



Monaro Acclimatisation Society Inc
9 Thompson Drive
Tathra NSW 2550

Sustainable future fishing for trout and native fish

Submission on the Statutory Review of the *Crown Land Management Act 2016* (NSW)

Background

Founded in 1937, the Monaro Acclimatisation Society Incorporated (**MAS**) is a voluntary, incorporated association primarily concerned with the development and maintenance of freshwater fisheries in south-eastern New South Wales (primarily in the Snowy Mountains/Monaro region). Because this region contains mostly trout water, the MAS has a focus on trout – but it also makes significant contributions to the native fish program throughout the region. The MAS is a primary stakeholder with the New South Wales Department of Primary Industries (Fisheries) and is recognised as such under the *Fisheries Act 1935* (NSW). MAS participates with NSW Fisheries in the stocking of freshwater lakes and rivers, is involved in the maintenance of riparian habitat, and contributes to policy and legislation affecting freshwater fishing in New South Wales. MAS is a Crown Reserve Trustee, and is working with the Recreational Fishing Alliance of New South Wales on the NSW Angler Access Project – which aims to secure Crown Reserves and Crown Roads for the purpose of angler access in New South Wales.

The MAS has a long and proud history of angler representation. Since its inception, the MAS has worked to improve fishing and the aquatic environment in the region.

The MAS is affiliated with the NSW Council of Freshwater Anglers – a peak body designed to represent the interests of all freshwater anglers in New South Wales. The MAS is also represented on the following NSW Fisheries consultative bodies:

- NSW Fisheries Trout Allocation Committee;
- Snowy Mountain Lakes Working Group;
- Gaden Trout Hatchery Management Committee.

Submission

This submission is based on the MAS' lived experience with the Crown Lands division and compliance matters. Our submission covers three elements:

1. The MAS' experience as a Crown Land manager.
2. The MAS' wish to be recognised as a key stakeholder organisation when proposals are being considered for all Crown Land transactions adjoining rivers and impoundments in the Snowy/Monaro region.
3. The MAS' experience with compliance issues.

The MAS' experience as a Crown Land manager

The MAS is the Crown Land manager of a reserve on the Thredbo River, downstream of the Gaden Hatchery. As a manager, we have had no problems working within the parameters of the *Crown Land Management Act 2016* (NSW). We report each year using the portal and we have found it to be quite user-friendly. We do minimal work on the Reserve, and have no staff or other issues.

Key stakeholder organisation

This matter relates to the Crown Land Transactions section of the review document. Crown Lands that adjoining river and impoundments often provide the only public access for anglers to access these rivers and impoundments for recreational purposes. Where there are proposals for Crown Land transactions on parcels of land adjoining rivers and impoundments in the Snowy/Monaro region, the MAS wishes to be regarded as a key stakeholder to be consulted at the contemplative stage, so that we may consider such proposals from an angler access perspective.

No doubt, there are many other organisations that would wish to be consulted on any proposals for Crown Land transactions. It is therefore important that the review recognises the need of these organisations also to be consulted – at the contemplation stage.

The MAS requests that it be regarded as a key stakeholder organisation to be consulted, at the contemplative stage, when there are proposals for Crown Land transactions on lands adjoining rivers and impoundments in the Snowy/Monaro region. More generally, the MAS recommends that all relevant organisations be consulted, at the contemplative stage, whenever Crown Land transactions are being proposed.

Compliance

Over the years the MAS has had occasions to work with the Crown Lands compliance team to protect access to Crown Lands that lead to waterways. At times, landholders have sought to deny or limit access to Crown Lands that provide access to fishing destinations; primarily on various rivers in New South Wales. We also note that the NSW Council of Freshwater Anglers has also faced similar issues.

The most recent case involving the MAS is a matter relating to a Crown road that branches off a Council road (Warrigal Road) in the Nimmitabel district of NSW, which leads to a Crown Reserve on the Maclaughlin River. This river is without doubt one of the most iconic trout streams in NSW, and has a high visitation rate. Following the sale of land incorporating the Crown road, the new owner blocked the Crown road that leads to the reserve.

To resolve the issue, the MAS engaged NSW Fisheries and the Crown Lands compliance officer. Despite this matter going on for three years, it remains unresolved – and from the MAS’ perspective, it seems that the Crown Land compliance team is either unable or unwilling to properly resolve the matter. To be fair, the compliance officer did consult the landholder and the offending lock on the gate was removed, but then the landholder used a landscaping machine to build unnavigable mounds of earth across the Crown road easement.

Issues stemming from this conflict are relevant to the current review under the Protection, Compliance and Enforcement section of the review document, and we use it here as our example.

- In the example, discussions with the compliance manager revealed that he was well aware of the *Roads Act* and the *Crown Lands Act* in this matter; however, he stated that he was

unaware of the *Inclosed Lands Protection Act*. In this case the *Inclosed Lands Protection Act* was a vital component of the case. The landholder contended that people using the track were trespassing, as the track did not exactly follow the Crown road easement. The MAS' view is that the *Inclosed Lands Protection Act* negated the notion of trespass and in effect, the track became the Crown road. The MAS considers it important that compliance officers be conversant with all Acts that apply to Crown lands.

The MAS recommends: that all compliance officers receive training in the *Inclosed Lands Protection Act* as it relates to Crown roads.

- In this example, the landholder has pushed a substantial amount of earth along the Warrigal Road corridor to block access to the Crown road. Although the compliance officer has been made aware of this, he has not taken any action. One justification was that the exact position of the Crown road could not be identified, as it had not been surveyed. The MAS was advised that the Department could not afford to survey the road in question, and that the MAS would have to fund the survey.

The MAS recommends: that Crown Lands fund and develop the ability to survey the boundaries of Crown lands and roads in cases of conflict.

- In the example, the landholder consulted SixMaps and discovered that the Crown reserve accessed by the Crown road was “in” the river, not on the bank. While the compliance officer did a review and confirmed that the reserve was a 20-metre reserve on the bank, the MAS was advised that this would need to be surveyed.

The MAS recommends: that in addition to developing the capacity to survey as stated above, every effort be made to ensure that SixMaps is as accurate as possible.

- In this example, the MAS has worked in partnership with NSW Fisheries; however, NSW Fisheries has regularly advised the MAS that they have no power or jurisdiction over Crown lands.

The MAS recommends that NSW Fisheries Compliance Officers and NSW Fisheries Access Officers be included in the list of qualified persons that can be appointed as an ‘authorised officer’.

The MAS believes that compliance with the *Crown Lands Act* is inadequate and over the years has demonstrated an inability to resolve conflict where one party is intent on ignoring Crown lands management and rules. The MAS believes that all the remedies proposed in the review are long overdue, and that those proposed here by the MAS will further strengthen compliance and ensure that Crown lands are available to the community, free of abuse, intimidation and threats from the minority of landholders who believe that they have exclusive right to the Crown estate.

BOUNDARIES			
NO.	BEARINGS	DISTANCE	
1	118°27'00"	40.03	PO
2	157°10'00"	163.15	PO
3	147°03'00"	382.62	PO
4	163°48'00"	64.58	PO
5	132°08'00"	84.29	PO
6	141°26'00"	72.622	PO
7	115°51'00"	262.12	PO
8	136°19'00"	247.03	PO
9	112°50'00"	115.07	PO
10	128°44'00"	195.74	PO
11	164°40'00"	111.245	PO
12	129°56'00"	60.75	PO
13	161°19'00"	62.97	PO
14	118°06'00"	57.53	PO
15	60°07'00"	51.90	PO
16	27°36'00"	36.61	PO
17	75°19'00"	44.66	PO
18	120°29'00"	31.38	PO
19	337°20'25"	12.03	PO
20	340°06'15"	172.59	PO
21	343°21'25"	77.14	PO
22	1°56'15"	91.6	PO
23	20°31'10"	77.14	PO
24	23°46'15"	10.35	PO
25	23°45'30"	84.79	PO
26	8°46'35"	47.55	PO
27	356°41'00"	19.41	PO
28	4°14'00"	66.405	PO
29	347°03'00"	108.95	PO
30	356°35'	14.45	PO
31	92°48'55"	106.19	PO
32	163°29'50"	57.05	PO

BOUNDARIES			
NO.	BEARINGS	DISTANCE	
33	160°06'15"	47.51	PO
34	70°06'15"	40.235	PO
35	340°06'15"	46.315	PO
36	343°29'50"	84.065	PO
37	340°24'15"	58.405	PO
38	356°38'00"	75.77	PO
39	344°41'00"	130.36	PO
40	32°54'00"	57.72	PO
41	32°54'00"	51.64	PO
42	337°04'00"	175.92	PO
43	23°37'00"	179.16	PO
44	351°28'00"	74.07	PO
45	335°32'00"	72.66	PO
46	356°27'00"	37.96	PO
47	6°43'00"	108.57	PO
48	269°48'00"	20	PO
49	6°43'00"	158.3	PO
50	8°08'00"	97.79	PO
51	317°40'00"	40.96	PO
52	317°40'00"	41.26	PO
53	341°23'00"	82.06	PO
54	282°00'00"	63.11	PO
55	246°52'00"	152	PO
56	348°42'00"	27.26	PO
57	343°08'00"	92.94	PO
58	351°32'00"	51.7	PO
59	179°43'00"	234.36	PO
60	89°45'00"	132.77	PO
61	179°45'00"	109.64	PO
62	89°45'00"	98.97	PO
63	179°45'00"	20.12	PO

ROAD BOUNDARIES			
NO.	BEARINGS	DISTANCE	
64	163°04'40"	54.12	PO
65	169°47'40"	47.11	PO
66	177°56'40"	64.63	PO
67	185°01'40"	55.94	PO
68	194°23'40"	50.81	PO
69	197°28'40"	22.25	PO
70	197°28'40"	21.33	PO
71	197°28'40"	17.36	PO
72	206°38'40"	56.17	PO
73	212°55'40"	171.60	PO
74	215°33'40"	28.59	PO
75	215°33'40"	28.18	PO
76	201°39'40"	56.00	PO
77	194°29'40"	55.97	PO
78	187°11'40"	56.03	PO
79	179°58'40"	55.93	PO
80	172°49'40"	55.95	PO
81	165°05'40"	55.86	PO
82	157°48'40"	56.11	PO
83	150°36'40"	55.88	PO
84	143°12'40"	56.00	PO
85	135°54'40"	56.05	PO
86	128°36'40"	56.01	PO
87	116°57'40"	55.70	PO
88	113°32'40"	55.54	PO
89	110°43'40"	56.55	PO
90	102°51'40"	158.06	PO
91	99°46'40"	37.38	PO
92	108°35'40"	62.40	PO
93	112°18'40"	63.05	PO
94	119°28'40"	39.39	PO
95	119°28'40"	24.20	PO
96	133°26'40"	63.43	PO

ROAD BOUNDARIES			
NO.	BEARINGS	DISTANCE	
97	136°48'40"	63.43	PO
98	135°33'40"	64.25	PO
99	151°49'40"	64.29	PO
100	168°37'40"	64.43	PO
101	167°04'40"	63.07	PO
102	174°46'40"	63.19	PO
103	178°28'40"	63.43	PO
104	190°04'40"	62.79	PO
105	193°41'40"	204.63	PO
106	190°08'40"	61.96	PO
107	182°27'40"	37.70	PO
108	182°27'40"	23.09	PO
109	174°36'40"	25.54	PO
110	174°36'40"	36.28	PO
111	171°08'40"	103.9	PO
112	390°53'40"	47.48	PO
113	357°02'40"	77.39	PO
114	356°31'40"	66.32	PO
115	2°27'40"	3.02	PO
116	2°27'40"	43.55	PO
117	2°27'40"	20.26	PO
118	10°08'40"	66.33	PO
119	13°41'40"	204.61	PO
120	10°01'40"	58.36	PO
121	2°19'40"	57.64	PO
122	354°46'40"	57.82	PO
123	347°04'40"	57.74	PO
124	329°36'40"	57.78	PO
125	331°49'40"	56.39	PO
126	334°45'40"	58.12	PO
127	316°48'40"	58.14	PO
128	309°34'40"	51.08	PO
129	309°34'40"	6.54	PO

ROAD BOUN	
NO.	BEARINGS
130	301°30'40"
131	294°07'40"
132	286°44'40"
133	282°51'40"
134	281°41'40"
135	288°31'40"
136	293°32'40"
137	301°05'40"
138	308°36'40"
139	315°54'40"
140	323°12'40"
141	330°36'40"
142	337°48'40"
143	345°05'40"
144	352°49'40"
145	359°58'40"
146	7°11'40"
147	14°29'40"
148	21°39'40"
149	26°48'40"
150	26°48'40"
151	37°12'40"
152	32°55'40"
153	28°41'40"
154	28°49'00"
155	10°51'40"
156	10°51'40"
157	11°52'40"
158	18°41'40"
159	357°56'40"
160	349°45'40"
161	343°05'40"
162	331°30'40"
163	331°30'40"

PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 1 of 2 sheet(s)	
Registered:  17.05.2017 Title System: TORRENS Purpose: SUBDIVISION PLAN OF SUBDIVISION OF LOTS 38, 39, 73, 74, 106, DP 756833 & LOTS 212, 214 DP 44407	Office Use Only DP1223109 Office Use Only
LGA: SNOWY MONARO REGIONAL Locality: NIMMITABEL Parish: GLENBOG County: WELLESLEY	
Crown Lands NSW/Western Lands Office Approval I, _____ (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: _____ Date: _____ File Number: _____ Office: _____	Survey Certificate I, JOHN WINSTON KLEVEN of KLEVEN SPAIN PIL PO BOX 1150 COOMA 2630 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on _____ *(b) The part of the land shown in the plan ("being" excluding _____) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on _____ the part not surveyed was compiled in accordance with that Regulation. *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> . Signature: _____ Dated: 2/5/2016 Surveyor ID: 1434 Datum Line: 'A' - 'B' Type: *Urban/Rural The terrain is *Level-Undulating / *Steep-Mountainous. *Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.
Subdivision Certificate I, <u>JOSEPH C. VESCI</u> *Authorised Deputee/General Manager/Accredited Officer, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: _____ Accreditation number: _____ Consent Authority: <u>SNOWY MONARO REGIONAL COUNCIL</u> Date of endorsement: <u>24th MAY 2016</u> Subdivision Certificate number: <u>20.2016.18.1</u> File number: _____ *Strike through if inapplicable.	Plans used in the preparation of survey/compilation. 4462-1584, DP546758, 4562-1584, DP602413, 5386-1584, DP1145171, R9638-1603, DP238056, DP238061, 2742-1584, DP44407, 2797-1584, 1732-1603, DP185723, 608-1584, 563-1584 If space is insufficient continue on PLAN FORM 6A
Statements of intention to dedicate public roads, public reserves and drainage reserves.	
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 2 sheet(s)	
Registered:  17.05.2017 PLAN OF SUBDIVISION OF LOTS 38, 39, 73, 74, 106, DP 756833 & LOTS 212, 214 DP 44407	Office Use Only DP1223109 Office Use Only
This sheet is for the provision of the following information as required: • A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.	
Subdivision Certificate number: <u>20.2016.18.1</u> Date of Endorsement: <u>24 MAY 2016</u>	
ADDRESSES NOT AVAILABLE.	
DAVID AINSLIE LITCHFIELD <i>David A. Litchfield</i>	
If space is insufficient use additional annexure sheet	
Surveyor's Reference: C461 FILE: 2016M7100(1209) COMP.	

Image of Obstruction to Access Road

