

**Submission  
No 193**

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

**Name:** Ms Lindy Smith

**Date received:** 24 July 2016

---

## **SUBMISSION – GENERAL PURPOSE STANDING COMMITTEE NO.6**

### **Inquiry into Crown land**

#### **BACKGROUND**

NSW Crown Reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental/heritage protection, recreation/sport, open space, community facilities, special events, etc. Crown land is integral to our states diversity with areas of extreme rich biodiversity, significant habitat values, providing buffers, particularly in the coastal regions and retaining the character of our coastal villages and allowing access to our waterways and beaches.

Crown land in the Western Division provides for cropping/grazing, drought/flood refuge and as such is of enormous worth to sustain food/fibre resources. Areas also include rich biodiversity values.

The natural resources of our Crown lands are of enormous value supporting several industries which significantly contribute to our State's economy. The natural resources are also recognised for their economic value in sustaining healthy waterways and for the social benefits and community facilities.

**Reserves are created to protect and manage important community and natural resources.**

The Crown Lands Act dates back to 1890 and has been in place to **ensure** that Crown land is managed for the **benefit of the people of NSW**, hence many generations have enjoyed these important community and natural resources also providing significant economic benefits to NSW.

#### **CROWN LANDS LEGISLATION WHITE PAPER (CLLWP)**

On the surface the CLLWP looked simplistic, to simply streamline the duplicity that make up the existing Act which I support on that point. The CLLWP (and Response) sounds warm and fuzzy making motherhood statements but when you delve deeper it is most concerning and leaves no doubt the primary objective is to sell off (privatize) our Crown lands and the proposed **REPEALING** of the existing Act that has provided some governance of the management of our Crown lands in the interests of the people of NSW will indeed pave the way for such an intent to sell off/privatize our Crown lands.

The CLLWP proposed **"a new way of doing business that benefits NSW – it is recommended that Crown Lands Division progress to a Public Trading Enterprise...remove the land assessment requirements currently contained in the Crown Lands Act."** The removal of the land assessments is a significant **REPEAL** that is integral to the Objectives, Principles and management of our Crown lands and protection of their natural resources for the benefit of the people of NSW under the existing Act.

The CLLWP focused on the land value (as real-estate) and makes little acknowledgement of the enormous value as a natural resource and the social benefits for healthy communities. There are to be no provisions for Principles of Crown land management which are critical for proper governance.

It is proposed to “conduct a strategic assessment of NSW government needs to determine which Crown land is required for core service delivery or has state or regional values.” The criteria for this purpose indicates the State will have first cherry pick of those lands no doubt already earmarked by commercial interests for development in the Eastern Division.

It is proposed to then “Devolve land of local interest to local Councils to meet local needs...to be managed under the Local Government Act.” This will be what is left over and there is no real detail how this cost shifting is to be financed by Council’s and these Crown Lands will have the protections currently in place to be managed for the benefit of the people of NSW removed.

The majority of the Crown Estate is in the Western Division of our state with much of this land under cropping/grazing Leases and there are the Travelling Stock Reserves (TSR). The CLLWP states, “Many TSR are no longer used for their original purpose.” This claim is contrary to a report 13/4/14 which detailed the importance of these lands and their significance to our food/fibre security particularly under such severe drought conditions being experienced and with climate change to exacerbate such conditions in the future. Also, some of these lands include some of our last remnant vegetation species. It is proposed to “Permit certain additional land uses.” Is the intent here to open up the Western Division to intensive mining operations and gas fields!!!

It is proposed to remove environment protection of Crown lands by moving protections under the Native Vegetation Act which will provide little surety for protection as should currently occur.

It rings real alarm bells re the proposal to “diversify or expand activities and convert to freehold for Lease holders; providing for the sale of Crown land to Lessees; **Leases/Licences granted for commercial purposes to be under private sector system and operate outside the Crown Land Legislation; rents on Crown Land to move to a market based approach; development applications to move under Planning Legislation.**” These proposals totally erode the whole intent of the protection and management of Crown Land for the benefit of the people of NSW now in place.

The statement re Plans of Management (PoM) under the existing Act have no relevance (pg.13) is contrary to the fact, i.e. Div.6-114, “**no operations may be undertaken on or in relation to the reserve unless they are in accordance with the plan.**”

The CLLWP was not advertised locally across the State and the Review was undertaken with the focus on economics and steered as such. From the Government response the Review appears to have been pre-determined with the key concerns that lend to the privatization of our Crown lands to be retained in the new legislation. The lack of consultation with the community has undermined the opportunity for the consideration of the values of Crown land to the people of NSW and thus the recognition of the environmental and social benefits and economic values of the natural resources of our Crown lands.

### **CROWN RESERVE 59360 FOR PUBLIC RECREATION – TWEED HEADS WEST**

This Reserve is on the eastern shore of the Cobaki Broadwater, Lower Tweed River Estuary. It was dedicated for the purpose of Public Recreation 3/12/1926 (File Ref: 09/15222). And was subsequently dedicated for the purpose of Public Recreation/Conservation under the 'Tweed Coast Regional Crown Reserve' 25/8/16 with a statutory Plan of Management (PoM) adopted under the Crown Lands Act 2009.

The Cobaki Broadwater is a Class 1 Major fish habitat of significant economic value with important fishery habitat on the Reserve along with SEPP 14 wetlands, 5 EECs, numerous threatened species/habitat, migratory bird roost/foraging habitat and registered Aboriginal cultural heritage site and is integral to the Murraba landscape. Under the PoM *the environmental values of the Reserve need conservation and active management to ensure that these values are retained in perpetuity for future generations to enjoy....protecting the resources on which industry depend.*

Tweed Heads Pony Club Inc. (THPC) is a totally voluntary organisation that has successfully operated in Tweed Heads for 52yrs and the Reserve has been home to THPC for more than 37yrs under a Licence that had been renewed over that time. THPC has taken much pride in its guardianship of this very valuable ecosystem and have integrated their activities with the preservation of this Reserve, including weed and regeneration management. There have been community tree planting days and the Reserve is used by bird watchers, community garden club, fishermen and Tafe/Uni students. The Reserve is a critical buffer between the airport and Tweed Heads West residents.

In a secret deal 18/10/13 the former Deputy Premier signed over a 84yr Lease (RE: 455699) to Gold Coast Airport Pty Ltd (GCA), owned and operated by Queensland Airports Ltd, a private Qld company with absolutely no consultation, including the government's own stakeholder agencies. The Reserve had been moved to the Real Property Act and the Lease is under this Act. The Lease includes the provision Cl.98 *Application to Purchase*. THPC had held a current Licence until 2/3/14 but the government did not even have the courtesy to advise them, the bomb-shell was dropped by GCA.

The purpose of the Lease was specifically granted for “...**any and all** airport facilities...and works associated with **runway extension**” (Government Gazette 138). This will see the exclusion of public recreation and the permanent and irreversible destruction of both state and national conservation values of this Reserve. A GIPA Application (14-188) revealed there were no *Crown Land Assessment* for the Reserve and no *environmental assessment relating to the Lease* undertaken. After review of the Crown Lands Act and seeking advice correspondence to the former Premier, former Deputy Premier and our State Member 6/12/13 outlined in detail the Lease was granted contrary to the provisions of the Crown Lands Act and particularly its Objects and the statutory PoM. A response was received only from the then secretary (now Minister for Local Government) to the former Deputy Premier mid-February 2014 (so then put us out of the timeline to seek review) and which ignored the legalities of the issues raised. A number of correspondences since to the now Premier, current Minister, department have all ignored the serious issues and legalities of this matter.

The above Lease pre-empts the proposed repeal of the Crown Lands Act and no doubt there will be many more such Leases that have been set up across the State that the community is not yet aware of.

The Lease outlined above, the proposed repeal of the Crown Lands Act and the government deferring the environmental zones from the five far north coast councils on the pretense of rural land issues when the coastal areas were dragged in all go hand-in-glove with the commercial interests of our Crown lands.

### **CONCLUSION**

The true objective of **REPEALING** the existing Act that lurks behind the scenes has very serious implications and will totally erode the protection of our community facilities and natural resources that has been integral to our way of life for many generations and should be protected for future generations. I believe the new Crown Land Bill should be suspended as any confidence has been seriously compromised when the CLLWP was not advertised locally across the State and communities are dealing with so many serious matters re the mismanagement of Crown Reserves/lands and the number of successful appeals by the community and the rulings of those cases have real implications for many more that have not been tested.

The mounting evidence clearly concludes that those charged with the management of our Crown lands have lost their way and there has become a consistent, systematic and entrenched culture in managing our Crown lands that is far removed from the interests of the people of NSW. The findings of ICAC and subsequent charges have not been heeded and it is business as usual.

I respectfully request there is a moratorium put in place on any Crown land being sold, Leased or privately developed until the Parliamentary Inquiry is concluded. I am also of the view there needs to be a wide reaching investigation into the culture of mismanagement of our Crown lands and then followed with radical changes into management systems with community representation put in place at all levels. The control of management by elected representatives who are funded by vested interests and the culture that has developed in the management system has become untenable in the interests of the people of NSW and consideration needs to be given to a real shift as to where Crown lands should be managed, such as more in a social and valuable economic resource asset context rather than just a commercial commodity that is short term, not long term in the interests of future generations and sustainability of our natural resources that many industries depend on and which significantly contribute to the economy.

I sincerely thank the Committee for the opportunity to provide my views to the Inquiry into Crown land and I very much hope bridges can be rebuilt in restoring confidence in the communities across our State in the proper management of our Crown lands in the interests of the people of NSW and future generations. I have had a very long time interest in the matters of our Crown land and have personally witnessed some very underhanded dealings which have set me on a path as an advocate for proper due process – Our Crown lands are priceless community assets for their many values and warrant the greatest respect which is very close to my heart.

24<sup>th</sup> July 2016