



Statement of Public Interest

Need

The purpose of the Bill is to revoke land from national parks and reserves to enable highway and road upgrades. The Bill will also make a minor adjustment to the land proposed to be added to the Gardens of Stone reserves to reflect Aboriginal community feedback.

The upgrades to the Great Western and Princes highways are priority road projects and have received Australian and NSW Government funding. The upgrade to Maria River Road by Port Macquarie-Hastings Council is a priority project and has received funding under the NSW Government's 'Fixing Local Roads' scheme.

Under the *National Parks and Wildlife Act 1974* land can only be revoked from national parks and other reserves via an Act of Parliament. Land is generally revoked from parks only as a last resort and where no other practical options are available.

Objectives

The principal objective of the Bill is to revoke land from 6 reserves to enable the upgrading of highways and public roads for improving road safety and for better connecting communities.

The other objective is to ensure that a declared Aboriginal place is not added to the Gardens of Stone reserves and thereby to reflect Aboriginal community feedback.

Options

Transport for NSW has undertaken relevant design and environmental assessments, together with community and stakeholder consultation, to minimise the potential extent of national park revocations associated with the Great Western Highway and Princes Highway upgrade.

Similar efforts have been made in the planning for the upgrade of Maria River Road, which will improve road safety on 30 km of the road across Port Macquarie-Hastings and Kempsey local government areas. There is high community expectation that the upgrade project will commence in 2022.

For all road upgrade road projects alternative options to avoid any impacts to national parks have been exhausted. The area now proposed to be revoked from parks and reserves – 54 hectares – is unavoidable if the safety and accessibility benefits of the projects are to be realised.

Aboriginal stakeholders have provided feedback regarding potential outcomes associated with inclusion of the Maiyingu Marragu Aboriginal Place in the Gardens of Stone reserves. A legislative amendment is needed to prevent the automatic reservation of the Aboriginal place on 30 June 2022. There is no alternative to the legislative amendment to achieve this outcome.

Analysis

The NSW and Australian Governments are investing significant resources in the Great Western Highway upgrade project. Once completed, the upgrade will reduce congestion and deliver safer, more efficient and reliable journeys for those travelling in, around and through the Blue Mountains, while also better connecting communities in the Central West.

The Australian and NSW Governments have also jointly committed to further upgrade the Princes Highway between Jervis Bay Road and the Victorian border. The section between Jervis Bay Road and Sussex Inlet Road is one of five priority areas selected to progress to

design phase as part of this funding. Upgrading the Princes Highway will ease traffic congestion and improve safety.

If these proposed revocations do not proceed, the road safety benefits of both upgrade projects, and the Government commitment to begin the projects by March 2023, would not be fully realised.

The NSW Government has allocated \$17 million under the Fixing Local Roads scheme for the upgrade of Maria River Road, which will improve road safety on 30 km of the road across Port Macquarie-Hastings and Kempsey local government areas.

The Bill will also require appropriate compensation where there is loss of land or park values from the affected reserves. Compensation usually consists of the transfer of land to the Minister administering the *National Parks and Wildlife Act 1974* for addition to reserves.

On balance, the safety and community outcomes of the road projects are sufficient to justify the necessary national park revocations. In turn, the overall integrity of the national park system will be maintained by the provision of appropriate compensatory land.

Pathway

The Bill has been tabled in Parliament in the June 2022 session to ensure that land is revoked from reserves for the road upgrade projects and that the Maiyingu Marragu Aboriginal Place is not automatically added to the Gardens of Stone reserves on 30 June 2022.

The Department of Planning and Environment is responsible for implementing the Bill after it commences and for transferring the revoked lands to Transport for NSW and Port Macquarie-Hastings Council.

Consultation

For the proposed revocations, Transport for NSW, Port Macquarie-Hastings Council and statutory advisory bodies (National Parks and Wildlife Advisory Council and relevant Regional Advisory Committees) have been consulted.

For the proposed amendment relating to the Maiyingu Marragu Aboriginal Place, relevant members of the Aboriginal community have been consulted and support the proposal.