

Submission
No 332

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Friends of Narrabeen Lagoon Catchment

Date received: 24 July 2016

Friends of Narrabeen Lagoon Catchment



www.narrabeenlagoon.org.au

Friends of Narrabeen Lagoon Catchment submission
to the [NSW Upper House Enquiry into the sale of Crown Land](#).

24th July.

Friends of Narrabeen Lagoon Catchment is a group of over 1400 members and supporters whose mission is to seek permanent protection for the bushland within Narrabeen Lagoon catchment - where many hectares are currently crown land.

Local Communities in the respective crown land areas along with local councils need to have significant involvement in the following processes:

Determining which Crown land has Local value, especially for environmental purposes.

Determining appropriate benchmarks and key performance indicators to reflect the environmental, social and economic values, to sustain and maintain the qualities of the local area.

In considering the 'High Value' of Native Bushland in an urban context it is essential to preserve and conserve high quality ecosystems with extensive biodiversity within urban areas particularly with the residential densities dramatically increasing. Therefore it is essential to retain Crown Land in Public Ownership.

We are also concerned about the wider issues of management of crown land throughout New South Wales.

We are concerned about:

1. Secret selling of crown land - or selling where only the minimum advertising is performed in a manner where very few citizens would notice it.
2. Transfer of crown land to Aboriginal Land Councils without public consultation, especially where that land is subsequently disposed of to developers.
3. Management of crown land in a sustainable manner so it is available for future generations.
4. Protection of valuable biodiversity that currently is present on crown land.

2 Aboriginal Land Claims for Crown Land

In considering the 'disposal/sale' of Crown Lands it is essential to review the disposal of Crown Lands to Aboriginal Land Councils in accordance with the NSW Aboriginal Land Rights Act 1983.

Although this Act was introduced to compensate Aboriginal people in NSW for past dispossession of their lands, there are many cases where destruction of high quality native bushland has resulted through inappropriate developments. The current process is not transparent and only relies on an assessment by Minister and the Department responsible for Crown Lands. There is no public consultation and there are no other assessments by other relevant State Government Departments or input by Local Government.

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The Act provides that Aboriginal Land Councils can claim any Crown Lands that:

- Are able to be lawfully sold or leased or are reserved or dedicated for any purpose under the Crown Land Consolidation Act
- Are not lawfully used or occupied
- Do not comprise lands which in the opinion of a Crown Lands Minister, are needed or are likely to be needed as residential lands.
- Are neither needed nor likely to be needed for an essential public purpose
- Do not comprise lands that are the subject of an application for a determination of native title.

As the main purpose is to compensate Aboriginal peoples, the Aboriginal Land Councils often sell and/or develop the Lands for sale. Developments are often achieved in partnership with Consultants/developers.

The claims are usually over unused lands with high quality native bushland, yet many development proposals are not in accordance with Local Environmental Plans and often include residential development on areas that are not zoned for residential development. The current process only involves the submission of a Claim from an Aboriginal Land Council; then an assessment and decision is made by the Department and Minister responsible for Crown Land. When approved a notification is listed in a Government Gazette.

There are no consultations with local communities or Local Government or other relevant Government Departments. There are no public notifications when claims are submitted and when decisions have been made.

This is a non-transparent process. It is essential that a more democratic process is implemented to ensure that full consideration is made of any claim to ensure that appropriate controls are included in any agreements between the Government and Aboriginal Land Councils.

With this in mind we suggest the following:

Minimum notifications periods: That the public be made aware of the Government's intention to dispose of crown land through an extensive advertising process that takes place at least 60 days before the decision to finalise the disposal of any crown land

An opportunity for community consultation: That during the 60day notification period public submissions be sought about any proposed disposal of crown land.

Controls related to subsequent use of crown land being passed on to Aboriginal land councils: That appropriate local environmental controls that would be applied to privately owned land will apply to crown land proposed for transfer to the local Aboriginal community.

In non-urban land, unmade Crown road reserves contain environmental features, including bushland; are used for public recreation, notably walking and cycling; and provide public access.

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Issues relating to unmade Crown road reserves include:

1. Removal of vegetation for APZ purposes
2. Unauthorised vehicle access
3. Sale of Crown land

The use of unmade Crown road reserves as part of an Asset Protection Zone (APZ) for new development on adjoining private land requires the ongoing removal of vegetation. This results in the loss of bushland and comprises the environmental and recreational values associated with the public land. Crown land, including unmade road reserves, should be excluded from asset protection zones associated with new development on adjoining private land.

In non-urban land, unmade Crown road reserves are well used for recreation and public access for walking and cycling. Unmade Crown road reserves contain natural features that contribute to scenic amenity and vehicular access is restricted to private and / or emergency vehicles only. Public vehicular access, apart from emergency vehicles, should be prohibited and a right of way maintained for private vehicular access, if required.

Unauthorised vehicular access, mainly due to trail bikes, has resulted in environmental damage, including erosion. The use of locked gates (for vehicles) and signage at entry points are preventative measures that could be implemented to better protect the environment.

The sale of Crown land has resulted in the loss of 1) public land with significant environmental values and 2) public access via Crown road reserves.