

**Submission
No 318**

**INQUIRY INTO MANAGEMENT OF PUBLIC LAND IN
NEW SOUTH WALES**

Organisation: Kempsey Shire Council

Name: Mr Robert Scott

Date received: 3/09/2012



Ref: F12/239 (D12/6429)
RJS RG

30 August 2012

The Director
General Purpose Standing Committee No. 5
Parliament House
Macquarie Street
SYDNEY NSW 2000

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GPSC's

Dear Sir

SUBMISSION TO THE INQUIRY INTO THE MANAGEMENT OF PUBLIC LAND

I refer to the Inquiry into the Management of Public Land and the call for submissions with regard to the Terms of Reference for the Inquiry.

Council considered the matter at its meeting on 21 August 2012 where Council resolved that:

- "1 That Council submits the draft submission to the Inquiry as detailed in the report.
- 2 That Council writes to the Hon Andrew Stoner, Member for Oxley, to advise of Council's submission to the Inquiry."

Accordingly, please find attached Council's submission to the Inquiry which raises specific examples from Council's experience regarding the impact of the conversion of public land to National Park within the Kempsey Local Government Area.

Should you require further information, please do not hesitate to contact Council as detailed below.

Yours sincerely

Robert Scott
DIRECTOR INFRASTRUCTURE SERVICES

SUBMISSION TO GENERAL PURPOSE COMMITTEE STANDING NO.5 – INQUIRY INTO THE MANAGEMENT OF PUBLIC LAND IN NSW

Background

Kempsey Shire is located within the eastern section of the Macleay River Valley on the Mid North Coast of NSW. The Local Government area encompasses 338,100 hectares or 3,381 square kilometres. A large proportion of the shire is public land managed as either state forest, national park or crown land. The population within the shire is less than 30,000 people geographically dispersed within a number of towns and coastal villages as well as the surrounding agricultural land.

The Local Government area of Kempsey Shire occupies around one quarter of the river catchment of the Macleay River including the Lower Macleay Floodplain. It is the fourth most flood-prone area in NSW and in the last three years has experienced five natural disaster declared major flood events.

Kempsey Shire Council actively maintains a road network over 1,100 kilometres including 172 bridges and 120 major road culverts. There is also an extensive length of unformed public roads and unmaintained public roads within the shire.

The Issues Associated with Conversion of Managed Lands into National Parks

Over a number of decades, Council has observed a number of large areas within the shire that have been converted to national parks. These include:

- The transfer of Goolawah Reserve along Point Plomer Road south of Crescent Head into Limeburners Creek Nature Reserve in 2008/09;
- The establishment of Hat Head National Park during the early 1990s;
- The transfer of State Forest 601 off Hickeys Creek Road at Hickeys Creek to the New England National Park in the late 1980s.

These constitute a few of the conversions known to Council and it is considered that there would be others.

From a Local Government perspective, there are a number of implications which can result from these conversions including impacts upon legal access to private property and alterations to the maintenance of public roads within or adjoining the managed lands.

Private Property Access Impacts

When converting land to national park or nature reserve, care should be taken to ensure that the conversion does not disrupt the legal form of access to private property. This can result in portions of land with no legal form of access to the public or crown road network and seriously impact upon the future usability and saleability of the land.

Following establishment of the Hat Head National Park, a number of properties in the Belmore River area between Crescent Head and Hat Head, off Loftus Road, were left with no formal access to the local road network. The properties were provided with domestic access to the road network via a right of carriageway through the newly established national park; however, this has effectively prevented the commercial use of the land for agriculture and extractive industries.

Changes to Road Maintenance Practices

State Forest 601 at the end of Hickeys Creek Road, Hickeys Creek, was dedicated in the early 1900s. Prior to its conversion to national park in the late 1980s, it was regularly

managed for hardwood timber production. The forest was accessed directly from Hickeys Creek Road which is a dedicated public road from Armidale Road to the boundary of the forest (now New England National Park).

The dedicated length of Hickeys Creek Road is approximately 20 kilometres. Council has traditionally maintained approximately 17 kilometres of the road, with the last three kilometres being recognised by Council as unmaintained. This is not an unusual situation at the end of Council's public road network particularly where the road connects to or leads into crown land, state forest or national park.

Prior to conversion of State Forest 601, the last three kilometres of Hickeys Creek Road were periodically maintained in an appropriate condition for logging access. The subject section of public road also serves four private properties, out of which, only two contain dwellings. As a result of this periodic maintenance, the residents within the final three kilometres of the public road became accustomed to the level of maintenance afforded to the road by NSW State Forests.

Upon conversion of the State Forest 601 to national park, the last three kilometres of the public road reverted to Council's adopted level of service being an unmaintained road. For the past 20 years residents in this area have consistently lobbied Council to alter the maintenance status of the road so that the same level of service they were accustomed to is provided.

Summary

In summary, from Council's experience with conversion of managed land to national park, greater consideration should be given to the identification of the impacts upon adjoining property owners. This is particularly in relation to the continuity of legal property access and the ongoing maintenance of the crown road – public road network. Failure to adequately identify and address these matters during the conversion process has the potential for significant economic impacts upon local government, the community and adjoining residents as well as generating a source of ongoing conflict into the future.

Should it be required, Council would be willing to provide more details to the Inquiry regarding the particular examples listed in Council's submission.

[end]