

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

14 October 2017

Email: legislation@crowland.nsw.gov.au

Dear Sir/Madam

RE: Draft Crown Land Regulation 2017

Friends of Ku-ring-gai Environment Inc have a number of major concerns regarding the Draft Crown Land Regulation 2017.

The proposed draft regulations need to be amended to take into account community widespread concerns as outlined below.

The proposed regulations:

- Are not clear and enforceable and need to be strengthened to protect community land for community purposes to prevent questionable alienation of community land.
- Do not hold a Local Council fully responsible for the management of the land for the public good particularly where there is found to be illegal leasing and privatisation.
- Do not propose penalties to Local Councils for any breaches of the regulations.
- Do not provide for the maintenance of land by the Government after the land has been vested particularly as all income derived from vested land will be retained by Local Councils and the Local Council will be required to include the land in its asset management.
- With the conversion of Crown Land, its privatisation and development, will lead to detrimental consequences for the community with loss of green space and recreational outlets which once gone cannot be replaced.
- Will diminish the ability to protect and preserve Crown Lands flora and fauna in rural and urban areas in transferring Crown Lands to Local Council Control.
- Do not deal in detail with community consultation and engagement strategies particularly in clarifying procedures in involving communities in decisions concerning the use, lease and sale of Crown Lands.
- Will make it difficult for communities to know how the new regulations will apply to their specific circumstances due to the fact that fundamental information on how to identify and audit the Crown Lands that they manage is not yet in place.
- Do not guarantee any provision for actions to be taken following community consultation.
- Do not guarantee that Crown Land will remain as designated 'community land' but could be reclassified to 'operational land' which can be sold and may lead to questionable alienation of public land. Therefore, regulations protecting community land for community purposes

need to be strengthened in the Crown Land Management Act 2016 and Crown Land Regulations 2017.

- Do not allow communities to take action or bring civil proceedings or achieve any remedy or restrain a breach in the Land and Environment Court where breaches of the CLM Act 2016 have occurred.
- Leave the community with no effective power in the decision-making process or when breaches occur.
- Do not allow for sufficient penalties to be incurred for breaches of the regulations which will either deter or meet the cost of restitution should Crown Lands be damaged.
- Do not identify or prioritise upfront the maintenance of local ecosystems and vital habitat linkages between conservation reserves.
- Privatisation and development of Crown Land which may well lead to negative consequences for the community with the loss of green space and recreational spaces.

Conclusion:

The Crown Lands Management Act 2016 and the Crown Lands Management Regulation 2017 allow the State Government to divest itself of its responsibilities in regard to Crown Land Management in order to facilitate privatisation and further development without any real benefit to communities other than to vested interests who wish to capitalise and benefit from the privatisation and commercialisation of Crown Lands.

We thank you for giving us the opportunity to make a submission and hope our submission will be taken into consideration and that the Act and Regulations be amended to take into consideration community concerns.

Yours faithfully

Kathy Cowley
PRESIDENT