

Legislative Council (2016-05-04)**Classification: Bills****NATIONAL PARKS AND WILDLIFE AMENDMENT (ADJUSTMENT OF AREAS) BILL
2016***First Reading*

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Ajaka.

Second Reading

THE HON. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (11:48): I move:

That this bill be now read a second time.

This bill to amend the National Parks and Wildlife Act 1974 will adjust park boundaries, ensure appropriate management and allow upgrades to roads and sporting facilities. It will reverse the reservation of two parks where there are determined and undetermined Aboriginal land claims. It will change reserve categories to align with park values. It will facilitate development on land that is no longer required in the reserve system. This Government is committed to improved transport infrastructure and road safety across the State. The bill facilitates the Mona Vale Road west upgrade, a necessary response to safety and congestion issues. It will also rationalise road boundaries to improve management. The purpose of a national park is conservation, not the development of key public assets such as roads.

The bill also recognises the community's sporting interests. Four sporting ovals will be revoked to ensure appropriate management and ownership by local councils. The bill will also revoke a small, degraded area from one park to facilitate the expansion of a community sporting facility, the St Ives Pistol Club. The categories of two reserves will be amended to better align with the conservation and recreation values of those reserves. The bill reverses the inadvertent reservation of parks over determined and yet to be determined Aboriginal land claims. It will also remove the inappropriate reservation of Penrith Lakes Regional Park, which does not belong in the reserve system. National parks are protected in perpetuity. The requirement of an Act of Parliament to remove any land from our national parks is an important measure to safeguard the State's conservation assets. I assure the House that these proposals are in the public interest and do not result in any net loss of conservation values.

I now turn to the proposals in detail. Roads and Maritime Services is upgrading Mona Vale Road west on Sydney's northern beaches, to provide a four-lane dual carriageway. This section of Mona Vale Road suffers traffic congestion in peak periods and requires upgrading to improve safety and reduce travel times. This essential upgrade requires the revocation of less than one hectare of Ku-ring-gai Chase National Park. The compensatory land offered by Roads and Maritime Services is an exciting opportunity to preserve critical fauna and cultural heritage values. Nearly two hectares of land will be added to the adjoining Garigal National Park. This includes land surrounding Whale Rock, a significant Aboriginal rock engraving, which will greatly benefit from increased protection under the reserve system.

It also includes a proposed fauna bridge that will connect Garigal and Ku-ring-gai Chase national parks. Ecologists have identified the need to improve fauna connectivity between Ku-ring-gai Chase and Garigal national parks to address known fauna mortality on roads in the northern beaches area and to support the long-term survival of swamp wallaby populations. The proposed fauna bridge will promote the safe passage of native animals and allow dispersal and movement between the two national parks that are feeling the pressure from nearby residential development. This will be the first fauna bridge in metropolitan Sydney following the successful application in a range of other projects, including the upgrade of the Pacific Highway. The proposal will also improve recreational access to the area through a proposed multi-use path for pedestrians, cyclists and recreational horseriders. This proposal to revoke a small section of Ku-ring-gai Chase National Park to facilitate the Mona Vale Road west upgrade will provide positive outcomes for public safety, cultural heritage and conservation and recreation, with an overall net gain of reserved land.

Several of the proposals in the bill relate to the use and management of roads and railway infrastructure, which should not be the responsibility of the National Parks and Wildlife Service. The Snowy Mountains Highway, the major arterial road through Kosciuszko National Park, does not completely match the legal road reserve. Some sections of the highway lie within the boundaries of the national park, while some sections of national park lie within the road reserve. This proposal will correct errors in maps to properly

reflect what is occurring on the ground. About 141 hectares need to be revoked from Kosciuszko National Park. This will enable a new cadastral road reserve to be aligned with the Snowy Mountains Highway and allow the National Parks and Wildlife Service to concentrate on managing one of Australia's most important conservation reserves. It is intended that, after the land is revoked by this bill, ownership of the road will be transferred to the Minister administering the Roads Act 1993.

The bill will also correct minor errors associated with the widening of the Pacific Highway by revoking two areas from reserves on the New South Wales North Coast to enable their transfer to Roads and Maritime Services. About 0.34 of a hectare will be revoked from Middle Brother National Park near Port Macquarie to address an inadvertent boundary encroachment that occurred during upgrade works to the highway. In addition, about 0.11 of a hectare will be revoked from Yaegl Nature Reserve near Maclean. This will ensure the accuracy of land boundaries for future highway widening works which were the subject of an earlier revocation under the National Parks and Wildlife Amendment (Adjustment of Areas) Act 2012.

The Government is committed to responding to the concerns of local communities. This bill will provide certainty for maintaining access to property near Morton National Park on the South Coast. An area of about 18.5 hectares will be revoked from the national park to remove sections of the Bugong fire trail, Bugong Road and Tallowa Dam Road where they pass through the park. Those roads provide access to private properties. This bill will enable the transfer of land to the appropriate roads authority, the local council, and ensure consistent and appropriate ownership and management.

To respond to another community concern, the bill will revoke an area of about 0.1 of a hectare from Jervis Bay National Park which provides a bus turning circle for the local school. This small parcel of land is roadside, with no conservation value as it is already being used by school buses. The revocation will ensure safe travel for children and will vest the ownership of the school bus turning circle with the appropriate roads authority. It is intended that the land revoked from both Morton National Park and Jervis Bay National Park will be transferred to Shoalhaven City Council.

This bill will also address two small areas of land in national parks that form part of Sydney's rail infrastructure and are better placed under the control of Transport for NSW. The first area, about 0.1 of a hectare that forms part of the commuter car park at the Waterfall train station, will be revoked from the Royal National Park to correct a historical boundary error. The second area, about 0.04 of a hectare that is part of the land originally set aside for construction of the Epping to Chatswood rail link, will be revoked from underneath Lane Cove National Park to correct an inadvertent and underground boundary encroachment.

The Government is committed to responding to the needs of local communities. I now turn to the aspects of the bill that relate to sporting facilities. There are sporting ovals at Grays Point, Heathcote and Loftus that fall within the boundary of the Royal National Park. These three ovals cover about 13.3 hectares. Sutherland Shire Council currently manages the ovals and associated facilities for use by local sporting teams. Revocation will enable transfer of the sporting ovals to Sutherland Shire Council. This is a sensible transfer that will ensure that the most appropriate authority has legal management of these important community assets. The bill will also revoke a sporting oval located within the boundaries of Wollemi National Park, adjacent to the Bells Line of Road. This area of about 1.6 hectares was inadvertently included in the reserve in 1979. Revocation will enable transfer of this sporting oval to Hawkesbury City Council.

In line with the themes of responding to community needs and recognising the importance of sporting facilities to local communities, the bill also proposes to revoke an area of about 1.25 hectares from Ku-ring-gai Chase National Park to facilitate the expansion of the St Ives Pistol Club. The St Ives Pistol Club is the only competitive pistol club in the northern Sydney area, servicing that part of the city from north of the Parramatta River to Palm Beach. I understand that 92 per cent of its members come from that part of Sydney and that its current membership of almost 400 men, women and junior members is growing rapidly. The pistol club provides sporting shooters with the opportunity to improve their skills and compete. The club's facilities have been used by shooters who have been selected for the Olympic and Commonwealth Games, the World Shooting Championships and many State and national championships.

The proposed revocation of this small and degraded part of Ku-ring-gai Chase National Park will enable the transfer of the land to the Crown Lands Division of New South Wales Trade and Investment and the subsequent negotiation of a lease with the St Ives Pistol Club, should development approval for the club's proposed expansion be secured. The Government intends to offset the loss of land with the addition of high conservation value land to the national parks system in southern Sydney. The proposal represents a small expansion adjacent to the club's current footprint. I understand that the expansion plan will provide strict noise and safety controls. The Firearms Registry of the NSW Police Force has approved the plans and will ensure that the proposed expansion of the club poses no safety risk to visitors to the neighbouring national park.

The bill also recognises the importance of aligning reserve categories with management values, including conservation and recreation values. Two proposals reflect the changing nature of park values and the work of the National Parks and Wildlife Service to clearly define reserve categories. The bill proposes to change the category of 2,020 hectares of Khappinghat Nature Reserve to create Khappinghat National Park. This will reflect a more appropriate alignment between park values and management principles.

Khappinghat Nature Reserve was first created as a small reserve on the lower north coast in 1993 to protect the sensitive lands around Khappinghat Creek on the lower north coast. A much larger area of land was added in 1999. This was before the National Parks and Wildlife Service had developed clear objectives and management principles for reserve categories under the National Parks and Wildlife Act in 2002. At the time, the additional area was merely given the same reservation category as the adjoining nature reserve.

There are now safety concerns for users of Khappinghat Nature Reserve. As horse riding is not permitted on management trails in nature reserves, riders are currently sharing public roads and park roads with vehicles. There is a risk to visitor safety here that needs to be addressed. Changing the category of part of the more recently added land—about half the nature reserve, being 2,020 hectares—to national park will improve public safety and better align existing park uses with management principles. Riders will still be confined to management trails to preserve the conservation value of the park. Another park that needs to be recategorised to reflect the 2002 management principles is Ben Halls Gap National Park. Here there is limited vehicle access, visitor facilities and recreation use. Changing the category of about 3,018 hectares, being all of Ben Halls Gap National Park, to nature reserve will enhance the protection of an area with high ecological and conservation value without impacting on current low-scale visitor use.

The bill also recognises the importance of Aboriginal land claims in preserving cultural heritage. Two proposals reverse the reservation of parks where Aboriginal land claims existed before gazettal. Part of Macquarie Pass State Conservation Area [SCA], about 86 hectares, was subject to an Aboriginal land claim before gazettal. As Illawarra Local Aboriginal Land Council was successful in its claim, part of the reserve needs to be revoked to recognise the land council's title to the land. A similar error occurred before the gazettal of Gwydir Wetlands SCA. About 88 hectares needs to be revoked as a result of a yet to be determined Aboriginal land claim that was in place before the gazettal of the reserve. As the claim is undetermined, the land will be revoked and reinstated as Crown land under the Crown Lands Act 1989. The bill does not affect any native title rights or interests.

Finally, I turn to the need to revoke the reservation of Penrith Lakes Regional Park. Totalling about 6,656 square metres, this park is made up of a section of a former road, a 10-metre strip of land 660 metres long that has no public access, no facilities and no recreational or conservation values. This bill will address this completely inappropriate reservation that was made by the Labor Government in 1998. Overall, taking into account all the proposed boundary adjustments for roads and sporting facilities, about 178 hectares of land will be revoked from the national parks system. These sensible and routine improvements will be done without compromising the conservation values of our outstanding national parks system. While this bill will enable land transfers for positive community outcomes, the National Parks and Wildlife Service has already agreed with other agencies for compensatory land to be added to the reserve system, where it is required.

For the revocation of land to facilitate the Mona Vale Road West upgrade, Roads and Maritime Services offered about two hectares of land to be added to Garigal National Park as compensation. As outlined already, this land offers an opportunity to preserve significant conservation and cultural heritage values, through protecting Whale Rock and ensuring connectivity through metropolitan Sydney's first ever fauna bridge. For the revocation of land from Ku-ring-gai Chase National Park to facilitate the expansion of St Ives Pistol Club, about 140 hectares of high conservation value land has been identified as suitable for addition to the Heathcote National Park in Sydney's south. For land revoked to address the minor boundary encroachment in Middle Brother National Park associated with the Pacific Highway upgrade, land of similar conservation value and size has been identified that is suitable for addition to Middle Brother National Park.

I also point out that the National Parks and Wildlife Service and Roads and Maritime Services have worked collaboratively to reduce the net loss of land from Kosciuszko National Park. Compensation is not required for the revocation of land from Kosciuszko National Park to ensure that the highway is wholly contained within its cadastral road reserve. Much of this land has minimal or negligible conservation value because it contains infrastructure associated with the footprint of the existing highway. Nevertheless, Roads and Maritime Services identified land no longer required that is suitable for addition to the national park. Totalling about 71.8 hectares, this significantly reduces the net loss of land to this iconic alpine park and adds land of conservation value.

This bill responds to the needs of local communities. It ensures sporting ovals and roads located within the boundaries of national parks are managed by the relevant local council. It also allows the St Ives Pistol Club to expand over degraded land. The bill facilitates upgrades and improves boundary accuracy and

safety on some of the State's major roads—the Mona Vale Road West, the Pacific Highway and the Snowy Mountains Highway. The bill also corrects oversights to recognise the importance of Aboriginal land claims. Finally, the bill recognises changes in management values and realigns reserve categories to ensure consistency with reserve conservation and recreation values. This bill in essence is about responsible land management and correcting legal anomalies. I commend the bill to members.

Debate adjourned.

