

**Submission
No 228**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Name: Mr Christopher Grounds

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SUBMISSION TO THE UPPER HOUSE INQUIRY INTO CROWN LAND

July 24 2016

From:

Mr Christopher Grounds B.A. Dip. Ed.

This is a personal, individual submission made with the following background and interests.

I am a resident ratepayer of St Georges Basin village of Erowal Bay in the Shoalhaven LGA. I have been a Shoalhaven resident for 21 years and a NSW South Coast resident for 30 years. Prior to that, I and my family were residents for 18 years in three NSW central west towns.

I am, with my wife, family, friends and local community groups a regular and fairly intense user of various Crown Lands in the Shoalhaven and South Coast in particular for interests in conservation, environment, birds watching, photography, bush walking and recreation. I am often involved in various capacities in approaches to local council and the local Crown Lands Office regarding management of various Crown lands.

- Community Member of the Shoalhaven Council Natural Resources and Floodplain Management Committee.
- Committee member of the Basin Villages Forum Community Consultative Body.
- Conservation Officer Shoalhaven Branch of BirdLife Australia.
- Co-ordinator of the Heritage Estate Community Conservation network.
- Community member Bherwerre Wetland Steering Committee.
- Member of the Shoalhaven Bushcare Volunteers.
- Member Jervis Bay and Basin Art Society.
- Photographer to the Our Coast Our Lifestyle project of Shoalhaven Council.
- Member of the Community Review Group to the 2015 Shoalhaven Local Environment Plan.
- 2011-12 Community member to Shoalhaven Community Engagement Policy working group.
- Retired teacher with a 40 years background as teacher, senior executive, consultant and field studies teacher of Geography, Environmental Education and Aboriginal Studies.
- Co-author "Dubbo Region A Natural History" History of Rural Environmental Impact and Traditional Aboriginal Relationships with Environment. [1986]

I recognize the **terms of the Inquiry** as:

(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,

(c) the most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations, and

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

CONTRIBUTING COMMENT

1.0 the extent of Crown land and the benefits of active use and management of that land to New South Wales

1.10 Crown Lands are a very significant element of the mosaic of lands vested in **public ownership and community interest** and are thus a substantial subject of **public interest**.

1.20 Crown Land property contains significant **natural and cultural heritage**.

1.30 Crown Lands properties include **highly valuable foreshore, coastal and hinterland environments and habitats of quite varied ecology**. These invariably represent important and sometimes critical habitat for flora and native fauna, including threatened species. These lands are so often crucial to the corridor and habitat connections required for maintaining sustainable bird populations and bird migrations, both domestic and international. The importance of Shoalhaven Crown Lands to bird habitat and conservation is generally under-appreciated and insufficiently recognized in planning, management and operational actions. The “active use” of such places needs to be moderated and managed correctly to accommodate this situation.

1.40 The geographical location of many **Crown Lands adjacent** to or adjoining National Parks and Nature Reserves indicates the use and management requires support for such heritage properties.

1.50 In other instances the Crown Land property is **adjacent to urban use areas** and thus under considerable pressure. A significant type of pressure arises with adjacent residents who regard Crown Land property as part of their ‘portfolio’ for their use as they see fit. It isn’t of course but correction of this mentality is a necessary part of any new management thinking. The example of residents mowing into saltmarsh and burning mangroves in local coastal lake foreshore is a known local problem. Another example is a local council proposal to ‘garden’ key dune vegetation as an example of what could be done to achieve ‘views’ for neighbouring residents who have severely vandalized existing rehabilitated dune plant community.

1.60 Crown Lands can provide excellent **opportunities for public enjoyment** of natural environment. The carefully planned access of walking tracks, observation points and picnic areas adds tremendous value to a number of south coast Crown Lands and add significantly to the community value of the properties. The co-operation of community who use these places is generally excellent.

1.70 In some instances, such lands provide an **exceptional community opportunity** as they are properties containing remnant environmental exemplars combined with a possibility of access for recreational enjoyment. Travelling Stock Reserves are a special example of this circumstance.

1.80 Crown Lands have been used in the longer term and continue be **used on an intrusive, ad hoc and damaging basis**. This is not appropriate "active use". This is nowhere more the case than foreshore reserves where adjacent residential use of reserves can be damaging and often illegal. An example of this would be the erection of private jetties on the foreshore of coastal lakes and lagoons and the use of foreshore reserves to store boats.

2.0 the adequacy of community input and consultation regarding the commercial use and disposal of Crown land,

2.10 The **opportunity** for community input and consultation regarding commercial use and disposal of Crown Land is **inadequate and not commensurate** with the significance of the public interest in these lands [see 1.10]. The existing structure seems not to recognize nor operate with any of the good practice community engagement principles which would be expected.

2.20 **The ability for public and individual access to information regarding Crown Lands is highly constrained** and in some cases the Crown lands Office seems unable to develop information in regard to a community enquiry. The constraint appears to be adequate staffing to enable the proper support of community enquiry. One local example of this is the response to an enquiry from the local Community Consultative Body to Council enquiring about the legality of the unauthorized building of private jetties on Crown Land foreshore. This enquiry to Council languished for twelve months until the intervention of a councilor, which resulted in the response that this was not in fact a Council matter but a Crown Lands matter. This was accompanied by advice for Crown Lands contact. The initial referral to Crown lands elicited a response of acknowledgement but the simple matter still has not been resolved some five months later. The Crown Lands staff were supportive but indicated a problem with staff resourcing that would enable handling this enquiry. In these circumstances, the community is actually denied access to key information which allows them to take an active interest and role in Crown Land management.

3.0 the most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations,

3.1 The measures for **protecting Crown Land interpret locally through Council**, e.g. Shoalhaven City Council, their **Local Environment Plan Zoning**, the **political decisions of Councilors** and the **responsibility for Council** to manage these properties.

3.2 Characteristically, **councilor decisions so often lack an environmental ethos and broader eco-perspective**. In some regrettable instances the sound professional advice of council environment staff is ignored. A local council decision to allow extended mowing into foreshore completely lacked any plausible environmental or horticultural rationale but never-the-less prevailed and only served to exacerbate the conflicts involved in managing foreshore.

3.3 **LEP Zoning is often highly inappropriate on Crown lands requiring protection**. A good local example of this is the zoning of key environmental areas to Public Recreation. In some instances these areas cannot be accessed or used for public recreation and require an Environmental Conservation Zoning. On other instances the property requires an environmental zoning as a priority, which provides a necessary environmental imperative but which still allows for limited passive recreational use. This situation is exacerbated in some instances by the fact that these very same areas fall under an 'Endangered Ecological Community' classification. In some locations an appropriate zoning such as E2 does not involve the whole property and excludes key environment. Clearly, there needs to be rationalization of these conflicts.

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

4.10 This submission **recognizes, acknowledges and accepts the Land Rights** opportunities offered to Aboriginal people and communities in N.S.W. and Commonwealth legislation, in particular the opportunity provided to claim some Crown Lands. There can be no dispute of the moral or legal right to that process and the historic, social progress it represents.

4.20 The **processing of land rights claims** over Crown Land is recognized as involving particular problem for individual claims and thus rationalizing a back-log of claims.

4.30 The situation arising from this involves a **lack of available information** about successful land claims pending, which can contribute to a proper management perspective and sensible conservation decisions.

4.40 It is important that real rather than apparent **opportunities** are provided through appropriate consultation and engagement for Aboriginal people to contribute to the knowledge, understanding and appreciation of particular Crown Lands. If this occurs, the community value of these properties and the satisfaction from use will be increased. In some instances there are important and interesting historic associations between Aboriginal people and contemporary Crown Lands. In other instances an association will exist from traditional culture. Quality engagement and collaboration can only enhance the social value of Crown lands. Some supportive system of liaison is needed from any developments, for example, a designated Aboriginal Crown lands Liaison Officer for various regions.