



National Parks and Wildlife (Telecommunications

Facilities) Bill.

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [8.15 p.m.]: I move:

That this bill be now read a second time.

This bill will allow the Minister for the Environment to authorise, subject to rigorous new environmental assessment criteria, the installation of new telecommunications facilities on lands reserved under the National Parks and Wildlife Act 1974. This Government supports the improvement of telecommunications services, particularly in rural and regional areas of New South Wales. In July 1997 the Commonwealth Telecommunications Act 1997 came into effect. It required for the first time certain activities of telecommunications carriers to comply with relevant State and Territory laws. In particular, telecommunications facilities in national parks were not classed as low-impact facilities and were therefore subject to the laws of New South Wales. Although the National Parks and Wildlife Act permits the installation of certain types of facilities, such as for electricity transmission and pipelines, the Act does not currently allow the installation of new telecommunications facilities on lands reserved under the Act. I seek to have the rest of the second reading speech incorporated in *Hansard*.

Leave granted.

The Act also allows the Minister to grant a lease or licence to use and maintain a telecommunications facility that is *already* situated on reserved lands.

The Act has not kept up with technology—these provisions were drafted well before the invention of modern telecommunications technology such as mobile phones. The national parks estate includes many elevated hill tops and like topography that would be suitable for telecommunication facilities. In fact, the National Parks and Wildlife Service has been approached on numerous occasions by telecommunications carriers seeking to improve network coverage, particularly in rural and regional NSW.

This Bill seeks to correct this anomaly.

Left in its current form, the *National Parks and Wildlife Act* will continue to impede the establishment of an effective statewide network of telecommunication services.

By allowing telecommunications facilities in appropriate locations within the national parks estate, mobile telephone coverage will be extended both within the parks as well as in the immediate surrounding areas. This will particularly benefit the rural and regional parts of the State where communications services are often of a lower standard than in urban areas.

One such example concerns the mobile phone coverage in the Upper Clarence area, in the electorate of Lismore. To provide regional mobile phone coverage in the area, three sites were identified as necessary to meet acceptable service standards. One of these locations is on Haystack Mountain in Yabbra National Park. The height and location of this site would provide mobile phone coverage in the hilly terrain of the Upper Clarence area as well as extending coverage westward to nearby regional communities.

I am grateful to the Member for Lismore for bringing this case to my attention.

As a result of this legislation, his constituents in towns such as Bonalbo will be able to access improved telecommunications services, which are currently denied to them.

The Bill will also provide the capacity to improve communications and safety in emergency situations, such as bush fires and rescue operations. In this context, I note that the NSW Coroner only very recently recommended in his Goobang National Park Fire Inquiry that a mobile telephone repeater be established in the national park to service the community and provide additional communications during times of emergency.

Improved telecommunications facilities will also assist National Parks and Wildlife Service staff in day to day park management as well as emergency services staff, particularly where they are required to work in remote and

rugged areas that may not have radio coverage.

An improved communication network will also lead to an improvement in the safety of people visiting national parks and reserves throughout the State. To cite one area as an example, the Royal National Park on Sydney's southern outskirts is one of the most heavily visited national parks in the State. Unfortunately, the rescue of lost or injured visitors is a common occurrence in this park but due to the hilly terrain, mobile phone coverage is patchy at best, even though the park is right on Sydney's doorstep.

Wattamolla is an example of one particular mobile "black spot" where the National Parks and Wildlife Service has installed an emergency telephone. This phone utilises a telecommunications tower located in the nearby suburb of Cronulla, however, I understand that it is a common occurrence for this tower to become overloaded. This often results in a loss of signal to the emergency phone, which unfortunately then ceases to be operational. An event such as this could mean the difference between life and death in an emergency situation.

I understand that just over a week ago, a group of four bushwalkers became lost in the Royal National Park. They were lucky in that they happened to be in a good location to get a signal and so managed to alert authorities by using their mobile phone, leading to their successful rescue. However, in hilly terrain or remote areas such as Nattai or Blue Mountains National Park, if a walker is lost or injured they may simply be unable to use their mobile phones to seek emergency assistance without first climbing to the top of a hill or by walking a long way out to get help.

No government has done more than this government for conservation in NSW. Since 1995, more than 1.86 million hectares have been added to the national park system, which is now amongst the best in the world with around 21 million visitors every year. This Bill ensures that the conservation values of the national parks estate will not be compromised. The Government will not allow new telecommunications facilities to be constructed in the national parks estate at will.

The installation and on-going maintenance of telecommunications facilities within the national park estate will be subject to rigorous environmental assessment processes under Part 5 of the *Environmental Planning and Assessment Act 1979*.

I can assure the House that the conservation of biological diversity and ecological integrity will be a fundamental consideration when determining whether the installation of telecommunications facilities within the national park estate should proceed.

In addition to the environmental safeguards afforded by the *Environmental Planning and Assessment Act*, this Bill requires that telecommunications facilities cannot be approved in the national parks estate unless certain criteria are met.

Firstly, the Minister will need to be satisfied that there is no other feasible off-park option. National parks should and will not be seen as a 'soft option' relative to land outside the estate. Telecommunications carriers will have to provide evidence that they have examined alternative locations outside of the reserve estate and explain why these locations are not feasible.

Facilities will also need to be essential for the provision of telecommunications in the park or in surrounding areas, which would be served by the facility. This criterion will reduce the potential for a proliferation of towers.

Once the facility becomes redundant (due to advances in technology), it must be removed and the site must be rehabilitated. This will ensure that redundant infrastructure does not proliferate in parks.

The siting of all new telecommunications facilities must take into account park management objectives. This is important to ensure that the operation of the facility does not compromise the values of the area and the impact of the facility on park management and park users is minimised.

Lastly, when selecting the preferred location for new telecommunications facilities, any existing easements and structures within the park are to be assessed for the suitability to co-locate the new infrastructure. This is intended to consolidate impacts onto sites that are already disturbed.

As a matter of policy, the telecommunications facilities would also be subject to the National Parks and Wildlife Service's Construction Assessment and Approvals Procedure, which ensures the safety of structures built within the national park estate. Carriers would also be encouraged to be inventive with design of telecommunication facilities to minimise visual impacts upon the environment. In addition, the National Parks and Wildlife Service will develop guidelines for environmental assessment and approval processes for telecommunications facilities proposals.

The Bill will provide the Minister for the Environment the discretion to grant a lease, licence or easement for telecommunication facilities in the national park estate.

The granting of an easement is generally only appropriate for optical fibre cables and copper cables. In all other cases the Minister would consider the issue of an appropriate licence, which is the accepted practice across other Government land management agencies.

The granting of a licence also enables explicit operating conditions to be attached to any licence, with the primary aim of minimising impacts on lands managed by the National Parks and Wildlife Service. Similarly, conditions can be negotiated before an easement is granted. This will ensure that facilities are located, designed and maintained consistent with the management objectives of the area.

In addition, the National Parks and Wildlife Service would negotiate a rental or fee agreement that reflects the commercial nature of the proposal. This is consistent with the whole of Government review of the licensing and pricing regime for telecommunication sites on Crown lands, and reflects the current practice of Government land management agencies with respect to the administration of telecommunication facilities.

The receipt of revenue will also benefit the management of national parks as such funds would be dedicated for a range of conservation works.

This is a necessary and sensible Bill that will bring the *National Parks and Wildlife Act* up to date with modern telecommunication technology, which will in turn benefit rural and regional NSW, as well as having benefits for park staff and visitors in emergency, rescue or park management situations.

I commend this Bill to the House.

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