

Submission

No 111

**CONSULTATION ON THE MODERN
MANAGEMENT OF COMMONS**

Name: Nature Conservation Council

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NCC

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Subject: NCC Submission - Recognising and protecting the values of commons

NCC Submission - Recognising and protecting the values of commons

Dear Sir/Madam,

Thank you for the opportunity to comment on your recent document 'Recognising and protecting the values of commons' (January 2017) as part of the comprehensive review of NSW Crown land management being undertaken by government.

The Nature Conservation Council of NSW (NCC) is the peak environment organisation for New South Wales, representing over 150 member societies across the state. Together we are committed to protecting and conserving the wildlife, landscapes and natural resources of NSW.

Throughout the Comprehensive Review of Crown Land Management NCC and our member groups have argued that the environmental, social and cultural values of all Crown land be protected for the public benefit of the people of NSW.

We maintain this view with respect to commons. Commons are important parcels of Crown land that have a long history in some areas of NSW, and as recognised in your discussion document, are often key green spaces adjoining settlements. They have important environmental, social and cultural values. It is therefore essential that in considering the future management of commons, these values are protected.

We recognise the need to improve the management of Crown land reserved as a common or a related purpose within the Crown land reserve system. We generally support the proposal that commons will be Crown land that is reserved for three purposes - a common, community use and protection of cultural and environmental values.

We also assume that, as Crown land, commons will need to be managed in accordance with the principles of Crown land management, which we were pleased to see retained in the Crown Land Management Act 2016.

Section 1.4 of the Crown Land Management Act 2016 states: For the purposes of this Act, the principles of Crown land management are:

- a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- c) that public use and enjoyment of appropriate Crown land be encouraged, and
- d) that, where appropriate, multiple use of Crown land be encouraged, and
- e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

However, we raise a number of concerns with respect to the ongoing identification and management of commons:

- The proposed streamlined management should not facilitate any future alienation, sale or diminishment of the core values of Crown land reserved as a common. This requires improving transparency in the management of commons and ensuring that Crown land covered under the current Commons Management Act 1989 is clearly identified in a publicly accessible portal. Without clear identification of this public land there is a risk it will not be managed according to the principles of the new Act.
- A robust assessment of the environmental values of commons should be undertaken as part of the comprehensive review of all Crown land. Until these parcels are identified and a proper environmental assessment is undertaken it is impossible to know their ecological value and landscape significance. We draw to your attention to the sales of Crown roads which seem to be occurring via a process outside the comprehensive review of Crown land management. We would have concerns if commons were sold or alienated in a similar process to that of Crown roads.

- Whilst we recognise the important role of commoners in the historic management of some commons e.g. St Albans and Corowa commons, not all commons are identified and managed appropriately. We are concerned that such commons outside an active Common Trust are vulnerable to sale, alienation and degradation of their environmental values.

In summary, we support improved management of Crown land reserved as a common, in accordance with the principles of Crown land management and recognising the important environmental, social and cultural values of commons for the public benefit. We also submit that commons be included in a proper stocktake of all Crown land in NSW with a view to assessing and protecting the important environmental, social and cultural values of Crown lands for future generations.

Yours sincerely,
Cerin Loane
Policy and Research Coordinator