



# NSW Legislative Assembly Hansard

## National Park Estate (Lower Hunter Region Reservations) Bill

Extract from NSW Legislative Assembly Hansard and Papers Tuesday 17 October 2006.

### Second Reading

**Mr BOB DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts)  
[10.45 p.m.]: I move:

That this bill be now read a second time.

Over the past decade, the Government has declared nearly 2.6 million hectares of new national parks and reserves. Around half of these additions to the reserve system have resulted from regional forestry assessments and we have supplemented this with significant purchases of high conservation areas throughout the State. In striking an appropriate balance between social, economic, environmental and cultural values, the Government has set a national benchmark for the involvement of all stakeholders and community groups. This has resulted in the creation of a world-class conservation network that protects biodiversity, old-growth forests and wilderness. It has also provided secure access for the timber industry to timber resources in State forests and for the coal and minerals industries to coal and minerals resources in State forests, State conservation areas and Crown reserves. These conservation reserves also provide vital recreational opportunities for both local communities, visitors and tourists alike. In fact, more than 20 million people visit and enjoy our national parks every year—that is to say, nearly 55,000 people each and every day.

However, the Lower Hunter region has tended to have less of its high conservation value land reserved for conservation than has Sydney or other parts of the State. This bill will address this imbalance. The final Lower Hunter Regional Strategy and the draft Lower Hunter Regional Conservation Plan were released by the Premier, Minister Sartor and me today, 17 October 2006. The regional strategy and regional conservation plan clearly define priority areas for development and conservation over the next 25 years and will provide the Lower Hunter community with a clear vision for the future. Local councils and local communities in the Hunter will, of course, be closely involved in finalising the detail of process.

The regional strategy and regional conservation plan form an integrated package and represent a truly innovative approach to development and conservation in New South Wales. The package has allowed the Government to address a range of social, economic and environmental matters and deliver a balanced and sustainable outcome for the Lower Hunter community. To offset the impacts of future development that have been identified in the regional strategy, it is imperative that key conservation areas be secured upfront. Implementation of stage one of the regional conservation plan, which this bill involves, is designed to secure these critical conservation areas and demonstrate the Government's commitment to delivering balanced conservation and development outcomes in the Lower Hunter.

This bill will transfer more than 20,000 hectares of high conservation value Government-owned land into conservation reserves. In addition, I am pleased to confirm that a further 12,000 hectares of privately owned freehold land will be transferred to conservation reserves to be managed by the Department of Environment and Conservation under the National Parks and Wildlife Act 1974. This will include iconic areas at Catherine Hill Bay and Stockrington that have been the focus of significant community conservation efforts over many years. In order to finalise the package, the remaining elements of the Lower Hunter Regional Conservation Plan are on public exhibition. I expect to release the final plan later in the year.

The permanent conservation of approximately 32,000 hectares of land delivers an outstanding result for the Lower Hunter community. In fact, the Government's announcement outlines the biggest conservation initiative ever announced for the Lower Hunter and nearly doubles the area of park within 50 kilometres of Newcastle. The reservation of these lands will secure critical vegetated corridors in the Watagan, Cessnock, Karuah, Port Stephens and Tomago areas, as well as secure a green buffer between the Central Coast and Lower Hunter. Many of these areas comprise the final vegetated links in critical habitat corridors and they are irreplaceable. The largest of the new reserves—a corridor stretching from the Watagan Ranges to Port Stephens—covers around 14,600 hectares.

This area, which has long been promoted by members of Parliament representing their Hunter constituents, as well as by a great many Hunter conservation groups, forms the backbone of a new conservation corridor. This and other areas will provide a backbone around which future additions to the reserve system will complete and reinforce the conservation corridors. The reservation of these areas will also conserve significant areas of threatened plant communities, endangered forest types and habitat for a range of threatened species.

The majority of these areas will be transferred into State conservation areas and national parks under the

National Parks and Wildlife Act 1974 and will provide a range of additional recreational opportunities for the local community. In particular, the Government will encourage further input from the Hunter community as it considers new opportunities for ecotourism, such as new walking and cycling trails, new camping areas, birdwatching facilities and commercial cabins for short stays by visitors and tourists. The new reserves will provide important habitat protection for migrating bird species including those species listed on China Australia Migratory Bird Agreement and Japan Australia Migratory Bird Agreement. That will help enhance opportunities for passive birdwatching in the lower Hunter area, which is a high-profile activity by a number of local community groups and is a recognised tourism asset for the Hunter.

The new Hunter Estuary National Park will also provide enhanced protection for Kooragang Island and the upper arm of the Hunter River, which are listed under the Ramsar International Wetland Protection Treaty and which have internationally recognised values. Key reserves this close to the major city of Newcastle are a great achievement, which will be valued by generations to come. The importance of ensuring appropriate access to critical natural resources—including coal, water, timber and other minerals—was recognised from the beginning and is inevitable in areas as long and densely settled as the lower Hunter. I am pleased to confirm that the reservations introduced tonight will not affect access to those important resources.

Areas which are currently, or are likely to have, underground mining have been classified as State conservation areas. I note that the provisions of the National Parks and Wildlife Act 1974 relating to State conservation areas were explicitly drafted to ensure that current and future underground mining activities and associated surface activities, including the construction of facilities, associated clearing of vegetation and land subsidence, are permissible within State conservation areas. Such provisions will be particularly relevant to the present mining operations south of Cessnock, which, under this bill, will become the Werakata State Conservation Area. The new State conservation area will not have any impact on the coalmine's current or future operations, including necessary surface works.

In reserving this land, the Government recognises and accepts that some level of subsidence will occur with this operation. However, with rehabilitation after the mining operation ceases, there is no reason why this area cannot continue to deliver important biodiversity outcomes. This in turn provides an excellent example of how we can ensure quality nature conservation and biodiversity outcomes while at the same time protecting important job-creating industries at sites where they co-exist. I can also confirm that the reservations will not adversely impact on the fulfilment of timber supply agreements and access to merchantable resources.

I also highlight an important part of the package concerning water supply arrangements for the Hunter community. Specific legislative amendments have been designed for the circumstances of Hunter Water Corporation's operations which will protect and enhance its current and future access to all water resources. These provisions, which are contained in the bill, are supported by the board of the Hunter Water Corporation. It is also acknowledged that proposals to construct a rail line between Fassifern and Hexham, if it proceeds, and to extend the F3 from Branxton to Raymond Terrace, would impact on small areas of land now being reserved by this bill. I am advised that final routes for these transport corridors are yet to be decided.

My department will work closely with the relevant agencies throughout the selection of the final routes to minimise their impacts. When these transport corridors have gained their final relevant approvals, I can advise that the necessary excisions will be made from the reserves to accommodate those new uses. It is important that these new areas are managed effectively and that funds are available to establish the new infrastructure to ensure that the people in the lower Hunter can enjoy these new reserves. The Government will invest \$12.55 million over the next four years to establish and properly manage the new reserves. This includes funding to enable the construction of new multiple-use walking tracks, camping areas, barbecue facilities and undertaking essential fire prevention, weed and pest animal control work. Funding will be available to also employ new park management staff and so ensure the new reserves are properly and effectively managed. Overall, there will be more than 20 new front-line park management jobs created, with a target of 20 per cent of those being Aboriginal people. Those staff will be responsible for day-to-day fire management and pest animal and weed control, as well as maintaining the visitor facilities and infrastructure of these new reserves.

I turn now to the details of the bill. Part 1 provides for the land transfers to occur on 1 July 2007. Part 2 revokes certain lands as State forest and makes provision for those revoked lands to be reserved as national parks or State conservation areas. It also reserves certain Crown lands as national parks, nature reserves or State conservation areas. This part also sets apart certain lands in State forests as flora reserves under the Forestry Act 1916. Clause 8 vests certain land in revoked State forests and certain Crown land in the Minister for the Environment for the purposes of part 11 of the National Parks and Wildlife Act 1974. Clause 9 transfers land currently within national parks, nature reserves or State conservation areas to new national parks, nature reserves and State conservation areas.

Clause 10 enables the Director General of the Department of Environment and Conservation to alter boundaries of the transferred land by adjusting the land descriptions contained in the bill. These adjustments must be for the purposes of the effective management of the national park estate land and State forest land, the adjustment of boundaries to public roads, and in connection with easements. Any adjustments made under clause 10 must not

significantly reduce the size or value of the national park estate land or State forest land. The Director General of the Department of Environment and Conservation must have the agreement of the relevant Ministers to make the changes. Adjustments must be made by 1 July 2008 or, in the case of State forests and Crown lands vested in the Minister for the Environment under part 11 of the National Parks and Wildlife Act 1974 or of the boundary of land adjoining a public road, by 1 July 2012.

Schedule 8 amends the National Parks and Wildlife Act 1974 to provide for the carrying out of development for certain purposes by or on behalf of the Hunter Water Corporation in special areas under the Hunter Water Act 1991 that are reserved under the National Parks and Wildlife Act 1974. The amendments provide also for the joint preparation and implementation of plans of management for that land by the Director General of the Department of Environment and Conservation and the chief executive officer of the Hunter Water Corporation, and for the joint adoption of those plans by the Minister for the Environment and the Minister for Natural Resources. Schedule 9 amends the Hunter Water Act 1991 to provide that the Hunter Water Corporation is the owner of all works on land within a special area under that Act that is part of the national park estate.

To summarise, the bill facilitates the transfer of government-owned land to various new conservation reserves under the National Parks and Wildlife Act 1974. The Government land to be transferred via the bill include approximately 8,300 hectares of State forest, approximately 1,100 hectares of Crown land, approximately 4,500 hectares of Crown land currently managed by the Hunter Water Corporation and approximately 1,500 hectares of land currently managed by the Regional Land Management Corporation.

In addition, the bill provides for the reclassification of approximately 2,900 hectares of State forest to flora reserves under the Forestry Act 1916 which will allow for enhanced and secure conservation of those areas. The Department of Environment and Conservation will continue working with the relevant government agencies to refine the reserve boundaries and reserve categories as necessary. The bill also contains important safeguards to protect the rights and entitlements of persons who may be using the lands that will be transferred or be subject to this draft legislation. These safeguards are important and provide security for people whose lands may change tenure.

Importantly, the bill specifically excludes reservation of freehold and certain leasehold lands that may have been inadvertently included in the land descriptions in the schedules. Such lands cannot be dedicated under the bill. This includes freehold land and lands subject to a perpetual lease, a special lease or a term lease under the Crown Lands (Continued Tenures) Act. Similarly, existing leases issued under the Forestry Act are protected under this proposed legislation. Thus, people who may be undertaking an activity under a lease on State forest may continue to do so. In other words, existing uses are protected.

Access roads and trails in use before 1 July 2007 will not be reserved as national parks, nature reserves or State conservation areas. Rather, these roads and trails will be vested in the name of the Minister and may continue to be used for the same purposes into the future. This will ensure that people continue to have access to their properties. The bill also puts an obligation on the Minister to grant a right of way for a road if that road had a right of way under the Forestry Act. By 1 July 2012 the Minister must advise which of these access roads are excluded from reservation and which may be reserved. However, the bill also provides that the Minister must not authorise the closure of any access road to private land while that land remains in private ownership and the road is the only practical means of access.

Finally, the bill protects Aboriginal land claims. The bill states that any Crown land subject to a claim made before 25 September 2006 under the Aboriginal Land Rights Act is not reserved or vested in the Minister's name if it has not been determined by 1 July 2007. This ensures that the proper processes can continue and that the Aboriginal community's interests are fully protected while the claim is being considered. The bill also amends the Native Title (New South Wales) Act 1994 to preserve native title rights and interests in respect of a reservation or vesting of, or declaration over, land or waters by the operation of the proposed Act. I commend the bill to the House and table for the information of honourable members colour copies of maps that show the land described in the schedules to the bill. I will also provide electronic copies of the maps to be included on the parliamentary web site.