

PROTECTORS OF PUBLIC LANDS (PPL)

‘PUBLIC LANDS PROTECTION BILL’

‘An Act to retain and conserve significant public lands for the people of
New South Wales and future generations’

State Legislation to embody the following principles and actions:

1. **Public Ownership and Control**

Significant public lands to remain in public ownership and control, to be held on trust for the people of New South Wales.

2. **Schedule**

Schedule of significant public lands, with reference to assessment of significance. Schedule to include Callan Park Rozelle, North Head Quarantine Station, Gladesville Hospital, Hunters Hill High School, Prince Henry Hospital, the Rockdale Wetlands.

3. **Assessment of Significance**

- (a) An independent expert body to carry out an assessment of the significance of public lands, with full and proper public participation. Such body to include the National Trust of Australia (NSW), key environmental groups, the State Heritage Office and the Australian Heritage Commission.
- (b) Significance to be established by using PPL assessment process. Public land is of significance where it is of environmental, heritage, natural, cultural, social, historic, scientific, aesthetic, ecological, or indigenous value, or is capable at present or in the future of having a value or use the benefit of which to the public outweighs any public benefit from sale or alienation by lease. (See PPL ‘Assessment of Significance’.)
- (c) Public land is deemed to be significant and on the Schedule if it is on the Register of the National Estate, or on the State Heritage Register, or lands reserved or dedicated under the National Parks & Wildlife Act 1974, or on the Register of the National Trust of Australia (NSW), or is an item of heritage significance identified in an environmental planning instrument, or subject to an order under the Heritage Act 1977, or on a ‘Heritage and Conservation Register’ under s170 of that Act.
- (d) Additional significant public lands, assessed as in paragraphs (a) and (b) above, to be added to the Schedule.

4. **Principles re Significant Public Lands**

- (a) To remain in public ownership and control, to be held on trust for the people of NSW; and
- (b) Public uses to accord with the assessed significance of the land; and
- (c) Proper protection, conservation and management; and
- (d) Planning to be strictly controlled, and subject to the significance of the site, the trustee relationship and public participation; and
- (e) No residential development; and
- (f) Maximum public access, subject to assessment of significance and appropriate public uses; and
- (g) Any lease to retain public control, to accord with the significance of the site, and have general public support after due process. No head lease permitted. Any lease greater than 5 years to require the approval of Parliament, with no term over 21 years; and
- (h) Proper, genuine and ongoing public participation, including in the determination of agreed public uses; and
- (i) Public land can not be considered for sale, or lease contrary to paragraph (g), unless it has been assessed (as in paragraph 3 above) as not being of significance.

5. **State Register**

- (a) A State Register to be developed and maintained by the Department of Land & Water Conservation of all lands publicly owned by the State Government and its agencies (departments, authorities and bodies), and by local governments.
- (b) The State Register to include the list of public lands, an assessment of their significance (paragraphs 2 and 3 above), and notification of any such land being surplus or involving a possible change of use. The Register to be publicly available.
- (c) The State Government and its agencies, and local governments, to notify the above Department as soon as any public land is surplus to requirements or involves a possible change of use. The Department to notify governments (and agencies) and the public when such information is received, and to promptly pass such information to the Commonwealth Department of the Environment & Heritage to place on the National Register (when established).
- (d) Appropriate time frames to be specified.

6. **Amendments**

- (a) Amendments to State Legislation to give effect to the above.
- (b) SEPP56 amendment 7, if gazetted, to be repealed.