

**The Hon. RICHARD JONES** [8.49 p.m.], by leave: I move my amendments Nos 1, 2 and 4 in globo:

No. 1 Page 4, schedule 1. Insert after line 6:

(3) Subsection (2) does not authorise the granting of a lease, licence, easement or right of way for the purpose of enabling any of the following functions to be exercised in relation to the land concerned:

- (a) the impoundment of water on the land,
- (b) the permanent inundation of the land,
- (c) the construction of flood mitigation structures on the land.

No. 2 Page 4, schedule 1. Insert before line 7:

(4) For the purposes of subsection (3) (b), **permanent inundation** includes any flooding additional to the temporary flooding that already occurs due to natural rainfall.

No. 4 Page 4, schedule 1. Insert after line 19:

(7) Subsection (2) does not authorise the granting of a lease or licence in relation to land that is within a wilderness area.

Amendment No. 1 will restrict the granting of an interest under new section 153B to exclude high impacting infrastructure within national parks and other reserves, such as dams, weirs and flood mitigation works. It will also prevent the flooding of a national park caused by a new or raised water storage dam situated outside the national park or reserve. Amendment No. 2 will ensure that "permanent inundation" is defined in a way that includes any flooding additional to the temporary flooding that already occurs due to natural rainfall. The definition of "permanent inundation" is needed to ensure that the section 153B provisions are not used to allow flooding of a national park for an extended, albeit short, period.

During the early 1990s the Coalition Government proposed the raising of the Warragamba Dam, which would have allowed the flooding of areas of the Blue Mountains National Park for periods of up to 30 days. That was promoted as temporary and not permanent flooding, but it would have killed most of the vegetation covered by the temporarily held floodwater. In 1995 the Carr Government prevented Warragamba Dam being raised, because of the unacceptable environmental impact of flooding upstream national parks. By defining "permanent flooding" to include short-term flooding additional to naturally occurring flooding already occurring, if amendment No. 1 were supported a section 153B interest could not be granted for that activity.

Naturally occurring flooding of national parks in special areas, including floods caused by existing dams when they are full, such as Warragamba, Tallowa and Chichester, is not prevented, although the Government has informed us that the section 153B provisions will not be used for that purpose. Amendment No. 4 will ensure that leases or licences cannot be granted in wilderness areas. Section 153A prevents the granting of a lease or licence within a wilderness area under other parts of the National Parks and Wildlife Act. Thus it is appropriate that new section 153B be consistent with that.

If an area is declared wilderness, such as the Kanangra-Boyd wilderness within the Warragamba Dam special area, this amendment will prevent a section 153B lease or licence permitting water and waste water activities or infrastructure from being granted within that area. Recently the Minister for the Environment wrote to environment groups stating that he would extend the Kanangra-Boyd wilderness to the foreshores of Lake Burragorang. It is entirely appropriate that no lease or licence is granted under proposed section 153B within this wilderness area.

**The Hon. IAN COHEN** [8.52 p.m.]: I support the earlier amendments moved by the Hon. R. S. L. Jones. We have seen many examples of flooding, through artificial impoundments and works in many areas, not only in New South Wales but throughout Australia. The Hon. Richard Jones clearly pointed out that such flooding destroys vegetation in a relatively short period. I support the amendments moved by the Hon. Richard Jones to control leases and licences, particularly in wilderness areas where waste water is an issue.

**The Hon. CARMEL TEBBUTT** (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.53 p.m.]: The Government supports amendments Nos 1, 2 and 4. It is not the Government's intention that the Minister be empowered to issue a lease or licence to permit the permanent inundation of special area lands that are transferred to the National Parks and Wildlife Service, or to permit the construction of flood mitigation structures on these lands. These amendments clarify that intention.

**The Hon. JOHN JOBLING** [8.54 p.m.]: The Opposition supports amendments Nos 1, 2 and 4. The addition of subsections (3), (4) and (5) to new section 153B will clarify this situation. That new section will not operate to authorise the granting of leases, licences, easements or rights of way for the impoundment of water on the land. The Opposition supports the amendments to the last part of that section, which deals with the construction of flood mitigation structures on the land.

**Amendments agreed to.**