

**NATIONAL PARKS AND WILDLIFE AMENDMENT (ADJUSTMENT OF AREAS)  
BILL 2012**

9 MAY 2012

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**Bill introduced on motion by Ms Robyn Parker, read a first time and printed.**

**Second Reading**

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [3.59 p.m.]: I move:

That this bill be now read a second time.

The National Parks and Wildlife Amendment (Adjustment of Areas) Bill amends the National Parks and Wildlife Act 1974 to achieve a number of positive outcomes for the people of New South Wales. Each outcome balances protection of our State's environment with the need to support essential public infrastructure development, improve public safety and support economic growth. The first proposal will give outstanding conservation value to the Berowra Valley—a protection that valley deserves. The bill will upgrade the protection of approximately 3,876 hectares of land currently included in the Berowra Valley Regional Park and create the O'Farrell Government's second national park in its second year of office, the Berowra Valley National Park, which may also have the joint name of a locally identified Aboriginal name. The second proposal will enable urgent highway upgrades by revoking around 38 hectares of land from reservation under the National Parks and Wildlife Act. This will make it possible for essential safety upgrades to occur on the Pacific Highway and the Princes Highway. The O'Farrell Government is getting on with the business of building the infrastructure we need.

We will make sure that we do not create more roadblocks—a bad choice of words, I know—to important road infrastructure in contrast to what we heard last night when the Federal Government reneged on a 2009 funding commitment of 80 per cent to the Pacific Highway and no funds for the Princes Highway. The previous 80 per cent commitment has changed with the Federal Government dudding us by taking \$2.3 billion from funding for the Pacific Highway and telling us to front up with the money first and then it will fund a meagre amount of money. Of course, that is no surprise to this side of the House because we do not believe the Federal Government; it has been caught lying too many times. The revocation of land proposed in this bill is sensible as it will ensure that we can build the Pacific and Princes highways.

The third proposal in the bill will correct a boundary error when the previous Government mistakenly included a quarry in Bogandyera Nature Reserve in 2001. To fix this mistake, this bill will excise about seven hectares from the park so that the quarry can again be used by Tumbarumba Shire Council as a source of local road repair materials. The council told me that it was important for it to have access to that quarry, which was included in the nature reserve in error by the last Government. We are rectifying that error. The final proposal

contained in this bill is about sensible changes so that infrastructure can proceed. I shall address each aspect in more detail. This bill recognises the outstanding conservation values contained within the existing Berowra Valley Regional Park and the desire by many in the community to ensure these values are afforded the highest level of protection.

The local member, Matt Kean, has been in my office advocating on behalf of his residents to protect the valuable biodiversity and conservation of wonderful species in the Berowra Valley Regional Park by having it classified a national park to ensure it has the highest level of protection. The Berowra Valley Regional Park is around 20 kilometres north-west of the Sydney central business district and covers 3,884 hectares. The park was managed by Hornsby council before being reserved under the National Parks and Wildlife Act in 1998. Since then, the National Parks and Wildlife Service and the council have worked collaboratively to manage the park and provide high-quality facilities for the community. This first occurred through the Berowra Valley Trust and more recently through shared management arrangements. A plan of management will outline how we will manage this park into the future while taking into account Aboriginal cultural heritage as well as the biodiversity and diversity of access that this Government offers with national parks.

Diversity of access provides opportunities for people to experience national parks by opening them to more visitation while making sure that we care for the environment through managing pests, weeds and bushfires. Certainly, this is critically important on the edges of Sydney. People flock to Dharawal National Park on weekends because it is important to have on the city fringes a national park with diversity of access, whether that is a small area for mountain biking, shared pathways for walking and biking, disability access, or lookouts and picnic areas for people to enjoy and where Aboriginal cultural heritage is maintained. Of course, with Dharawal National Park we will make sure that the largest koala habitat right on the edge of Sydney is preserved and protected.

This important park in the Hornsby area certainly must be managed now and into the future. I thank Hornsby council for its support, efforts and joint management of this special area. The Berowra Valley Regional Park contains over 500 flora species, including two endangered ecological communities and at least 10 threatened flora species, some of which are only found in this location. It is quite amazing to know that 10 species are found only in this area. Therefore, protecting that diversity is important. The rich diversity of high-quality habitats in the park support many native animal species. Over 230 vertebrate fauna species have been recorded, including 12 threatened species such as the spotted quoll, giant burrowing frog and powerful owl. In addition, the regional park has important Aboriginal and historic heritage values. The park contains 24 known sites of Aboriginal heritage, with the majority located in valleys, caves and open rock platforms, with examples of grinding grooves, hand stencils and middens.

Public access in the regional park has been promoted and well managed for many years. Investment in camping facilities, bike paths and picnic areas has made it a popular visitor destination. Why are we making part of this park a national park and not retaining it as a

regional park? A regional park protects modified land suitable for broader public recreation and enjoyment. Clearly, the level of protection offered by a regional park is not enough to protect the special conservation and community values of this area. Therefore, this bill will give the land and its unique values a more appropriate level of environmental and cultural protection.

The bill changes the category of reserve from regional park to national park by revoking 3,876 hectares from the Berowra Valley Regional Park to create the new national park. The national park category provides a level of protection that the biodiversity and cultural heritage values of the land deserves. The Government also recognises the need to maintain and provide for existing recreational activities that were already occurring when the regional park was created in 1998 and that have continued. This Government is not about locking up parks so people cannot enjoy them, it is about compromise. People like to walk their dogs in parks, but they cannot do so in a national park. However, the Government recognises that is a valid and important recreational activity. The Government is not about locking gates so that people lose those opportunities, it is about working out compromises.

The Government recognises the need to provide areas for recreational activities that were occurring when the regional park was created in 1998. One of those activities is dog walking. I spend a lot of my time dealing with decisions of past governments to create national parks without taking into account the diversity of activities that took place on that land. Previous Labor governments had a tendency to lock a gate and stop recreational activities, such as fishing. When this Government creates a new national park it is done in collaboration with the community and with an understanding of their recreational needs. A portion of the land will remain a regional park, providing dog-walking and picnic areas.

The regional park will have an eight-hectare leashed dog walking area with specific trails. The establishment of the Berowra Valley National Park will be a win for both the environment and the local community with better recognition and protection for the natural and cultural heritage, and continued provision for recreational activities, including dog walking. I commend the member for Hornsby for his advocacy on this matter. I acknowledge the previous member for Hornsby, Judy Hopwood, and her advocacy on behalf of her community. It is a community request that this Government is listening to and I am delighted to be the Minister able to introduce this bill. I am sure it will achieve the support it deserves.

The second tranche of amendments in this bill involves the excision of approximately 38 hectares of land from reservation under the National Parks and Wildlife Act to enable essential public highway upgrade projects to proceed. Around half of this land, about 20 hectares, is necessary to deliver on the Government's commitment to improve road safety, reduce congestion and enhance freight efficiency on the Pacific Highway. The Opposition has no basis for a scare campaign. It is standard practice, a sensible change and what is needed to ensure that we deliver the upgrade of the Pacific Highway, despite the Federal Government. Some 17 hectares will be excised from the Broadwater National Park, 1.5-hectares from Yaegl Nature Reserve and 1.2 hectares from the Cooperabung Creek Nature

Reserve. All of the affected land adjoins the existing alignment of the Pacific Highway. It is not as though this land excision is chopping through the middle of a national park.

I take this opportunity to acknowledge the Bandjalang people as the traditional custodians of the land that encompasses Broadwater National Park. The Government is negotiating an indigenous land use agreement with the Bandjalang people in relation to Broadwater National Park. The National Parks and Wildlife Service will continue to work with the Bandjalang people on park management and on any affect the excision will have on the national park. Upgrading the Pacific Highway is one of the Government's top priorities. The number of deaths and injuries that have occurred on that road over many years make the need for this upgrade abundantly clear. This Government is determined to accelerate work to fix the Pacific Highway once and for all because every member knows lives depend on it. Last year the Government committed an additional \$468 million to the project, more than making up for the \$300 million cut by the previous Labor Government.

The Government also recognises that the Pacific Highway is not the only road requiring substantial investment and upgrade. Previous coronial inquiries have highlighted the need for action along the Pacific Highway. The members for Kiama, Shellharbour and the South Coast have been actively campaigning for many years for a safety upgrade of the Princes Highway. Other members also support that campaign. This bill will also support that outcome. It will excise approximately 18 hectares of land from Kooraban National Park adjoining the Princes Highway at Dignams Creek, 20 kilometres south of Narooma. The works are necessary to address public safety risks along that stretch of the road, which is steep and winding and has a history of fatal collisions.

The Government is moving to fix the problems as a result of years of neglect, but it has not forgotten the need to take account of the environmental and community value of these lands. That is an important part of this project. Whenever the Government excises land from a national park for highway upgrades, compensation will be in the form of protection of other lands of at least equivalent conservation value to ensure that there is no net loss in values across the national park system. The bill will provide that the lands will not be transferred for the purposes of the highway projects until I, as Minister, am satisfied that appropriate compensation has been received. This is similar to the approach used in previous legislation involving the excision of land from national parks for essential public infrastructure projects.

It is an important provision because it locks in the Government's commitment to deliver road safety and environmental improvements. It means that planning for the Pacific Highway and Princes Highway upgrades can commence with a high level of certainty and avoid unnecessary project delays. The final two proposals in this bill involve the excision of land from Bogandyera Nature Reserve located approximately 10 kilometres south of Tumbarumba. The reserve has an area of around 8,700 hectares and it was established in 2001. At the time of gazettal a gravel quarry situated on Crown land was mistakenly included inside the southern boundary of the nature reserve. Tumbarumba Shire Council had previously accessed the quarry for materials to be used in local road repairs.

To be clear, it was a quarry and was accidentally, in the term of the previous Government, placed in the national park. This bill applies common sense and removes the quarry from the national park to allow the Tumbarumba Shire Council access to that quarry. Pristine national park is not being turned into a quarry. It was a quarry. The quarry is probably covered in vegetation, but it will be returned to its former use as a quarry. This would not have been necessary if it had not been mistakenly included within the boundaries of the nature reserve in the first place. This is a sensible proposal. The bill simply corrects the mistake of the previous Government: Something I am always happy to do and I am sure the Opposition will support.

The land in question is around seven hectares in size, has been highly modified as a quarry, is degraded and has no conservation value. I am pleased to advise that the bill provides for these lands to be removed from the nature reserve to enable Tumbarumba Shire Council to continue to use the quarry. As this was a simple error in the establishment of the nature reserve there is no need for compensation. This land has no conservation value. However, I understand that the council has agreed to provide a boundary fence to assist in managing the interface between the quarry and the nature reserve. That is a great outcome; I congratulate the council for its sensible approach to supporting good land management practices.

Finally, in another part of Bogandyera Nature Reserve, the bill provides for the excision of around 17 hectares of land associated with an existing fire trail. The trail requires realigning to enable Forests NSW to access and harvest an adjoining pine plantation, which was planted 16 years ago, before the nature reserve was established. The access road originally used to plant the pine forest has since been surrounded by residential and other development. For the forest to be accessed would require substantial road and bridge works to upgrade the road to a standard suitable for logging trucks, and that would cause substantial noise and amenity impacts to local residents. The residents certainly do not want that to happen. It is no longer appropriate or safe for Forests NSW to use this road. It is therefore clearly preferable that use be made of the existing fire trail, which is already disturbed and can be upgraded at lower cost and with less disturbance of the community.

We are not chopping up national park; we are using a fire trail, which is already disturbed, and can be upgraded at lower cost, meaning that the community does not have huge logging trucks rumbling past their doors. This is a more sensible outcome. I am pleased to announce that agreement has already been reached regarding compensation for the excision of these lands from Bogandyera Nature Reserve. Some 350 hectares at Imerson's Swamp, near the Everlasting Swamp State Conservation Area, will be reserved under the National Parks and Wildlife Act. A further 300 hectares from within Tumut State Forest will be transferred for future reservation. These are significant gains that more than adequately compensate for the removal of 17 hectares from Bogandyera Nature Reserve. So 300 hectares from the Tumut State Forest and 350 hectares of land near the Everlasting Swamp State Conservation Area are being exchanged for excision of 17 hectares of roadway from the nature reserve. These significant gains will more than adequately compensate for the 17 hectares.

All of the proposals in this bill will deliver good results for the people of New South Wales with very little impact on our national park system. They will support critical improvements to road safety, and will save lives. They will also support the sourcing of local materials for road repairs and the delivery of timber from sustainable sources. Importantly, with the exception of the quarry proposal, all excisions of land from the national park system will be compensated by the protection of other lands of at least equivalent conservation value and of greater size. I would like to make it clear that the land will not be transferred from the national park system until I am satisfied that appropriate compensation has been provided.

The bill makes clear provision for this, following similar approaches that have worked in previous legislation. This is standard practice; these sensible amendments of the National Parks and Wildlife Act balance the importance of preserving high-value conservation lands with the need to provide for essential infrastructure that protects public safety, and promotes economic growth and development of our wonderful State. I look forward to members supporting the bill. I am certain that members who live near the Pacific Highway and the Princes Highway, the member for Hornsby, the member for Wagga Wagga and other members, as well as the Opposition, will support this bill. I commend the bill to the House.

**Debate adjourned on motion by Mr Guy Zangari and set down as an order of the day for a future day.**