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Nature Conservation Saves for Tomorrow

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**Crown Lands Management Review
NSW Trade & Investment
PO Box 2185 Dangar
NSW 2309**

Email: crownlands.whitepaper@trade.nsw.gov.au

BMCS Submission Opposing The Crown Lands Legislation White Paper¹

Preamble

The Blue Mountains Conservation Society (BMCS) has a membership currently in the order of 800. Its members are mainly drawn from the Greater Blue Mountains and Sydney Basin regions, but the membership also includes some from other parts of NSW and a sprinkling from interstate and overseas.

BMCS's Mission involves conserving and increasing awareness of the natural environment of the extensive Greater Blue Mountains Region (GBMR), including the Greater Blue Mountains World Heritage Area (GBMWhA) and the contained National Parks and Reserves. It has especial interest in the Blue Mountains City Council (BMCC) Local Government Area (LGA) and the interface between the 'City within the World Heritage Area' and the natural environment. Nevertheless, through its links with other environmental organizations, it is involved with the Western Escarpment of the Blue Mountains and the Lithgow City Council (LCC) LGA, with councils bordering the eastern side of the Blue Mountains, and with aspects of actions related to coal and coal-seam gas exploitation in the Western and Southern Coalfields.

Naturally, because the GBMR does not exist in a vacuum, BMCS is cognisant of and concerned with a range of broader issues such as climate change and energy resources.

1. BMCS' position

The Society is opposed to the White Paper on the basis of two 'local' concerns outlined in Sections 2 and 3 (below), and because of a range of more general items presented in Section 4 (below).

Without detracting from any aspect of Sections 2 to 4, the Society is totally opposed to the sale or free-holding of Crown lands, the exclusive use of Crown lands for commercial purposes, and any change which will weaken the current level of protection of Crown lands.

In toto, the Society sees the whole approach as one verging on madness. There is no appreciation of the intrinsic value of crown lands. Rather, there is an inane obsession that an asset is inadequately being

¹ This paper stems from the review at:
www.lpma.nsw.gov.au/crown_land/comprehensive_review_of_nsw_crown_land_management

exploited for commercial gain. The ‘solution’ seems to involve hitting everything with the wrecking ball in order to see what survives!

2. Gardens of Stone Stage 2 Proposal (GoS2)²

The Gardens of Stone Stage 2 Proposal was lodged in 2005 over approximately 40,000 ha of Crown lands and State Forests extending north-westward from Medlow Bath through Newnes Plateau to Mt Airly. Additional information may be found on the Society’s website³.

The Proposal was favourably assessed by the Department of Environment and Conservation (DEC) in 2006, although some parts were recognised as presenting considerable difficulty in terms of their reservation⁴. Part of the Proposal (Mt Airly and Genowlan Mountain) was reserved as the Mugii Murum-ban State Conservation Area (SCA) in 2011, and according to the outline indicated in the Assessment Report⁴, the Ben Bullen and Wolgan State Forests were the next areas under consideration; they remain so!

To the extent that most of the Crown lands were deemed to have environmental values meriting reservation, the Society strongly opposes any changes which might impact on their current status. This is because such changes:

- might impede the capacity of the areas to be included in the various parts of the GoS2 Proposal; and,
- might exclude such areas from GoS2 thereby limiting the continuity and size of the proposed SCAs.

The latter point reflects the well-established position that the ecological effectiveness of a reserve increases exponentially with its area and distance from boundary (edge) effects.

3. Public Lands Rationalisation Process (PLRP)

The majority of the smaller pieces of Crown land within GoS2 between Lithgow and Medlow Bath were subject to the Blue Mountains PLRP. Of the approximately 3910 ha involved, it was decided that about 2500 ha be managed as Council Reserve and nearly 660 ha be assigned to the Blue Mountains National Park⁴. At the time of the Assessment Report, about 650 ha remained to be resolved and endorsed under the joint BMCC, DEC and Lands Department PLRP.

Regrettably, the government was not able to assign funds for DEC to incorporate and manage the ‘parks’ additions and the whole process appears to have stalled. Many of the details are to be found in the BMCC Community Land Plan of Management (2004)⁵.

These pieces of land include some of the most important environmental and heritage portions of the Western Escarpment⁶, including the first passes used by Europeans to reach the interior of the continent. They should have been protected through the PLRP and, due to the lack of progress, were included as part of the GoS2 proposal. **It is vital that the work undertaken by BMCC and DEC in dealing with these important environmental and heritage assets not be forfeit to another bureaucratic exercise.**

In addition, these areas should now be protected as part of the GoS2 Proposal for the reasons given in Section 2 dot-points 1 and 2 (above).

² http://www.bluemountains.org.au/documents/campaigns/gos2_proposal.pdf (ISBN 0 858812 118)

³ <http://www.bluemountains.org.au/gos2.shtml>

⁴ DEC 2006, Assessment Report, Gardens of Stone Stage Two Proposal – State conservation Areas and Park Extensions

⁵ http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&ccd=1&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.bmcc.nsw.gov.au%2Fdownload.cfm%3Ff%3DFACDE7CD-AE40-9F6C-BBDAD11AD32801D1&ei=AMajU5WBBZPd8AX_jIGwCA&usq=AFQjCNEzmEA2oQn4LxzcPGw6mR99sryxyw&bvm=bv.69411363,d.dGc

⁶ <http://www.bluemountains.org.au/gos2.shtml>

4. Other concerns

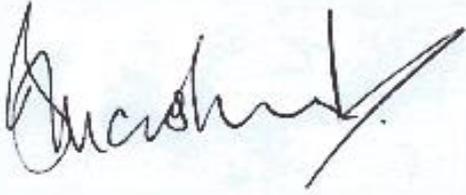
- (a) From experience, dealing with government departments in relation to Crown lands is extremely difficult, not least because there seem to be enormous jurisdictional overlaps. This suggests a need for rationalisation and for proper funding and plans of management. The Society recognises this and supports the need to improve things. However, it is opposed to the philosophy which sees Crown lands as a ‘cash cow’. Such an approach starts with the assumption that the assets are under-used and that the solutions amount to either selling the lands or fobbing them off to councils such that they carry the ‘burden’. Until there is a proper understanding of the Crown lands’ current value (and one size does not fit all!), judgements about how to improve management and value are meaningless ideological exercises.
- (b) The White Paper advocates changes in the management and envisages commercialisation or sale of Crown lands. The details are conspicuously absent and there is little indication that the implications of ‘ideas’ have been thought through. Thus:
- There is negligible recognition of the environmental values of Crown lands, irrespective of whether they are embodied in stock routes or reserves, and how these areas relate to other forms of reservation.
 - There is little consideration of how the areas will be properly managed for a range of uses and how the managers (local councils?) will be funded – this is a recipe for extreme uncertainty as a function of the capacity and interest (or lack of it) of the divers councils involved.
 - Who will assess the environmental, heritage and social values of the millions of ha comprising Crown lands, and then justify the changes in function for each area, irrespective of whether it is allocated to high-impact commercial activities, or left untended and unappreciated through lack of commercial interest?
 - Does anyone care that Crown lands may contain important ecosystems and comprise habitat for resident, itinerant and migratory birds and mammals? Are the authors of the White Paper incapable of seeing value other than coins in a till?
- (c) There is total uncertainty in relation to local government reform, funding of councils, changes in long established Acts to ‘improve efficiency’ by reducing red (=green) tape, extreme uncertainty about the interaction between farmers and other commercial interests (e.g. CSG and open-cut coal extraction), and no clear idea of how to value the environment versus coal exploitation (beyond the fact that the commonly used methods by consultants are far removed from reality, as recently noted by a Planning Assessment Commission). Making changes in such an uncertain and misunderstood situation is fraught with difficulty and can only generate mayhem.
- (d) If councils (merged or as they currently are?) are to be increasingly responsible for Crown lands’ management, they must have sufficient capacity (including resources and training) to undertake the task, and yet we know that many councils are underfunded, lack such staff-assets, and will only be able to attempt the task if additional (and adequate) funds are provided by the NSW Government or rates, taxes and levies are increased. So this begs the following questions:
- Who will ensure that councils do the job assigned to them?
 - What will prevent councils from capitalising the assets for commercial development?
 - How will community input be handled? One hopes that the current forms of Community Consultation Committees will not be employed. Consultation currently involves provision of information to ‘keep the people happy’; it needs to involve listening, dealing with real concerns and enacting solutions.

- (e) It is regrettable that, as with so many of these government-driven changes, reviews are conducted with terms of reference to ensure the required outcomes. Consultation with organisations likely to be concerned is usually inadequate; it should precede finalisation of the review such that all the ‘potholes’ are identified and highlighted by the review. The White Paper should contain the answers to the many uncertainties now being raised. It is a question of whether something is evolved from the bottom upward, or imposed from the top downward. The White paper contains all the flaws consistent with ‘top down’ processes.

5. Conclusion

The Society appreciates the opportunity to comment on the White Paper. Unfortunately, whereas upfront community input would have potentially informed the direction of the proposed changes, tested the assumptions being made by the White paper about community expectations, and ensured that a substantial number of the unanswered matters were resolved, or at least dealt with in a practicable way, this has not happened.

The Society consequently believes that the White Paper is largely inadequate and should be totally reconsidered with appropriate input from those who understand all the issues rather than just the source of the next dollar.

A handwritten signature in black ink on a light blue background. The signature is cursive and appears to read 'Brian Marshall'.

***Dr Brian Marshall,
For the Management committee.***