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## **Upper House Inquiry into Crown Lands**

The Mosman Parks & Bushland Association has been concerned over its 52 year existence with the preservation and protection of bushland, open space, parks and reserves in the Municipality of Mosman. The Association's concern is that changes to the Crown Lands legislation and administration should continue to preserve the lands for the benefit of the environment and for present and future generations.

### **Terms of Reference for the inquiry**

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

The importance of Crown lands in protecting the natural environment should be recognised in the legislation. Crown lands are held in trust for present and future generations. Economic considerations should not override this principle in the objects of the Act.

#### **Importance of Crown Lands in Urban areas**

Crown lands in urban areas may be small compared with the Western Lands. However, they have vital environmental and biodiversity values as well as social, educational and other public amenity values. The Crown land reserves around Sydney Harbour have a state wide, even national value as well as a local one.

Environmentally, they frequently consist of vegetation remnants critical to biodiversity. They provide habitat and habitat corridors that add to the wider connectivity system.

Actively involved in bush regeneration, Members of Mosman Parks & Bushland are aware of the importance of controlling weeds and pests. The continued active management of Crown land is essential for environmental conservation.

As urban density increases Crown land has an increasingly important role to play socially, educationally, and in psychological well-being.

Crown lands everywhere should be managed to enhance their environmental and social values, rather than those of commercial interests. Public use and enjoyment of Crown land should be encouraged but only if it observes ecologically sustainable principles.



## **b) The adequacy of community input and consultation regarding the commercial use and disposal of Crown land**

Crown land is public land and public consultation and transparency is fundamental to decisions about that land. Reference to these principles is made under c) also.

The legislation may provide provisions of the disposal of Crown Land for the benefit of the people of NSW, but it should not be an object. The benefit to the people of NSW may be an immediate one - that of providing cash for a pressing government expenditure - but a perpetual benefit to future generations would need to be demonstrated as recompense for the loss of that land and the loss of its future use. Immediate benefit should not outweigh its future benefit.

A decision to dispose of land should involve community consultation and the benefit of the disposal should be transparent.

Similarly if the land is to be leased or commercially used the purpose and benefit should be made publicly available and accountable.

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

### **1. The needs of Crown lands in urban areas**

The needs of Crown lands in urban, coastal and Western areas may be different and they may require a different management focus to meet their respective needs.

### **2. Proposal to allow local councils to manage Crown land under local government legislation rather than under the Crown Lands Act**

Mosman has a number of Reserve Lands Trusts whose management would be affected by restructuring the management of the Trusts and by devolving these lands to local councils for management under the Local Government Act. The key to such devolvement of responsibility will be the continuation of the protection that these community lands will have under the Local Government Act. This Association supports maximum ongoing protection of environmental, heritage, social and community values. Assuming continuing protection under Local Government legislation, there are advantages of efficiency, and consistency that would result from local Crown reserves being managed by councils under the Local Government Act rather than under the Crown Lands Act.

However as there is a concurrent review of the Local Government Act, it is not clear how this transfer would take place or whether the transfer will be transparent and involve community input.

Appropriate funding for ongoing management of transferred land should be identified before a transfer occurs. Divestment of land without full community engagement, and inappropriate economic use are not supported. A process for identifying the public benefit should be clearly defined before any transfer occurs.



### **3. Management structure for Crown Reserves**

The new management structure proposed in the White Paper is to establish a 2 tier rather than a 3 tier structure. We consider that there are some fundamental problems in the structure and recommend some changes to improve the model to ensure that Crown lands are valued and well managed.

The three tier model sets up a trust and describes the basic parameters for the operations of that trust. Notably the Trust is charged with the care, control and management of the land in question and holds the land in fee simple for purposes of Part 5 of the Crown Land Act. The three tier model then identifies various groups and organisations that will manage the trust's affairs.

Under the 2 tier system the trust and its responsibilities are eliminated and the focus is on the various groups and organisations that will manage the land. This system focuses on management. Nothing is said about care and control. The question of a fee simple/ownership is eliminated. This is not satisfactory.

The management structure must operate with some clear guidelines or guiding principles, care being a very important principle. In addition the structure is silent on the question of control which suggests that it may be easier to change the uses of Crown land more simply and without the necessary checks and balances. The lack of "ownership" through a fee simple suggests that it will be easier to change the use of Crown Land.

If the 2 tier system is to go forward it must be amended to include reference to care, control and management as necessary functions/responsibilities of any organisation charged with managing any Crown lands. Consideration should also be given to limiting the uses that the managing organisations can allow. This could be achieved by incorporating the "fee simple" approach of the 3 tier system.

### **4. Governance standards for Crown reserves**

The White Paper states that *"The level of approval and reporting requirements will be tailored to match the complexity of the reserve management task and the competence and professional expertise of the Crown reserve manager"*

We consider there are major problems with such an approach which relies on subjective considerations and offers little rigour. To tie approval and reporting requirements to a staff member is particularly unsatisfactory as staff members change. This approach dilutes the importance or significance of the land itself.

Approval and reporting requirements should be determined having regard to a transparent set of objective guidelines or "heads of consideration" which would be referred to in all cases. This would be a similar situation to that provided by the S79C of the EP&A Act for considering development applications. We recommend that a set of such heads of consideration are developed and applied consistently so that the system is both transparent and its requirements recognised and understood.

Mosman Parks & Bushland appreciates the opportunity to comment.



Kate Eccles, President

24.7.2016