with Natural Area objectives.

Furthermore permitted uses in the RE 1 zone such as caravan parks, community facilities, entertainment facilities, function centres, helipads, recreation facilities (indoor) and major, restaurants, sewerage systems etc. None of these uses should be permitted in sensitive coastal foreshores such as Lake Wollumboola.

## **D. The extent of Aboriginal Land Claims over Crown Land and opportunities to increase Aboriginal involvement in the management of Crown Lands.**

Aboriginal traditional owners and Aboriginal Land Councils have rights under the NSW Aboriginal Land Rights Act 1984 and the Commonwealth Native Title Act to make claims over Crown Land. Several land claims by the Jerrinja Local Aboriginal Land Council in the Jervis Bay Region have been successful. As discussed previously, Crown Land administrations have failed to hand over successful Aboriginal land claims, with some claims outstanding for many years, apparently because they have not been surveyed. These delays prevent Aboriginal communities from exercising their rights and benefiting from land ownership.

It seems that as a result Crown Lands and Councils share management responsibilities, without appropriate plans or funding.

We recommend that:

**16. NSW Crown Lands administration ensures that existing Aboriginal Land claims are settled promptly and that opportunities for future claims are not over-ridden by privatization of Crown Lands by sale or lease.**

**17. In handing over successful land claims funding must be provided to assist Aboriginal Land Councils to rehabilitate and manage these lands and to provide training both in standard land management methods, as well as cultural appropriate practices so the environmental and cultural values of these lands are maintained.**

**18. Consideration should be given to funding of Traditional Ranger training and employment programs as provided by the Australian Government on Aboriginal lands.**

**July 2016.**