

**Submission  
No 184**

## **INQUIRY INTO CROWN LAND IN NEW SOUTH WALES**

**Name:** Jackie McDonald

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To:

The Director, General Purpose Standing Committee No.6  
Parliament NSW  
Sydney NSW 2001  
[gpsc6@parliament.nsw.gov.au](mailto:gpsc6@parliament.nsw.gov.au)

23th July 2016

**Re: Submission to the NSW Crown Land Parliamentary Inquiry**

To Whom It May Concern,

I am an Aboriginal person with ancestral links to the Tweed Valley and as such have responsibilities to care for country. I write on behalf of many family members who wish to express our family's great concern about changes to Crown Land as a result of the Crown Land management review. We have the right to speak for Country.

The process for the review was flawed because the Government did not:

- effectively engage the community though genuine and meaningful community consultation;
- undertake a robust assessment of the environmental, cultural and social values of our public land assets
- provide a level of transparency commensurate with Government policy

News of the sale or lease of other NSW Crown Land parcels, without any public consultation has also been alarming. As an example, I refer to NSW Crown Reserve 59360, south of the Gold Coast Airport. Without any public notice or consultation process, an 84 year lease was granted to the Gold Coast Airport (Gazette 138 dated 18 October 2013) for airport infrastructure. The Gold Coast airport is privately owned, so essentially the lease was granted to expand their enterprise and increase the profits for a privately owned entity. The airport's proposed commercial use of Crown Reserve 59360 is contrary to the Environmental Protection and Public Recreation designation and will deny the Traditional Aboriginal people's access for cultural expression and purpose, thus ending thousands of years of Aboriginal tradition. The granting of a lease to Gold Coast airport has been twice refused by other Governments in the past, due to the environmental and Aboriginal heritage values and sensitive ecological communities. The Tweed community fought long and hard, in previous years, against the granting of a lease for commercial purposes on this land. The NSW Government does not have the right to deny us access or to end thousands of years of Aboriginal tradition. The granting of the lease for Crown Reserve 59360 to the Gold Coast Airport will shut the local Aboriginal people out forever.

To give you an understanding of the Aboriginal Cultural values of Crown Reserve 59360, I have attached the Aboriginal Heritage section of a submission I made to the Hon. Warren Truss MP during the public exhibition period for the Gold Coast Airport proposed Instrument Landing System on Crown Reserve 59360. See attachment 1. This is the type of submission that would have been lodged had the public been provided with an opportunity for comment prior to the granting of the 84 year lease to Gold Coast Airport. As a well-known Traditional Custodian of this land, I have been denied the opportunity for comment prior to granting a lease for commercial purposes, to a private entity, and without any consideration for the Native Title Act.

The changes to the Crown Lands Act 1989 are a significant shift in the way Government has managed Crown land in the past. Crown land offers important environmental values by providing

remnant vegetation and habitat for threatened species in highly cleared landscapes; habitat connectivity and irreplaceable coastal values. In urban areas, Crown land parcels can contain important remnant vegetation and can be critical to the survival of resident, itinerant and migratory birds and other animals. The changes propose a noticeable move away from environmental protection and conservation of natural resources as key objects of the Crown Lands Act, towards management through business case development and emphasis on economic outcomes.

This is land that is publicly owned and should be used for public purpose, not sold off to private interests for private profit. Considerations relating to public lands should be guided by the principles of the public good, and prioritise the public ownership and continued retention of all Crown Lands.

Given the significant environmental values of Crown lands, the Minister for the Environment should play a key role in ensuring that our Crown land estate is effectively managed in accordance with the principles of ecologically sustainable development.

### **Recommendations**

We would like to recommend that the NSW government:

- ensures that the Native Title Act is a priority consideration
- listens to community concern and undertakes further community consultation on the important issues of Crown land management in NSW;
- undertakes a robust and complete assessment of the environmental, Aboriginal cultural or social values of its Crown land assets;
- ensures that the existing objectives of managing Crown land for environment protection and conservation of natural resources are retained;
- manages Crown Land in accordance with the principles of ecologically sustainable development;
- ensures that all Crown Land with important environmental, Aboriginal cultural or social values be maintained as public land, that is co-managed by the local Aboriginal people.

It is my submission that the lease on NSW Crown Reserve 59360 ought to be withdrawn until a fair and proper consultation process has been undertaken, so that the Government fully understands the environmental AND Aboriginal heritage values, before making very important decisions on this precious Aboriginal landscape.

Yours sincerely,

Jackie McDonald.....Great great Granddaughter of Kitty Sandy of the Tweed Valley