

STANDING COMMITTEE ON PLANNING AND  
ENVIRONMENT

**Inquiry into the Namadgi National Park  
Draft Plan of Management**

JULY 2008

**Report 34**



## Committee Membership

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Mr Zed Seselja MLA	Deputy Chair (7 December 2004 – 12 February 2008)
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## Resolution of Appointment

On 7 December 2004 the ACT Legislative Assembly agreed to establish general purpose standing committees. The Assembly resolved that:

- (1) The following general purpose standing committees be established and each committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community: ...
  - (e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.

The Assembly also agreed that if the Assembly is not sitting when the Standing Committee on Planning and Environment had completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under the Land (Planning and Environment) Act 1991, the Committee may send its report to the Speaker, or, in the absence of the Speaker to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.<sup>1</sup>

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<sup>1</sup> Legislative Assembly of the ACT, *Minutes of Proceedings*, No 2, 7 December 2004, pp12–16.

## Terms of Reference

On 26 March 2008 the ACT Legislative Assembly's Standing Committee on Planning and Environment adopted the following terms of reference for its inquiry into the Namadgi National Park Draft Plan of Management.

Recognising the high level of community interest, the Committee will investigate and inquire into issues related to the Namadgi National Park Draft Plan of Management, specifically:

- the administration of the consultation process during development of the Draft Plan of Management;
- the effectiveness of consultation with key stakeholders;
- the nature and level of participation by the Interim Namadgi Advisory Board in developing the Draft Plan of Management;
- Namadgi National Park's value as a biodiversity conservation area and as part of a greater regional conservation corridor; including catchment protection and fire management issues; and
- any other relevant matter.



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## RECOMMENDATIONS

### RECOMMENDATION 1

2.9 The Committee recommends that the Namadgi National Park Draft Plan of Management be adopted, taking into account the recommendations below.

### RECOMMENDATION 2

3.23 The Committee recommends that the Department of Territory and Municipal Services comply with the ACT Government Community Engagement Manual.

### RECOMMENDATION 3

4.28 The Committee recommends that the Department of Territory and Municipal Services finalise the future role, if any, of the Interim Namadgi Advisory Board.

### RECOMMENDATION 4

4.29 The Committee recommends that the Department of Territory and Municipal Services update members of the Interim Namadgi Advisory Board on the status of the Board and thank members for their participation.

### RECOMMENDATION 5

4.35 If the Interim Board ceases to function, the Committee recommends that a joint management board be established for permanent cooperative management, taking into account the experiences and knowledge of the former Interim Namadgi Advisory Board members.

### RECOMMENDATION 6

4.36 The Committee recommends that any future advisory board is appropriately resourced and supported, including suitable remuneration arrangements for board members.

### RECOMMENDATION 7

5.16 The Committee recommends that the Department of Territory and Municipal Services' outdoor recreation strategy should include an educative component to develop an understanding in the community on why certain activities are not permitted in national parks.

**RECOMMENDATION 8**

5.23 The Committee Recommends that Schedule 3 from the 2005 Namadgi National Park Draft Plan of Management 'indicative guide to events in Namadgi' be reinstated in the final Plan of Management.

**RECOMMENDATION 9**

5.34 The Committee recommends that the Department of Territory and Municipal Services evaluate the cost and environmental impact of creating a horse riding track parallel to Boboyan Road as an alternative to the re-aligned Grassy Creek fire trail, prior to allowing access to the Grassy Creek trail for the trial period.

**RECOMMENDATION 10**

5.41 The Committee recommends that, for consistency and clarity, the reference to horse feed in section 13.4 of the Plan should make reference to section 39.32 for more detail on horse feed requirements both prior to and during travel through the national park.

**RECOMMENDATION 11**

5.48 The Committee recommends that the Department of Territory and Municipal Services use a visitor log book at one of the combination locked gates along the Grassy Creek fire trail section of the realigned Bicentennial National Trail to assist in monitoring track usage by different user groups.

**RECOMMENDATION 12**

5.49 The Committee recommends that the Department of Territory and Municipal Services erect signs at the combination locked gates along the Grassy Creek fire trail section of the realigned Bicentennial National Trail to reinforce the need for riders to remain on-track.

**RECOMMENDATION 13**

5.57 The Committee recommends that the requirement for horses to be tethered at least 30 meters from lakes, streams, huts and camping areas be included in the Plan of Management to reinforce the importance of protecting the huts and surrounding areas as important cultural and environmental assets.

**RECOMMENDATION 14**

5.58 The Committee recommends that signs be erected at huts indicating the above tethering requirements.

#### **RECOMMENDATION 15**

5.63 The Committee recommends that the Plan of Management should include details of the monitoring and reporting arrangements that will be implemented to assess the trial use of the realigned Grassy Creek fire trail by recreational horse riders as an alternative to Boboyan Road on the Bicentennial National Trail.

#### **RECOMMENDATION 16**

5.71 The Committee recommends that the Department of Territory and Municipal Services require commercial recreational providers operating in Namadgi National Park to prepare environmental management plans for their operations in the park.

#### **RECOMMENDATION 17**

5.72 The Committee recommends that the Department of Territory and Municipal Services adopt a one-year trial period for new operators as required under the Kosciuszko Plan of Management, or a similar arrangement, to ensure satisfactory performance of commercial operations, in keeping with the primary management objectives of the park.

#### **RECOMMENDATION 18**

5.79 The Committee recommends that, the Department of Territory and Municipal Services take into account the value of current community activities in the Gudgenby Homestead precinct when assessing the opportunities for re-use of the precinct for accommodation.

#### **RECOMMENDATION 19**

5.101 The Committee recommends that the development of the sub-regional fire plans and bushfire operation plans for Namadgi National Park are developed in accordance with the policies set out in the Plan of Management, and ensure that the measures for ecological processes, catchment and biodiversity protection are integrated into park fire-management practices.

#### **RECOMMENDATION 20**

5.102 The Committee recommends that the Emergency Services Authority develop version 2 of the Strategic Bushfire Management Plan in consultation with the Department of Territory and Municipal Services and with reference to the policies set out in the Namadgi Plan of Management.

**RECOMMENDATION 21**

5.110 The Committee recommends that the fire trails and access roads not be widened to float standard without further environmental assessment, taking into consideration the precautionary principle and current scientific research.

**RECOMMENDATION 22**

5.111 The Committee recommends that resources already allocated for widening fire trails and access roads be redirected to support the use of remote area fire teams, small machinery and air support.

# 1 INTRODUCTION

- 1.1 On 21 December 2007 the Committee was referred a copy of the revised *Namadgi National Park Draft Plan of Management* (October 2007), together with a report on public consultation. It was a requirement of the *Land (Planning and Environment) Act 1991* (repealed)<sup>2</sup> that the Minister refer a draft plan of management to the appropriate committee of the Legislative Assembly within 7 days of receiving it, together with a copy of a written report about the conservator's consultation with the public and other stakeholders about the draft, and other documents relating to the draft plan that were given to the Minister.<sup>3</sup> The statutory provisions governing the preparation of management plans for public land are reproduced at Appendix F.
- 1.2 Under the *Land (Planning and Environment) Act 1991 (ACT)* the Minister has to consider any recommendation made by this Committee concerning the draft plan before he approves it, or refers the draft to the conservator together with written directions that:
- further specified consultation occur;
  - specified revisions be considered;
  - the plan be later resubmitted after a specified date or the happening of a specified event, or that
  - the draft be withdrawn.<sup>4</sup>
- 1.3 Any deferral or withdrawal of the draft plan must be notified in a notifiable instrument made under the *Legislation Act 2001 (ACT)*.<sup>5</sup>

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<sup>2</sup> The *Planning and Development Act 2007* repealed the *Land (Planning and Environment) Act 1991* and *Planning and Land Act 2001* on 31 March 2008, however the legislative changes do not substantially alter these statutory procedures. The provisions of the *Planning and Development Act 2007* are at Appendix G.

<sup>3</sup> *Land (Planning and Environment) Act 1991* (repealed), section 203.

<sup>4</sup> *Land (Planning and Environment) Act 1991* (repealed), section 204.

<sup>5</sup> *Legislation Act 2001*, sub-section 204(2).

## Conduct of Inquiry

- 1.4 The Committee discussed the draft plan on 16 January 2008 and agreed that it wished to consider the draft further before providing formal comments. In determining the scope of its inquiry, the Committee invited officials from the Department of Territory and Municipal Services (TAMS)<sup>6</sup> to provide a private briefing to the Committee on 11 March 2008.
- 1.5 On 15 March 2008, the Committee called for public submissions. Eight submissions were received.
- 1.6 The Chair of the Committee, Mr Gentleman MLA and Deputy Chair, Ms Porter AM MLA visited Namadgi National Park on 22 April 2008 in order to familiarise themselves with the area and develop a greater understanding of the main issues of the Inquiry.
- 1.7 On 8 May 2008, the Draft Management Plan was authorised for publication by resolution of the Assembly. The Committee invited additional submissions in light of the plan's publication and received a further three submissions.
- 1.8 The Committee conducted public hearings on 29 April 2008 and 13 May 2008 and heard from representatives of the National Parks Association (ACT) as well as former members of the Interim Namadgi Advisory Board and interested individuals (Appendix A).
- 1.9 The Committee hearings were focused around the Inquiry terms of reference.

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<sup>6</sup> The Department of Territory and Municipal Services was formed on 1 July 2006 when the Department of Urban Services (DUS), Environment ACT, Australian Capital Tourism, Sport and Recreation ACT, ACTION, Canberra Stadiums and parts of the Office of Sustainability merged into a single department. **All discussions in this report will refer to TAMS rather than DUS.**

## 2 BACKGROUND TO THE PLAN OF MANAGEMENT

- 2.1 The first plan of management for Namadgi National Park was prepared in 1986 under Commonwealth legislation. Since that time, there have been significant changes to political, social and environmental settings in the ACT including, most significantly, the introduction of self-government. Other changes include the expansion of Namadgi National Park in 1991, cooperative management arrangements with the Ngunnawal Aboriginal community, advances in knowledge on park values and conservation requirements, the effects of the 2003 bushfires and ACT endorsement of a number of national and international environmental agreements.<sup>7</sup>
- 2.2 In 2002 the Department of Territory and Municipal Services released a discussion paper about the Namadgi management plan review for public comment. The department received 70 submissions.
- 2.3 Additionally, the Department of Territory and Municipal Services conducted workshops with the public and NSW neighbours during June 2003 to enable more in-depth discussion of the key issues identified in the responses to the discussion paper. The main areas of interest were recreation and access, tourism and commercial activity, plant and animal pests and strategic fire issues.
- 2.4 Discussions were also held throughout 2004 and 2005 with key interest groups including the Natural Resource Advisory Committee, the United Ngunnawal Elders Council, Namadgi Staff, Canberra Regional Tour Operators Association, community environment groups and Government departments.
- 2.5 The draft plan of management was released in September 2005 for the statutory public consultation period.<sup>8</sup>
- 2.6 The consultation processes are discussed in more detail in Part 3 of this report.

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<sup>7</sup> Namadgi National Park Plan of Management 2007, ppx-xii.

<sup>8</sup>Media Release, 6 September 2005.

- 2.7 The Revised Namadgi National Park Draft Plan of Management was submitted to the Minister for Environment, Water and Climate Change at the end of 2007.
- 2.8 If approved by the Minister for Environment, Water and Climate Change, this Plan of Management for Namadgi National Park must be reviewed at least once every 10 years.<sup>9</sup>

### **RECOMMENDATION 1**

- 2.9 **The Committee recommends that the Namadgi National Park Draft Plan of Management be adopted, taking into account the recommendations below.**

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<sup>9</sup> Planning and Development Act 2007, section 332.

## 3 CONSULTATION PROCESSES

- 3.1 A broad range of public consultation mechanisms were used by the Department of Territory and Municipal Services following the 2002 release of the discussion paper about the Namadgi Management Plan review, to enable the public to contribute to the plan drafting process.
- 3.2 Following the public release of the Draft Plan of Management in 2005 TAMS undertook the necessary statutory consultation processes. These processes were well administered, up to the point of the closing of submissions in response to the 2005 Draft Plan of Management.
- 3.3 Some submissions to the Committee expressed concern that, since 2005 and in response to ongoing pressure from recreational groups, the revised draft Plan of Management had been amended to relax controls on recreational users at the expense of park management and park protection.<sup>10</sup> The potential impacts of recreational park users including horse riders and large group or special events are discussed in Part 5 of this report.

### Initial Consultation

- 3.4 The majority of submissions and witness statements to the Committee were very positive about the administration of the public consultation process undertaken by TAMS. Most believed that the consultation processes were effective, thorough and transparent.
- 3.5 Submissions to the Committee indicated that TAMS consulted openly and fairly with a wide audience and enabled participation by all key stakeholders. The department utilised a variety of methods for engaging the community including formal workshop sessions and public forums as well as talks and departmental briefings with interested individuals and organisations. These

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<sup>10</sup> Transcript of Evidence, 13 May 2008, p22.

mechanisms provided opportunities for the community to be advised of, contribute to and discuss relevant issues, and to raise new issues.<sup>11</sup>

- 3.6 The National Parks Association of the ACT, for example, attended departmental briefings and community discussions. Representatives advised the Committee that the department openly acknowledged difficulties in the plan and listened carefully to alternate suggestions.<sup>12</sup> Their questions were answered frankly and members felt that their 'representations were considered by the Interim Namadgi Advisory Board even if not taken up'.<sup>13</sup>
- 3.7 Similarly former members of the Interim Namadgi Advisory Board explained to the Committee that all groups had the opportunity to contribute to the development of the draft plan.<sup>14</sup> One of the former co-chairs of the Interim Namadgi Advisory Board also advised the Committee that the consultation process was one of the best and most thorough he had ever participated in.<sup>15</sup>
- 3.8 The Committee heard how the community forums were particularly effective in bringing together different stakeholders to hear and discuss the range of opinions for park management. The broad representation at forums also encourages stakeholders to take a more balanced approach to the issues since those with opposing views were more likely to be present.<sup>16</sup>
- 3.9 Submissions to TAMS during the process appear to have been reviewed seriously, as evident in the Report on Submissions 2007.<sup>17</sup>

### **Report Drafting**

- 3.10 During the period between 2002 and 2005 TAMS drafted the Plan of Management in consultation with the Interim Namadgi Advisory Board and in accordance with section 197 of the *Land (Planning and Environment) Act 1991*.

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<sup>11</sup> Submission 4.

<sup>12</sup> Submission 7.

<sup>13</sup> Submission 2.

<sup>14</sup> Transcript of Evidence, 13 May 2008, p34.

<sup>15</sup> Transcript of Evidence, 13 May 2008, pp34 & 39.

<sup>16</sup> Transcript of Evidence, 13 May 2008, pp38-9.

<sup>17</sup> Submission 8.

- 3.11 The Committee heard from former members of the Interim Namadgi Advisory Board about the high level of professionalism demonstrated by the TAMS departmental representatives preparing the draft. The staff provided excellent administration and a high level of effort and commitment to the drafting process throughout the period.<sup>18</sup>
- 3.12 TAMS staff also dealt commendably with pressure from stakeholders who possessed a high level of understanding of the issues involved. An enhanced level of public awareness existed because many of the stakeholders involved were also involved with the parallel drafting process of the Kosciuszko National Park management plan.<sup>19</sup>
- 3.13 A summary of the consultation processes conducted by TAMS is at Appendix D.
- 3.14 The Committee commends TAMS for its conduct of a particularly extensive and open consultation process.

## Statutory Consultation – TAMS

- 3.15 Once the initial Draft Plan of Management had been completed in 2005, the statutory consultation process gave interested parties the opportunity to provide detailed submissions to the department in response to the draft plan.
- 3.16 Under section 200(2) of the *Land (Planning and Environment) Act 1991*, TAMS was required to make copies of a draft plan of management available for public inspection. The public notice and call for submissions was notified on 1 September 2005, inviting written comments about the draft Plan of Management. No preliminary draft plan of management had been notified under section 19 of the *Land (Planning and Environment) Act 1991*.
- 3.17 The Conservator of Flora and Fauna revised the draft plan during 2005-2007, in light of the 175 public submissions received from individuals and organisations, as allowed under section 201 of the *Land (Planning and Environment) Act 1991*.

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<sup>18</sup> Transcript of Evidence, 13 May 2008, pp34 & 36.

<sup>19</sup> Submission 4.

- 3.18 The Committee considers that TAMS adequately met the statutory consultation requirements set out in the *Land (Planning and Environment) Act 1991*.

## Community Engagement

- 3.19 Whilst the above consultation processes were commended, one of the major criticisms raised in submissions to the Committee was the lack of feedback from the Department of Territory and Municipal Services to individuals and organisations that provided submissions to the department, following the 2005 public consultation process.
- 3.20 The Committee is concerned that TAMS disregarded the ACT Government Community Engagement Manual, which provides a guide for ACT Government employees on how to effectively engage the community in government decision-making processes.<sup>20</sup> The manual outlines the need to provide feedback to the community following community consultation:

*Feedback is a critical part of the engagement process but is often neglected. This can generate frustration among participants who may have invested substantial effort into their submissions, and impede their willingness to participate in future engagement activities...*

*Providing feedback to participants conveys to participants that their contribution is valued and has been considered, even if the final decision was contrary to their views...*

*If the final decision is expected to be delayed for any length of time after the engagement activity, the time lapse should be communicated to participants as part of the engagement process.<sup>21</sup>*

- 3.21 Similarly, the ACT Government Community Engagement Service Charter commits to providing 'timely feedback on the outcomes achieved and on how community input influenced the result'<sup>22</sup>.

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<sup>20</sup> ACT Government Community Engagement Manual, p1.

<sup>21</sup> ACT Government Community Engagement Manual, pp10-11.

<sup>22</sup> ACT Government Community Engagement Service Charter.

- 3.22 The Committee considers that the conclusion of the consultation process was not undertaken in accordance with the Community Engagement Manual as the community was not kept informed of the progress of the Draft Management Plan following the 2005 consultation processes.

## **RECOMMENDATION 2**

- 3.23 **The Committee recommends that the Department of Territory and Municipal Services comply with the ACT Government Community Engagement Manual.**



## 4 THE INTERIM NAMADGI ADVISORY BOARD AND COOPERATIVE MANAGEMENT ARRANGEMENTS

### Background

- 4.1 Throughout the public consultation and drafting processes for the Namadgi National Park Draft Plan of Management, the Interim Namadgi Advisory Board (the Board) played an important role reviewing and advising TAMS on all aspects of the plan.
- 4.2 The Board was established in 2001 as part of an agreement between the ACT Government and members of the Ngunnawal Aboriginal community. The agreement was to establish a 99 year Namadgi Special Aboriginal Lease over Namadgi National Park on the condition that all native title claims were withdrawn. Until negotiations on terms and conditions of the permanent cooperative management arrangements are finalised, interim arrangements have been established whereby the aboriginal parties to the agreement have the right to:
- *be acknowledged as people with an historical association with the area that is now Namadgi National Park;*
  - *participate in the management of Namadgi National Park;*
  - *be consulted on specific regional cultural issues; and*
  - *be consulted on the development of any legislation that will affect Namadgi National Park.*<sup>23</sup>
- 4.3 These rights have been included in the Namadgi National Park Draft Plan of Management.

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<sup>23</sup> Namadgi National Park Draft Plan of Management 2007, pp9-10.

- 4.4 According to the Plan of Management, the Aboriginal parties exercise these rights through their representation on the Interim Namadgi Advisory Board, consisting of five Aboriginal members nominated by the Aboriginal parties to the agreement) and five non-aboriginal members (appointed in an individual capacity because of their specific areas of expertise).<sup>24</sup>
- 4.5 The role of the Board is to provide advice to the Conservator of Flora and Fauna on:
- The preparation of the new draft Plan of Management for Namadgi under Division 5 part 5 of the *Land (Planning and Environment) Act 1991* (repealed);
  - Decisions about activities in Namadgi National Park under section 67 of the Nature Conservation Act 1980; and
  - Issues related to the management and protection of Namadgi

The Board also provides a forum for its Aboriginal members to raise issues of interest and concern to the Ngunnawal community that they believe may be able to be addressed through cooperative management.<sup>25</sup>

- 4.6 From its establishment in 2001 through to the end of 2006 the Board was integral to the development of both drafts of the Namadgi National Park Plan of Management, particularly in reviewing and assessing the submissions made during the public consultation processes.

## Operation of the Board

### Board Role

- 4.7 Former members of the Interim Namadgi Advisory Board advised the Committee that all issues on the Plan of Management were brought before the Board to be addressed in an advisory capacity.<sup>26</sup> Before any advice was provided to the department, the Board scrutinised all submissions to TAMS in great detail. The Board's advice included many of the ideas presented in

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<sup>24</sup> Namadgi National Park Draft Plan of Management 2007, p10.

<sup>25</sup> Namadgi National Park Draft Plan of Management 2007, p10.

<sup>26</sup> Transcript of Evidence, 13 May 2008, p34.

submissions, some modified and some left unchanged, whilst maintaining focus on the primary objectives of park conservation and water catchment requirements.

- 4.8 In addition to its quarterly meetings, Board members also attended most of the Community forums and some of the other formal consultation to broaden their understanding of community concerns.<sup>27</sup>
- 4.9 Former members of the Board emphasized to the committee that the Board, despite including individuals with expertise in particular areas, was not set up as an expert body on any one of the key issues. Therefore the Board relied on the best information available from the parks service, departmental staff and members of the Board with specific expertise. As a result the Board's recommendations to the department reflect the member's feelings on what was 'a good thing in relation to each of those issues'.<sup>28</sup>
- 4.10 The Committee also heard how the Board supported the Plan of Management's focus on adaptive park management as it enables some flexibility in policies. The plan relies heavily on ongoing research and revision to adapt park management practices and policies to align with new scientific knowledge and be responsive to park conditions and the results of monitoring arrangements.<sup>29</sup>

### **Board Dynamics**

- 4.11 The Committee heard that whilst the Board operated effectively and made a significant contribution to the development of the Plan of Management, there were difficulties at times with Board dynamics.
- 4.12 The limited size of the Board enabled members to develop a level of intimacy and understanding of the range of viewpoints held by other members and, therefore, develop flexibility in reviewing and making recommendations on the Plan of Management.<sup>30</sup>

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<sup>27</sup> Transcript of Evidence, 13 May 2008, p27.

<sup>28</sup> Transcript of Evidence 13 May 2008, pp36-7.

<sup>29</sup> Transcript of Evidence 13 May 2008, p37.

<sup>30</sup> Transcript of Evidence, 13 May 2008, p29.

- 4.13 Parallel Board meetings were also conducted with the Aboriginal members of the Board, prior to the whole Board meeting. These meetings worked effectively and enabled those members without park management experience and those not appointed because on their specific expertise to be briefed and ask questions about the park management arrangements proposed in the Draft Plan of Management.<sup>31</sup>
- 4.14 The Committee was advised, however, that the Board was often sidetracked by individual members pursuing their own agenda and that these tangents were quite disruptive to the business of the Board. As a result, the Board's review process was an iterative one where topics were re-visited numerous times particularly where discussions became heated and some issues were put on hold for debate at a later date.<sup>32</sup>
- 4.15 The Committee heard that disputes on park management issues were common amongst Board members, most commonly between the non-Aboriginal members. However, despite disagreements the Board worked extremely well.
- 4.16 The Board members worked collaboratively and, through compromise, achieved a degree of consensus on all the issues and advice provided to the department.<sup>33</sup> As a result of the dynamic of the Board, consisting of individuals with varying aspirations for the park, and because of the complex and numerous issues that were presented to the Board for comment, it was a slow process of review.<sup>34</sup>
- 4.17 One of the significant achievements of the Board, in the view of former members, was establishing a training program in park management for Aboriginal trainee staff. This resulted from a collaborative effort from the Board, TAFE staff, park staff and departmental staff to acquire the necessary resources and develop the education program.<sup>35</sup> The joint efforts, such as the training program, enhanced the Board members' understanding and

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<sup>31</sup> Transcript of Evidence, 13 May 2008, p28.

<sup>32</sup> Transcript of Evidence, 13 May 2008, p39.

<sup>33</sup> Transcript of Evidence, 13 May 2008, p36.

<sup>34</sup> Transcript of Evidence, 13 May 2008, p36.

<sup>35</sup> Submission 4; Transcript of Evidence, 13 May 2008, p43.

knowledge and therefore contributed to a better plan of Management and a reasonably cohesive Board.<sup>36</sup>

- 4.18 Former Board members also emphasised to the Committee that it was a great honour for them to participate on the Board and to work with representatives of the Ngunnawal community towards the continued wellbeing of the park.
- 4.19 TAMS personnel, including park managers, also provided a consistently high level of administrative assistance and information to the Board. The level of advice and support provided to the co-chairs was also commended by the former Board members.

### **Administrative Arrangements**

- 4.20 The Committee was advised that some of the Board's administrative arrangements could have been improved to strengthen the review process.
- 4.21 The Committee heard how Board operations may have improved had the members undertaken more field trips to Namadgi, to enable all members to increase their knowledge and understanding of park management and park protection. Park visits would also have enabled more of the issues to be looked at in detail in the field and assist members' role advising on the Plan of Management.<sup>37</sup> The lack of trips may be attributable to limited resources and funding to run the Board.
- 4.22 The Board also required a greater focus on its terms of reference and more clearly defined roles and powers. The Committee was advised that the Board operating statement needed to outline what the Board could realistically discuss and recommend and which park management arrangements it could not change based on existing mechanisms such as legislative requirements.<sup>38</sup>
- 4.23 Former members advised the Committee that there were also operational matters that made the process discriminative. For example, the structure of the Board resulted in the Aboriginal members initially not being directly recompensed for their involvement. They were paid through their

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<sup>36</sup> Submission 4.

<sup>37</sup> Transcript of Evidence, 13 May 2008, pp28 & 35.

<sup>38</sup> Transcript of Evidence, 13 May 2008, p40.

representative body, whereas the non-Aboriginal members were recompensed directly. Board sitting fees were also provided in various forms to the non-Aboriginal members but not to the Aboriginal members. These differences were resolved towards the end of the Board's life.<sup>39</sup>

- 4.24 Additionally, the Committee was advised that further training for Board members would have been valuable. All Board members, for example participated in a cultural awareness workshop with Indigenous communities which exposed members to new perspectives, particularly the non-Aboriginal members. Former Board members were very positive about the benefits of this training. Similar training in public service, Board and legislative processes and administration may also have been beneficial for the members.<sup>40</sup>

### **Board Termination**

- 4.25 The Interim Namadgi Advisory Board no longer functions and has not met in over two years. The Board was not formally terminated although at the end of 2006 there was a degree of dissention between a number of the Aboriginal Board members which may have stalled their participation.<sup>41</sup> The Committee heard how this could have substantial consequences for the future of Namadgi National Park and how it is to be managed under a joint process if those relationships are not resolved.<sup>42</sup>
- 4.26 As with the community consultation process, former members of the Board expressed their disappointment to the Committee that no formal correspondence or feedback was ever sent by TAMS advising of the end of the Board, thanking members for their participation or advising what the future of the Board may be.
- 4.27 The Committee considers this to be poor practice when engaging individuals in a formal advisory capacity.

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<sup>39</sup> Transcript of Evidence, 13 May 2008, p40.

<sup>40</sup> Transcript of Evidence, 13 May 2008, p41.

<sup>41</sup> Transcript of Evidence, 13 May 2008, p28.

<sup>42</sup> Transcript of Evidence, 13 May 2008, p42.

### RECOMMENDATION 3

- 4.28 **The Committee recommends that the Department of Territory and Municipal Services finalise the future role, if any, of the Interim Namadgi Advisory Board.**

### RECOMMENDATION 4

- 4.29 **The Committee recommends that the Department of Territory and Municipal Services update members of the Interim Namadgi Advisory Board on the status of the Board and thank members for their participation.**

## Ongoing Cooperative Management Arrangements

- 4.30 The Plan of Management indicates that negotiations have begun between the ACT Government and the Ngunnawal people on the terms and conditions for permanent cooperative management arrangements for Namadgi National Park.<sup>43</sup>
- 4.31 The Committee notes that although the Interim Namadgi Advisory Board was established as an interim measure until permanent management arrangements are finalised, the topics for negotiation in the plan do not include arrangements for an advisory Board.
- 4.32 The Committee was advised by former members of the Board that, if any future advisory board is established, it should include specialist members with a whole range of expertise on particular issues of park management and with knowledge of best practice park management principles and practices, which an entirely Aboriginal Board is unlikely to have.<sup>44</sup>

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<sup>43</sup> Namadgi National Park Draft Plan of Management 2007, p11.

<sup>44</sup> Transcript of Evidence, 13 May 2008, p41.

- 4.33 One submission to the Committee also recommended that members to the Board or other cooperative management group be required to demonstrate support for the national park management principles of the International Union for Conservation of Nature (IUCN) and the relevant provisions of the *Planning and Development Act 2007* and the *Nature Conservation Act 1980*.<sup>45</sup>
- 4.34 Additionally, alternative models for cooperative management need to be assessed by TAMS to assist the ACT to establish the most appropriate permanent management arrangement for Namadgi. Management arrangements which could be considered include those already in place in Booderee National Park and Booderee Botanic Gardens (Jervis Bay) which are jointly managed with the Wreck Bay Aboriginal Community council and the Department of the Environment and Water Resources.<sup>46</sup> Kosciuszko National Park is also establishing a permanent management partnership with the local Aboriginal people.<sup>47</sup>

#### RECOMMENDATION 5

- 4.35 **If the Interim Board ceases to function, the Committee recommends that a joint management board be established for permanent cooperative management, taking into account the experiences and knowledge of the former Interim Namadgi Advisory Board members.**

#### RECOMMENDATION 6

- 4.36 **The Committee recommends that any future advisory board is appropriately resourced and supported, including suitable remuneration arrangements for board members.**

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<sup>45</sup> Submission 2.

<sup>46</sup> Department of the Environment, Water, Heritage and the Arts; Joint Management for Booderee.

<sup>47</sup> 2006 Plan of Management, Kosciuszko National Park, pp103-124.

## 5 BIODIVERSITY AND CONSERVATION

### National Park Status

- 5.1 National parks are defined under the International Union for Conservation of Nature (IUCN) as a 'Protected Area' managed mainly for ecosystem conservation and recreation:

*A natural area of land and/or sea, designated to*

- a) protect the ecological integrity of one or more ecosystems for this and future generations;*
- b) exclude exploitation or occupation inimical to the purposes of designation of the area; and*
- c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.<sup>48</sup>*

- 5.2 Australia adopted the internationally defined management categories in 1994 as basis for documenting Australia's various types of protected areas.

- 5.3 Namadgi National Park is one of eleven parks and reserves that make up the Australian Alps national parks, which also include Kosciuszko, Alpine, Mt Buffalo and Mt Baw Baw. Together they comprise over 1.6 million hectares of protected areas and contain sites with diverse cultural heritage and highly significant and unique environments.<sup>49</sup>

- 5.4 Management of these parks is underpinned by the Australian Alps Cooperative Management Program which requires signatories to 'cooperate in establishing best practice management to protect the scenery, water catchments, and natural and cultural heritage of the Australian Alps, while

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<sup>48</sup> Department of the Environment, Water, Heritage and the Arts; Six IUCN protected area categories.

<sup>49</sup> Namadgi National Park Draft Plan of Management 2007, pxiii.

providing the opportunities for the public appreciation and sustainable enjoyment of our parks'.<sup>50</sup>

- 5.5 Then Namadgi National Park Plan of Management's primary management objectives and park zoning arrangement support its status as a national park and the requirements of the Australian Alps Cooperative Management agreement. As outlined in Chapter 2 of the Plan of Management, the primary management objective in the *Land (Planning and Environment) Act 1991* for both 'wilderness' and 'national park' categories of public land is the conservation of the natural environment.

## Recreational and Visitor Opportunities

- 5.6 The majority of the issues raised in submissions to the Committee with regard to protecting Namadgi National Park's biodiversity and conservation values reinforced the need to establish appropriate levels of access and controls for various types of recreational activities and commercial operations in the park.
- 5.7 Some submissions presented concerns to the Committee regarding 'piecemeal' changes to the draft Plan of Management since the version released in 2005 which seem to promote the intensification of recreational park usage beyond appropriate and sustainable levels.<sup>51</sup>
- 5.8 The Committee heard how the loss of ACT Forest areas in the 2003 bushfires in addition to the loss of broad acre areas being rezoned for residential and commercial development may have contributed to increased pressure for recreational access to Namadgi to compensate.<sup>52</sup>
- 5.9 The Committee also heard how there seems to be a misconception in the community that national parks and state forests were established for the same purpose and should therefore allow the same level of recreational use.

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<sup>50</sup> Australian Alps Cooperative Management Program.

<sup>51</sup> Transcript of Evidence, 29 April 2008, p7.

<sup>52</sup> Transcript of Evidence, 29 April 2008, p3.

- 5.10 State forests usually provide more open access for recreational users because they are primarily managed for monocultures, for example a single species of eucalyptus, or plantations of introduced species. The Committee was advised that national parks, on the other hand, are managed for biodiversity as they usually contain threatened species or ecosystems which require protection 'or at least respite and relief, from human interference'.<sup>53</sup> This distinction needs to be reinforced for park users and those seeking recreational and commercial access to Namadgi.
- 5.11 The Committee considers that recreational use of the park is important, particularly to enhance community understanding of the park's natural values but should not outweigh the primary management objectives of water resource management and landscape and biodiversity protection.
- 5.12 As the Plan of Management outlines, Namadgi offers a variety of 'sustainable recreation opportunities that are consistent with the protection of the park's natural and cultural heritage values and water supply catchments.'<sup>54</sup>
- 5.13 The Committee considers that the hierarchy of park values and associated primary management objectives are clearly set out in the Namadgi National Park Plan of Management and reinforce the need for conservation and catchment protection to take precedence over recreational and visitor activity.
- 5.14 Additionally, the Committee was advised that TAMS will be developing an outdoor recreation strategy in the 2008-09 financial year to rationalise recreation use across ACT management forests, reserves and parks and with the aim of designating places best suited to the needs of individual recreational activities.<sup>55</sup>
- 5.15 The Committee anticipates that the outdoor recreation strategy will encourage more off-park activity in order to reduce pressure on the national park to sustain a high level of recreational use. The strategy could also be harnessed to educate recreational groups and the wider community on the reasons for limits on recreational activity in Namadgi National Park.

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<sup>53</sup> Transcript of Evidence, 29 April 2008, p3.

<sup>54</sup> Namadgi National Park Draft Plan of Management 2007, p112.

<sup>55</sup> Transcript of Evidence, 29 April 2008, pp2-3.

## RECOMMENDATION 7

- 5.16 **The Committee recommends that the Department of Territory and Municipal Services' outdoor recreation strategy should include an educative component to develop an understanding in the community on why certain activities are not permitted in national parks.**
- 5.17 The potential environmental impacts of particular recreational and commercial activities and management arrangements are discussed further in this section.
- 5.18 Submissions to the Committee focused particularly on the potential environmental impacts of large group and special events in the park, the trial of the Grassy Creek fire trail for recreational horse riding, feral pest eradication measures and fire management arrangements.

### Group Events

- 5.19 Namadgi National Park often serves as a venue for special events from weddings and concerts to sporting events. As the Plan of Management states, the level of impact by a particular event is dependent on the size and type of event and the location of the event within the park.
- 5.20 National Parks Association ACT representatives emphasised to the Committee the need for more stringent rules to be incorporated into the plan to reinforce acceptable levels of recreational use of the park to maintain biodiversity protection. In particular, they called for Schedule 3 from the 2005 draft Plan of Management (0) to be reinstated to help determine acceptable access for small and large groups for special events.<sup>56</sup>
- 5.21 In the 2005 Draft Plan of Management, Schedule 3 was 'an indicative policy to the types, locations and the number of events permitted in the park'<sup>57</sup> and reinforces the park's zoning system. The Committee considers that indicative guides of this type would be particularly useful in the Plan of Management for rangers and park managers as a quick-reference point which sets out some standards for recreational park usage. The schedule still allows for a level of

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<sup>56</sup> Transcript of Evidence, 29 April 2008, p10.

<sup>57</sup> Namadgi National Park Draft Plan of Management 2005, p119.

discretion and flexibility but would reduce the potential for extremely varied event permit decisions by individual rangers.

- 5.22 The Committee considers that reinstating Schedule 3 in the final plan of management would also reduce the administrative burden on park rangers as only proposals for special event that do not fall within the guidelines of Schedule 3 would need further evaluation rather than all cases. Further evaluation on those unique cases could then be assessed against the criteria in section 41.12 of the plan to determine their merit and potential impacts on the park.

### RECOMMENDATION 8

- 5.23 **The Committee Recommends that Schedule 3 from the 2005 Namadgi National Park Draft Plan of Management 'indicative guide to events in Namadgi' be reinstated in the final Plan of Management.**
- 5.24 Additionally, the Plan of Management highlights that a fee paying permit system for groups and special events may be introduced for overnight groups undertaking dispersed or bush camping in the park if voluntary arrangements are unsuccessful. A bond may also be charged to organisers of medium and large scale events.<sup>58</sup>
- 5.25 The Committee heard how both these initiatives would go some way towards covering the costs of any clean up and rehabilitation that may be required after a large event.<sup>59</sup> The administrative costs of managing a fee paying permit and bond system would need to be assessed against the relative costs of event recovery.
- 5.26 The Committee supports the introduction of a fee paying permit system and for TAMS to charge organisers of medium and large events a bond.

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<sup>58</sup> Namadgi National Park Draft Plan of Management 2007, pp142-3.

<sup>59</sup> Transcript of Evidence, 13 May 2008, p31.

## Horse Riding

- 5.27 The Namadgi Plan of Management proposes to re-route the Bicentennial National Trail from the Boboyan Road between Mt Clear Campground intersection and the NSW/ACT border onto the Grassy Creek fire trail, once that fire trail is realigned to the southern park boundary (map at Appendix D). Currently the Bicentennial National Trail shares a 'difficult and dangerous' section of the Boboyan road<sup>60</sup>, passing through both the ACT and NSW, with motor vehicles and other traffic. The new route is proposed on a trial basis for one to two years as a way to provide a safer route for recreational horse riders in the park.
- 5.28 Some concern was raised to the Committee regarding the trial of the Grassy Creek fire trail as the preferred route for the Bicentennial National Trail, particularly the risks of weed spread through horse droppings and soil damage and erosion from off track riding.

## The Precautionary Principle

- 5.29 The precautionary principle is one of the Plan of Management's key management principles to provide guidance in park planning and management decision-making. The principle establishes that:
- Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*<sup>61</sup>
- 5.30 In the case of horse riding on the Grassy Creek Fire Trail, the principle raises the question of whether it is an acceptable risk to the park's conservation aims to open up an additional trail to recreational horse riding?
- 5.31 In light of the precautionary principle, the Committee considers that it would be worthwhile for TAMS to thoroughly investigate other solutions to the safety issues of horse riding on Boboyan Road, and publish their findings, before allowing access to the Grassy Creek Fire Trail.

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<sup>60</sup> Submission 9.

<sup>61</sup> Namadgi National Park Draft Plan of Management 2007, p8.

- 5.32 For example, the Committee was advised that the Boboyan road has relatively wide verges throughout the area which could potentially be adapted for horse riding<sup>62</sup> to solve the current road safety issues without opening up new trails and larger park areas for horse riders. The Committee also heard that a trail on the roadside would potentially be easier to maintain as it would become part of the general roadwork maintenance program.<sup>63</sup>
- 5.33 The Committee acknowledges that, should a trail parallel to Boboyan road be considered, and in keeping with the precautionary principle, TAMS would need to assess the level of work required, the potential environmental damage if the road requires widening and the relative costs of establishing and maintaining the two options.

## RECOMMENDATION 9

- 5.34 **The Committee recommends that the Department of Territory and Municipal Services evaluate the cost and environmental impact of creating a horse riding track parallel to Boboyan Road as an alternative to the re-aligned Grassy Creek fire trail, prior to allowing access to the Grassy Creek trail for the trial period.**

### Grassy Creek Fire Trail

- 5.35 In the event that the Grassy Creek Fire Trail horse riding route is assessed as having less potential environmental impact than a parallel route to Boboyan road and is more cost effective, additional measures need to be considered to minimise any impact of horse riding on the trail.

### Feed and Weed Spread

- 5.36 The Committee received a number of submissions both asserting and rebuffing the potential for recreational horses to act as weed seed vectors in the park. The Committee acknowledges that horses may act as weed vectors, as may

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<sup>62</sup> Submission 7.

<sup>63</sup> Transcript of Evidence, 13 May 2008, pp23-4.

other users of the park such as bushwalkers, mountain bike riders and motor vehicles.

- 5.37 The risk of weed spread on the Grassy Creek Fire Trail from horse riding is genuine, however bushwalkers and mountain bike riders already have access to the trail therefore the addition of horse riding activities may have minimal additional impact.
- 5.38 Additionally, the Plan of Management requires horses to be fed 'processed feeds or cracked grain that is considered to be weed free' for at least two days before entering the national park. The plan also specifies that hay feed is not allowed in the park.<sup>64</sup> Similarly the Australian Trail Horse Riders Association encourages horses to be fed permitted feed for at least 48 hours prior to entering bushland areas<sup>65</sup> as do the codes of conduct of other horse riding associations.
- 5.39 The Bicentennial National Trail Co-ordinator (Gundaroo to Mt Clear ACT Border trail) also highlighted to the Committee how packhorse riders on a long trip are most likely to rely on high energy clean feed pellets and native grass at camp sites for the horses. The necessary amount of pasture to maintain healthy horses would be unfeasible to carry on a pack horse.<sup>66</sup> This practice reduces the likelihood of weed spread from recreational horse riding in the park as the feed is 'safe'.
- 5.40 The Committee considers the risks of weed spread solely from recreational horse riding on the realigned Grassy Creek fire trail to be largely mitigated by the precautions outlined in the Plan of Management and the Australian Alps Horse Riding code of conduct.<sup>67</sup>

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<sup>64</sup> Namadgi National Park Draft Plan of Management 2007, p132.

<sup>65</sup> Australian Trail Horse Riders Association Code of Conduct, p4.

<sup>66</sup> Submission 9.

<sup>67</sup> Australian Alps Code of Conduct for horse riding.

## RECOMMENDATION 10

- 5.41 **The Committee recommends that, for consistency and clarity, the reference to horse feed in section 13.4 of the Plan should make reference to section 39.32 for more detail on horse feed requirements both prior to and during travel through the national park.**

### Environmental Impacts and Usage

- 5.42 The potential environmental impacts of user access to the realigned Grassy Creek fire trail are also dependent on the level of trail usage by horse riders and other park users and the likelihood of riders leaving formed tracks causing trampling and grazing surrounding areas.
- 5.43 The Bicentennial National Trail follows a formed broad vehicle fire trail with a vehicle crossing over Grassy Creek itself. The Bicentennial National Trail Co-ordinator informed the Committee that riders are unlikely to leave the formed tracks as the unknown conditions, particularly in wetland and bog areas, could pose a significant danger to the safety of horses and riders.<sup>68</sup>
- 5.44 The Bicentennial National Trail Co-ordinator also advised the Committee that as there is no reliable water on the Boboyan Road/Grassy Creek section of the national trail and it is steep in parts, it is unlikely to be utilised as a return day ride track.<sup>69</sup> Consequently, there would be fewer trips made on the trail than on a common day ride track, and the potential environmental impacts lessened.
- 5.45 Horse riding associations and coordinators such as the ACT Equestrian Association and the Bicentennial National Trail Co-ordinator also promote the Australian Alps horse riding Code of Conduct to their members. The Code limits groups to a maximum of 20 horses in Alpine and Sub-alpine areas and 28 horses per riding group in other areas open to horse riding.<sup>70</sup> Similarly, the

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<sup>68</sup> Submission 9.

<sup>69</sup> Submission 9.

<sup>70</sup> Australian Alps Code of Conduct for horse riding.

Bicentennial Trail user guide encourages groups to be limited to 15 horses to reduce the impact of any one riding party.<sup>71</sup>

- 5.46 The Committee was further advised that the usage of the trail is able to be easily monitored by park managers as horse riders need to contact the Namadgi Visitors Centre to obtain the combinations to two locked gates along the trail. Trail usage data will be of particular use to park management during the trial period as user numbers may help to assess the severity of possible impacts on the trail and surrounding parklands.
- 5.47 TAMS could also consider using a visitor log book at one of the combination gates during the trial period to assist monitoring track usage. A log book could help determine the levels of trail usage by other recreational users such as walkers and cyclists. TAMS could also consider erecting signs at the combination locked gates to reinforce the need for riders to remain on-track.<sup>72</sup>

#### RECOMMENDATION 11

- 5.48 **The Committee recommends that the Department of Territory and Municipal Services use a visitor log book at one of the combination locked gates along the Grassy Creek fire trail section of the realigned Bicentennial National Trail to assist in monitoring track usage by different user groups.**

#### RECOMMENDATION 12

- 5.49 **The Committee recommends that the Department of Territory and Municipal Services erect signs at the combination locked gates along the Grassy Creek fire trail section of the realigned Bicentennial National Trail to reinforce the need for riders to remain on-track.**

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<sup>71</sup> Submission 9.

<sup>72</sup> Submission 9.

### **Australian Alps Horse Riding Code of Conduct**

- 5.50 The Committee recognises that the Australian Alps Horse Riding code of conduct sets out guidelines to reduce the likelihood of heavy or inappropriate use of the alpine area and national parks and is recognised by most ACT horse riding associations and organisations.<sup>73</sup>
- 5.51 However, adherence to the code could be strengthened by increasing its promotion to riders who may have little or no contact with the key horse riding associations and therefore may have limited awareness and knowledge of the codes of conduct.
- 5.52 The Committee encourages riding organisations and associations to provide a link to the Australian Alps Horse Riding code of conduct on their websites, particularly when referring to riding in Namadgi National Park.
- 5.53 Additionally, trail and code of conduct information could be provided at the Namadgi Visitors Centre. TAMS could also consider conducting forums with horse riders of the ACT and with park managers to discuss the potential impacts on the Park from horse riding practices that are not in accordance with the code of conduct.

### **Huts**

- 5.54 A few of the submissions to the Committee also expressed concerns about the potential impacts on heritage listed huts in the diverted Grassy Creek fire trail region, from horse riders tethering horses to the huts or in close proximity to huts. Westermans homestead and Waterhole hut for example, are both located in that region of the national park.<sup>74</sup>
- 5.55 The Australian Alps Code of Conduct for horse riding requires horses to be tethered at least 30 meters from lakes, streams, huts and camping areas to reduce environmental impacts.<sup>75</sup>

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<sup>73</sup> Australian Alps Code of Conduct for horse riding.

<sup>74</sup> Submission 8; Transcript of Evidence, 13 May 2008, p23.

<sup>75</sup> Submission 9; Australian Alps Code of Conduct for horse riding.

- 5.56 In a similar manner to feed requirements for horses, the recommended tethering distances in the Australian Alps Code of Conduct could be included in the Plan of Management as a mandatory requirement for horse riders, in order to promote those requirements and reinforce the importance of protecting these cultural and environmental assets.

### **RECOMMENDATION 13**

- 5.57 **The Committee recommends that the requirement for horses to be tethered at least 30 meters from lakes, streams, huts and camping areas be included in the Plan of Management to reinforce the importance of protecting the huts and surrounding areas as important cultural and environmental assets.**

### **RECOMMENDATION 14**

- 5.58 **The Committee recommends that signs be erected at huts indicating the above tethering requirements.**

### **Monitoring the Trial Period**

- 5.59 The Plan of Management states that the use of the re-routed Bicentennial National Trail onto the Grassy Creek fire trail would be monitored and assessed for environmental impacts, compliance by horse riders in staying on formed rails, and restricting overnight camping to the Mt Clear Pound Campground.<sup>76</sup>
- 5.60 More generally, the Plan proposes the development of a monitoring program of visitor impacts and safety (Action 36.5) 'to allow assessment of environmental and social impacts caused by visitors' and aims to ensure that the monitoring program is:
- *Consistent with standards used by Australian Alps agencies to ensure compatibility of data;*
  - *Identifies criteria for limits of acceptable change;*

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<sup>76</sup> Namadgi National Park Draft Plan of Management 2007, p131.

- *Targets high use areas or fragile areas that are likely to require active management intervention; and*
- *Provides for data to be managed efficiently.*<sup>77</sup>

5.61 The Committee notes however, the Plan does not outline the specific monitoring arrangements for the Grassy Creek trial period, the reporting mechanisms to inform users of monitoring outcomes or the type of follow-up consultation that will take place with stakeholders at the end of the trial period.

5.62 Additionally monitoring of trail usage during the trial period should at a minimum include assessment of:

- any increased weed spread on and around the trail;
- the trail and immediate surrounding areas to establish if there is evidence of riders diverging from formed fire trails;
- usage of the trail by all types of park users, in addition to horse riders.

## RECOMMENDATION 15

5.63 **The Committee recommends that the Plan of Management should include details of the monitoring and reporting arrangements that will be implemented to assess the trial use of the realigned Grassy Creek fire trail by recreational horse riders as an alternative to Boboyan Road on the Bicentennial National Trail.**

## Commercial Operations

5.64 Commercial recreational activities such as rock climbing, overnight bushwalking, horse riding, mountain bike riding, abseiling and four wheel driving are offered by a small number of tour operators within Namadgi National Park.<sup>78</sup> The Committee heard that very few of these involve overnight activities.<sup>79</sup>

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<sup>77</sup> Namadgi National Park Draft Plan of Management 2007, pp120-1.

<sup>78</sup> Namadgi National Park Draft Plan of Management 2007, p139.

<sup>79</sup> Transcript of Evidence, 13 May 2008, p22.

- 5.65 A number of submissions to the Committee highlighted concerns that the Plan of Management allows for increased commercial operations in Namadgi National Park, and potential special access to the wilderness area.
- 5.66 The Committee also heard from former members of the Interim Namadgi Advisory Board that commercial operations should not enable special access that does not comply with the zoning arrangements in the Plan of Management.<sup>80</sup>
- 5.67 The Plan of Management restricts commercial tours to Zones 2 and 3 of the park and states that access to zone 1 (the wilderness area and middle cotter catchment) will generally be prohibited.<sup>81</sup>
- 5.68 Additionally, the Plan of Management proposes that a licensing system be implemented to formalise monitoring arrangements of commercial operators in the park and outlines some of the criteria for the issue of licences. These include:
- Size of group, including guides for dispersed overnight camping and in designated camping grounds
  - Frequency of visits
  - Potential impacts on the park and other visitors
  - Level of knowledge, professional training and indemnity of the operator
  - Accreditation of the operator
  - Safety of participants and other visitors
  - Trip plans and emergency evacuation procedures<sup>82</sup>
- 5.69 The Committee notes that the Kosciuszko National Park Plan of Management establishes similar arrangements for commercial recreational providers although it requires providers to prepare an environmental management plan for their operations. Additionally, new commercial tour operators are subject

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<sup>80</sup> Transcript of Evidence, 13 May 2008, p30.

<sup>81</sup> Namadgi National Park Draft Plan of Management 2007, p140.

<sup>82</sup> Namadgi National Park Draft Plan of Management 2007, p140-1.

to an initial one-year trial period and longer-term licences are subject to satisfactory performance during this period.<sup>83</sup>

- 5.70 The Committee supports the proposal for a licensing/permit and accreditation system with associated fees for tour operators in Namadgi National Park to manage park usage by commercial operators and to facilitate adequate monitoring arrangements.

#### **RECOMMENDATION 16**

- 5.71 **The Committee recommends that the Department of Territory and Municipal Services require commercial recreational providers operating in Namadgi National Park to prepare environmental management plans for their operations in the park.**

#### **RECOMMENDATION 17**

- 5.72 **The Committee recommends that the Department of Territory and Municipal Services adopt a one-year trial period for new operators as required under the Kosciuszko Plan of Management, or a similar arrangement, to ensure satisfactory performance of commercial operations, in keeping with the primary management objectives of the park.**

#### **Use of Gudgenby Homestead for Commercial Accommodation**

- 5.73 As outlined in the Plan of Management, the Gudgenby Homestead precinct includes the recently upgraded homestead and a small cottage referred to as Ready Cut Cottage.
- 5.74 The homestead is currently used as permanent ranger accommodation and the cottage as a community facility for activities such as art camps and a base for fauna and flora surveys. Community use of the cottage is also expected to

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<sup>83</sup> 2006 Plan of Management, Kosciuszko National Park, p142.

increase as the restoration work being undertaken by the Kosciuszko huts Association and NPA is completed.<sup>84</sup>

- 5.75 The National Parks Association ACT strongly advises against using the precinct for commercial accommodation. The area provides limited accommodation for guests, which could only be increased by relocating the ranger accommodation to Ready Cut Cottage and utilising the homestead. However, this change would restrict or stop the community activities that currently use Ready Cut Cottage. The homestead only has a maximum capacity of around 20 people.
- 5.76 The Committee heard that these facilities do not offer satisfactory park accommodation options, in light of cultural and environmental conservation. The Committee was also advised of the risk of vandalism and other illegal activities in the Park are currently limited through the presence of a park ranger at the Gudgenby Homestead precinct.
- 5.77 The Committee understands the concerns of the National Parks Association ACT regarding future of community activities in the Gudgenby Homestead precinct for if the Homestead is used for commercial accommodation.
- 5.78 The Plan of Management proposes that opportunities for adaptive re-use for overnight accommodation in the Gudgenby Homestead precinct will be explored. It also specifies that 'appropriate guidelines would need to be developed for use of the site to protect cultural heritage values'.<sup>85</sup>

## RECOMMENDATION 18

- 5.79 **The Committee recommends that, the Department of Territory and Municipal Services take into account the value of current community activities in the Gudgenby Homestead precinct when assessing the opportunities for re-use of the precinct for accommodation.**

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<sup>84</sup> Submission 10.

<sup>85</sup> Namadgi National Park Draft Plan of Management 2007, p123.

## Campfires

- 5.80 In the revised Namadgi National Park Plan of Management, campfires are only permitted in designated fireplaces in picnic areas and campgrounds during the officially declared fire season (around 1 October to 31 March). At all other times campfires in the open are allowed subject to a permit system.<sup>86</sup>
- 5.81 Fuel stoves are encouraged as an alternative to campfires particularly in the wilderness area.
- 5.82 The Committee heard from witnesses in favour of the continued permit arrangements for campfire use as overnight camping is not very common in the park during the winter months.<sup>87</sup> Other witnesses felt that more strict arrangements should be implemented and that the wilderness area should be fuel stove areas only.<sup>88</sup>
- 5.83 The Committee considers that the current permit arrangement is adequate for park managers to monitor campfire use in the park and assess the need for future changes to the policy.

## Park Management

### Pest Control

- 5.84 The Namadgi National Park Plan of Management outlines the management considerations, objectives, policies and actions for pest plants and animals in the park. Pest species in the ACT are declared under the *Pests Plants and Animals Act 2005*. The ACT Vertebrate Pest Management Strategy 2002 and ACT Weeds Strategy 1996 also outline pest plant and animal management actions for the ACT.

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<sup>86</sup> Namadgi National Park Draft Plan of Management 2007, p108.

<sup>87</sup> Transcript of Evidence, 13 May 2008, pp22 & 47.

<sup>88</sup> Transcript of Evidence, 29 April 2008, p15.

- 5.85 The Plan of Management recognises the need to establish an ongoing weed monitoring and mapping program to ‘track the extent of weed species and the effectiveness of weed control programs’.<sup>89</sup>
- 5.86 The park’s weed problem is being exacerbated by the additional spread of weeds associated with warmer and drier climates particularly grassy weeds like serrated tussock grass, African love grass, Chilean needle grass and Mexican plume grass. These weeds can be particularly hard to control.<sup>90</sup>
- 5.87 In addition to monitoring arrangements to ensure a quick response to weed control, the Plan of Management outlines preventative measure such as hygiene policies to minimise the introduction and spread of weed species by park staff, contractors and visitors. These include the process of washing down vehicles and equipment used in areas where these pest plants occur, minimise soil disturbance by management activities, and educating park users about the potential for weed spread through their activities.<sup>91</sup>
- 5.88 These measures seem adequate to minimise weed spread and maintain a regular program of weed monitoring and removal.
- 5.89 Similarly, the plan outlines the need for a strategic approach to pest animal management which addresses the management priorities for landscape and biodiversity conservation, ecological restoration, and public safety.<sup>92</sup>
- 5.90 For example, the Committee heard from the National Parks Association ACT that the TAMS is leading the way with its feral pig control program, trialling new toxins in Namadgi ‘for use across the broader Australian park system’<sup>93</sup>
- 5.91 The Committee commends TAMS for investing in trials of new technologies for pest animal control.

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<sup>89</sup> Namadgi National Park Draft Plan of Management 2007, p69.

<sup>90</sup> Submission 7; Transcript of Evidence, 29 April 2008, p14.

<sup>91</sup> Namadgi National Park Draft Plan of Management 2007, p69.

<sup>92</sup> Namadgi National Park Draft Plan of Management 2007, p73.

<sup>93</sup> Transcript of Evidence, 29 April 2008, p15.

5.92 The Committee was also advised that some native animals may be a threat to the Park, for example the increasing population of Eastern Gray kangaroo may threaten the biodiversity of grassland areas in Namadgi.<sup>94</sup> The Committee notes that the Plan of Management policies include the development of 'population management programs for species of concern' which would encompass population control measures for the Eastern Gray kangaroo.<sup>95</sup>

## Fire Management

5.93 The primary management objectives for fire management in Namadgi National Park are that:

- *fire management strategies integrate fire protection, water supply and conservation objectives and, to provide guidance for management, are supported by an effective research and monitoring program; and*
- *fire management strategies create a mosaic of areas across the park with differing fire histories and a consequent diversity of vegetation age-classes and fuel loads.*<sup>96</sup>

5.94 The Committee notes that the Plan of Management also includes the Australian Alps Fire Management Principles which prioritises fire fighter safety, the protection of life and property and the need for fire management strategies to be consistent with the primary objective of the protected area system, which is to conserve the natural and cultural heritage values of the Australian Alps.<sup>97</sup>

5.95 The *Emergencies Act 2004* requires the Emergency Services Agency to prepare a strategic bushfire management plan for the whole of the ACT, including Namadgi National Park, with the aim of minimising the likelihood of bushfires and the negative consequences of bushfires. It includes details on

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<sup>94</sup> Submission 4.

<sup>95</sup> Namadgi National Park Draft Plan of Management 2007, p63.

<sup>96</sup> Namadgi National Park Draft Plan of Management 2007, p93.

<sup>97</sup> Namadgi National Park Draft Plan of Management 2007, p97.

bushfire hazard assessment and risk analysis, bushfire prevention, agency and community preparedness and response, and recovery in relation to bushfires.<sup>98</sup>

- 5.96 A number of submissions to the Committee outlined the need for fire planning processes to be a part of the Plan of Management not imposed by a secondary process for fire management such as the Strategic Bushfire Management Plan. The Committee heard that this integration would avoid the potential for fire management to take priority over the Plan of Management and protection of valuable ecosystems.<sup>99</sup>
- 5.97 Some submissions to the Committee were also concerned with the potential environmental degradation caused from mosaic burning to reduce fuel loads if minimum fire intervals are not based on current ecological knowledge.
- 5.98 The Committee notes that the Plan of Management requires, where the Strategic Bushfire Management Plan is inconsistent with any management plan in force under the *Land (Planning and Environment) Act 1991*, that the management plan shall take precedence.<sup>100</sup>
- 5.99 Additionally, the Plan of Management outlines how broader fire management strategies need to incorporate fire regimes that maintain catchment and ecological processes and protect biodiversity:
- As far as practicable exclude fire from hydrologically and ecologically significant or sensitive areas including:*
- *Areas of extreme erodibility;*
  - *Wet heaths, subalpine bogs and significant wetlands;*
  - *Dry rocky heath communities (threatened species habitat);*
  - *Areas occupied by obligate seeding species ('seeders') until they have reached sufficient maturity to regenerate after a fire; and*
  - *Riparian areas.*<sup>101</sup>

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<sup>98</sup> Namadgi National Park Draft Plan of Management 2007, p97; ACT Strategic Bushfire Management Plan, p6.

<sup>99</sup> Submission 2; Submission 4, Transcript of Evidence, 13 May 2008, p26.

<sup>100</sup> Namadgi National Park Draft Plan of Management 2007, p98.

<sup>101</sup> Namadgi National Park Draft Plan of Management 2007, p105.

5.100 The Committee considers that these measures in the Plan of Management reasonably address the concerns raised in submissions. However, to ensure consistency, the above fire management strategies need to be incorporated into other key bushfire management policies and plans such as the Strategic Bushfire Management Plan, sub-regional fire plans and bushfire operation plans.

#### **RECOMMENDATION 19**

5.101 **The Committee recommends that the development of the sub-regional fire plans and bushfire operation plans for Namadgi National Park are developed in accordance with the policies set out in the Plan of Management, and ensure that the measures for ecological processes, catchment and biodiversity protection are integrated into park fire-management practices.**

#### **RECOMMENDATION 20**

5.102 **The Committee recommends that the Emergency Services Authority develop version 2 of the Strategic Bushfire Management Plan in consultation with the Department of Territory and Municipal Services and with reference to the policies set out in the Namadgi Plan of Management.**

#### **Fire Access**

5.103 The Strategic Bushfire Management Plan also proposes major upgrades and new trails for fire access in Namadgi. These include an upgrade of Stockyard Spur Trail to tanker standard, a new trail linking Stockyard Spur Trail with Corin Dam Road and an upgrade of Cotter Hut Road to float standard (ie large bulldozer on low loader).<sup>102</sup>

5.104 The Committee heard how disturbance and cutting along the side of established roads, including widening of roads and grading activities, can have serious environmental impacts such as weed spread, erosion and damage

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<sup>102</sup> Namadgi National Park Draft Plan of Management 2007, p102.

to particular flora species.<sup>103</sup> For example, a large population of the *Grevillea Diminuta* (proteaceae) would apparently be killed from widening the Mt Ginini road as it commonly grows along the edge of trails.<sup>104</sup>

- 5.105 In addition, the Committee was advised that there would be higher, ongoing maintenance costs for the widened float-standard roads to keep them in useable condition.<sup>105</sup>
- 5.106 The Committee also heard how widening trails to enable access by larger machinery was not essential as larger machinery would not necessarily do a better job of fire fuel management or suppression. Smaller machinery, such as small graders, can be equally if not more effective as they offer greater flexibility and speed to create control lines around a fire. Clearings from smaller graders are also easier to rehabilitate.
- 5.107 The Committee was advised that the small graders offer a 'cheaper, faster, lighter and more effective' approach which does not necessitate widening the trails to float standard.<sup>106</sup> Resources for trail widening could be redirected to remote area fire teams, small machinery and air support which have proven more effective.<sup>107</sup>
- 5.108 The Committee acknowledges that there are a wide range of views about appropriate bushfire management in national parks, particularly with regard to access trails and controlled burning activities.
- 5.109 The Committee considers, however, that limiting disturbances to the park's environment by investing in alternatives to float-standard fire trails is in keeping with two of the key principles for management. The precautionary principle and the limits of acceptable disturbance (which acknowledges that all human activities and uses of the park result in some degree of impact and the need to manage those disturbance) both support the notion that no fire trail upgrade activity should be undertaken without further study.

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<sup>103</sup> Transcript of Evidence, 29 April 2008, p13.

<sup>104</sup> Michael Doherty, *Effects of fire and climate change on native vegetation in the northern parts of the Australian Alps*, p82.

<sup>105</sup> Transcript of Evidence, 29 April 2008, p13.

<sup>106</sup> Transcript of Evidence, 29 April 2008, p11.

<sup>107</sup> Transcript of Evidence, 29 April 2008, p11.

## **RECOMMENDATION 21**

- 5.110 **The Committee recommends that the fire trails and access roads not be widened to float standard without further environmental assessment, taking into consideration the precautionary principle and current scientific research.**

## **RECOMMENDATION 22**

- 5.111 **The Committee recommends that resources already allocated for widening fire trails and access roads be redirected to support the use of remote area fire teams, small machinery and air support.**



## 6 CONCLUSIONS

- 6.1 The Committee considers that the Namadgi National Park Draft Plan of Management is a high quality document and, on the whole, a suitably detailed guide for park management policies and practices. The underlying core management principles and zoning arrangements reinforce the significance and uniqueness of Namadgi's natural and cultural assets.
- 6.2 The public consultation processes during the development of the Plan of Management were wide-reaching and thorough, and all issues were considered seriously by the Interim Namadgi Advisory Board and by the Department of Territory and Municipal services.
- 6.3 The Committee recommendations reflect issue-specific policies and actions in the Plan of Management. The Committee has highlighted areas where the existing policies can be strengthened or, in some cases, additional research be conducted to ensure park activities are consistent with the protection of the Park's natural and cultural assets.

Chair

July 2008



## Appendix A List of Submissions and Witnesses

### Submissions

Submission No <sup>o</sup>	Author
1	Canberra Bushwalking Club
2	The Colong Foundation for Wilderness
3	Canberra Alpine Club
4	Ms Dianne Thompson
5	Dr Geoff Mosley
6	ACT Equestrian Association
7	National Parks Association of the ACT Inc.
8	Mr Graham Scully
9	Ms Jenny Costin
10	National Parks Association of the ACT Inc (supplementary)
11	ACT Equestrian Association (supplementary)

### List of Witnesses

#### 29 April 2008

- Christine Goonrey, President, National Parks Association (ACT).
- Chris Emery, Vice President, National Parks Association (ACT).
- Clive Hurlstone, Committee Member, National Parks Association (ACT).

#### 13 May 2008

- Dianne Thompson, Environmental representative, former Interim Namadgi Advisory Board.
- Geoff Butler, former co-chair, Interim Namadgi Advisory Board.
- Michael Pearson, Managing Director, Heritage Management Consultants Pty Ltd and member, former Interim Namadgi Advisory Board.
- Graham Scully, Interested individual.



## Appendix B      Chronology of Consultation

<b>The Consultation Process</b>	
2002	Discussion paper on Namadgi Plan of Management review released for public comment.
2003	Public workshops conducted.
2004	<p>Advisory group workshops (with the Natural Resource Management Advisory Committee, flora and fauna committee, heritage council, Interim Namadgi Advisory Board and the expert reference group on sustainability)</p> <p>United Ngunnawal Elders Council - meeting and workshop</p> <p>Namadgi staff - presentation and discussion</p> <p>Canberra Regional Tour Operators Association - presentation and discussion</p> <p>Rural forum - presentation and discussion</p> <p>Rural neighbours - presentation and discussion</p> <p>Community Environment Groups (National Parks Association, Conservation council of the ACT, Kosciuszko Huts Association, Canberra bushwalkers club, Canberra alpine club, Canberra ornithologists group, Interim Namadgi Advisory Board) - presentation and discussion</p> <p>Government departmental workshops (Chief Minister's Department (CMD) cabinet and policy; Department of Education and Training schools operations southside; Department of Economic Development (DED), sport and recreation development; CMD shaping out territory implementation group; ACTEW corporation; Department of Urban Services (DUS) act forests, CMD arts heritage and environment, Interim Namadgi Advisory Board, DED Australian capital tourism corporation, DUS Canberra urban parks and places.)</p> <p>ACT Planning and Land Authority - presentation and discussion</p> <p>Emergency Services Agency - presentation and discussion</p> <p>Commissioner for the Environment - presentation and discussion</p> <p>Shaping our Territory planning team - presentation and discussion</p>
2005	<p>Natural Resource Management Advisory Committee approval of draft plan.</p> <p>Public Release of the draft Plan of Management.</p> <p>Conservation Council and affiliated groups – workshop</p> <p>Planning Institute and Institute of Foresters – Presentation and discussion</p>
Ongoing	<p>Interim Namadgi Advisory Group – review and discussions</p> <p>Flora and Fauna Committee - review and discussions</p>



## Appendix C      Schedule 3

### Indicative Guide to events in Namadgi

Proposed number of events permitted in the park are as specified in the table below. The policies outlined in the table below may be varied at the discretion of park management dependent upon:

- administrative resources;
- ecological condition of the area proposed events;
- new scientifically based evidence regarding capacity of the park or areas of the park for particular events; and
- willingness of event organisers to accept additional conditions to protect the park from impacts.

All types of events are permitted in Zone 3—Recreation area.

#### Indicative policies for events in Namadgi

Type of Event	Zone 1 Cotter Catchment		Zone 2 Recreation/Conservation Area		
	Upper Cotter Catchment	Middle Cotter Catchment	Mt Clear and Booth Range Area	Gudgenby & Boboyan area	Orroral Ridge/Blue Gum/Mt Tennent Area
<b>Small Events 10–200 Participants</b>					
On-track day event	Not permitted	✓	✓	✓	✓
On-track overnight event	Not permitted	Not permitted	✓	✓	Not permitted
Off-track day event	Not permitted	Not permitted	✓	✓	✓
Off-track overnight event	Not permitted	Not permitted	✓	✓	Not permitted
<b>Medium Events 200–400 Participants</b>					
On-track day event	Not permitted	✓	✓ ○	✓ ○	✓
On-track overnight event	Not permitted	Not permitted	✓ ○	✓ ○	Not permitted
Off-track day event	Not permitted	✓	✓ ○	✓ ○	✓ (limited to 2 per year)
Off-track overnight event	Not permitted	Not permitted	✓ ○	✓ ○	Not permitted
<b>Large Events 400 or more</b>					
On-track day event	Not permitted	✓ ○	✓	✓ ○	✓ ○
On-track overnight event	Not permitted	Not permitted	✓ ○	✓ ○	Not permitted
Off-track day event	Not permitted	Not permitted	✓ ♣○	✓ ♣○	Not permitted
Off-track overnight event	Not permitted	Not permitted	✓ ♣○	✓ ♣○	Not permitted

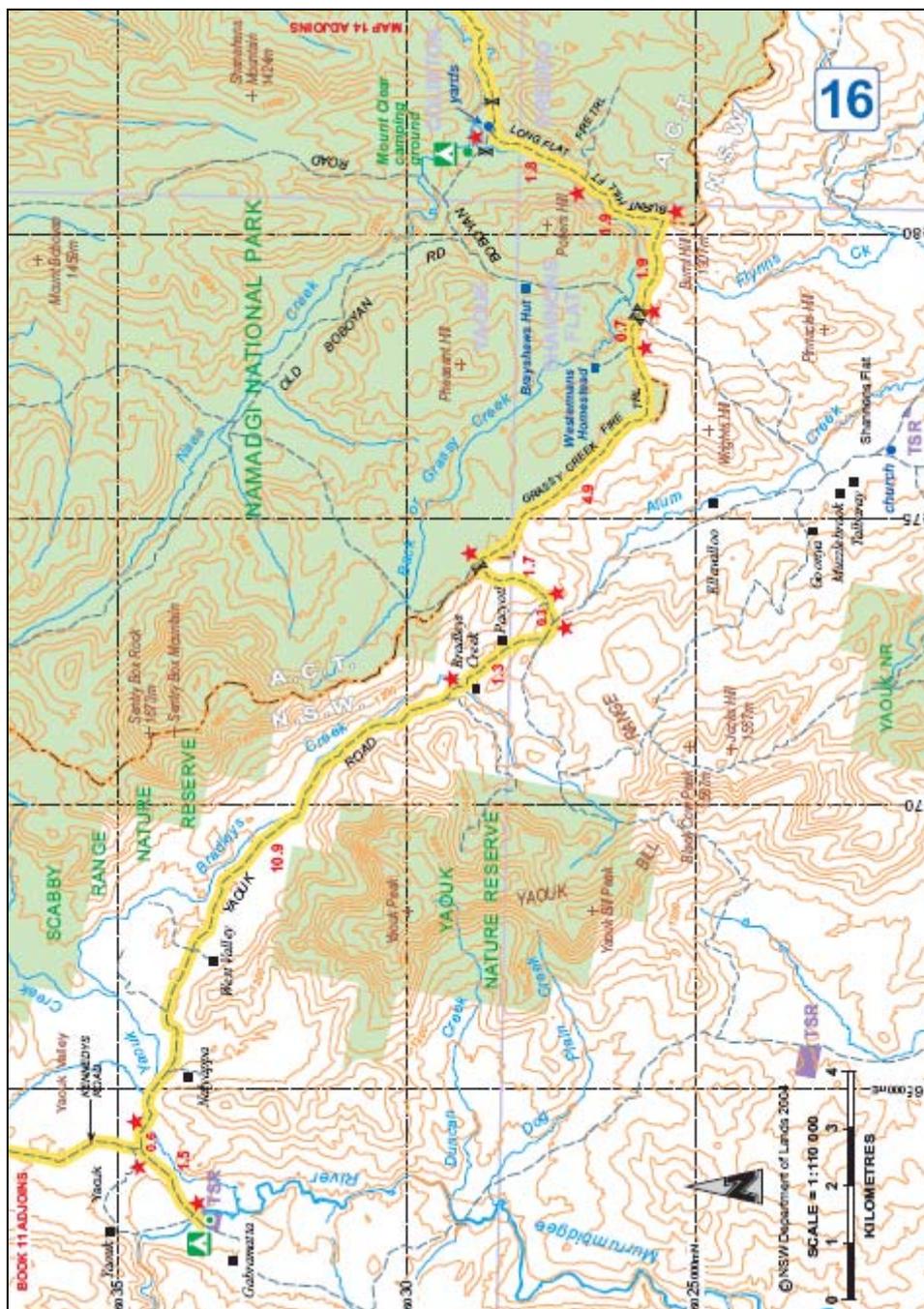
○ Only one large on-track day event permitted per year. Event will be subject to provisions for transport and waste disposal arrangements by organisers.

♣ Only one large off-track day or overnight event limited to a maximum of 600 participants permitted per year.



## Appendix D Grassy Creek Fire Trail

Re-directed Bicentennial National Horse Riding Trail.



Map - NSW Department of Lands<sup>108</sup>

<sup>108</sup> Submission 9.



## Appendix E           References

- Legislative Assembly of the ACT, Minutes of Proceedings, No 2, 7 December 2004.
- Standing Committee on Planning and Environment Transcript of Evidence, 29 April 2008
- Standing Committee on Planning and Environment, Transcript of Evidence, 13 May 2008
- Planning and Development Act 2007
- Land (Planning and Environment) Act 1991 (repealed)
- Legislation Act 2001
- Namadgi National Park Draft Plan of Management, October 2007.
- Namadgi National Park Draft Plan of Management, September 2005.
- ACT Strategic Bushfire Management Plan, version 1, 2005.
- 2006 Plan of Management, Kosciuszko National Park.
- Corridors for Survival in a Changing World; proceedings of the National Parks Association ACT Symposium, Michael Doherty, *Effects of fire and climate change on native vegetation in the northern parts of the Australian Alps*, 2008.
- Australian Alps Code of Conduct for horse riding; available: [www.australialps.deh.gov.au/publications/codes/horsecode.html](http://www.australialps.deh.gov.au/publications/codes/horsecode.html).
- Australian Trail Horse Riders Association Code of Conduct, available: [www.athra.com.au/Site/Docs/Docs/2008\\_Code\\_of\\_Conduct.pdf](http://www.athra.com.au/Site/Docs/Docs/2008_Code_of_Conduct.pdf)
- Australian Alps Cooperative Management Program; overview, available: [www.tams.act.gov.au](http://www.tams.act.gov.au).
- Department of the Environment, Water, Heritage and the Arts ; *Six IUCN protected area categories*; available: [www.environment.gov.au/parks/iucn.html](http://www.environment.gov.au/parks/iucn.html)
- ACT Government Community Engagement Service Charter: available: [www.dhcs.act.gov.au/engagement/service\\_charter](http://www.dhcs.act.gov.au/engagement/service_charter)
- ACT Government Community Engagement Manual; available: [www.dhcs.act.gov.au/\\_\\_data/assets/pdf\\_file/0005/5369/community\\_engagement\\_manual.pdf](http://www.dhcs.act.gov.au/__data/assets/pdf_file/0005/5369/community_engagement_manual.pdf)
- Media Release, 6 September 2005. *Namadgi National Park Future Management up for Discussion*; available: [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au).
- Department of the Environment, Water, Heritage and the Arts; *Joint Management for Booderee*; available: [www.environment.gov.au](http://www.environment.gov.au).



## Appendix F            Legislative Requirements prior to 31 March 2008

### Land (Planning and Environment Act) 1991

#### Subdivision 5.7.1 Preliminary

##### 191            Definitions for div 5.7

In this division:

*plan of management* means a plan of management prepared under subdivision 5.7.4, as varied and in effect from time to time.

*variation*, in relation to a plan of management, includes the revocation of the plan and its substitution with a new plan.

#### Subdivision 5.7.4 Plans of management

##### 197            Preparation

- (1) The conservator must prepare a draft plan of management for an area of public land as soon as practicable after the area is identified as such in the plan.
- (2) In preparing a draft plan of management, the conservator must consider any recommendation submitted by the authority.

##### 200            Public consultation

- (1) This section applies to a draft plan of management for an area of public land if—
  - (a) no corresponding preliminary draft plan of management for that area has been notified under section 19; or
  - (b) if such a preliminary draft has been so notified—the firstmentioned draft plan of management differs significantly from that preliminary draft.
- (2) The conservator must make copies of a draft plan of management to which this section applies available to an appropriate committee of the Legislative Assembly.

- (3) The conservator must make copies of a draft plan of management to which this section applies available for public inspection during office hours at the places specified in a written notice prepared by the conservator.
- (4) A notice under subsection (3) must include a statement inviting people to submit written comments about the draft plan of management to the conservator at a specified address and within a specified period of not less than 21 days from the date of the notice.
- (5) A notice under subsection (3) is a notifiable instrument.  
*Note* A notifiable instrument must be notified under the Legislation Act.
- (6) The conservator must also publish the notice in a daily newspaper.

#### **201 Revision**

The conservator may revise a draft plan of management—

- (a) in consideration of any written comments received from any person about the draft plan; or
- (b) to correct any formal error.

#### **202 Submission to Minister**

The conservator must submit a draft plan of management (as revised under section 201) to the Minister for approval, together with—

- (a) a written report setting out the issues raised in any written comments submitted to the conservator in relation to the draft; and
- (b) a written report about the conservator's consultation with the public and with any other person or authority about the draft.

#### **203 Consideration of plan of management by Legislative Assembly committee**

If the conservator submits a draft plan of management to the Minister under section 202, the Minister must, within 7 days of receiving the draft plan give—

- (a) a copy of the draft plan; and
- (b) a copy of the reports mentioned in section 202 (a) and (b) relating to the draft plan; and
- (c) all other documents relating to the draft plan submitted to the Minister by the conservator;

to an appropriate committee of the Legislative Assembly.

#### **204 Minister's powers**

- (1) On receipt of a draft plan of management submitted under section 202 or section 205 for approval, the Minister must consider any recommendation

relating to the draft by a committee of the Legislative Assembly that considers the draft under section 203 and—

- (a) in writing, approve a plan of management in the form in which the draft is submitted; or
  - (b) refer the draft to the conservator together with any of the following written directions:
    - (i) to conduct further specified consultation;
    - (ii) to consider any revision suggested by the Minister;
    - (iii) to revise the draft in a specified way;
    - (iv) to defer, in writing, until a specified date or the happening of a specified event, the resubmission of the draft to the Minister;
    - (v) to withdraw the draft in writing.
- (2) The following are notifiable instruments:
- (a) a deferral directed under subsection (1) (b) (iv);
  - (b) a withdrawal directed under subsection (1) (b) (v).

Note A notifiable instrument must be notified under the Legislation Act.



## Appendix G Legislative Requirements from 31 March 2008

### Planning and Development Act 2007

#### Part 10.4 Plans of management for public land

##### 318 Definitions—pt 10.4

In this part:

*proponent* means—

- (a) for a draft plan of management, or technical variation of a plan of management, for an area of public land—the custodian of the land; or
- (b) for a draft variation, or technical variation of a plan of management, for an area of public land—
  - (i) the custodian of the land; or
  - (ii) if the draft variation or technical variation was prepared by the conservator of flora and fauna—the conservator of flora and fauna.

*technical variation*, of a plan of management, includes a variation of the plan of management to—

- (a) correct a minor error or anomaly in a geographical description of a boundary; or
- (b) change an incorrect or outdated reference to a territory law; or
- (c) update the name of an administrative unit or other territory entity.

##### 319 Content of plans of management

A plan of management must include—

- (a) a description of the area of public land to which it applies; and
- (b) how the management objectives for the area are to be implemented or promoted in the area.

##### 320 Preparation of plans of management

- (1) The custodian for an area of public land must prepare a draft plan of management for the area as soon as practicable after the area is identified as public land in the territory plan.

- (2) The custodian for an area of public land may prepare a draft plan of management for the area if the custodian considers the existing plan of management is outdated.
- (3) In preparing a draft plan of management for an area, the custodian for the area must consider any comment by the planning and land authority or the conservator of flora and fauna in relation to the area or the draft plan.

*Note* If the draft plan of management does not incorporate any comments by the planning and land authority or the conservator, an explanation of why must be given to the Minister (see s 325).

### **321 Variations of plans of management other than technical variations**

- (1) The custodian for an area of public land, or the conservator of flora and fauna, may prepare a draft variation of a plan of management (other than a technical variation) in the same way as a draft plan of management.
- (2) However, the conservator of flora and fauna must not prepare a draft variation of a plan of management for an area of public land (other than a technical variation) unless the conservator has consulted the custodian for the area.
- (3) This part applies to a draft variation of a plan of management (other than a technical variation) as if it were a draft plan of management.

### **322 Planning reports and SEAs—draft plans of management**

- (1) At any time before a draft plan of management is approved under section 327 (3) (a), the Minister may direct that a planning report or strategic environmental assessment be completed for any aspect of the draft plan.
- (2) The Minister may act under subsection (1) after receiving a written request from the conservator of flora and fauna or on the Minister's own initiative.
- (3) In preparing or revising a draft plan of management, the proponent must consider any relevant planning report or strategic environmental assessment.

### **323 Public consultation about draft plans of management**

- (1) This section applies to a draft plan of management (the *final draft plan*) for an area of public land if—
  - (a) no preliminary draft plan of management for the area has been notified under section 63; or

*Note* A preliminary draft plan of management for an area would be notified under section 63 as a background paper to a territory plan variation (see s 58, def *background papers*).

- (b) if a preliminary draft plan of management has been notified under section 63—the final draft plan differs significantly from the preliminary draft plan.

- (2) The proponent of the final draft plan must make copies of the final draft plan available—
  - (a) to an appropriate committee of the Legislative Assembly; and
  - (b) for public inspection during office hours at the places stated in a written notice (the *public inspection notice*) prepared by the proponent.
- (3) The public inspection notice must invite people to give written representations about the draft plan of management to the proponent at a stated address by not later than the end of a stated period of not less than 15 working days after the date the notice is notified under the Legislation Act.
- (4) The public inspection notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.
- (5) The proponent of the final draft plan must also publish the public inspection notice in a daily newspaper.

**324 Revision of draft plans of management**

The proponent of a draft plan of management may revise the draft plan—

- (a) after considering any written representations received about the draft plan; or
- (b) to correct any formal error.

**325 Giving draft plans of management to Minister**

The proponent of a draft plan of management for an area of public land must give the draft plan (whether revised under section 324 or otherwise) to the Minister for approval, together with—

- (a) a written report setting out the issues raised in any written comments given to the proponent in relation to the draft plan; and
- (b) if the planning and land authority or conservator of flora and fauna made comments in relation to the area or the draft plan and the draft plan does not incorporate the comments—a written explanation of why the draft plan does not incorporate the comments; and
- (c) a written report about the proponent's consultation with the public and with anyone else about the draft plan.

**326 Consideration of draft plans of management by Legislative Assembly committee**

- (1) This section applies if the Minister is given a draft plan of management under section 325.

- (2) Not later than 5 working days after the day the Minister receives the draft plan of management, the Minister must give the following to an appropriate committee of the Legislative Assembly:
- (a) a copy of the draft plan;
  - (b) a copy of the reports mentioned in section 325 relating to the draft plan.

### **327 Minister's powers on receiving draft plans of management**

- (1) This section applies if the Minister receives a draft plan of management given for approval under section 325 or section 328.
- (2) The Minister must consider any recommendation relating to the draft plan of management made by a committee of the Legislative Assembly under section 326.
- (3) The Minister must—
- (a) in writing, approve the plan of management in the form given; or
  - (b) refer the draft plan to the proponent of the draft together with 1 or more of the following written directions:
    - (i) to conduct further stated consultation;
    - (ii) to consider any revision suggested by the Minister;
    - (iii) to revise the draft in a stated way;
    - (iv) to defer giving the draft to the Minister again until a stated date or the happening of a stated event;
    - (v) to withdraw the draft in writing.

*Note* A plan of management approved by the Minister is a disallowable instrument (see s 330).

- (4) The following are notifiable instruments:
- (a) a deferral of a draft plan of management by the proponent of the draft plan in accordance with a direction under subsection (3) (b) (iv);
  - (b) a withdrawal of a draft plan of management by the proponent of the draft plan in accordance with a direction under subsection (3) (b) (v).

*Note* A notifiable instrument must be notified under the Legislation Act.

### **328 Referral of draft plans of management to proponent**

If the Minister refers a draft plan of management to the proponent of the draft plan under section 327 (3) (b), the proponent must—

- (a) if the Minister gives a direction under section 327 (3) (b) (i)—comply with the Minister's directions; and
- (b) if the Minister gives a direction under section 327 (3) (b) (ii) or (iii)—revise the draft plan if the proponent considers appropriate; and

- (c) revise the draft to correct any formal error; and
- (d) submit the draft plan of management (as revised) to the Minister for approval together with a written report about—
  - (i) the proponent's compliance with the Minister's directions; and
  - (ii) any revision of the draft under paragraph (c).

**329 Notice of revival of deferred draft plans of management**

- (1) This section applies if—
  - (a) the proponent of a draft plan of management defers the draft plan as directed under section 327 (3) (b) (iv) (Minister's powers on receiving draft plans of management); and
  - (b) either—
    - (i) the day stated in the deferral for revival of the draft plan arrives; or
    - (ii) the event mentioned in the deferral for revival of the draft plan happens.
- (2) The proponent of the draft plan of management must prepare a notice, on the day stated in the deferral, or as soon as possible after the event mentioned in the deferral, stating that the draft plan is revived.
- (3) A notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.
- (4) The proponent of the draft plan of management must also publish the notice in a daily newspaper.

**330 Plans of management—notification, presentation, disallowance and date of effect**

- (1) A plan of management approved by the Minister under section 327 is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (2) Subject to any disallowance under the Legislation Act, chapter 7, the plan of management commences—
  - (a) on the day after the 6th sitting day after the day the plan is presented to the Legislative Assembly under that chapter; or
  - (b) if the plan provides for a later date or time of commencement—on the later date or time.

**331 Technical variations**

- (1) A technical variation of a plan of management in relation to an area of public land may be made by—

- (a) the custodian of land; or
  - (b) the conservator of flora and fauna with the agreement of the custodian.
- (2) The technical variation is a disallowable instrument.
- Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (3) Subject to any disallowance under the Legislation Act, chapter 7, the technical variation of the plan of management commences—
- (a) on the day after the 6th sitting day after the day the technical variation is presented to the Legislative Assembly under that chapter; or
  - (b) if the technical variation provides for a later date or time of commencement—on the later date or time.
- (4) Not later than 5 working days after the day the technical variation is notified under the Legislation Act, the proponent must publish a notice in a daily newspaper that—
- (a) describes the variation; and
  - (b) states the date of effect of the variation; and
  - (c) if the proponent considers it necessary or helpful—states where the variation and information about the variation is available for inspection.

### **332 Review of plans of management**

- (1) This section applies if there is a plan of management for an area of public land.
- (2) The custodian of the land must—
- (a) review the plan of management at least once every 10 years; and
  - (b) if satisfied that the plan of management is no longer appropriate for the land—prepare a draft variation of the plan of management for the land (see s 321).