

**Submission
No 341**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

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SUBMISSION TO NSW UPPER HOUSE INQUIRY INTO CROWN LAND

Prepared by Joan Dawson and the Executive of Save Our Rail NSW Incorporated on behalf of the members of this community group.

INTRODUCTION

The use of Crown Land has relevance to all residents of the state and is a community issue. Following are principles which this group considers should guide decisions concerning Crown Land:

1. Crown Land must stay in public hands, held in Trust for the use and benefit of the people of NSW with legal safeguards to prevent exploitation of these public resources for private gain.
2. Management should be aimed to provide benefit to the community, protection and maintenance of the public resource and be accountable to the whole community of NSW.
3. No Government or agency of Government should have the power to disregard the Crown Lands Act 1989, or to change the law for its own purposes regarding the use of Crown Land. Any changes to the Act must be in order to further the protection, improve maintenance or enhance value in terms of the environment or heritage. The Act must not be changed to allow for development. Special purpose leases should not be varied by Local Councils or Government Agencies to advantage developers or to accommodate other influences. A Government agency should not also become a developer as this becomes a conflict of interest. This is the situation with Urban Growth which has become both developer and planning authority over sections of Crown Land.
4. Aboriginal Land Claims should be considered seriously. When such a claim is honoured this should be an opportunity to provide assistance and support to the Aboriginal community in management skills to ensure their successful involvement in projects which best preserve and enhance the resource for future benefit. Land claims should enable the preservation and enhancement of indigenous dignity and culture.

RECOMMENDATIONS RE PROPOSED CHANGES

- Crown Land should be used in a way that brings benefit to the community while being preserved for future generations. Benefits should include cultural and heritage (indigenous and European) status as well as financial advantage.
- Crown Land should not be available for transfer of ownership. It holds a category of public ownership and inherent protection that should not change. The factor of being valuable to a particular community should not be a reason to weaken the protection through vesting processes, such as handing control to local councils. Local Councils can be subject to outside influences, especially of developers. Some developers have held powerful positions in local councils, which have enabled them to win concessions and approvals beyond proper processes. This has resulted in inappropriate use and degradation of some environmentally sensitive spaces, e.g. sand mining on beaches and selling off sections of public parkland.
- In the past Crown Land has been appropriated by sporting groups, such as Bowling Clubs. This has meant the building of club-houses, growing from earlier simple shelters to large facilities offering services and operating as private enterprises. The result has been the alienation of the land, the buildings being in the manner of premises licensed to sell liquor and certainly no longer freely available to the public. Such clubs, being subject to liquor licensing laws are concerned with under-age drinking, membership entitlements, even until recently having areas which barred women. This use of Crown Land is inappropriate and should be disallowed. When clubs built on Crown Land close that land should revert to public use. There should be no question of selling or leasing it for development or private enterprise.
- Lands which are currently leased for grazing need to be properly managed and measures taken to prevent degradation. Over-grazing can be highly destructive of sensitive natural resources. Rain forest and savannah woodland reserves can have national importance in providing buffer areas and mitigating pollution from industries. In outback localities it is important that grazing leases are sufficiently well managed to ensure ‘dust bowl’ effects do not result (as in USA in the 1930s). Conversion of grazing leases to freehold is against the national interest and should be opposed, as these lands will no longer have protection from unscrupulous entrepreneurs and the use will gradually change to one of exploitation.

- What reason could there be for transforming the Crown Land Division into a Public Trading Enterprise? This seems to be a deliberate move to privatisation and should be resisted.
- Travelling Stock Routes and Reserves have been a great resource, especially in times of drought or flood. Stock have been saved many times through these relief valves, which allow some additional pasture or movement to safety. They must be conserved as public space and amenity. As well they form a network of safe havens for native animals, driven from their usual habitats by encroaching development. They are a national resource which should not be squandered for private “profit motive.” Their loss would be Australia’s. Public open space is essential for retention of air quality and these tracts are important for all people, even if their value is not apparent in financial terms. They are the “lungs” and are vital in reducing greenhouse gas build up.
- The current NSW Government seems to believe it has rights over such lands, without community consultation or with minimal consultation. Even when a pretence of consultation is undertaken it is a token to “tick the box,” the results are often inaccurately recorded to produce an opposite group opinion than what has been expressed. Community groups are being ignored, their submissions discounted, rallies and petitions of thousands are not considered and consultation processes are being distorted to achieve a desired result for developer advantage.

LOCAL ISSUES IN NEWCASTLE AND HUNTER REGION

1. CLOSURE AND DESTRUCTION OF NEWCASTLE RAIL LINE

The above scenario has been the case in the closure and planned development on the Newcastle Rail Line. Trumped up reasons to close this section of rail line have gone on for more than twenty years. The most persistent has been the notion that it inhibited “connectivity” between the traditional Hunter Street shopping area and the foreshore of Newcastle Harbour and that its presence was preventing “revitalisation” of the city. The real truth has been the development value of the land, being the only inner city land not undermined by old coal workings. This means it can support and gain approval for very much taller structures than other sites in the vicinity, which are subject to the control of the Mine Subsidence Board.

In December 2014 the NSW Government moved to vest ownership of a section of the rail line to Hunter Development Corporation (a government agency) and cut off all rail services between Hamilton and

Newcastle Stations on 26th Dec 2014. In 2015 it gained the numbers in Parliament to change the law through an Act of Parliament to allow it to remove the rail infrastructure and sell the land. There is now an open admission that building will take place on the corridor.

This is Crown Land that has been approved for “Special purpose” use as a transport corridor. The Awabakal Land Council put in a Land Claim on it but it was dismissed. Even though the Transport Administration Act was changed to allow the closure of the rail line and its removal, the corridor should retain its Special Purpose status for transport. There are moves currently in progress to have the corridor re-zoned to allow development. This must be stopped as it goes against the very principles of the Crown Lands Act. The city of Newcastle needs that transport corridor to be maintained in public hands for current and future use.

EFFECTS OF RAIL CLOSURE ON CITY

Newcastle, supposedly gaining “connectivity” to assist in “revitalisation” has actually lost direct “connectivity” with Sydney, with Hunter Valley communities and indeed with the rest of NSW. This has had a huge impact in various ways, the most significant being the adverse effect on businesses in the CBD. There has been massive customer loss – some businesses closing down, others having to reduce staff. Many are realising the situation will become more difficult when the planned “light rail” is installed in Hunter Street because of the lack of road space and the massive reduction in car parking spaces (estimated at about 1500 lost). People will simply not come to Newcastle, choosing other centres for business. This is causing the opposite to “revitalisation” – in fact it is crippling Newcastle’s economy and threatening the city’s “Regional Centre” status.

The patronage of public transport into Newcastle has fallen drastically while the use of cars has significantly increased. This has been the direct result of the increased trip time to get to the CBD. Even the Government’s own figures in the Review of Environmental Factors (REF) give an average time increase of 17 minutes. In reality this translates to frequently 30 minutes or more. There is also uncertainty of arrival time as the replacement buses have to deal with traffic delays, (trains used to take 6 minutes from Hamilton to Newcastle, buses about 23 minutes at best), the trains are often late due to shunting difficulties at Hamilton, with inadequate line space. People going to work, appointments or educational courses cannot afford to be late, so are driving their cars to achieve punctuality. There are reports of people losing jobs, of having to give up TAFE and University courses because of the current changed transport difficulty. The authorities say “Leave home earlier” but there are no earlier trains on the Hunter Line – so people have to drive or simply discontinue. Disabled people are frequently physically unable to interchange during the trip (especially difficult for blind people.)

Tourism had been a growing industry in Newcastle, which was listed in the top ten destinations worldwide in the 2011 Lonely Planet guide (The backpackers' bible.) This has changed since the direct transport has been cut – one of the major backpacker hostels has closed and others are struggling. Backpacker tourists are choosing destinations which are more easily reached – they do not want to be off-loaded to catch a bus a few stations short of their accommodation.

Two very large projects have entered the Newcastle scene, both of which were planned with minimal car parking provision, the reason being proximity to Civic Station. The new Court complex was completed recently with 13 car spaces. The University of Newcastle is in the process of constructing a huge city campus to cater for thousands of students, with 5 parking spaces. Civic Station is closed and the plan is for its demolition. These two new facilities obviously need additional parking provision rather than the reduction that is to occur.

HERITAGE ISSUES

There are several heritage buildings in the closed rail line, the most important being Newcastle Station, built in 1878. This station is identified as state significant as well as being of great historical importance to the city of Newcastle and to NSW rail history. The Institute of Engineers Australia nominated The Newcastle Rail Line (previously entitled The Great Northern Line) as a Historical Engineering Marker. All of the stations as well as some signal boxes are considered to have heritage value. Civic Station and Wickham Station are planned for demolition. This vandalism should not proceed on Crown Land.

2. KING EDWARD PARK NEWCASTLE

King Edward Park is a magnificent area of cliff top Crown Land in Newcastle East, a huge asset to the City of Newcastle. A bowling club had existed on one corner of the park but has closed and been demolished. A leading Newcastle Developer had proposed to build a private hotel/function centre there and had managed to have his project approved. However a community group, Friends of King Edward Park took the matter to the Land and Environment Court and won. That should have ended the matter, but the site remains blocked to the public and the private company is again seeking approval to build there. There should not have been a dispute – as Crown Land this site should have been protected from sale and private development. The developer should have been told the site was not available.

CONCLUSION

It is quite clear from the two matters described above that the laws governing Crown Land need to be more rigid and more difficult to circumvent.

Save Our Rail recommends that rather than changes which allow greater flexibility and loss of public amenity the laws pertaining to the Crown Lands Act 1989 need to be tightened and more strictly adhered to. There seems to be a situation where powerful developer groups can use influence to gain control of and make private profit from Crown Lands that have been identified and set aside as a public resource for the public good.

In particular Save Our Rail NSW Inc states the following:

- We do not agree to the transfer of Crown Land to local councils, nor to the vesting of Crown Land to Government agencies as it allows loop holes for private development. The Newcastle Rail Corridor should be preserved as Crown Land with its status as Special Use - Transport Corridor maintained and re-affirmed. No section of King Edward Park should be divided off for private development.
- Conversion of Crown Land grazing leases to freehold risks the environment.
- Under no circumstance should the Crown Lands Division become a Public Trading Enterprise. This is contrary to the principles inherent in the Crown Lands Act 1989.
- Reviewing Travelling Stock Routes and Reserves sets a dangerous process in place. When firms undertake a review it usually results in a reduction of staff and services. It is our view that a “review” in this context could result in the transfer to private profiteers of valuable public amenity, therefore a loss to the community.
- The provisions relating to Aboriginal Land Claims need to be expanded to provide more practical assistance in management to ensure such ventures are more often successful and capable of enhancing indigenous dignity and culture.

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