

Submission

Topic	Approval to remove unidentified Crown land adjoining Lot 93 DP 757252 at Tumut, from the 2014-15 sales program.
Analysis	The subject land has been programmed for sale in the 2014-15 financial year. The land is a former temporary common and native title cannot be extinguished over the whole site.

Recommendations

- 1 Manager Strategic Projects, agree to remove unidentified Crown land adjoining Lot 93 DP 757252 at Tumut, from the 2014-15 sales program.

➔ **Manager's approval:**



Date: 13.1.2015

Key reasons

Native title interests cannot be extinguished over the subject site.

Current guidelines for the sale and disposal of Crown land states that any sale of a Crown land should not commence if native title interest has not been extinguished (DOC11/40050 – see section 7.2).

Supporting analysis

Native title cannot be extinguished by any certain act attributable to the Commonwealth done on or before 23 December 1996 which would completely or partially extinguished native title (see Division 2B of the Native Title Act 1993).

Departmental approvals

Comments: If approval is granted to remove unidentified Crown land adjoining Lot 93 DP 757252 at Tumut, from the 2014-15 sales program, this account will be placed in the 2020-21 sales program for re-evaluation. This is deemed the appropriate course of action due to the current development of the white paper and the pending land acquisition.

Position	Signature	Date
Approving officer: Vanessa Hitchcock, Manager Strategic Projects (Acting), 02 4925 4178		13.1.2015

Background

Crown Lands South West is aiming to mitigate any future risk by selling the subject land.

The subject land:

- Has been assessed by the regional office and is considered a fire hazard and liability to the Crown,

- Has ongoing concerns of vandalism and illegal rubbish dumping,
- Has multiple zonings including R2 Low Density Residential, R3 medium Density Residential, RU1 Primary Production and RE1 Public Recreation under the Tumut LEP 2012,
- Is mostly timbered in the south eastern, southern and western areas of the site with sporadic timber in the north & north eastern areas,
- Does not have any public recreation attributes and is not required for government purposes,
- Has no strategic purpose to the Crown other than its capital value,
- Is part of Reserve 757252 for the purpose of Future Public Requirements notified in Government Gazette 29 June 2007,
- Has no current tenure.

Residential development is current in the locality and appears encouraged in the surrounding area. The land is adjoined by existing residential subdivision along the eastern boundary with Tumut State Forest adjoining the southern and western boundaries. It would appear that the subject land would have development potential although further investigations are required.

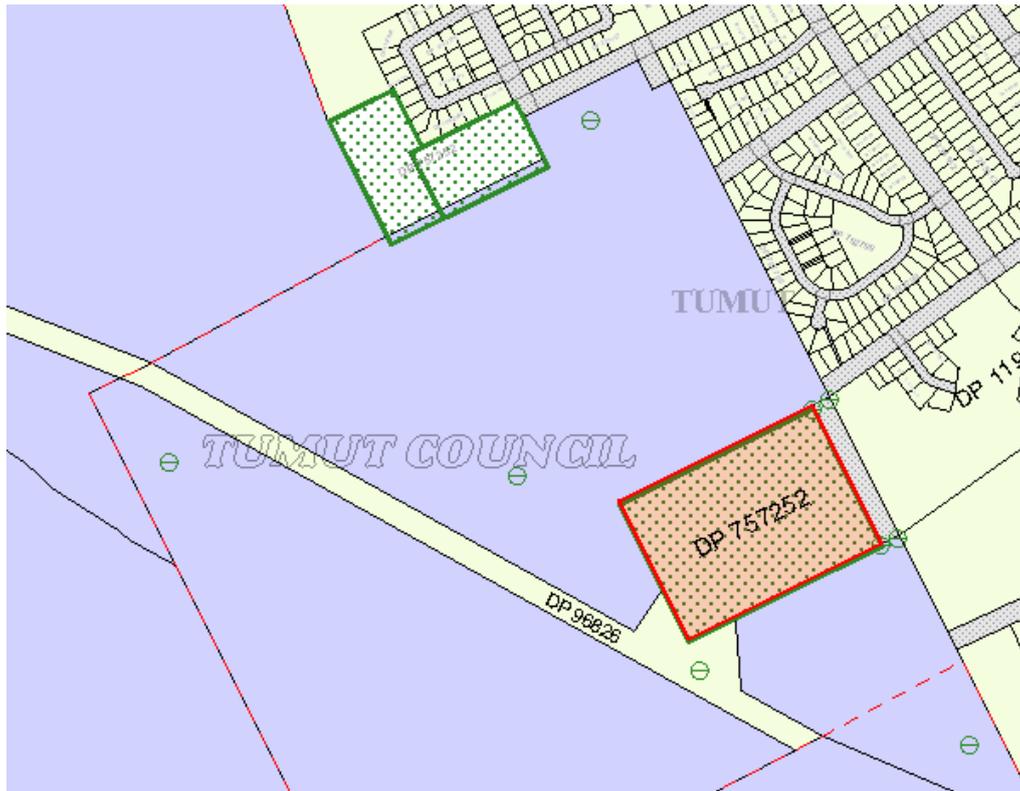
A plan for acquisition of the land has been prepared (DP 1086494). Further investigation is required as to the acquiring authority and the intention to finalise acquisition proceedings.

Contamination on the subject lot is not known. Due to the reports of illegal rubbish dumping on the site, contamination may be present.

Attachments

Attachment	Title
A	Aerial image

Attachment A – Aerial Image



Brief – Owners Consent

Topic	Owners Consent/Comment Response
Analysis	It is concluded that NSW Trade & Investment-Crown Lands offer no objection to the proposed rehabilitation of the old McFarlane's tip site received from Tumut Shire Council as per the conditions of consent in the attached letter of response.

Recommendations

- 1 Agree to the joint rehabilitation project from Tumut Shire Council and the Environmental Protection Authority (EPA) regarding the proposed rehabilitation of the derelict tip site at the former Tumut Common NSW known unofficially as McFarlane's Tip on Lot 66 & 67 DP 757252.
- 2 Sign the attached response to Council addressing NSW Trade & Investment-Crown Land's conditions for approval for the project.

➔ **Manager South West Area approval:**



Date: 24-Feb-15

Key reasons

To ensure that any development or construction does not impact negatively on Crown Land.

To ensure that all potential stormwater, sediment and sewage from potential development is managed effectively.

To support and contribute to the improved management of Crown Lands through collaborative arrangements with other organisations.

To assess if any further analysis is required such as a Report of Environmental Factors. (REF) prior to any works commencing.

Supporting analysis

Application Brief to undertake remediation works at the Old McFarlane's Tip (Lot DP) Tumut Shire Council. (TRIM DOC15/031987).

Desktop investigation on CRV and SIXX undertaken on the 20th of February 2015.

Consultation

Consultation with Tumut Shire Council Ranger Mr. Mel Wilkerson regarding the proposal on the 17/02/2015.

Departmental approvals

Comments: Prepared by Adam Craig-Property Services Officer-Wagga Wagga Office

Position	Signature	Date
Approving Officer: Shona Cowley-Group Leader Wagga (02) 69 37 2413		24-2-2015

Background

Tumut Shire Council has requested permission to undertake a joint project with the Environment Protection Authority (EPA) to rehabilitate a portion of Crown Land previously known as the Old Tumut Common. (Lots 66 & 67 DP 757252).

The land is heavily degraded and was previously an old tip site and unofficially referred to as McFarlane's Tip back in the 1950's.

The reasoning behind the project is to address the issue of leaching garbage from the old tip site and use existing dirt on site whilst importing clean fill to re-bury and constitute the soil to a depth of 100mm.

Tumut Shire Council has consulted with the Office of Environment and Heritage (OEH) regarding the need for an REF with the Threatened Species Team Leader and Licencing Unit who have advised that the proposed activities would not require a Licence/REF due to the highly degraded nature of the proposed project area.

OEH has advised that upon successful completion of the project (proposed weed and exotic removal) that the area could be reassessed after several years of recovery should any follow up works be required and that success of the project may contribute to reclassification as an Endangered Environmental Community (EEC).

Currently the area is composed of highly degraded bushland containing poor remnants of White/Yellow Box grassy woodland that is heavily infested with exotic plants and weeds.

Attachments

Attachment	Title
A	Diagram/Map of Proposed Development
B	Letter of Response



Coordinate System: GDA 1994 NSW Lamberts CC
 Projection: Lambert Conformal Conic
 Image 2011

Owner's Consent
LGA: Tumut Shire Council
Lot 66 & 67 DP 757252
Old Tumut Common
Tumut NSW

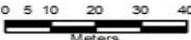
LEGEND

- Associated Lots
- Crown Land
- Crown Road
- Remediation Area

N



0 5 10 20 30 40
Meters





Trade & Investment
Crown Lands

Map prepared by: Adam Craig

Disclaimer:
 The information contained in this map has been provided in good faith. Whilst all effort has been made to ensure the accuracy and completeness of this information the data providers take no responsibility for errors or omissions nor any loss or damage that may result from the use of this information.

Copyright: NSW Trade & Investment, Crown Lands, 2015

Path: C:\Users\craigad\Desktop\Arc_Template_Map_ArcGIS 10.mxd

The General Manager
Tumut Shire Council
PO Box 323
Tumut NSW 2640

Tel: 02 69372705
Email: adam.craig@crowmland.nsw.gov.au
www.lands.nsw.gov.au

24 February 2015

Dear Sir/Madam

Re: Owner's Consent-Remediation Project-Old Tumut Common
Proposed Development: Remediation of Old Town Tip Site
Applicant: Tumut Shire Council
Location: Lots 66 & 67 DP 757252
Tumut NSW

I refer to correspondence on the 17th of February between Trade & Investment-Crown Lands staff and Tumut Shire Council's Ranger/Noxious Weeds Officer requesting owner's consent to undertake remediation works at the old tip site on the Old Tumut Common.

NSW Trade and Investment -Crown Lands has reviewed the requested project, together with the project brief and offers no objections to the proposed remediation project providing:

1. This response does not imply the concurrence of the Minister for Natural Resources, Lands and Water for the proposed development.
2. Any additional development or works including the extension of utilities to service the development will require a separate development application to be lodged. Such application will require an Application for Landowner's Consent to the lodgement of a Development Application with respect to Crown Land.
3. The Minister for Natural Resources, Lands and Water reserves the right to make comments, lodge an objection and / or require conditions with respect to development proposed on Crown Land.
4. Irrespective of any development consent or approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from the NSW Trade & Investment – Crown Lands authorising such work or occupation.
5. No development drainage, overflow or contaminated waste (contaminated runoff or septic) shall impact negatively on the Crown land.
6. No materials are permitted to be dumped or stored on Crown land for extended periods.

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7. The development is conducted with minimal environmental disturbance to the Crown Land with particular care taken to avoid the removal or damage of any native trees located within the subject Crown lands.
 8. Public access on the Crown land is retained where it is safe to do so but restricted on and along the remediation project area to ensure public safety.
 9. Appropriate pollution control measures shall be provided for the duration of the works.
 10. Measures should be taken by the applicant to ensure that the work does not contribute to the spread of noxious weeds.
 11. Adherence to the advice and recommendations by the Office of Environment and Heritage Change (OEH) in regards to threatened species and habitat preservation in accordance with the Threatened Species Act 1995.
 12. Responsibility for all employees/persons engaged in the work and the insurances required under Workers Compensation legislation including professional indemnity and public risk insurance for the amount of \$10,000,000 rests with the proponent or contractor.
 13. The work is to be conducted in a manner as not to cause damage or increase soil erosion.
 14. All contractors and staff engaged by Tumut Shire Council are responsible at all times for ensuring safe systems of work and that the work site poses no occupational, health or safety risks to workers or the public. All persons engaged in any work relative to this approval must be qualified, trained or appropriately experienced in the work involved and the safe operation of associated machinery. Relevant advice should be obtained from NSW Work Cover.
 15. All contractors and staff engaged by Tumut Shire Council hereby indemnify the Crown, the State of New South Wales, the Minister, his Delegate and the Department against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise out of the work.
 16. Tumut Shire Council and its associated contractors are responsible for all required remediation works during and at the end of the project. Remediation works to be completed within six months of project completion. NSW Trade & Investment-Crown Lands to be advised in writing when the works are completed to allow site inspection.

Should you require any further information, please do not hesitate to contact Adam Craig at the Wagga Wagga Office on phone 02 69372705.

Yours sincerely



Grant Marsden
Manager- South West Area
NSW Trade & Investment-Crown Lands



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SAVE



From: Belinda Sheather
Sent: Thursday, 22 December 2016 4:55 PM
To: Sydney Office
Subject: Incoming: LANDS : IM16/35645 : Mick Veitch requesting actions taken by DoL re anti-social use of motorcycles in and around Tumut Bush Common
Attachments: Mick Veitch requesting actions taken by DoL re anti-social use of motorcycles in and around Tumut Bush Common.PDF

-----< HP Records Manager Record Information >-----

Record Number : IM16/35645
External ID :
Title : Mick Veitch requesting actions taken by DoL re anti-social use of motorcycles in and around Tumut Bush Common
Related Records :
Date Due : Thursday, 12 January 2017 at 4:55 PM
Date Registered : Tuesday, 20 December 2016 at 8:50 AM
Current Action : Draft Reply for Minister's Signature (ROUTINE) (Responsibility of: Dpt Ind - Lands - Portfolio, Due 12/01/2017 at 4:55 PM (15 days))
Notes :



MICK VEITCH MLC
LEGISLATIVE COUNCIL



The Hon. Niall Blair MLC
Minister for Lands
25 Marti Place
SYDNEY NSW 2000

Dear Minister

Niall

I seek updated advice on what actions are being taken by the Department of Industry-Lands regarding the anti-social use of motorcycles in and around the Tumut Bush Common.

You previously advised in response to a question on notice that Lands was working with stakeholders on a solution. I have recently been contacted again by affected residents and seek further advice on what precise actions are being taken to address motorcycle activity and noise.

I look forward to your early response on this matter.

Yours sincerely

Michael Veitch

Mick Veitch MLC
Shadow Minister for Lands

12th December 2016

RM8 Ref	LMF17/2
Subject	Anti-social use of motorcycles in and around Tumut Bush Common
Author	The Hon Mick Veitch MLC
Division/Branch	Lands
Date Due	16 January 2017
Related Records	
Correspondence	Member of Parliament

Content to include in response

The Hon Mick Veitch MLC has written to the Minister regarding Tumut Bush Common. Mr Veitch is concerned about the anti-social use of motorcycles in and around Tumut Bush Common. Specifically, Mr Veitch would like advice on what precise action Lands is taking to address motorcycle activity and noise in and around Tumut Bush Common.

- **Please provide advice regarding what precise actions Lands is taking to address motorcycle activity and noise in and around Tumut Bush Common.**

PROVIDE ADVICE HERE:

- **What other information do you think Mr Veitch may find useful, and would appreciate receiving, on how the Government/department can assist or is already assisting?**

PROVIDE ADVICE HERE:

Please provide details of a contact person should the Office of the Hon Mick Veitch MLC wish to discuss the matter further: **Name, title and contact number**

In providing the advice, have you:

- Read the incoming correspondence
- Considered the author's perspective
- Responded to each of the issues raised by the author in a concise manner
- Explained how the minister/department can assist
- Confirmed that information you have provided is suitable for public knowledge

Once this form is approved, the LMF should be actioned to the 'Correspondence Review Team' using the RM8 action 'Draft Reply'.

Background for cover brief

Include any other information the minister should know in order to sign the letter, but which is not appropriate for inclusion in the draft response.

The information should explain the recommended approach for responding to the correspondent. *This information will not be used in the draft response. It may include information that is not public knowledge. Please keep to a maximum length of half a page*

Existing MLO content

MLO to include any existing approved content, including MCMS, RM8 reference number for source material and website links.

<Branches should use tracked changes if this section is edited>

Departmental approvals

Please include names and positions of approving and endorsing officers.

Position	Signature	Date
Approving officer: Name, title, phone		
Endorsing officer: Name, title		

Once this form is approved, the LMF should be actioned to the 'Correspondence Review Team' using the RM8 action 'Draft Reply'.

Tim Jap

From: S14 T3
Sent: Tuesday, 6 September 2016 8:51 PM
To: enquiries@crowmland.nsw.gov.au
Subject: Request for review - Bush Common [Crown Land] Tumut NSW - Part 1
Attachments: image001.png

Importance: High

Dear Sir/Madam,

I am writing in regards to an issue currently being experienced by myself and other residents situated in areas at Martin Place, Forest Street and Yaralla Streets of Tumut NSW (plus Harris Street) from an area of crown land known as the Bush Common.

I have attached extracts of articles from the Tumut and Adelong Times and a Letter to the Editor in today's paper (6/9/16) which will give you an insight of the situation.

In summary though illegal dirt bikes and vandals are misusing this area of land. I live at the end of Martin Place which backs onto the Crown Land - a dirt track runs along the back houses at end of cut de sac which joins onto Forest Street and Yaralla Street (each end of Martin Place). This track alone is used by illegal motorbikes which cause noise and dust pollution to the residential houses along here. Our backyards are like dust bowls during spring and summer - clothes lines cannot be used. Noise of the bikes is unnerving but when I called the EPA Authority they advised it is a council matter. Then I call the local council and they advise it is a policing matter - so what do you do?? The track is also used for the unruly people of Tumut which reside in a housing commission development on Forest Street side of Tumut. They use the track to walk between this area and another unruly area called Hudson Street - unfortunately Forest Street, Martin Place and Yaralla Streets are in the middle of which they have nothing better to do than cause havoc along their journey from rock throwing in the back yards to general hooliganism.

The Bush Common as it is known then stretches all the way further up to Harris Street where residential areas have been developed prior to ending at the State Forest boundary.. Unfortunately illegal dirt bikes also use the dirt track on the edge of the common which backs onto residential areas, which causes dust and noise pollution to that area as well.

The Snowy Valleys Council have advised me that it is Crown Land from the back of our fenceline to the edge of the State Forest and that there is nothing the Council can do in regards to this matter and they advised it is a policing matter as well. However police can not be there every second of the day and unfortunately the last few years the situation has got much worse.

I would like to see the dirt track behind us closed to the public and hence the motorbikes to prevent dust and noise pollution permanently. I also would like to see a substantial area of the Bush Common fenced (possibly leased by the community???) and turned into a nature reserve for the good citizens of Tumut to enjoy (dog park is one idea that could be charged out to the good residents of Tumut via annual fee). I would put my hand up to administer the reserve and caretake. My question is has anyone from your Department ever walked around the Common to see its current state?? Between the rogue dirt bikes and 4WD enthusiasts it is nothing more than a wasteland with bog holes and track lines everywhere compromising soil structure and in turn the flora and fauna of area are very compromised Not to mention town idiots dumping their rubbish there.

As residents we are sick and tired of this area turning into a vandal's playground and speed track. Could we not turn this once beautiful piece of land into something that would benefit the community??

Please, I am asking that someone from your Department come down to Tumut and see this land for yourself. I will personally give you a guided tour of the area.

I have been told it is not Council's responsibility so the responsibility must fall with someone!

Please help! S14 T3 Happy to provide further information if required, otherwise I know it would be beneficial for someone in your department to come and see what is happening here in person. I am putting my hand up on behalf of the community to protect this piece of land and in turn protect the residents from noise/dust and vandalism in the area.

Thank you,

Regards,

S14 T3

S14 T3

S14 T3

S14 T3

Date: 31 August 2016 at 11:35:47 AM AEST

S14 T3

S14 T3 – see my email below

From: Mullins, Paul

Sent: Wednesday, 31 August 2016 10:59 AM

S14 T3

S14 T3

Discussed at length this morning with S14 T3. The problem is trail bikes (many unregistered, no mufflers and unlicensed riders) using the track behind the houses at the end of Martin Place. See attached map of area.

The bikes are also ridden through Hudson Park, ripping it up in the process. Hudson Park does not appear to be used as a neighbour park. S14 T3 that Council close the park or install barriers to prevent access by motor bikes and cars.

S14 T3 of the belief that the “laneway” behind the houses is a Council road. According to IntraMaps the track is part of the “former Bush Common” (Crown Land); S14 T3 check this.

The issue is primarily a Police matter. The Police have been invited to the resident meeting on Saturday. I suggested to S14 T3 residents should pressure the Police to conduct a blitz on the area; on trail bikes not cars. I also gave S14 T3 details for Lands Department in Wagga Wagga.

I explained to S14 T3 Council structure and that the Administrator will not be attending the meeting.

S14 T3 of the riders are young – any ideas?

Options:

- Lobby the Police.
- Close Hudson Park or install barriers to prevent access by motor bikes and cars.
- Discuss with Lands Dept. but they are unlikely to take action.
- S14 T3 the possibility of residents leasing that part of the crown land immediately behind the houses in Martin Place and fencing the area. However, I did indicate that the fences are likely to be cut.