

**Submission
No 293**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

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NSW LEGISLATIVE COUNCIL INQUIRY INTO CROWN LANDS

Committee - The Hon Paul Green MLC Christian Democratic Party Chair; The Hon Lou Amato MLC Liberal Party Deputy Chair; The Hon Catherine Cusack MLC Liberal Party; The Hon Scott Farlow MLC Liberal Party; The Hon Peter Primrose MLC Australian Labor Party; Mr David Shoebridge MLC The Greens; The Hon Mick Veitch MLC; Australian Labor Party – to report by 13/10/16

Thank you for the opportunity to comment on the management of Crown Lands. I intend to address the first two Terms of Reference:

- (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.

“Crown land comprises approximately half of all land in New South Wales. Some of this land is allocated to public uses such as national parks, state forests, schools, hospitals, sporting, camping and recreation areas, as well as lands which are managed and protected for their environmental importance.

This leaves other significant portions of Crown land that can be used in a number of ways, including leasing for commercial or agricultural purposes, through to land development and sale.”

As stated on the Crown Lands website approximately half the land in NSW is held in trust for the citizens of NSW however information is not easily accessed on current tenure, from the management of publicly accessed sites such as beaches and parks to leased commercial sites. And because information is not available citizens are not in a position to engage effectively. Without broad engagement it is difficult to ensure that the principle of ‘greater good’ prevails and it is more likely that ‘irregularities’ will occur.

My recommendation for improving engagement on Crown Lands matters would be to ensure best practice in transparency and performance:

all Trusts should be clearly listed, along with members and their contact details and minutes of meetings;

citizens should be able to search any local area for a list of Crown Lands with details of tenure;

where management is not meeting community expectations Crown Lands should have authority to ensure improved performance from the land manager.

In my local area I can cite four different examples where management of Crown Land sites has not been transparent and arguably not been in the interests of the 'greater good':

La Perouse Chinese Market Gardens

Little Congwong Beach

Helicopter Base Cape Banks

Port Botany & Port Botany

La Perouse Chinese Market Gardens – directly managed by Crown Lands

Because of increasing demand for burial space Crown Lands undertook a review of the La Perouse Market Gardens in 2008 with a view to acquiring additional land for the adjoining Cemetery. Consultation was not undertaken with local groups to establish social and environmental values even though one of the local groups was instrumental in achieving heritage listing of the Gardens in the 1990s. Fortunately, a vigilant local community member spotted a notice, tucked away in the classifieds of the local newspaper, and alerted other community



members. They in turn involved other stakeholders including members of the Chinese Heritage Association of Australia and a campaign was launched to Save the Gardens. Over the following years this has involved fighting a Part 3A development proposal brought by the adjoining Cemetery Trust and supported by then Planning Minister Tony Kelly. They were also involved in supporting the rezoning from Residential 2B to RU4 Small Lot, during the 2012 LEP process. The case is recorded at www.laperousemarketgardens.wordpress.com Details of the 2008 Review which recommended against burial on the site and the subsequent 2010 Revision used to support the 3A proposal are recorded here: <https://laperousemarketgardens.wordpress.com/reports/comparing-2008-and-2010-crown-lands-reports/>

Obtaining information from Crown Lands over the past 8 years has been difficult. There is no information available on their website and staff appear to have no appetite for keeping stakeholders in the loop. Those supporting the retention of the Market Gardens have had to invest significant personal time to try to keep on top of the issues. Citizens should not have to do this.

Little Congwong Beach

This is a Crown Lands Beach within a National Park. Because of the problems with anti-social behaviour both the OEH and local LGA have at times denied their responsibilities and the beach remains out of bounds for the majority of families. Crown Lands should ensure managers of public lands such as the OEH and local LGAs perform as managers.

Access to this beach is through Botany Bay National Park or by water.



Little Congwong beach which is subject to illegal use by nudists has been referred to in correspondence from Parks as 'the beach adjacent to the National Park'. The situation at Little Congwong has deteriorated over the period of Parks management from the mid-80s. The illegal activities

at Little Congwong and surrounds, including a recognized 'beat', discourage visitors and it is difficult to deter despite protests to authorities from the Precinct Committee and local Aboriginal elders.



One of the major objectives of the NPWS is to provide recreational/education experiences for the public of NSW within the overriding constraints of protection of natural and cultural heritage.

Local Council suggests to parents to avoid the beach even though it the cleanest(EPA Beachwatch results), best protected and offers natural bush setting. See <http://www.randwick.nsw.gov.au/facilities-and-recreation/beaches-and-coast/beaches/little-congwong-beach> For comments from a local employed by the OEH: *From SydneyMate.com*

*“Local Local wrote about **La Perouse** on 26-Apr-2010:I think everyone is forgetting the actual fact that the law as it stands says that it is illegal to be nude at LittleCongy.These nudists say they are law abiding citizens but break the law everytime they strip. I say authorities throw the book at them.Now the nudists are going to say that i’m just a blow in. I have news for them,I was born and bred in La Perouse over 40 years ago on the nearby aboriginal reserve and have worked in the area for going on 24 years.Some of the things i have seen first hand are too disgusting to mention,both on the beach and in the bushes.I have been propositioned and flashed,seen countless sex acts on the beach,(some in front of our faces while working there)including group sex.You can witness this on any sunny day year round.I say get lost you law breakers because all us locals are ready to unite to push the issue. Dont tell me the nudity don’t attract this behaviour as it doesn’t seem to happen on the other local beaches.”*

(Photo above: It was a rare occasion for a group of children to have access to this beach and only possible because it was a cold, windy day – 04/07/2007). Even local aboriginal children in the group had not experienced the beach before.)

Cape Banks Scout Ground

Loss of Scout Ground and alienation of National Park for a Helicopter Base is an example of how land is 'transferred' from direct Crown Lands management to National parks and back again at political whim.



The revocation of National Park at Cape Banks illustrates political interference and avoidance of community engagement.

The 'Westpac' Helicopter Rescue service was located on Anzac Parade, within the Prince Henry Hospital grounds. With the residential redevelopment of the hospital site by the State Government Corporation, Landcom a new site was to be found for the service. This site was found near Port Botany. There was no further community consultation. Instead there were rumours that

Landcom were 'pressuring' NPWS and the Scouts to allow the construction of a helicopter base at Cape Banks. Apparently the CEO of the Helicopter Service was not happy with the Port Botany site and wanted a more upmarket 'corporate' site that would allow him to promote additional services such as maintenance and conference facilities. Apparently with the assistance of a senior executive at Westpac he captured the ear of the local member who then set events in train that led to the revocation of part of the National Park specifically for the Helicopter base under a special act of parliament in May 2004. One of the major reasons given in parliament and in correspondence was that the area is not in controlled airspace. When checked with Air Services Australia this was found to be untrue. The decision to revoke National Park and return to Crown Land for lease as a Helicopter Base was not supported by the National Parks Association. In a report commissioned by NSW Health the consultant, a UK expert, recommended against Cape Banks as a site. NSW Ambulance who were the principal clients of the Helicopter Service were not consulted (confirmed in writing from the CEO). There was no media coverage of this aside from an article in the Daily Telegraph because any attempt to put an opposing view was portrayed as an attack on the Rescue Service.

There are related issues including the allocation and public funding of rescue resources within the Sydney basin. The Cape Banks decision came from the very top of government and various public servants within a number of agencies spun reasons why that decision was in the best interests of NSW. The local Scout Ground, which was also generally accessible to the wider public, has been lost and the area enclosed. The land is held under a Crown Lands lease but there are no details available.

Molineux Point and Port Botany Lease - Loss of beach, jetty and tourist destination



In 2005 the then Planning Minister ignored the recommendations of a Commission of Inquiry and approved the construction of a third terminal at Port Botany. Publicly accessible land such as Botany Beach and Penrhyn Jetty were converted to Port assets and all but a small area managed by the state owned Sydney Ports Corporation remained accessible. In May

2013 Port Botany was leased for 99 years to a commercial consortium with the new controlling entity NSW Ports (not to be confused with New South Wales Ports). The publicly accessible assets, except for Molineux Point, remained under State management. Although Molineux is a tourist destination on the Eastern Beaches Coastal Walk and used by local walkers, cyclists and fishers it was included in the lease. Despite increasing pressure for recreational space in the area there was no community consultation on how the area would be accessed in the future. Further details:



<https://portbotany.org/fishing/> Photo, above, of a local boy fishing from Penrhyn Jetty was published in the Sydney Morning Herald in 2002. There is now no public jetty on North Botany Bay. During the debate on the Ports Assets

(Authorised Transactions) Bill 2012 requests were made to keep Molineux Point in public hands. While unsuccessful, assurances were given by the Treasurer then Mr Mike Baird that the terms of the lease agreement would provide protections for the State and the local community that had not been provided when the Airport was 'sold/leased'. Consistent with this undertaking, on February 8th, 2013, an officer from Fisheries advised that a Disabled Access Fishing Platform would be fully funded at Molineux. It was only a matter of fixing up the details when the new owner was known. That did not happen see <https://portbotany.org/2015/02/01/selling-off-public-assets-and-the-community-at-port-botany/>

There are other issues related to lack of customer/client focus. For example, take a look at the Crown Lands website - a major communication tool - and assess its usefulness. Cycleways are of increasing interest to a broad range of citizens as witnessed by the uptake of cycling and support for cycleways and cycling infrastructure. Crown Lands have a link on their site http://www.parksandreserves.nsw.gov.au/bicycle_paths but most of the links lead to dead ends. This is symptomatic of an organisational culture that is not customer focussed.

The above has been hastily put together this evening to meet the close off for submissions. I am happy to expand on anything.

Regards, Lynda Newnam 24th July 2016