



Crown Land Management: Public Lands Under Threat

Introduction

The NSW state government is reviewing the administration of Crown land in NSW and proposes to:

- Establish a Crown Lands Division as part of a public trading enterprise
- Promote economic growth over social, cultural, local and environment concerns
- Overhaul the ownership of Crown lands that could result in their widespread sale or commercialisation by the government and/or transfer to local councils.
- Replace eight existing Acts applying to Crown lands with a single Act.

What is Crown Land and which land is under review?

Crown lands include iconic places such as: Bondi Beach, Hyde Park, Prince Alfred Park, Parsley Bay, Observatory Hill, Martin Place, Angourie National Surfing Reserve, Jervis Bay State Park and parts of the Macquarie Marshes. Less well-known areas include the travelling stock reserve network. Your favourite park and beach are probably Crown land as well.

The Crown Lands under review make up nearly half of NSW (approx. 33 million ha). Most of this land is in western NSW (30 million ha). In addition, there are 2.5 million ha of Crown reserves across the state. The remainder of the Crown lands include waterways, travelling stock reserves, commons, roads and unallocated land. State forests and Crown land reserved under the National Parks and Wildlife Act 1974 are not subject to this review.

Currently, Crown land is land owned by the NSW government on behalf of the people of NSW. At the start of European settlement, all land was designated as Crown land. Some Crown land has been returned to Aboriginal people.

How is Crown land currently managed?

Crown land in western NSW is managed primarily under the Western Lands Act 1901. An object of this Act requires that land be used in accordance with the principles of ecologically sustainable development.

Crown land in other areas is managed primarily under the Crown Lands Act 1989. This Act has a set of management principles, which include consideration of environmental protection, encouragement of the public use and enjoyment of the land and a requirement that the natural resources of the land be conserved wherever possible. The principles, where appropriate, also require that the land and its natural resources be sustained for future generations and permit multiple uses of land.

Crown reserves are reserved for public purposes. These include, for example, environmental and heritage protection, recreation, sport, open space and community facilities. Types of Crown reserves include state parks, beaches, caravan and camping grounds, cemeteries, racecourses, showgrounds, community halls, sporting fields, parks, wharves and ports.

Some Crown Land is managed by the NSW government; some by councils or trusts. Crown lands in the Western Division are leased; elsewhere, some are leased or licensed.

Significance of Crown Lands

Much of the Crown land in NSW has social, cultural, environmental or heritage values. Aboriginal people have a special relationship to the land. Millions of people each day use Crown reserves for recreation. Many parcels of Crown Land including most of the Western Division have high environmental value. They also protect unique landscapes and provide habitat for flora and fauna, including many threatened species and endangered ecological communities. In highly cleared landscapes, Crown lands provide vital habitat



Crown Land Management: Public Lands Under Threat

linkages between conservation reserves. They also contain other significant ecosystems such as littoral rainforests and coastal wetlands.¹

Community Concerns about the Future of Crown Lands

The Government has provided insufficient information about proposed reforms to Crown lands legislation for the public to be able to assess their full implications. From the information available, communities have identified serious concerns including:

- There has been no evaluation of the social or environmental values of Crown lands during the review although this was required by the Review's terms of reference.
- Ecologically sustainable development (ESD) is not proposed as an object of the new legislation and current management principles in the Crown Lands Act will be omitted.
- Under the government's plans, a business-orientated model is proposed that would promote economic growth over good environmental practice. This is not appropriate for lands that are of high environmental, social, cultural or heritage value.
- Crown land assessed as having local significance, if transferred to councils, could then be sold or its use changed. For example, open space could become a parking lot or road.
- Carbon sequestration will be promoted without consideration to the effectiveness and environmental impacts of particular types of sequestration.
- The Government's position on issues such as forestry on Crown lands and identification of Crown land as wilderness is unknown.

Further, the government has not made public, over 600 submissions to the Crown Lands Legislation White Paper. This is in contrast to what occurred in respect to the Planning Review White Paper.

Crown Lands Amendment (Multiple Land Use) Act 2013

In 2013, this Act amended the *Crown Lands Act* to allow the Minister to issue permits, leases, licences, easements or rights-of-way for the use or occupation of Crown Reserves and travelling stock reserves, which are inconsistent with the purpose for which the lands were reserved. For example, a communications tower could be erected on land reserved for conservation. To issue such a permit etc., the Minister must decide that the additional use or occupation of the Crown reserve is in the public interest and is not likely to materially harm the use or occupation for which the land was reserved.

These amendments are of particular concern because they extend the range of commercial interests and activities allowable on Crown reserves and travelling stock reserves, thereby, potentially restricting public use of, and access to those lands. This undermines the purpose for which the land has been reserved.

Conclusion

Crown lands must be preserved for the benefit of the community and our future generations. These lands are fundamental to our social, economic and environmental well-being and their management must conform to ESD principles. The *Crown Lands Review and proposed legislation* puts at risk the future management and use of public lands.

What Can You Do

- Contact your local MP & the Premier. Ask what action they will take to protect Crown lands.
- For the latest news, subscribe to our mailing list: Email bpn@betterplanningnetwork.org.au

Issue: March, 2015

¹"The Significance of Crown Lands In Biodiversity Conservation" Nature Conservation Council of NSW and National Parks Association of NSW, 2014"