

Greens NSW Submission

29 September 2017



Department of Industry
Lands and Forestry
PO Box 2185
Dangar NSW 2309

By email: legislation@crowmland.nsw.gov.au

RE: Draft Crown Land Management Regulation 2017

Thank you for the opportunity to make a submission on the Draft Crown Land Management Regulation 2017. The Greens cannot support the proposed regulation in its current form and have recommended a number of amendments that are essential to protect the public interest and the natural attributes of Crown Land.

The Greens believe that Crown land is a precious and increasingly scarce public asset. Crown land reforms must have one primary goal—to serve and protect the land for the public benefit through principles of ecologically sustainable development.

Shortcomings

The draft regulation is the next legislative step in implementing the Crown Land Management Act 2016 and our primary concern is that a number of shortcomings within this legislation have not been addressed or improved.

The draft regulation:

- Fails to implement ecologically sustainable development principles for dealing with Crown lands
- Does not prioritise the public requirements and public interest in decision making related to public land
- Does not require profits from private use of public land to be used for any public purpose
- Allows Crown lands to be vested to local councils without any assessment of its social, environmental and cultural heritage values
- Places a large amount of land in the management of local councils without providing sufficient funding and guidance to ensure that it is appropriately managed and protected
- Provides no rights for affected communities to appeal against bad or improper decisions about Crown Lands
- Overturns the High Court's 1959 decision in *Randwick Council v Rutledge* which requires that Crown reserves held on trust for public recreation must remain open to the public generally as of right and not be a source of private profits (unless all profits are reinvested in the trust property)
- Does not effectively respond to the findings of the NSW Auditor General's report into the Sale and lease of Crown land
- Does not provide detail on the functions, appointment or procedures related to the Crown Land Commissioners

Proposed amendments

Clause 14 prescribes the list of activities that can be prohibited on Crown land by direction or notice. We do not support the inclusion of 4, 6 or 7 and note our significant concern that this is part of a legislative

pattern by this government to restrict the right to protest on public land. In August 2017 the Sydney Public Reserves (Public Safety) Bill 2017 passed Parliament giving police the power to stop any protests on Crown land in the City of Sydney that do not have "formal" authorisation. The notion that protests need "authorization" is simply incorrect and a real and actual step towards a police state.

We recommend that item 4, 6 and 7 be removed from the list of activities that can be prohibited.

Clause 17 prescribes the guidelines for community-advisory groups for non-council managed land. We support these guidelines in principle and believe empowering communities to be involved in the management of Crown land is positive.

We recommend that 17 (2) be amended to include the impact that the proposed management of the managed land might have on members of the community AND the environment and local heritage (including Aboriginal heritage)

Clause 26 prescribes the criteria that will guide or direct the Minister when making decisions about what Crown land be potentially transferred to local councils for management as "local land." We believe that this criteria is a step in the right direction but must expressly include reference to ensure social, environmental, and/or cultural heritage values are protected.

We recommend that 26 (1) be amended to insert the following criteria:

(d) whether the transfer of the land is consistent with protecting any social, environmental, cultural heritage or economic values identified under a relevant audit of the land.

We support 26 (2) which provides a clear distinction of what the "public good" does not entail.

Clause 40 outlines the considerations that the Minister must take into account when determining whether to grant or refuse a purchase application for Western Crown land under a perpetual lease.

We recommend that 40 (1) (i) be amended to include specific reference to endangered or threatened animal habitat and/or endangered or threatened ecological communities.

Clause 43 outlines the list of approved activities on land under perpetual Western lands leases. The Greens do not support the inclusion of recreational hunting on this list. We believe that the management of wild introduced animals should only be done by licensed professionals and that public land should not be opened up to support and promote recreational hunting. This ensures that the management is done in an effective, professional and humane manner.

We recommend that item 8 be removed from the list of approved activities on land under perpetual Western lands leases.

We hope that this consultation is undertaken in a manner that is genuine and meaningful and would be happy to discuss any of the proposed amendments further.

Thank you for your consideration of this important matter.

Kind regards,



David Shoebridge, Greens NSW MP

Spokesperson for Crown Lands