

**Submission
No 155**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Clarence Branch, Climate Change Australia

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Attn: GENERAL PURPOSE STANDING COMMITTEE NO. 6,
NSW Parliament
Macquarie St
Sydney NSW 2000

Dear Honourable Members

Inquiry into Crown land

The Clarence branch of Climate Change Australia was formed as a local community group to respond to climate change issues. We aim to raise community awareness and responsibility about climate change issues and impacts, to encourage everyone to conserve energy and water, to promote the increased use of renewable energy and to lobby all tiers of government to implement genuine and effective mitigation and adaptation measures to address climate change.

The remaining areas of the Crown lands in New South Wales play an important role in both mitigating and adapting to the impacts of climate change. This submission, however, addresses other matters, in line with the terms of reference for your inquiry.

a. The extent of Crown land and the benefits of active use and management of that land to New South Wales

Crown land in the Clarence Valley extends from the coast to the hinterland, and includes caravan parks in Yamba, islands in Grafton, many of the riverbanks and the beds of rivers throughout the valley and travelling stock routes (TSRs), some of which run alongside rivers and roads.

It must be recognised that many areas of Crown land hold important nature conservation values, as areas of much-needed green space in towns and cities, as areas of native vegetation providing habitat for wildlife and as areas providing connectivity across the landscape for wildlife movement.

Some Crown land (e.g. waterway reserves) provide important protection of river banks and should be protected from activities such as grazing which diminish water quality in those rivers and degrade vegetation on riverbanks and lead to destabilised and eroding riverbanks. Thus, this Crown land has benefits to downstream communities (which rely on this water for domestic uses) and also to neighbouring landholders (whose properties will be subject to erosion once the Crown land is eroded away). The importance of these lands will increase as more severe storm events leading to more regional flooding is included in most climate change scenarios.

The potential to establish the wildlife corridors necessary for climate change adaptation would be greatly diminished should TSRs and waterway reserves be removed from public ownership and control.

There is, however, much evidence of systemic mismanagement of NSW Crown Lands. In particular, weed and pest control on Crown lands is often absent and, in fact, has been discouraged by some agencies charged with that lands' control and management.

Example A.1: several years ago, a local group of bird banders who regularly used the TSR at OBX Creek was pleased to find that lantana had been controlled at their site, making the job of erecting their mist nets much easier. One of the group was so pleased he wrote to the then Grafton Rural Lands Protection Board to compliment them on the management of the site. It was reported back by others employed by the Board that this led to the responsible officer being admonished for wasting Board's resources on unnecessary work. Lantana, of course, is a noxious weed and is likely to expand in distribution and become more of a problem in this region under climate change scenarios.

Example A.2: Weed and pest control and rainforest regeneration are resource intensive requiring follow up, particularly after floods when propagules of more weeds are introduced. Susan Island is one of the iconic parts of Grafton. It includes the largest remaining area of lowland floodplain rainforest left in the extensive estuary of the Clarence River. Part of this rainforest (a nationally listed critically endangered ecological community) is in Susan Island Nature Reserve, which is protected and managed by the National Parks and Wildlife Service. The nature reserve, however, occupies the upstream end of this dynamic gravel shoal which is slowly moving downstream. The only hope for this rainforest remnant is to extend it onto the adjacent of Crown reserve which is accreting downstream. The current lack of recurrent funding for these activities on the Crown reserve is preventing the appropriate long-term management of the rest of Susan Island by the trustee of the Susan and Elizabeth Islands Recreation Reserve, and is endangering this natural asset.

Example A.3: The seaward side of Iluka Nature Reserve is a strip of Crown land which includes the foredunes and provides a buffer from the sea for the littoral rainforest present in the nature reserve (NSW's largest area of littoral rainforest -- another type of plant community which is listed as a critically endangered ecological community under the *Cwth Environment Protection and Biodiversity Conservation Act 1999*, and which also happens to be the only representative of coastal rainforests in the Gondwana Rainforests of Australia World Heritage property). The lack of appropriate management of this buffer and the presence of the major expanse of bitou bush (which continues to invade into the nature reserve and destabilises the dunes) was highlighted in the IUCN's conservation outlook assessment of the Gondwana Rainforests in 2014. The IUCN regard this as a high threat to the values of Iluka Nature Reserve (see: www.worldheritageoutlook.iucn.org/search-sites/-/wdpaid/en/12202?p_p_auth=2MV0kDQ8). Active management of this piece of Crown land would assist in protecting the World Heritage values of Iluka Nature Reserve against both weed invasion and ingress by storm surges, and would assist the NSW Government in meeting its obligations of World Heritage listing.

b. The adequacy of community input and consultation regarding the commercial use and disposal of Crown land.

There are inadequate opportunities for community scrutiny of commercial developments happening on Crown land, particularly for those areas subject to Council management (as corporate trust manager for the reserve trust). Often Council just regards it as another part of their operational land. There is no readily available information to the public about how money raised from the sale, leasing and granting of other interests of Crown land is spent.

Crown land must be administered in an open, transparent and accountable manner that increases public participation in their management.

Example B.1: The recent leasing of the management of Calypso Caravan Park at Yamba is a case in point. Via a consent determination in the Federal Court, native title has been found to exist on this land. And yet the aspirations of the Yaegl people and the terms of the Indigenous Land Use Agreement under negotiation were ignored by Clarence Valley Council in securing a new extended lease arrangement, which may be considered a future act under the terms of the *Cwth Native Title Act 1993*. This item was considered by Council but all of the attachments to this item in the agenda papers and minutes are deemed 'confidential'.

c. The most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations

Crown land mismanagement stems mainly from neglect. The results of this neglect include uncontrolled weed invasion (see examples A1–A3), and inappropriate and sometimes unauthorised land uses, such as grazing, clearing and logging. It also includes the illegal appropriation of public land by adjacent landholders, most clearly seen in residential areas where the back yard sheds and garden beds extend way beyond the property line. This reduces access by the general public to these areas of public space.

While lack of secure funding is a major underlying cause of mismanagement, the solution is not the commoditisation of Crown lands as this will undoubtedly cost our society more in the long term in terms of lost access to the values in our Crown lands and, potentially, the payment of compensation when those lands are subjected to coastal erosion pressures which are likely to increase under climate change scenarios.

Instead, for Crown land to remain a valuable public resource, it must stay in public ownership, held on Trust by the State on behalf of the people of NSW. It is crucial that the social, cultural or environmental values of Crown land are properly evaluated before further decisions are made about the future of Crown land, including TSRs.

Climate Change Australia (Clarence Branch) is frustrated by the fact that the existing NSW *Crown Lands Act 1989* is actually quite a good piece of legislation. It was brought in to support a new framework of public land management and includes strong management principles for Crown lands. This Act just needs to be implemented without fear or favour. Unfortunately, there has been a lack of oversight and education (particularly of Councils who administer many reserve trusts). Any new Crown Lands Bill must include these principles particularly ecologically sustainable development as a key objective.

The Climate Change Australia (Clarence Branch) adds its voice to calls for a moratorium on the selling, leasing and private development of Crown land until after the Parliamentary Inquiry reports and its recommendations are implemented.

d. The extent of Aboriginal Land Claims over Crown land and opportunities to increase Aboriginal involvement in the management of Crown land.

With the alienation of much of the land in New South Wales under private tenures, there are limited opportunity to address and provide compensation for the dispossession of Aboriginal people of their lands. Climate Change Australia (Clarence Branch) supports increased involvement by Aboriginal people in the management of Crown land, particularly those areas of Crown land that have already been developed and which are generating incomes (see example B1 above regarding Calypso Caravan Park). Climate Change Australia (Clarence Branch) is, however, concerned about the granting of freehold title to local Aboriginal land councils (LALCs) over land with high conservation value without recurrent funding to manage those values in the long term.

Example D.1: Following a successful land claim, the Birrigan Gargle LALC is the owner of a block of land that provides east-west connectivity between Iluka Nature Reserve and the Clarence River. This land includes koala habitat and the presence of at least one endangered ecological community (coastal cypress pine). The Land Council engaged a developer to submit plans for the subdivision of this land, consistent with its low-density residential zoning. The proposed development would remove all the natural values for the site. It would also increase the village's population by 25% at a time when it is known that sea level rise under climate change scenarios would put these settlements at risk of inundation within 50 years.

Please contact me for any clarification of matters raised in this submission.

Yours faithfully,
Secretary, Clarence Branch
27 July 2016