



NSW Legislative Council Hansard

National Parks and Wildlife (Adjustment of Areas) Bill

Extract from NSW Legislative Council Hansard and Papers Tuesday 24 May 2005.

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship) [5.01 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

INTRODUCTION

This Bill proposes the revocation of small areas of land in three national parks and one nature reserve. The need for such revocations arises from time to time, for example to correct reserve boundary errors or boundary encroachments. To achieve this, and to ensure that conservation outcomes remain a priority, lands reserved under the *National Parks and Wildlife Act 1974* may not be revoked except by an Act of Parliament.

Also included in this Bill is an amendment to the *National Park Estate (Southern Region Reservations Act) 2000*, to extend the deadlines for the road provisions in the Act for a period of two years.

The Department of Environment and Conservation carefully considers all alternatives to the revocation of land and their merits, before revocation of land from a reserve may be considered. Indeed, an outcome that ensures a conservation benefit for NSW has been a key priority in the assessment of the revocation proposals contained in Bill. The proposals contained in this Bill will result in a net benefit to the natural heritage of this State and an overall increase in the area of lands that are reserved.

Let me outline the proposals:

South East Forest National Park

It is proposed that several access roads be revoked from the South East Forest National Park. These revocations are required to correct errors that were made during the gazettal of this national park some years ago. In fact, this national park was reserved as a consequence of the *Forestry Revocation and National Park Reservation Act 1996*, which included a statutory provision for the identification of access roads that would not be reserved. An oversight in this process resulted in the reservation of three particular access roads, which are required by Forests NSW so that they can continue to legally access the adjoining State forest for commercial logging.

The revocation is required because the primary use of these roads by Forests NSW for commercial logging is not compatible with their inclusion in a national park. Once revoked, the roads will be vested in the Minister for the Environment under Part 11 of the *National Parks and Wildlife Act 1974* and their future management will be subject to agreement through a memorandum of understanding between the Department of Environment and Conservation and Forests NSW. This arrangement already exists for other roads within the area that are not reserved as part of the national park but are used for access by Forests NSW.

Botany Bay National Park

It is proposed to revoke two small parcels of land totalling 716m² from Botany Bay National Park. This revocation will enable the NSW Golf Club to construct a footbridge and to correct a small boundary error near the 5th tee.

The NSW Golf Club currently provides public access to the adjoining section of Botany Bay National Park at Cape Banks through its golf course. This access is via a dilapidated footbridge, which leads to a championship tee for the 6th green. To ensure public safety, the NSW Golf Club cannot rebuild a new footbridge on the current location because it is actually within the range of golfers using the championship tee. I'm sure you'd agree that the chance of park visitors being hit with golf balls is not an ideal situation.

However, owing to the fact that the Golf Club's Crown lease area is virtually surrounded by national park, they cannot relocate the footbridge and refurbish the 6th tee without encroaching upon the park. The Golf Club

therefore sought approval to extend their leased area into the national park and a Review of Environmental Factors was prepared. Although the outcome of this process suggested that the activity could be conducted without significant environmental impact, the application was refused on the grounds of being deemed not permissible under the *National Parks and Wildlife Act*. The only legal mechanism to enable the expansion of the tee and relocation of the footbridge therefore is the revocation of this small section of land from the national park.

I would like to stress that the small area of land to be revoked has no natural or cultural heritage values. In fact it is highly disturbed land and is mostly covered with non-native grasses.

The revocation and subsequent construction of a new footbridge on this area will clearly benefit the public by improving both visitor safety and access to the park.

Kosciuszko National Park

The proposal is to revoke 184 hectares of land from Kosciuszko National Park to remove a number of developments associated with Talbingo Dam. The land includes major structures such as the dam wall, river inlet tower and outlet tunnel, the spillway and access roads, all of which are managed by Snowy Hydro Limited. These are facilities for which the Department of Environment and Conservation has no management or legal responsibility.

Kosciuszko National Park was gazetted on 1st October 1967, which coincided with the signing of the contract for the construction of the Talbingo Dam. The park boundary therefore did not account for the dam and associated infrastructure that was to be built, resulting in its inclusion in the park.

As you may well imagine, the land that is proposed for revocation from the park is highly disturbed, given the fact that it contains a dam and other major infrastructure. Indeed the land has little natural or cultural heritage value.

The revocation of this land from Kosciuszko National Park will result in a number of benefits. Firstly it will clarify current legal and management responsibilities for this infrastructure, and will enable the realignment of what is currently a very complicated park boundary. It will also enable the Department of Environment and Conservation to divest itself of highly modified land of low conservation value in return for compensatory land of high conservation value.

Lake Innes Nature Reserve

The final revocation is for a small area of land in Lakes Innes Nature Reserve. The proposed revocation will allow Hastings Council to construct an extension of Ocean Drive, which forms part of the Port Macquarie Ring Road Project.

Although the proposed revocation will be of great public benefit by enabling the construction of the Port Macquarie Ring Road, this proposal has been developed to ensure good conservation outcomes remain a priority.

Extension of special roads provisions

The final provisions included in the Bill do not involve the revocation of land but instead propose an amendment to the *National Park Estate (Southern Region Reservations) Act 2000*. The amendment is to extend the deadline allowed for public road boundary adjustments and declarations as to the status of other roads and tracks within new national parks and reserve. The extension is for two years, or until 31 December 2007.

The Government's Regional Forest Agreement Initiative aimed to secure a balance of land uses in forest regions, taking into account conservation values and industry needs. As a result, areas of State forest and Crown land have been transferred to the NPWS reserve system for the conservation of natural and cultural heritage values. These lands contain anomalous public road reserve boundaries and other roads and tracks that provide access to private property.

The extension of the deadline by two years will allow various Government agencies and local councils to address any unforeseen difficulties, for example undertaking survey work in rough terrain and extended negotiation time for the transfer of roads to the appropriate roads authority.

Compensation

Madam President, I would like to turn to the matter of compensatory land for the revocations.

Compensation is not required for the revocation of access roads from the South East Forest National Park as

the revocations from this park are simply intended to correct boundary errors—in other words to remove lands which were not intended to be reserved in the first place.

Nor is compensation required for the extension of the deadlines for public road boundary adjustments and declarations that I have just outlined.

However, to ensure a net conservation gain, compensatory habitat is required for the other proposals.

In return for the revocation of land from Botany Bay National Park, an area of approximately 1,355 square metres of high conservation value land will be transferred to the Department of Environment and Conservation for reservation as part of the park. This land comprises valuable remnants of Eastern Suburbs Banksia Scrub, which is listed as an endangered ecological community under the *Threatened Species Conservation Act 1995*. In contrast, the area to be revoked is a combination of Hawkesbury sandstone outcrops and introduced grasses.

In compensation for the revocation from Kosciuszko National Park, Snowy Hydro Limited has agreed to transfer 146 hectares of land to the Department of Environment and Conservation for addition into Kosciuszko National Park. In return for the revocation of such highly modified land, the compensatory land is forested with undisturbed and high conservation value vegetation and will be a valuable addition to the park.

The revoked lands will not be transferred until compensatory lands are first transferred to the Department of Environment and Conservation.

Lake Innes Nature Reserve

This proposal involves the revocation of 2.89 hectares which includes the land needed for the area needed for the road and a small spur shaped fragment of land that would consequently be isolated from the rest of the reserve. The 3.98 hectares of compensatory habitat from Hastings Council will be added to the nature reserve. This addition will enhance the conservation value of the reserve as it contains greater conservation value than the land to be revoked.

The revocation proposal was prepared in agreement with a working group, which included representatives of the National Parks and Wildlife Service, Hastings Council, the local branch of the National Parks Association of NSW and the Koala Preservation Society.

Revocation of Land Policy

The revocation proposals contained in this Bill have been prepared consistent with the requirements of the National Parks and Wildlife Service Revocation of Land Policy.

The policy stipulates circumstances where revocation of land may be considered and where consultation with the National Parks and Wildlife Advisory Council and compensation may be required. In accordance with the policy, the Advisory Council was consulted on the Botany Bay National Park, Kosciuszko National Park and Lake Innes Nature Reserve revocations. Consultation was not required for the South East Forest National Park revocations as they are simply intended to correct some boundary errors. Nor was consultation required for the extension of time for the application of road provisions in the National Park Estate (Southern Region Reservations) Act.

Conclusion

The Department of Environment and Conservation has carefully prepared the revocation proposals contained in the Bill. The lands to be revoked are either highly modified, containing little by way of conservation values, or necessary for a public good, as in the case of the Lake Innes Nature Reserve. Indeed the compensation that will be received ensures that these proposals result in a conservation gain for New South Wales.

This is a sensible and necessary bill.

I commend the bill to the House.