

STANDING COMMITTEE ON PLANNING, PUBLIC
WORKS AND TERRITORY AND MUNICIPAL SERVICES

**Inquiry into the Tidbinbilla Revised Draft Plan
of Management 2011**

APRIL 2012

Committee membership

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Resolution of appointment

On 9 December 2008, the ACT Legislative Assembly agreed by resolution to establish general purpose standing committees to inquire into and report on matters referred to it by the Assembly or considered by the committee to be of concern to the community, including:

- (e) a Standing Committee on Planning, Public Works and Territory and Municipal Services to examine matters related to planning, land management, proposed capital works projects in the public sector, including works undertaken by territory owned corporations, municipal transport services, heritage and sport and recreation.

The Assembly agreed that each standing committee can consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.¹

Terms of reference

On 11 May 2011, the Committee resolved to conduct an inquiry into the 'Tidbinbilla Revised Draft Plan of Management 2011', which had been forwarded to the Committee for its consideration by the Minister in accordance with section 326 of the *Planning and Development Act 2007*. The Deputy Chair, Ms Le Couteur, advised the Legislative Assembly of the Committee's resolution on 23 June 2011.²

¹ Legislative Assembly for the ACT, Minutes of Proceedings No. 2, 9 December 2008, pp14–18, <<http://www.parliament.act.gov.au/downloads/minutes-of-proceedings/08MoP02.pdf>>

² Legislative Assembly for the ACT, Minutes of Proceedings No. 108, 23 June 2011, p1345, <http://www.parliament.act.gov.au/downloads/minutes-of-proceedings/11MoP108.pdf>

Abbreviations

CVA	Conservation Volunteers Association
DET	Education and Training Directorate (formerly the Department of Education and Training)
Draft plan	Tidbinbilla Revised Draft Plan of Management 2011
KPI	Key Performance Indicator
NGO	Non-Government Organisation
NPA ACT	National Parks Association of the ACT Inc
TAMS	Territory and Municipal Services Directorate (formerly the Department of Territory and Municipal Services)

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RECOMMENDATIONS

RECOMMENDATION 1

2.32 The Committee recommends that a consultative approach, which ensures early engagement with the community and other stakeholders, be adopted for the development of the Tidbinbilla precinct master plan.

RECOMMENDATION 2

2.33 The Committee recommends that once finalised, the Tidbinbilla Master Plan be made publicly available, including on the Territory and Municipal Services Directorate website.

RECOMMENDATION 3

2.34 The Committee recommends that following their appointment, the list of members of the Tidbinbilla Board of Management, which includes whether they are community, business or government representatives, be placed on the Tidbinbilla website.

RECOMMENDATION 4

2.42 The Committee recommends that the Territory and Municipal Services Directorate publish its implementation / operational plans for the management of the Tidbinbilla precinct.

RECOMMENDATION 5

2.43 The Committee recommends that the key indicators relating to the management of Tidbinbilla, not just customer-satisfaction, are introduced into the strategic and accountability indicators in the Budget Papers.

RECOMMENDATION 6

3.16 The Committee recommends that the ACT Government explore ways in which to enhance the visitor experience at Tidbinbilla for people with disabilities.

RECOMMENDATION 7

3.29 The Committee recommends that (a) guidelines, which include communication protocols especially with the public, should be developed to determine how applications for tourism products will be assessed and

monitored (b) a strategy for monitoring and managing cumulative impacts of
tours also be developed (c) that the guidelines and strategy be made public.

RECOMMENDATION 8

3.39 The Committee recommends that the ACT Government re-assess
whether a single select tender is still the best process to adopt.

RECOMMENDATION 9

4.6 The Committee recommends that the proposed expansion of the
education role for Birrigai at Tidbinbilla be part of the development of the
Tidbinbilla Master Plan.

1 INTRODUCTION

- 1.1 On 4 April 2011, in accordance with section 326 of the *Planning and Development Act 2007* (the Act), the Minister for Planning, Mr Andrew Barr MLA, referred to the Standing Committee on Planning, Public Works and Territory and Municipal Services (the Committee), for its consideration, a copy of the *Tidbinbilla Revised Draft Plan of Management* (the draft plan) and the *Tidbinbilla Revised Draft Plan of Management Consultation Report*. The statutory provisions governing the preparation of management plans for public land are reproduced at Appendix B.
- 1.2 Under the Act the Minister is required to consider any recommendations made by the Committee concerning the draft plan.³ The Minister must then either approve the draft plan in the form given, or refer the draft plan to the proponent of the draft (the Territory and Municipal Services Directorate) with one or more of the following directions:
- to conduct further stated consultation;
 - to consider any revisions suggested by the Minister;
 - to revise the draft in a stated way;
 - to defer the giving of the draft to the Minister again until a stated date or happening of a stated event;
 - to withdraw the draft.⁴
- 1.3 A deferral or withdrawal of the draft plan of management is a notifiable instrument under the *Legislation Act 2001*.

Conduct of the Inquiry

- 1.4 On 11 May 2011, the Committee agreed to conduct an inquiry into the draft plan. The Committee called for submissions on 1 June 2011 with submissions due by 22 July 2011. One submission was received (see Appendix A).

³ *Planning and Development Act 2007*, subsection 327(2)

⁴ *Planning and Development Act 2007*, subsection 327(3)

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- 1.5 The Committee held two public hearings on 30 August and 13 September 2011 and heard from representatives of the National Parks Association of the ACT, the Minister for Territory and Municipal Services and Minister for the Environment and Sustainable Development, Mr Simon Corbell MLA, and officers of the relevant directorates (see Appendix A).

Acknowledgements

- 1.6 The Committee would like to thank the Minister, officials and witnesses for their time and expertise.
- 1.7 The Committee also acknowledges the considerable and detailed work and consultation that went into the preparation of the Tidbinbilla Revised Draft Plan of Management.

2 THE TIDBINBILLA PRECINCT

Plan of management

- 2.1 The Tidbinbilla precinct, encompassing the Tidbinbilla Nature Reserve, the former pine plantation at Jedbinbilla, and Birrigai, is designated public land under the *Planning and Development Act 2007* (the Act) (see Appendix C). Chapter 10 of the Act governs the management of Territory public land, including the requirement for the preparation and update of plans of management.
- 2.2 Section 315 of the Act specifies ten purposes for which public land may be reserved, including ‘national park’ and ‘special purpose reserve’. Tidbinbilla Nature Reserve includes both national park and special purpose reserve areas, while Jedbinbilla and Birrigai are separate special purpose reserves.
- 2.3 The Tidbinbilla revised draft plan of management also proposes to include within the Tidbinbilla precinct the land between Gibraltar Range and Corin Road which comprises special purpose reserve and an area covered by Territory Plan’s P4 Plantation Forestry Precinct overlay.⁵
- 2.4 The management objectives for each public land category are listed in Schedule 3 of the Act, and include:
 - National Park**
 - 1 to conserve the natural environment
 - 2 to provide for public use of the area for recreation, education and research
 - Special Purpose Reserve**
 - 1 to provide for public and community use of the area for recreation and education
- 2.5 Where a plan of management exists for an area of public land, the Act also requires the land’s custodian (the entity with administrative responsibility for

⁵ *Tidbinbilla Revised Draft Plan of Management 2011*, p17

the specified land) to review the plan of management at least once every ten years and prepare a draft variation to the plan if considered appropriate.⁶

2.6 The plan of management describes the land covered and must detail how the management objectives for that land are to be implemented or promoted.⁷

2.7 Taking into account the management objectives prescribed, as well as the values of Tidbinbilla, the draft plan defines two overarching goals for the management of the Tidbinbilla precinct:

- The natural and cultural values of Tidbinbilla are conserved in perpetuity; and
- Tidbinbilla is highly valued by Canberra residents and visitors for its recreational, educational and research opportunities related to the natural and cultural values of the area.⁸

Bushfire management

2.8 The bushfire, that swept through the ACT in January 2003, burnt 165 000 hectares of the ACT including 110 000 hectares of nature reserves and national parks. At Tidbinbilla, the fire severely burnt most of the vegetation and destroyed some of the building, infrastructure and the wildlife collection. Since then, following a major rebuilding and restoration program, the functions of the Tidbinbilla precinct have been restored.⁹

2.9 The effect of the 2003 bushfire underlines the importance of an effective bushfire management strategy for Tidbinbilla. During the hearing on 30 August 2011, Mr Coe MLA asked the National Parks Association of the ACT (NPA ACT) about its view on the interaction between the ACT strategic bushfire management plan and the Tidbinbilla plan of management, and whether there is any potential for there to be a conflict between the two plans.¹⁰

⁶ *Planning and Development Act 2007*, section 332

⁷ *Planning and Development Act 2007*, section 319

⁸ *Tidbinbilla Revised Draft Plan of Management 2011*.

⁹ *Tidbinbilla Revised Draft Plan of Management 2011*, p15

¹⁰ *Transcript of Evidence*, 30 August 2011, pp8-9

2.10 The NPA ACT advised:

There was quite an intelligent conservation approach to fire management in Tidbinbilla, and probably this rolling 15-year program is the best way of managing bushfire management in Tidbinbilla. But I think that the conservation values have to be pre-eminent in that area (a) because of the devastation and (b) because of its role in tourism and with the lower valley public access use. I think that the bushfire plan is doing its job.¹¹

2.11 Ms Goonrey added that she didn't see any likely conflicts between the two plans:

...the bushfire management plan is concentrating on the balance between protection of life, property, and conservation values. I think that is the big difference that has been introduced in the 2009 version over the 2005 version. Conservation values were built into the 2009 strategic bushfire management plan so that everything now is balanced against the protection of life first, property, and conservation. So I think that the Tidbinbilla fire management will be able to operate quite effectively.¹²

2.12 At the hearing on 13 September 2011, the Environment and Sustainable Development Directorate outlined the three tiers of bushfire management planning for Tidbinbilla:

There are three tiers of planning for bushfire management. ...There is one that sits between the bushfire operational plan, which is an annual plan—and that is a statutory plan, so it is reported to the Assembly each year on delivery of that—and the strategic plan, which sits at the top end. In between that, there have been some subregional plans prepared which set out the five to 10-year plans for burning, doing prescribed burning for hazard reduction, mowing, asset protection and a whole range of other measures that might need to be undertaken for fire fuel management. So in between those two, the bushfire operational plan and the strategic plan, the subregional plans guide for the next five or 10 years. Then the bushfire operational plan picks up what that specifies for Tidbinbilla.

¹¹ *Transcript of Evidence*, 30 August 2011, p9

¹² *Transcript of Evidence*, 30 August 2011, p9

At Tidbinbilla, there are the asset protection zones.... Each year, there is a program of assessing fuels in the asset protection zones and undertaking physical removal of fuels. There has been some prescribed burning undertaken in those asset protection zones. Hazard fuel monitoring is also done in other parts of the reserve.

- 2.13 Under subsection 77(3) of the *Emergencies Act 2004*:

The strategic bushfire management plan has no effect to the extent to which it is inconsistent with any plan of management in force under the *Planning and Development Act 2007*, part 10.4 (Plans of management for public land) in relation to an area of unleased territory land or land occupied by the Territory.

- 2.14 The Committee notes that the revised draft plan of management states that there is no inconsistency between the Strategic Bushfire Management Plan and the Tidbinbilla management plan.¹³

Community involvement in Tidbinbilla Board

- 2.15 The NPA ACT expressed concern about the best way to involve the community within the Tidbinbilla board.

...my understanding is that it is not as representative of the community as it possibly could be. We would suggest that there are opportunities for interested organisations like our own—like the Friends of Tidbinbilla et cetera—to become heavily involved in the actual management of Tidbinbilla. We certainly have an interest. Those organisations definitely have an interest. We are very concerned about how we can best get our views across to the board.¹⁴

- 2.16 The Territory and Municipal Services Directorate (TAMS) advised the Committee that the Tidbinbilla Nature Reserve Board was an advisory, not a statutory, board:

¹³ *Tidbinbilla Revised Draft Plan of Management 2011*, p122

¹⁴ Mr Rod Griffiths, *Transcript of Evidence*, 30 August 2011, p4

It has four or five community members on it. That includes an Indigenous representative and some community and business representatives. Those representatives have a three-year term and they can seek renomination to the board. In fact, that process is happening at this time. We are seeking renominations for the community and business representatives to the board. That has been advertised in the *Canberra Times* and it is available for community members to nominate to seek to be on the board.¹⁵

2.17 To be considered for membership of the Board, applicants must demonstrate an ability to provide strategic advice in relation to one or more of the following:

- protected area management;
- ecotourism;
- business management; and/or
- education.¹⁶

2.18 The Committee notes that the new Board has now been appointed.

Management zones

2.19 The Committee was advised that under the Territory Plan there are two overlays that apply to Tidbinbilla: 'national park', comprising the hills around the valley, and 'special purpose reserve' covering the valley floor. In relation to the former, the primary objective is for nature conservation with research, education and recreation being a secondary objective. The primary objective for special purpose reserve areas is recreation.¹⁷ Officials advised:

What the plan does is another layer of zoning beyond that. It says, "If we're going to do things like development of accommodation in the valley, this zone within special purpose reserve is the best place to do it." The sorts of things that we have taken into account there are fire

¹⁵ Mr Stephen Alegria, *Transcript of Evidence*, 13 September 2011, pp21-22

¹⁶ See ACT Government Media Release *Expressions of Interest: Community/Business Representatives - Tidbinbilla Nature Reserve Board*.

¹⁷ Ms Sharon Lane, *Proof Transcript of Evidence*, 13 September 2011, p20

protection zones. We have looked at aspect and slope and those kinds of things, in determining where that zone should be in terms of higher density opportunities for recreational activities, accommodation and things like that. So we have tried to come up with a plan that takes into account the natural and cultural heritage values of the valley and of the national park and really refine where those sorts of activities could occur, without impacting unduly on the valleys of the reserve.¹⁸

- 2.20 The draft management plan defines three primary management zones for Tidbinbilla and lists the applicable public land category and key values relevant to each zone.
- 2.21 The plan notes that while the key values identified for each zone express management priorities, high value attributes may occur anywhere within the precinct and would receive the same management and protection regardless of whether they have been identified as a key value within the zone in which they occur.
- 2.22 **Zone 1:** Core Conservation covers the naturally vegetated mountains, rocky hills and slopes that form the boundary of the Tidbinbilla Valley and connect with the Namadgi National Park and the proposed Corin Road additions to the precinct on the southern boundary.
- 2.23 **Zone 2:** Conservation and Rehabilitation was not included in the previous plan of management and has been introduced to cover the former pine plantation at Jedbinbilla that was destroyed in the 2003 Canberra bushfire.
- 2.24 **Zone 3:** Developed Recreation and Education covers the various built and developed recreation/education facilities and those areas potentially suitable for future developments, primarily in the Tidbinbilla Valley.
- 2.25 The plan reflects a desire to further develop and enhance Tidbinbilla's role in providing quality recreational, educational and research opportunities for residents and visitors while ensuring the conservation of the precinct's natural and cultural values.¹⁹

¹⁸ *Transcript of Evidence*, 13 September 2011, pp20-21

¹⁹ *Tidbinbilla Revised Draft Plan of Management 2011*

Development of a master plan

- 2.26 From an operational and management perspective, the plan of management provides guidance and direction on Tidbinbilla's values, the objectives for the management of the area and the policies and actions by which the objectives will be met.²⁰
- 2.27 While this sets the policy framework, any detailed site planning required is more effectively dealt with in a 'master plan'. The Tidbinbilla Revised Draft Plan of Management states:
- ...a master plan ... would consider the benefits and feasibility of particular proposals and the preferred location for new or modified facilities and infrastructure. Preparation of a master plan would involve a public consultation process.²¹
- 2.28 Issues suggested for consideration as part of the development of the master plan include potential locations in the Special Purpose Reserve part of Zone 3 for overnight accommodation options; the location of suitable cycling routes in the Tidbinbilla precinct; determination of suitable sites for special events at Tidbinbilla; and the location of walking tracks, additional visitor facilities and wildlife collection facilities.²²
- 2.29 However, the lack of a clear mechanism within the plan of management as to how the community would be involved in developing the master plan was criticised by the NPA ACT.²³ An approach favoured by the Association is one adopted for the development of the Jerrabomberra Wetlands Nature Reserve master plan, where community input was sought at the initial stage of the process before drafting of the plan commenced.²⁴
- 2.30 In evidence to the Committee, TAMS advised that it did not have a specific time frame for developing the master plan, with its focus to date being the

²⁰ *Tidbinbilla Revised Draft Plan of Management 2011*, pp16-17

²¹ *Tidbinbilla Revised Draft Plan of Management 2011*, p126

²² *Tidbinbilla Revised Draft Plan of Management 2011*, pp126-127

²³ *Transcript of Evidence*, 30 August 2011, p4

²⁴ *Transcript of Evidence*, 30 August 2011, p4

development of the plan of management, the merger with Birrigai and a general consolidation of functions.²⁵

- 2.31 The Committee notes in passing that the Jerrabomberra Wetlands Nature Reserve Plan of Management 2010 states only that a master plan would be prepared, with no reference to public consultation;²⁶ but that despite this omission, a thorough public consultation process for its master plan was undertaken.

RECOMMENDATION 1

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- 2.34 **The Committee recommends that following their appointment, the list of members of the Tidbinbilla Board of Management, which includes whether they are community, business or government representatives, be placed on the Tidbinbilla website.**

²⁵ *Transcript of Evidence*, 13 September 2011, pp21-22

²⁶ *Jerrabomberra Wetlands Nature Reserve Plan of Management 2010*, p86

Performance measurement and reporting

- 2.35 Performance indicators are a valuable and necessary tool for gauging whether short-term and strategic goals are being achieved. The lack of clear key performance indicators for the management of the Tidbinbilla precinct was highlighted by the NPA ACT at the Committee's hearing on 30 August 2011.
- 2.36 Referring to the list of management actions and priorities listed in the plan, Ms Goonrey expressed concern that the plan of management lacked a process for regular reporting and measurement.²⁷
- 2.37 TAMS advised that the plan of management contained broad timeframes but no requirement for specific reporting on outcomes.

When we are doing our plans for the year we set targets for ourselves about what we want to achieve and what the priorities are. However, they are not KPIs as such. They are really designed to guide our operational planning.²⁸

- 2.38 The Minister further advised:

It is probably worth making the point too, ... , that there is longer term wildlife research and monitoring activity and biodiversity monitoring and research activity that, I guess, whilst perhaps not conforming with the financial year periods, nevertheless informs the government and the land manager about how the national park and nature reserves are tracking in terms of those core values.

I think we have a strong level of knowledge about what is occurring in a large part of our nature parks and reserves. I would not say it covers absolutely everything, but the core issues of concern are well understood. There is significant ongoing work in terms of research and monitoring in relation to those matters and activities are developed to respond to issues of concern.²⁹

²⁷ Ms Christine Goonrey, Immediate Past President, National Parks Association of the ACT, *Transcript of Evidence*, 30 August 2011, p5

²⁸ Mr Stephen Alegria, *Transcript of Evidence*, 13 September 2011, p22

²⁹ Mr Simon Corbell MLA, *Transcript of Evidence*, 13 September 2011, p22

- 2.39 The Committee notes that the ACT Audit Office examined the issue of performance reporting by various departments and statutory authorities in 2010.³⁰ While the audit report did not consider plans of management, the principles of performance reporting outlined by the Auditor are nevertheless relevant.
- 2.40 The Committee also notes that 1999 Tidbinbilla plan of management stated that all identified management actions, as well as other actions identified in other relevant planning documents, were to form the basis of a Tidbinbilla Nature Reserve Implementation Plan, which would confirm, or re-assess the priority listings of the management actions listed in the plan, detail the tasks to be performed, set target dates and define performance indicators, with relevant peak community groups to be consulted during its preparation.³¹
- 2.41 At the Committee's hearing on 13 September 2011, Mr Stephen Alegria, General Manager, Tidbinbilla, TAMS, advised:
- From an operational point of view, we report on outcomes in a variety of ways, as you would know, obviously, through the estimates process, annual reporting and budget reporting. But we also do things like water quality testing at Tidbinbilla. Within our programs—for example, the endangered species program—we have targets about how many animals we would like to breed and release into the wild. There is, in fact, a range of reporting mechanisms that we use that perhaps could be better integrated in the planning context.³²

RECOMMENDATION 4

- 2.42 **The Committee recommends that the Territory and Municipal Services Directorate publish its implementation / operational plans for the management of the Tidbinbilla precinct.**

³⁰ ACT Auditor-General's Office, *Performance Audit Report: Performance Reporting*, Report No 1, April 2012.

³¹ *Tidbinbilla Plan of Management 1999*, p66

³² *Transcript of Evidence*, 13 September 2011, p22

RECOMMENDATION 5

- 2.43 **The Committee recommends that the key indicators relating to the management of Tidbinbilla, not just customer-satisfaction, are introduced into the strategic and accountability indicators in the Budget Papers.**

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3 COMMUNITY AND COMMERCIAL INTERESTS

- 3.1 Concerns were raised not only in relation to potential conflicts between the tourism and conservation values of Tidbinbilla, but also the effect of increased commercial use on the general community's access to the precinct.
- 3.2 While acknowledging that the focus of the 2011 draft plan had moved back to one of conservation compared to the earlier draft discussion paper which had 'a very heavy commercial tourism focus'³³, the NPA ACT observed:

We are very aware of the fact that jurisdictions across Australia are attempting to bring commercial ecotourism into national parks. It is a matter of great concern because it appears to be driven by commercial interests rather than by conservation issues. ...There has been a huge push to put a tourism emphasis into Tidbinbilla. We would question whether that is appropriate.³⁴

Tours

- 3.3 The plan of management would, subject to licensing, allow for vehicular access to locked gate management trails within the conservation areas of Tidbinbilla. The NPA ACT considered that such access would have the potential of compromising the natural values associated with Zone 1 of Tidbinbilla and that it was important to assess whether such access 'has the potential to compromise the natural values'. The Association noted the conflict between the expectation of 'a bush setting with few management intrusions' within Zone 1 and the appearance of tourist vehicles, as well as potential safety issues with vehicles using the management trails.³⁵

³³ *Transcript of Evidence*, 30 August 2011, p3

³⁴ *Transcript of Evidence*, 30 August 2011, p3

³⁵ Mr Rod Griffiths, *Transcript of Evidence*, 30 August 2011, p2

- 3.4 In July 2010 Ms Christine Goonrey, in a private capacity, lodged a complaint with the Commissioner for Sustainability and the Environment about the proposed Tidbinbilla commercial tours to be run by CVA.³⁶
- 3.5 In her report on the complaint relating to the proposed tours to be run by CVA at Tidbinbilla, the Commissioner indicated that the paths and roads to be used by tour vehicles are already used by management vehicles and the general public. She noted, for example, that some 150 trips were made by management vehicles on Camel's Hump track, and that an additional eight or so trips a year by the proposed tour 'are unlikely to be significant'.³⁷
- 3.6 At the Committee's hearing on 13 September 2011, TAMS responded to concerns about potential safety issues and the appropriateness of conducting tours in the conservation areas of Tidbinbilla:

When we work with CVA to develop these products—and it is a partnership—we take into account a whole range of issues when deciding how they are going to run. So things like safety, impacts on other users and, I guess, weather considerations are all taken into account. I am satisfied that our planning has been adequate to cover off some of those issues. I accept that people may have a different philosophy or may not wish to see a vehicle when they are walking, perhaps, but from an overall point of view in terms of delivering this tourism experience, I am satisfied that we have taken everything into account.³⁸

- 3.7 The NPA ACT suggested a northern approach through the Pierces Creek area as an alternative route for the tours. TAMS advised the Committee that it had considered alternative routes, but:

... in a practical sense the one that we have decided on is really the best in terms of making sure that the tours are feasible. We do not want people

³⁶ The Commissioner's report is available at <http://www.npaact.org.au/news.php?id=189>, accessed 2 March 2012

³⁷ Tidbinbilla Commercial Tour Complaint Report, Office of the Commissioner for Sustainability and the Environment, January 2011, p8

³⁸ Mr Stephen Alegria, *Transcript of Evidence*, 13 September 2011, p18

to have to drive a very convoluted route to get to this destination. So we did consider that but there are issues with security, with gates, with the condition of the fire trails there. On balance, we made the operational decision that going the way that we go is most appropriate.³⁹

3.8 In relation to the proposal to make Nil Desperandum house available for short-term hire⁴⁰, the NPA ACT stated that it 'would be concerned if this was interpreted to allow the use of Nil Desperandum for accommodation by commercial operators' and submitted that 'the community is better served by placing commercially run accommodation outside of reserve areas.'⁴¹ While noting that one of the policy objectives that must be met for this proposal to proceed is ensuring 'provisions for the conservation of the house and its surroundings'⁴², the NPA ACT queried the 'extent to which business plans and cost /benefit analysis have been conducted in respect to the decision to make Nil Desperandum available for short term hire' and expressed doubt as to 'whether these have fully considered how to best manage the conservation of Nil Desperandum.'⁴³

3.9 In response to NPA ACT concerns that national parks are increasingly being used for commercial ventures, the Minister advised the Committee that:

... the government is supportive of commercial uses where they can occur sensitively and in accordance with the overall management and conservation values of parks and nature reserves...

The government would take the view that we would want to assess these issues on a site-by-site and case-by-case basis, but we do not adopt a blanket position that it is not to be contemplated. Our position is that it can be contemplated and suitable assessment made as to whether or not it is appropriate. I would simply say I think that is a positive thing for the community. If the impacts can be appropriately managed, if the core conservation values of a park or reserve are not undermined or

³⁹ *Transcript of Evidence*, 13 September 2011, pp18-19

⁴⁰ *Tidbinbilla Revised Draft Plan of Management 2011*, pp104-105

⁴¹ Submission 1, p2

⁴² *Tidbinbilla Revised Draft Plan of Management 2011*, p105

⁴³ Submission 1, p2

threatened in any way, I think it is a good thing for our community to be able to engage with and experience our nature parks and reserves in that fashion. It strengthens community ownership of and engagement with valuable natural assets.⁴⁴

Access for people with disabilities

- 3.10 The Committee discussed with the NPA ACT the proposed tour vehicle traffic on management trails within the Tidbinbilla precinct and balancing improving accessibility against ensuring that conservation values are not adversely affected. Ms Goonrey observed:

There is a real resentment in the community that walkers can go to places that vehicles cannot. And if I cannot walk—as I can't; I have had my knee redone and I can't walk in the places I used to—it is not about access; it is actually about the conservation values. It is actually about wheeled vehicles doing damage; therefore we must restrict wheeled vehicles. Where we have access tracks, and it is always our concern about putting in access trails, you then get the argument, "Look, it's there, why don't we use it?"

So we have this accumulation of use that comes in. We have to draw a line. We have to say, "Yes, that is a very good track and, yes, we could take people up there and, yes, we could charge them." But it is actually about the conservation values.⁴⁵

- 3.11 One of the benefits of tours providing vehicle access to the Tidbinbilla Ranges views would be to increase opportunities for those unable to undertake the journey on foot:

THE CHAIR: ... It would give access to people with disabilities, one would imagine, to that experience. Obviously some people would not be able to walk as it would be just physically impossible for them to be able to walk but they could actually travel in a vehicle to observe.⁴⁶

⁴⁴ *Transcript of Evidence*, 13 September 2011, p25

⁴⁵ *Transcript of Evidence*, 30 August 2011, p12

⁴⁶ *Transcript of Evidence*, 30 August 2011, p12

- 3.12 Ms Goonrey expressed sympathy for those unable to access some of the more remote areas of Tidbinbilla. However, she argued that at some point a line needed to be drawn to ensure that the conservation values were not destroyed:

There is one particular corner there called Lyrebird Corner. ... There is a magic about being out there for people who can go there. But it is not about the personal experience; it is actually about the conservation values.

That is why these small paths are set aside. This is for nature. These bits are for nature. We must manage them but we must not impose our human values to the point where we actually destroy the conservation values.⁴⁷

- 3.13 The Committee notes advice from the Directorate regarding the requirements that would apply to prospective commercial tour operators:

The plan outlines some policies in relation to access to zone 1 for commercial tours. Essentially, it says that this would be permissible but commercial tour operators would be licensed and there are a number of conditions they would have to meet to get that access, and those sorts of conditions would be dealt with with the land managers in an agreement as part of the licensing process.⁴⁸

- 3.14 The Committee recognises the potential for adverse environmental impacts of increased vehicle traffic in the Tidbinbilla reserve, and considers that it is important to ensure that appropriate risk assessments and mitigation strategies are developed and applied.

- 3.15 However the Committee is strongly of the view that all visitors, regardless of any disability, should be given the opportunity to enjoy Tidbinbilla to the greatest extent possible.

⁴⁷ *Transcript of Evidence*, 30 August 2011, pp12-13

⁴⁸ Ms Sharon Lane, *Transcript of Evidence*, 13 September 2011, p16

RECOMMENDATION 6

- 3.16 **The Committee recommends that the ACT Government explore ways in which to enhance the visitor experience at Tidbinbilla for people with disabilities.**

Accommodation

- 3.17 Noting that the draft plan contains a number of accommodation proposals for the valley floor, including camping and eco lodges, the NPA ACT argued that these needed to be addressed in a sustainable manner particularly in view of likely heavy reliance on groundwater⁴⁹, to ensure that the environmental integrity of the reserve is not compromised. Additionally, infrastructure such as sewerage and power for eco lodges would need to be considered, as well as security issues associated with the wildlife collection and the threatened species breeding.⁵⁰
- 3.18 In its submission to the Committee, the NPA ACT considered that commercially run accommodation should be located outside the reserve areas, stating that, in its view, '[c]ommerical accommodation is seen to be inconsistent with the aims of conservation reserves and the location of accommodation outside of the reserves has greater benefits for neighbouring communities.'⁵¹
- 3.19 The NPA ACT also questioned the proposed camping arrangements at Tidbinbilla when the Woods Reserve camping area appeared to be underutilised; further, it contended, the Birrigai area of the reserve already offered good accommodation facilities which could be developed without compromising the security of the nature reserve component of Tidbinbilla.⁵²
- 3.20 At the Committee's hearing on 13 September 2011, the Environment and Sustainable Development Directorate advised that a range of factors would

⁴⁹ Mr Rod Griffiths, *Transcript of Evidence*, 30 August 2011, p1

⁵⁰ Mr Rod Griffiths, *Transcript of Evidence*, 30 August 2011, p2

⁵¹ Submission 1, p5

⁵² Mr Rod Griffiths, *Transcript of Evidence*, 30 August 2011, p 2

need to be taken into consideration before any specific accommodation proposals were to be able to proceed:

The plan has a zoning plan scheme within it. We have been quite specific about it. If there is going to be accommodation developed within Tidbinbilla valley, it sets out an area where accommodation could be developed. Obviously, more work would need to be done after that if a proposal did come forth in terms of siting and so on. If there was a proposal put forward, they would have to go through the same environmental impact assessment process as any other development. So they would have to consider those sorts of things—water availability, groundwater, waste management, visual impacts, impacts on visitors and so on. Anything like that would have to go through a fairly extensive environmental assessment process.⁵³

Nil Desperandum

- 3.21 Nil Desperandum, an historic rammed earth house built between 1896 and 1899, was extensively damaged during the 2003 Canberra bushfire. The homestead, comprising three rooms, a kitchen, verandah and fenced garden, has since been restored.
- 3.22 In noting the possibility that Nil Desperandum may be utilised for accommodation, the NPA ACT referred to the original Tidbinbilla Plan of Management, which stated that '[a]daptive reuse of historic buildings needs to consider the implications for heritage values, management and equity issues related to community access,'⁵⁴ considering these to be the key points for Tidbinbilla accommodation proposals, particularly in relation to Nil Desperandum. The NPA ACT argued the need for a cost-benefit analysis of all the proposals, stating that it did not want the ACT 'disadvantaged by moving into a commercial sphere when it is probably not in our best interests.'⁵⁵

⁵³ Ms Sharon Lane, *Transcript of Evidence*, 13 September 2011, p20

⁵⁴ Mr Rod Griffiths, *Transcript of Evidence*, 30 August 2011, p 2

⁵⁵ Mr Rod Griffiths, *Transcript of Evidence*, 30 August 2011, p2

- 3.23 While not disagreeing with the idea that heritage building be used for community accommodation, noting that this occurs in Namadgi with the hiring out of Gudgenby cottage to community groups⁵⁶, NPA ACT stressed :

Where we have a concern is when it moves into a commercial process. There is then a commercial interest in how these areas are managed and it may be to the detriment of other groups within the ACT. We see that it is necessary for there to be equity in access to our accommodation within our reserve systems. That is probably the key thing that concerns our organisation—that we do see equity and that the heritage values are not compromised in seeking a commercial outcome.⁵⁷

- 3.24 NPA ACT did not object per se to the use of Nil Desperandum for accommodation, but only where it was for exclusive commercial use.

Conservation Volunteers Australia advertised their tours, which included overnight stays at Nil Desperandum. Community groups have been very keen to get back in to Nil Desperandum. It is a very strong part of our heritage, our experience, and a lot of members want to take their children and grandchildren there, as they went there themselves on their first camping experience. They were told they could not access Nil Desperandum. We are working against that information that commercial operators had access to Nil Desperandum. Community groups, who were the traditional long-term users of that facility, did not and still do not, as we understand it, have access. So it seems to be a case of, “No, you can’t have it because it’s a commercial operation.”⁵⁸

- 3.25 In evidence to the Committee, TAMS advised that the hiring out of Nil Desperandum would be via the Directorate’s online booking system directly to the public.

MS LE COUTEUR: Okay, so no commercial provider; it will be direct?

⁵⁶ On 9 March 2012 applications were sought for artists in residence program at Tidbinbilla and Namadgi National Park. The program, *Talking water*, would offer artists the opportunity to live and work in either Gudgenby Ready-Cut Cottage or Nil Desperandum Homestead. See Territory and Municipal Services Directorate Media Release No. 148/0312

⁵⁷ *Transcript of Evidence*, 30 August 2011, p5

⁵⁸ *Transcript of Evidence*, 30 August 2011, p6

Mr Alegria: Yes. If CVA wish to hire it out as part of their tour, they will need to make a booking like anybody else.

MS LE COUTEUR: And conversely that would also mean if a community group wished to organise a weekend for their members, they would go to the website like anyone else?

Mr Alegria: That is right. And that kind of group is pretty much the main target market we have.⁵⁹

- 3.26 Since December 2011, Nil Desperandum has been available for hire by groups of up to six people, for stays no longer than seven consecutive nights, at \$130 per group per night. A key deposit and a maintenance deposit are also required. Bookings may be made via the 'camping' link on the ACT Government Bookings and Reservations System at <https://www.bookings.act.gov.au>.
- 3.27 The Committee notes that in the course of her investigation of the complaint about CVA's Tidbinbilla eco-tours, the Sustainability Commissioner noted that a tour experience evaluation and tourism product viability report had been undertaken by a consultant and that the product represented a commercially-viable nature-based tourism experience in the Canberra region.
- 3.28 The Commissioner's report also refers to an environmental, economic and heritage impact assessment undertaken by TAMS which identified potential environmental impacts and the development of mitigation strategies.

RECOMMENDATION 7

- 3.29 **The Committee recommends that (a) guidelines, which include communication protocols especially with the public, should be developed to determine how applications for tourism products will be assessed and monitored (b) a strategy for monitoring and managing cumulative impacts of tours also be developed (c) that the guidelines and strategy be made public.**

⁵⁹ *Transcript of Evidence*, 13 September 2011, pp24-25

- 3.30 The Committee considers that such increased transparency will assist in improved accountability and community understanding of how the Tidbinbilla precinct and other areas of public land are being managed.

Conservation Volunteers Australia (CVA)

- 3.31 On 30 August 2011, the Committee heard NPA ACT's concerns regarding the manner in which tourism products in Tidbinbilla are being developed and implemented. Referring to the contract between CVA and TAMS, Ms Christine Goonrey stated:

Conservation Volunteers Australia was actually running ecotourism plans—it was advertised internationally last year or earlier this year—before the management plan was even approved. It was a matter of grave concern to community groups that this whole process was being pre-empted by a commercial contract which is commercial-in-confidence.⁶⁰

- 3.32 The NPA ACT was also critical of the lack of a public tender process to seek a provider to develop tourism products for Tidbinbilla, and expressed concern at CVA's listing in the plan of management as a community group, stating:

Conservation Volunteers Australia is an external ecotourism company which is attempting to build a national profile. It is a not-for-profit organisation, and that is fine. It has employees here—very good employees, I must say. This is not a comment on the company itself. It is a comment that it is there under “community” whereas, in fact, it is a commercial provider—an NGO but a commercial provider—which is providing contractual services without those contractual services going to tender.⁶¹

- 3.33 CVA, which was founded in 1982 in Ballarat, Victoria, is a national not-for-profit organisation⁶² with over 21 offices in Australia and New Zealand. In

⁶⁰ *Transcript of Evidence*, 30 August 2011, p3

⁶¹ *Transcript of Evidence*, 30 August 2011, p3

⁶² Australian Trust for Conservation Volunteers, trading as Conservation Volunteers Australia, is registered with the Australian Securities & Investments Commission as an Australian Public

Australia, CVA works in partnership with a range of individuals and organisations, including local councils, state and federal governments, tourism operators, non-government organisations and individual landowners.⁶³

3.34 CVA's stated mission is 'to attract and manage volunteers to participate in projects that protect or enhance our environment and heritage.' CVA has two objectives, namely, 'a healthy, diverse and sustainably managed environment' and 'environmentally involved communities' to be achieved through:

- developing and implementing programs in line with recognised management plans that achieve measurable benefits for conservation;
- managing and conserving special places with high community and conservation value;
- reflecting and responding to the changing needs of the environment;
- designing programs to engage a broad range of the community, corporate and government groups;
- promote community health and wellbeing through environmental programs; and
- developing and delivering training to build skills and encourage environmental awareness.⁶⁴

3.35 The Committee notes that a copy of the Service Delivery and Funding Agreement (the Agreement) between TAMS and CVA is publicly available on the ACT Shared Services Procurement website.⁶⁵ Under the Agreement, CVA is, inter alia, responsible for 'the development and operation of [a] new tourism product for Tidbinbilla'⁶⁶ with all tourism products and their implementation to be approved by TAMS. In addition, CVA is required to pay a seven per cent voluntary conservation contribution to Tidbinbilla from the

Company Limited By Guarantee, ACN93 006 058 135. Its listing on the business.gov.au (ABN Lookup) website states that CVA has charity tax concession status; is a Public Benevolent Institution; and is an endorsed Deductible Gift Recipient. ASIC's information sheet on 'Registering not-for-profit or charitable organisations' advises that a company limited by guarantee may be registered without the word 'Limited' in its name if its constitution 'requires the company to pursue charitable purposes only and to apply its income promoting those purposes, prohibits the company making distributions to its members and paying fees to its directors, and requires the directors to approve all other payments the company makes to directors.'

⁶³ Conservation Volunteers, *Corporate Partners Program* brochure, at <http://www.conservationvolunteers.com.au/support-us/become-a-partner>

⁶⁴ Conservation Volunteers website <http://conservationvolunteers.com.au/>

⁶⁵ See www.procurement.act.gov.au, Contract No. 2009.11774.221

⁶⁶ See Contract No.2009.1174.221, Schedule 2, Item 3(iv)

gross receipts from CVA tourism products, which would be used on agreed conservation/research projects.⁶⁷

- 3.36 The contract, in the form of a service funding agreement between TAMS and CVA, was to have run from 1 July 2007 to 30 June 2012; however the contract was delayed due to administrative reasons, and was not signed by the parties until 23 March 2009.
- 3.37 Service funding agreements are a form of partnership between the Government and a service provider to deliver services on behalf of the Territory. Schedule 1 of the contract between TAMS and CVA states that the Territory 'may renew the Agreement with CVA if the Territory considers, on reasonable grounds that CVA has satisfactorily performed its obligations under this Agreement.'
- 3.38 TAMS advised that the contract with CVA was procured several years ago via a single select process.⁶⁸ Under the Government Procurement Regulation 2007, a Territory entity must invite public tenders for the procurement of goods, services or works if the total estimated value of the procurement is \$200, 000 or more. The value for the TAMS/CVA contract is stated to be \$1.5m (GST inclusive). Clause 10 of the Regulation lists examples of when an exemption from Government quotation and tender requirements may be given, including because 'only 1 supplier can supply a particular good or service'.

RECOMMENDATION 8

- 3.39 **The Committee recommends that the ACT Government re-assess whether a single select tender is still the best process to adopt.**

⁶⁷ See Contract No. 2009.11774.221, Schedule 2, Item 5(5)

⁶⁸ *Transcript of Evidence*, 13 September 2011, p18

4 BIRRIGAI

- 4.1 From 1 July 2010, responsibility for the management of Birrigai at Tidbinbilla (formerly Birrigai Outdoor School) including the land, facilities, operations and marketing, was transferred from the Department of Education and Training to the Department of Territory and Municipal Services, with the principal and teaching staff remaining employees of DET. The Tidbinbilla Board, which comprises senior executives from DET, TAMS and community and business representatives, continues to oversee the development of education and interpretive programs.
- 4.2 The revised draft plan of management states that 'Birrigai will remain primarily an educational centre serving schools in the ACT and surrounding area' with the central future considerations for Birrigai being 'the development of niche environmental and outdoor education programs' and 'complementary marketing and promotion to non-school groups for both facilities and experiences.'⁶⁹
- 4.3 NPA ACT was supportive of the use of Birrigai for additional tourist accommodation
- We also recognise that the Birrigai component of the Tidbinbilla precinct provides quite good accommodation. That can certainly be developed, and in such a way that it does not compromise the security of the Tidbinbilla nature reserve component.⁷⁰
- 4.4 The Committee notes that, while the list is not definitive, the proposal to expand Birrigai's education role is not included as a matter for inclusion in the master plan.
- 4.5 Given its long history of providing high quality education programs to schools, the Committee considers it important that school classes are not

⁶⁹ *Tidbinbilla Revised Draft Plan of Management 2011*, p109

⁷⁰ *Transcript of Evidence*, 30 August 2011, p2

adversely impacted as a result of plans to expand the delivery of education and other programs to the broader community.

RECOMMENDATION 9

- 4.6 **The Committee recommends that the proposed expansion of the education role for Birrigai at Tidbinbilla be part of the development of the Tidbinbilla Master Plan.**

5 ENSURING A BALANCE

Sustainable tourism is often strongly related to protected areas, in that protected areas are both the basis for rapidly expanding nature-based tourism industry, and simultaneously subject to threats from tourism that may affect the natural and cultural heritage values contained within them.⁷¹

- 5.1 Conservation and tourism, where it is sensitive to, and has a low impact on, the environment, need not be incompatible. The Committee is of the view that the plan of management provides a sound framework that balances the competing demands of conservation and recreation in the Tidbinbilla precinct.
- 5.2 The Committee considers that the development and implementation of the Tidbinbilla Master Plan will be an important process to ensure that specific accommodation and other tourism and infrastructure proposals for the reserve are rigorously examined and assessed, and risks identified and effective mitigation strategies implemented.
- 5.3 Establishing effective and transparent performance reporting for the management actions identified in the plan will also facilitate greater public awareness and understanding of the ways in which Tidbinbilla's different values will be safeguarded.
- 5.4 Adding to the visitor experience of Tidbinbilla in a sustainable way will, in the Committee's view, contribute to improved education about the conservation, cultural and heritage values of Tidbinbilla and appreciation of the importance of allocating public funds for the preservation of our nature reserves and national parks.

Mary Porter AM MLA
Chair
4 April 2012

⁷¹ Tourism, Protected Areas and the World Parks Congress in *Tourism and Protected Areas: benefits beyond boundaries*, R. Bushell and P.F.J. Eagles (ed), CAB International, 2007, p 330

APPENDIX A: Submission and Witnesses

Submission

No.	Author
1	National Parks Association of the ACT Inc

Witnesses

30 August 2011
• MS JENNIFER CHRISTINE GOONREY, Immediate Past President, National Parks Association of the ACT • MR ROD GRIFFITHS, President, National Parks Association of the ACT

13 September 2011
• MR SIMON CORBELL MLA, Minister for the Environment and Sustainable Development and Minister for Territory and Municipal Services • MR STEPHEN ALEGRIA, General Manager, Tidbinbilla, Parks and City Services Division, Territory and Municipal Services Directorate • MS SHARON LANE, Manager, Planning, Conservation and Land, Nature Conservation Policy, Environment and Sustainable Development Directorate

APPENDIX B: Legislative Requirements⁷²

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.

⁷² *Planning and Development Act 2007*

- (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).

APPENDIX C: Map of Tidbinbilla: Primary Management Zones (Source: Tidbinbilla Revised Draft Plan of Management 2011)

Figure 5.2 Tidbinbilla: Primary Management Zones

