



Dissenting Report

Labor and Democrat Members

Introduction

- 1.1 The dissenting Members believe that the heritage values of Norfolk Island are of national and international significance and that in consequence the Commonwealth has an unescapable obligation to ensure that the arrangements for their long term protection and day to day management are of an appropriate standard.
- 1.2 The Chair's report is premised on the view (2.46 and 3.23) that while it is still too early to assess the effectiveness of the proposed new land management and planning arrangements on the Island if the recommendations of the report and those of the Governance report are acceded to there can be no reasonable justification for the proposed land initiative not proceeding.
- 1.3 The dissenting Members disagree with this approach because, on the evidence placed before the Committee by the Australian Conservation Foundation and others, implementation of the land initiative would immediately weaken the Island's environment protection system and pave the way for the national heritage values to be adversely impacted.
- 1.4 The proposed land initiative involves placing a greater level of discretion and responsibility for national heritage protection on the shoulders of one of the smaller communities of Australia.
- 1.5 To properly understand the protection needs of the Norfolk Island environment we believe it is essential to recognise the distinctive and closely linked nature of the heritage. The Island heritage has four main

components: the largely natural areas of the Norfolk Island National Park and some of the public reserves; the modified rural areas; the coastline and the Kingston Arthurs Vale Heritage Area (KAVHA). Their interconnectedness stems from history, the small size of the Island and relationships between their values.

- 1.6 The rural landscapes of the Norfolk Island countryside created by clearing most of the rainforest still contain remnants of the original rainforest and these contribute to the distinctive character as well as complementing the role of the National Park. Rural areas adjacent to the Park also have value either as buffers or in providing a bank of land suitable for future park extension. The coastal zone is closely linked to the adjoining rural areas and throughout Norfolk Island's history has been regarded as being of importance to the community in providing shelter and public access. It also provides valuable habitat for Norfolk Island's important seabird colonies. At the other end of the spectrum both the rural and coastal areas have high associative values with the buildings and landscapes of the second settlement at Kingston, Longridge and Cascade.
- 1.7 All of these four components of the nationally significant heritage of Norfolk Island are threatened in one way or another by the proposed land initiative. The linch pin is the Crown leasehold now threatened by the proposed land initiative.
- 1.8 The Commonwealth has for many decades successfully protected the heritage values of the rural and coastal areas which are Crown leasehold by means of a policy of not allowing subdivision. The policy had the specific purpose of protecting visual amenity. The very fact of this success was used as justification for closer subdivision of the half of the Island which is freehold with a consequent loss of heritage values in those parts of the Island. This has made the Crown leasehold areas even more important for conservation. The proposed revisions to the Norfolk Island Plan which are a part of the land initiative would change the subdivision regime from one of 'no subdivision' to a minimum lot size of 4 hectares allowing for over 50 new lots. It would also make much more difficult the extension of the National Park to include vital areas already identified as being important for inclusion.
- 1.9 In addition the revision of the Norfolk Island Plan would remove as part of the land initiative the 'Environmental Protection Area (Coastal Protection)' which has prohibited building within 50 metres of the top of the erosion prone cliffs. This would impact adversely on visual amenity, public access and seabird habitat.

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- 1.10 In addition the statutory plan revision would remove the development control provisions of the existing plan for the protection of KAVHA's visual setting.
 - 1.11 The Chair's report makes no reference to the proposed plan revisions relating to the subdivision limit for the rural zone, the removal of the coastal protection zone and the removal of the protection for the visual setting of KAVHA even though all three have the potential to seriously weaken heritage protection on Norfolk Island.
 - 1.12 We believe that future generations of Australians, including Norfolk Islanders deserve better than a formula that says, in effect, let us see how things work out. Rather than taking risks the emphasis, we feel, should be on making sure that the Commonwealth has a role which is appropriate to the high value of the heritage resource at stake.
 - 1.13 We also reject the motion that the existing protections for the national heritage values can be replaced by the proposed covenants, agreements and undertakings voluntarily entered into by land holders. This again is a 'hope for the best' approach involving unacceptable risk for national assets. We believe the protection regime for Norfolk Island needs to be strengthened not weakened.
 - 1.14 The main vehicle for the Commonwealth to exercise its conservation responsibilities appropriately is by utilising the provisions of the EPBC Act more actively and through greater involvement in planning wherever national heritage values are involved.
 - 1.15 The assessment of what features are of Australia-wide significance is not complete. Cultural landscape values have not been subject to recent consideration and were outside the brief for the unpublished report referred to by the Department of Transport and Regional Services. The nominations for the Commonwealth Heritage List have yet to be exhibited for public comment.
 - 1.16 The Commonwealth Property Principles (clause 3.9) state that "there will not be divestment of Commonwealth property where there are overriding public interest considerations concerning such matters as ... heritage or environmental issues". If the Crown leasehold was converted to freehold the nominated areas would no longer be eligible for consideration for the Commonwealth Heritage List. In our view such an action would constitute a serious environmental injustice. On the evidence presented to the Committee we believe that there is a strong *prima facie* case for the Commonwealth to retain the Crown leasehold properties to protect their heritage values.

- 1.17 Similarly, the Island's world heritage values should not be prejudiced by changes in land tenure and administration. The proposed revised Norfolk Island Plan would change the KAVHA Board's role in planning to a purely advisory one. It is worth noting that Crown lease lots in KAVHA and the KAVHA visual setting could be included in a future round of lease conversions to freehold.
- 1.18 While rejecting the main thrust of the Chair's report concerning acceptance of the proposed land initiative the dissenting Members agree with the recommendations of the Chair's report except the following:

Recommendation 2

- 1.19 We disagree with this to the extent that it implies that the current lease transfer proposal is acceptable.

Recommendations 8 and 9

- 1.20 We disagree with this to the extent that it implies that the entering into agreements, covenants or other undertakings should be voluntary and that these are an adequate substitute for the current protective regime associated with Commonwealth ownership, particularly the ban on subdivision.



Senator Trish Crossin
Deputy Chair

Senator John Hogg

Senator Kate Lundy

Ms Annette Ellis, MP

Hon Warren Snowdon, MP

Senator Natasha Stott-Despoja

