

Agreement in Principle

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [10.40 a.m.]: I move:

That this bill be now agreed to in principle.

I have been working closely with conservation groups as well as those interested in growing the opportunities for visitors in our spectacular national parks to bring forward the National Parks and Wildlife Amendment (Visitors and Tourists) Bill 2010. In the course of the consideration of this bill by Parliament I will continue to consult with relevant groups and address any issues that may be raised. This bill seeks to get the balance right between conservation and connecting people with nature by providing memorable and meaningful experiences. It provides clarity about the purposes for which leases and licences can be granted and strengthens environmental standards for those leases and licences. This bill also provides more opportunities for the public to have a say in what happens in their local parks. New South Wales has an enviable park system, with more than 450 new parks created since the New South Wales Labor Government took office in 1995.

Covering more than 6.7 million hectares, our parks stretch from the spectacular coastal wilderness in the south to the lush rainforests of the northeast, across Mount Kosciuszko to the Riverina and the outback beyond. They provide critical habitat to a wide range of native animals and plants; protect significant cultural heritage of Aboriginal communities; and showcase the unique and diverse history of this great State. We have a responsibility to ensure that the people of New South Wales and our visitors can access and experience our national parks first hand, to enjoy and appreciate all they have to offer. Indeed, the New South Wales Government State Plan recognises the importance of our natural areas to people by setting a specific target for increasing visitation to parks and reserves in this State by 20 per cent by 2016.

The Government's rationale is very simple: remaining relevant and raising community awareness of New South Wales's unique natural and cultural heritage is the way in which we will ultimately strengthen long-term support for conservation. The Government's 2008 Taskforce on Tourism and National Parks reaffirmed the importance of encouraging visitation through its consensus report. It contained 20 recommendations for an enhanced level of sustainable visitation and nature-based tourism in the State's national parks, marine parks and reserves. Significantly, it was the first time in New South Wales that conservation and tourism representatives had come together to agree on the types of facilities and activities for visitors and tourists that are appropriate for a national park setting. This bill contributes towards the implementation of the taskforce recommendations.

For the benefit of those members of the House who are not familiar with the details of the park system, it comprises seven different reserve categories that reflect the varying purposes for which land may be reserved under the Act. These include nature reserves, karst conservation reserves, national parks, Aboriginal areas, historic sites, regional parks and State conservation areas. In addition, wilderness areas may be declared under the Wilderness Act over any lands within the park system. The amendments we introduce today have little impact on the most pristine parts of the park estate contained in wilderness areas and nature reserves, which together make up around 43 per cent of the park system. The taskforce reported that, in its current form, the Act is complex and lacks clarity for operators interested in working with the Government to deliver sustainable opportunities for visitors and tourists.

For this reason today we outline our intent to amend the National Parks and Wildlife Act 1974 to streamline the existing leasing and licensing provisions of the Act and clarify the purposes for which leases or licences may be granted on park estate. It sets new standards for environmental sustainability for those leases and licences and introduces greater transparency and accountability measures. The first measure introduced by the bill is to make it clear that both local visitors and tourists are welcome to enjoy and appreciate our parks. The amendments propose the inclusion of sustainable tourist use within the management principles of relevant reserves as well as ensuring there is a clear understanding of what is meant by "sustainable" by inserting a definition of it into the Act that refers to the principles of ecologically sustainable development.

The bill recognises that sustainable visitor and tourist use is an appropriate use within national parks, State conservation areas, regional parks, historic sites, karst conservation reserves and Aboriginal areas. The bill emphasises that tourist facilities are not appropriate in nature reserves and wilderness areas due to the outstanding conservation values of these areas. The existing Act already contains broad powers to grant leases and licences, including for hotels and other accommodation facilities and amenities for tourists and visitors. However, the current powers to grant leases and licences are set out in separate provisions based on whether the proposal is for a new facility or the adaptive reuse of existing buildings. The amendments do not propose to expand the range of purposes already permitted under the existing Act.

The changes we endorse today create a single, simpler provision that sets out, in detail, the purposes for which a lease or licence may be granted. It makes it clear those purposes that are permissible and those that are not.

This means that operators and accommodation providers who are interested in partnering with the National Parks and Wildlife Parks Service know what to expect and what is expected of them. It also makes it simpler and easier for communities to know what facilities and activities may occur in their parks. We want to avoid the unnecessary delays and roadblocks to outstanding conservation outcomes such as occurred with the Quarantine Station at North Head in Manly. In that case more than 10 years was wasted on disputes over uses as important as education centres and amenities for visitors and tourists.

The end result is that we now have a world-class accommodation and conservation experience—right on Sydney's doorstep. Importantly, our private sector partner has worked with us and invested more than \$15 million to restore the fabric of the heritage buildings and the surrounding precinct. Importantly, for conservation, as noted in proposed clause 151(3), the bill does not in any way override or remove the requirements for the management of reserved land to be in accordance with the relevant management principles. In addition, in determining whether to grant a lease or licence the Minister must give effect to the objects of the Act. It is also a condition of every lease and licence that lessees and licensees comply with the relevant plan of management.

Conservation of our natural areas and cultural heritage is the unequivocal basis upon which national parks and reserves are—and will continue to be—managed. Today I table independent legal advice from Mr Bret Walker, SC, which critiques a recent draft of the bill before the House and responds to recent claims made by Mr Robertson, SC, in his advice to the conservation groups. Mr Walker states:

the amendments proposed by the bill would clarify but not broaden in any significant way the range of purposes for which leases and licences may be granted in national parks.

Mr Walker further concludes that the amendments, in his opinion:

would strengthen the environmental controls and checks and balances in the Act on the environmental impact of developments in national parks;

would better secure the protection of the natural and cultural values of national parks than the admittedly already considerable protection given by the Act, and

the addition of the word "tourist", certainly does not have the vice (from a conservation point of view) of permitting the influx and servicing of a new horde of people hitherto not welcome in New South Wales national parks.

In Mr Walker's opinion:

both overall and in detail, the assertions of some backsliding from current conservation values, threatened by the bill, are boxing at shadows. There is no substance in any of the strained and melodramatic hypotheticals found in Mr Robertson's Memorandum of Advice. "Disneyland"? "supermarkets"?—really? I do not see any legal merit in Mr Robertson's suggestion that this would be a closer possibility in New South Wales national parks were the bill enacted, than it is under the Act in its present form.

Mr Walker explains that there is no substance whatsoever in claims that "the floodgates have opened" with regard to rampant "privatisation". In fact, Walker states that the bill proposes a "much better and more thoroughgoing subjection of all powers to lease or licence within national parks to appropriate purposes on conservation-informed terms". Mr Walker's conservation-informed terms are achieved by the new provisions within the bill that strengthen the environmental standards for leases and licences.

The bill does this, first, by establishing that the Minister must not grant a lease or a licence unless satisfied that: it is compatible with the natural and cultural values of the land and its surroundings, it provides for the sustainable and efficient use of natural resources, energy and water, and any new or modified structures are of an appropriate built form and scale, including bulk, height, footprint, setbacks and density. The bill requires the director general to adopt assessment criteria that detail how these matters are to be considered. In addition, the director general must prepare a report for the Minister that assesses leases or licences against these criteria.

This report must be considered by the Minister before granting a lease or licence. Discussions with conservation groups over recent weeks have helped to refine the bill further, particularly with regard to these new assessment criteria. The bill now ensures that they may be varied only if the director general has consulted with the National Parks and Wildlife Advisory Council—and if the council agrees that any variation, on balance, improves or maintains the environmental outcomes. I note for the benefit of members that this council is an independent advisory body, constituted under the Act, of representatives nominated by organisations including the National Parks Association, the Nature Conservation Council of New South Wales and the Local Government and Shires Associations.

This additional check and balance provides certainty that the criteria will remain a robust method of assessing lease proposals intended for national parks in New South Wales. The new assessment criteria will not apply to a lease or licence of land within a ski resort area, as these areas are subject to separate, specific planning controls under a State environmental planning policy; or to some renewals, including those where the renewal results

from an option in an existing lease. Our clear intention is to ensure that reputable operators are not deterred from partnering with the parks service to continue delivering visitor facilities and services. The Government recognises that it is important not to "move the goalposts" if it has already entered into an arrangement with a private partner and that private partner has been doing the right thing by the environment and the public.

Some concern has been raised with regard to allowing leases or licences for sporting and recreational activities. I clarify that only low-impact sporting activities such as the very popular annual Oxfam Trailwalker, the Wilderness Society's Wild Endurance and the Anaconda Adventure Race are appropriate for national parks. These events, which involve healthy outdoor recreation such as swimming and kayaking, are the type of activities communities would want us to support. The bill will allow opportunities for these activities to continue while clearly ruling out the development of inappropriate sporting facilities such as stadiums.

A real benefit of the bill is that it improves transparency by requiring public advertisement of all leases that involve new purposes, new buildings, or significant modifications to existing buildings. Currently only leases in ski resort areas and leases for adaptive reuse need to be so advertised. The bill also provides that all leases for new facilities or significant modifications to existing buildings must be referred to the advisory council. In addition, the bill proposes that the Minister may, under clause 151G (1) (b), also refer a lease or licence proposal to the advisory council if the Minister thinks it is appropriate to do so. This provision allows sufficient flexibility to refer major lease renewals, including all head leases as well as leases that involve substantial infrastructure and are for a term of more than 10 years, to the advisory council for advice. In response to recent concerns raised by conservation groups, I confirm my commitment to refer all such leases to the advisory council under this provision.

These are important new measures that improve accountability of leasing and licensing of land within our parks. These amendments will both improve and streamline consultation processes and improve the consistency of decision-making with regard to facilities and amenities of parks. This will provide legislative certainty for private investors and park managers alike who may wish to consider new and innovative accommodation, facilities, events or functions for appropriate parts of the reserve system.

Further proposed amendments will improve equity of access for, and safety of, individuals by allowing licensed tour operators to guide small groups of people into remote wilderness areas. The changes relate only to the types of activities that are currently permissible on a self-reliant basis, such as walking or canoeing. These activities, guided by licensed tour operators, will have no greater impact than the current scenario where small groups or clubs pursue the same activities but on a non-commercial basis. In addition to improved safety, the benefits of this change include building awareness of the immense value of our wilderness areas and creating new opportunities for nature-based tourism experiences in New South Wales. There are people who lack the skills, confidence or equipment to undertake recreation in parks independently, and particularly in more remote wilderness areas. This bill removes some of these barriers and makes it possible for a broader range of the community to experience and immerse themselves in nature.

The bill also proposes the removal of two anomalies relating to leasing and licensing in the existing Act. It corrects the provision that prevents leases and licences being granted in State conservation areas and regional parks that are in Aboriginal lands reserved under part 4A of the Act. The removal of the current restrictions on leasing and licensing in Aboriginal areas and lands conforms with the wishes of traditional owners, and will assist in fostering employment opportunities for Aboriginal communities; and it allows licences for appropriate commercial activities to be granted in regional parks, State conservation areas, karst conservation reserves, Aboriginal areas and nature reserves. For example, this amendment means that commercial licensing of activities that are of a scientific or educational nature may occur in nature reserves, consistent with the relevant management principles. This will allow licensed activities such as bird-watching tours to occur within a nature reserve.

Finally, the bill includes proposals to re-categorise four specific reserves to enable the most appropriate use of these areas. All four proposals have been reviewed and endorsed by the relevant regional advisory committee, ensuring that the communities' views have been taken into account. These re-categorisation proposals improve access to important places such as historic Roto House and other visitor facilities such as the Sea Acres Rainforest Centre. We want to continue to provide park visitors with the sort of high-quality experiences they have come to love—from beachside cottages and lighthouse accommodation to Snowy Mountains cabins and outback homesteads.

Indeed, families and community groups have been enjoying on-park amenities for decades—in fact, the National Parks Association recently enjoyed a thirtieth anniversary celebration at our Woody Head cabins in Bundjalung National Park, on the New South Wales North Coast. The ultimate intention is to work with private operators who share the parks service's commitment to the pre-eminence of conservation and who are, themselves, committed to providing visitors to parks with a range of low-impact and best practice facilities and sustainable accommodation options.

One example of where the Government would like to achieve this mutually beneficial partnership arrangement is in Ben Boyd National Park, on the far South Coast of New South Wales. The existing Light to Light multi-day

walk has the potential to become one of the world's great walks—and it is appropriate for the parks service to consider low-impact, safari-style tents or eco-cabins for people to stay in overnight, as they embark on their coastal journey. The bill provides New South Wales with an opportunity to showcase our magnificent natural and cultural wonders. Places such as New Zealand and Tasmania and even our friends in Victoria are already providing nature-based accommodation and experiences that are capturing the hearts and minds of young and old alike. The bill will position New South Wales to provide world-class experiences for visitors and tourists to match those in other places.

This Government is committed to supporting regional communities by providing a range of experiences in parks for visitors to enjoy, which may in turn encourage people to stay longer in regional New South Wales. To this end, it is certainly not our intention for national parks to compete with local accommodation providers or operators. To the contrary, I assure the House that the Government is interested in collaborating with local communities to complement existing options for visitors seeking a unique nature or cultural experience in Sydney and the regions. We are confident that these changes will improve the National Parks and Wildlife Act in a way that enables us to cater for a broad range of visitors while upholding the absolute primacy of nature conservation in New South Wales. I commend the bill to the House. I table a document setting out legal advice the Government has received from Bret Walker, SC, dated 1 June 2010.