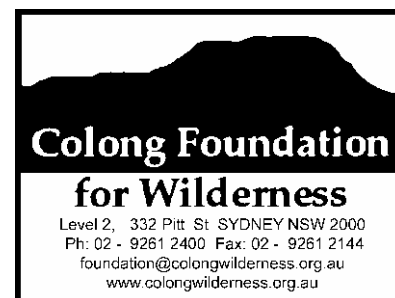


Supplementary information to the Senate Environment, Communications and the Arts Committee inquiry into the operation of the *Environment Protection and Biodiversity Conservation Act 1999* – Specific Proposals



Thursday 4th December, 2008

Background regarding the need to improve the management of Commonwealth reserves

The Environment Protection and Biodiversity Conservation Act, 1999 importantly provides for the management of Commonwealth Reserves but these provisions currently expose large intact natural areas within these reserves to inappropriate development.

The Act needs to ensure the adequate protection and efficient management of the Commonwealth reserves estate.

Visitor use in Kakadu National Park is not managed in a manner that will maintain its natural or near natural state as required by the EPBC Regulations 2000. Schedule 8, Part 2 of the regulation stipulates that visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near natural state.

When 2007 plan of management was made, Zone 4 of Kakadu National Park, that protected Wilderness values, was removed (see attachment 1). The draft Tourism Master Plan for Kakadu National Park now proposes tourist facility development in the Mary River Precinct for part of this former Zone (see attachment 2). This demonstrates that the regulations and Act are insufficient to protect the ecological integrity of national parks as defined by its large intact natural areas and the following proposals seek to address this deficiency.

Proposals

Objects for the Act

The statutory objects need to state clearly the intent of the Act is *to protect* the environment and *conserve* biodiversity.

Reserve management principles

The management principles for each reserve category need to be brought into the Act from the regulation and put into order.

Visitor use must be *compatible with* the conservation of a reserve's natural and cultural values.

Management Plans

The mandatory content of management plans must prescribe the protection of natural and cultural values, and the ecological integrity of the reserve. The Act needs to prescribe the content of the plan of management in detail.

The Act should be amended so that management plans address specific matters, including the relevant reserve management principles; the conservation of biodiversity, the maintenance of habitat, ecosystems, and populations of threatened species;... the protection of wilderness values and the management of wilderness areas ...

To prevent management plans from being generalised statements of intent (motherhood statements), the specific management tasks in the plan of management must be performed to a specified timeframe and, where appropriate, defined in precise spatial terms.

Facilities and proposed facilities for ecologically sustainable visitor use must be defined on a map in precise spatial terms to ensure the security of the natural and cultural values of the reserve, and the ecological integrity of the reserve.

Facilities and proposed facilities for ecologically sustainable visitor use identified in a management plan must not be located in essentially intact, large natural environments (wilderness).

Leasing and licensing

In relation to national parks, leasing and licensing should be permitted only on modified natural areas that are considered unsuitable of ecological restoration.

To ensure the ecological integrity of reserves, leasing and licencing will not be permitted in large natural areas of essentially intact natural environments.

Leasing and licensing provisions to restore reserves

The Act's provisions must require the terms and conditions of leases and licences to support management principles for the relevant reserve and be consistent with the objects of the Act and the reserve's plan of management.

A condition issue of all leases must be the restoration of modified natural areas within the title and the surrounding reserve areas.

Definition of modified natural areas

Modified natural areas unsuitable of ecological restoration will be mapped and indicated in the reserve management plan. These areas are generally located toward the edges of reserves. Core reserve areas would not usually be mapped as a modified natural area, although there may be exceptions due to past intensive land use.

Definition of large intact natural area

The remaining areas of Commonwealth reserve outside the mapped modified natural areas unsuitable for ecological restoration are deemed to be a large intact natural area of essentially intact natural environments. (This is intended to absolutely protect from technology-based visitor use the majority of land reserved under the Act. It should also make this identification a pre-requisite for any lease, licence or tourist infrastructure development).

Create a Reserves Advisory Council for Part 15 of the Act

The purpose of a reserves advisory council would be to provide independent advice to the Minister on management plans under Part 15 of the Act.

A Reserves Advisory Council should be appointed by the Minister and comprise 4 Board members of Commonwealth Reserves, 4 members of World Heritage Area Advisory Committees, 2 persons with expertise in non-government organisations concerned with the conservation of nature, one of who is selected from a panel of 3 nominees of the Australian Conservation Foundation and one of whom is selected from a panel of 3 nominees from the National Parks Australia Council, 2 persons with scientific qualifications in areas associated with the conservation of nature, 1 person with qualifications in cultural heritage research.

The Reserves Advisory Council would make representations for any management plan under Part 15 after receiving and considering any comment by the authority responsible for the preparation of the management plan. The Reserves Advisory Council must provide a copy of any advice it provides to the Minister also to the authority responsible for the preparation of the management plan and the Minister must consider the Council's advice before adopting the management plan.

Background regarding the need to further protect wilderness outside Commonwealth reserves

The National Forest Policy Statement (NFPS) was agreed in 1992 and signed by the Prime Minister and all State and Territory leaders. The forest policy is Commonwealth Government policy.

The National Forest Reserve Criteria were developed under the forest policy to guide "the development of a comprehensive, adequate and representative reserve system, and implementation strategies to protect old-growth forests and wilderness as part of the reserve system" (JANIS, 1997). These criteria required protection of 90%, or more if practicable, of the area of high quality wilderness ... to be protected.

Despite most states reserving far less wilderness than the NFPS target, all states and territories, apart from NSW, did not reserve wilderness in formally dedicated wilderness reserves. This is despite having legislation to enable reservation of wilderness. These large intact natural areas within the NRS are being subjected to accumulative development impacts of visitor infrastructure, including fragmentation by roads. This proposal seeks to ensure adequate environmental assessment and review of intact parks areas before these are developed.

A second objective is to ensure the integrity of large intact natural areas (wilderness) is considered in Strategic Planning (Part 10 of the EPBC Act) and in Bioregional Planning (Part 12 of the EPBC Act), where relevant. Through this proposal the integrity of large intact natural areas would be considered as part of due process for these Strategic Planning and Bioregional Planning initiatives.

Proposals

Include wilderness as a 'matter of environmental significance'.

Wilderness to be defined using JANIS, 1997 criteria.

A second best option would be to trigger the 'matter of environmental significance', only for those wilderness areas meeting JANIS criteria that are within National Reserve System areas. This proposal would only give some formal consideration under the Act to those wilderness areas within the NFPS but outside Commonwealth reserves.

The latter option is inferior because many large intact natural areas are not protected, but nevertheless it is appropriate for the ecological integrity of these areas to be considered and taken into account during Strategic and Bioregional Planning Processes.

Background for improvement of World Heritage Area and National Heritage Area triggers

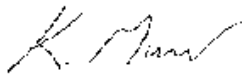
The values based approach to environmental assessment and protection of World Heritage and National Heritage properties is vexed by consideration of unnecessary complexities regarding the particular values for which each particular property is listed. These values may be difficult to define and may never be accurately mapped, whereas the boundary for a World Heritage Area or a National Heritage Area is properly mapped.

To protect the property is to protect its values. Environmental impact assessment would be simplified by requiring the integrity of a listed property to be considered and protected. Such a property-based approach would avoid second order considerations of cultural and heritage values at the trigger stage, when it is really not possible to ascertain whether or not particular listed values are affected by a proposal, as the detailed impact studies have not been done. Of course you would address the listed values in any detailed consideration, at the appropriate stage, but the emphasis would be on protecting the property.

Proposal

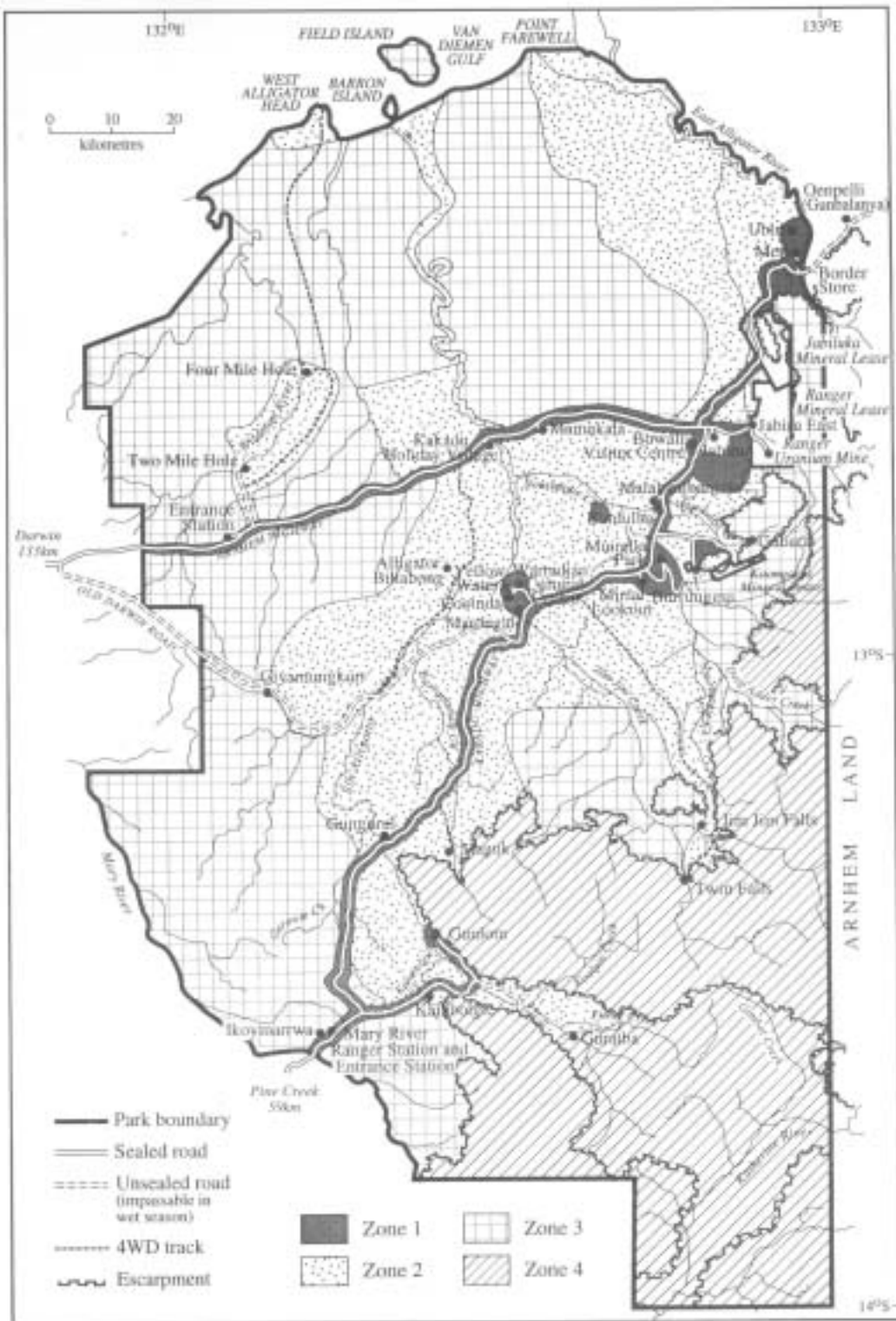
In relation to World Heritage Areas and National Heritage Areas controlled actions would be triggered when the action is likely to have a significant impact on the property in question.

Yours faithfully,

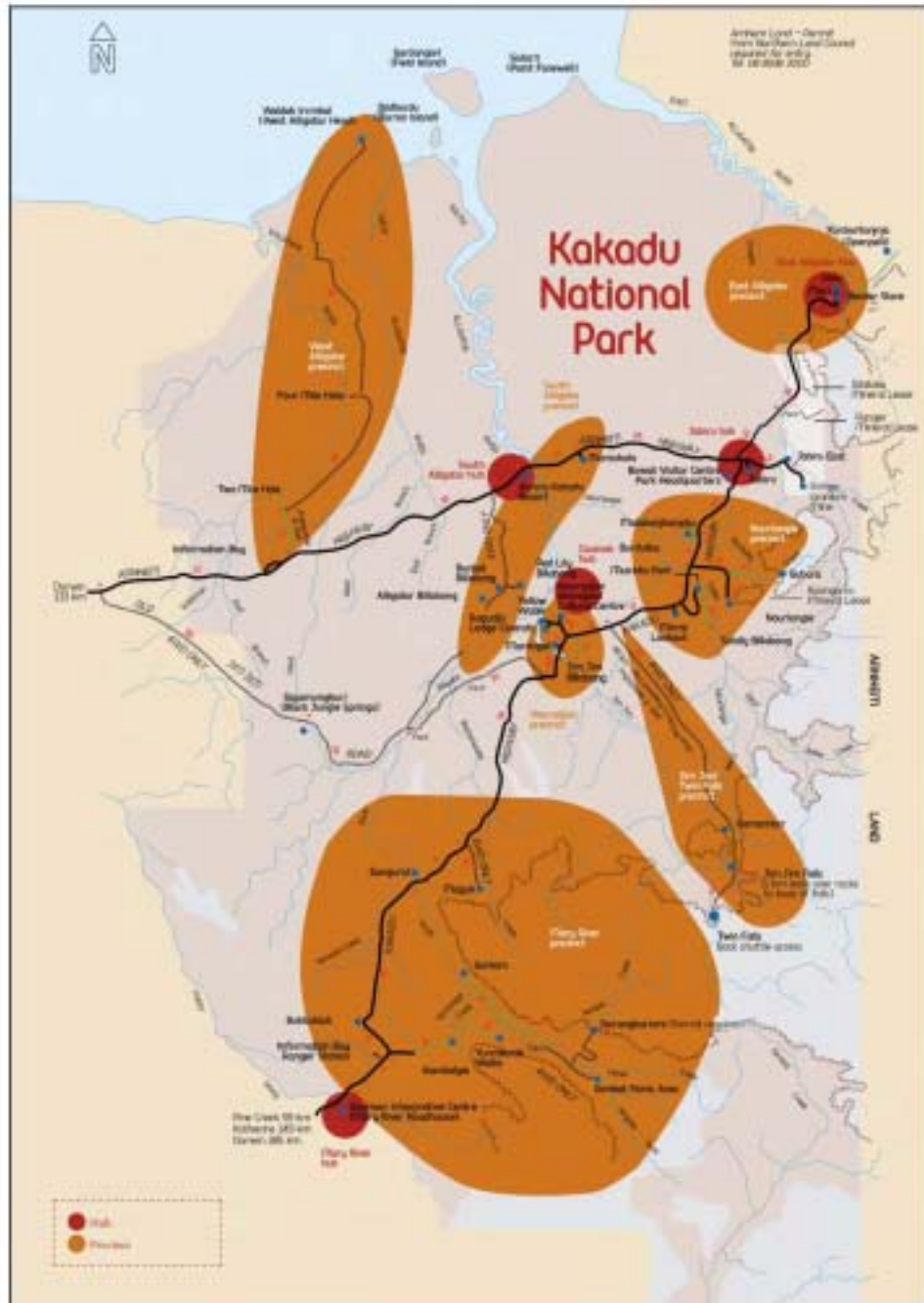


Keith Muir
Director
Colong Foundation for Wilderness

Attachment 1



Map 3: Roadside corridors, tourism hubs and precincts



5. PROVISION OF FACILITIES AND INFRASTRUCTURE

Kakadu promises experiences that involve reflection, contemplation and absorption of the cultural and natural features of the park. These experiences cannot be rushed or crammed into a day visit.

The range of facilities and facility class standards to support the provision of priority visitor experiences are outlined in this section and considered in more detail in Appendix 3. Also outlined are considerations and strategies for planning access and infrastructure which would form the basis for development of priorities and an implementation plan.

Kakadu covers a vast area and many visitor sites are remotely located. Underpinning all decisions in relation to the management of existing and new facilities, and infrastructure which may be established, is the need to consider the capital investment, the source of finance and the responsibility and costs associated with ongoing maintenance. Both the government and the private sector have a role to play in investing in future tourism development in Kakadu.

5.1 Accommodation

A gap exists in accommodation for the target market that provides a natural experience linked to a cultural experience. Additional accommodation should complement the current supply and optimise benefits for all businesses.

All tourism developments will comply with relevant legislation and standards. They will also be expected to be accredited and operated as ecologically sustainable developments reflective of their setting in a World Heritage national park.

A range of proposed accommodation is outlined in the table below.

Classification	Siting	Design	Supply
Safari camp (commercial group)	May be located at class one, two or three camping areas.	Removable with environmentally/visually acceptable design.	To be determined on accreditation of operators.
Exclusive access campsites	Located on exclusive site.	Removable with environmentally/visually acceptable design.	Specific to individual commercial operators and linked to highly accredited operators.
Safari camp or low impact accommodation	Located on exclusive site, low volume (up to 20 beds), likely to be "satellite" to other accommodation.	Dependent on location, design for climate, seasons, unique experience offer and environmental issues.	A number of these could be located in the park with booking opportunities as part of package of a number of nights in these or with hotel package or as destination or stopping point for a walk.
Nature lodge	Located on exclusive site offering unique experience for small number (dependent on location and siting 20-50).	Dependent on location, design for climate, seasons, unique experience offer and environmental issues.	About four based around west, east, centre and south of park – offering different experiences of unique environments (coastal, wetland, woodland).
Hotel	The requirement for additional capacity beyond existing supply is unlikely.		

Attachment 2

Table 7 – Camping Facilities

Facilities	Site Classification		
	Class 1 camping (remote)	Class 2 camping (easy access)	Class 3 camping (commercial)
Access			
Roads	4wd gravel road Possible dry season 2wd access. Roads may be seasonally closed	2wd Gravel access or sealed	Sealed road access
Helicopter	For emergency purposes only	Yes	Yes
Disabled access	No	Yes	Yes
Carparking	Basic small informal carparking	Small carparking areas	Marked carparking bays
Coach parking	No	For up to 2 small buses only (up to 12 seats)	Yes
Trailer parking	No	Yes	Yes
Amenities			
Toilet -system	For environmental reasons only. Composting, pit	Composting or Pit or pump out	Composting, pit or pump out
Toilet - structure	Unfined, small size, natural colour	Small-medium	Toilet block
Showers	No	Cold	Yes
Showers structure	No	Small	Part of toilet block
Water	Natural	Yes	Yes
Lighting	No	Low level lighting	Yes
Seals and Tables	Up to a few tables and seats	Yes	Yes
Fireplace/Barbecue	Fireplace only	Yes	Yes
Telephone	Satellite	No	Yes
Food retail	No	No	Possibly
Recreation			
Walking tracks	Yes Class 3-5	Yes Class 1-3	Yes Class 1-3
Swimming pools	Natural only	Natural with some basic entry facilities	Natural with some basic entry facilities
Boat ramps	No	Yes	Yes
Information			
Orientation signs	None or limited	Yes	Yes
Pre-visit information	None	No	Yes
Directional signage	If required	Yes	Yes
Interpretation			
Interpretation signs	None or limited	Basic	Yes
Guiding	Low volume guiding	Yes	Yes

Table 6 – Day use facility standards

Facilities	Recreation setting					
	Class 1 Day use remote		Class 2 Day use comfort		Class 3 Day use developed	
	Basic	Complex	Visitor Centres	Basic	Complex	
ACCESS						
Roads	Predominantly 4 wd gravel road access. Possible dry season 2wd access. Roads often seasonally closed	Predominantly sealed road access	Sealed roads	Sealed roads	Sealed highway access	
Air (plane or helicopter)	Possible helicopter or fixed wing access	Helicopter	Helicopter	Helicopter	Helicopter and fixed wing	
Disabled access	None	Preferable	Yes	Preferable	Yes	
Car-parking	Informal small gravel car-parks	Marked gravel car-parking	Marked, sealed car-parking	Marked, sealed car parking	Marked, sealed car parking	
Couch parking	No	For motorbikes only (up to 28 seats-weight limits may need to be considered)	Yes	Yes	Yes	
Trailer parking	No	Yes (boats)	Yes	Yes	Yes	
AMENITIES						
Toilet-system	For environmental reasons only	Yes				
Toilet-structure	Unframed, small size, natural colour	Small size, natural colour	Yes	Yes	Yes	
Shavers	No	No	Yes	No	Yes	
Showers structure	No	No	Yes	Yes	Yes	
Water	No	No	Yes	Yes	Yes	
Lighting	No	No	Yes	Yes	Yes	
Seats and Tables	No	Up to a few tables/seats	Yes	Yes	Yes	
Fireplace/BBQ	No	Up to a few barbecues	Yes	Yes	Yes	
Telephones	No	No	Yes	Yes	Yes	
Food retail	No	No	Yes	Yes	Yes	
RECREATION						
Designated walking tracks	No	Yes, Class 3-4	Yes Class 1-3	Yes	Yes	
Walking routes	Yes					
Swimming sites	Natural only	Natural only, basic entry facilities e.g. rails and steps	Artificial	No	Yes artificial	
Boat ramps	No	Yes	Yes	Yes	Yes	