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Sustainability Guidelines for visitor use and tourism in NSW national parks

Supporting implementation of the
sustainability assessment criteria



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Summary

These guidelines inform the assessment and decision-making process for proposals requiring a lease or licence under s.151 of the *National Parks and Wildlife Act 1974* (NPW Act).

They provide practical guidance in interpreting and applying the sustainability assessment criteria that have been adopted by the Director General of the Department of Environment, Climate Change and Water (DECCW) under s.151B(3) of the NPW Act. They also provide background information on sustainable visitor use and tourism in the national parks system, highlighting the need to ensure that public visitation and enjoyment must always be compatible with the protection of conservation values.

The guidelines will primarily be of use to proponents seeking to obtain a lease or licence for a purpose identified in s.151A of the NPW Act. They detail the steps to be followed in planning and assessing proposals and in ensuring that sufficient information is provided to address the statutory assessment criteria.

The guidelines establish what should be undertaken for each proposal seeking a lease or licence, and provide the means to document and present the required information to the decision-maker (the Minister or delegate). For proposals seeking a lease, they will also address the requirement for the Minister (or delegate) to have regard to a report prepared by the Director General of DECCW.

Although not a legal requirement, the guidelines will also be applied to proposals of a similar kind to be undertaken by DECCW.

These guidelines should be read in conjunction with the sustainability assessment criteria and relevant DECCW park management policies.

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Abbreviations

BCA	Building Code of Australia
CRA	Conservation Risk Assessment
DECCW	Department of Environment, Climate Change and Water
ESD	ecologically sustainable development
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	National Parks and Wildlife Regulation 2009
REF	Review of Environmental Factors

Overview and key steps

These guidelines detail the steps to be taken when planning and assessing proposals requiring a lease or licence under s.151 of the *National Parks and Wildlife Act 1974* (NPW Act). These include a range of purposes such as visitor accommodation and amenities, educational and research facilities, retail and food service outlets, and conferences, functions and events.

The guidelines may also be used to improve the environmental performance of existing facilities and operations.

The guidelines do not apply to sporting and other recreational activities that do not require a lease or licence under s.151 of the NPW Act, but which do require consent under the National Parks and Wildlife Regulation 2009 (NPW Regulation). However, the Department of Environment, Climate Change and Water (DECCW) may choose to apply the guidelines to such activities on a case-by-case basis, depending on the nature, location and scale of activities.

There are three key steps covered in these guidelines (Figure 1).

The purpose in separating the process into three distinct steps is to provide a logical and structured framework for all proponents and decision-makers. In practice, consideration of the various aspects of a proposal may need to be made concurrently.

In all cases, a person or organisation with a proposal likely to require a lease or licence under s.151 of the NPW Act must first contact the relevant park manager at the earliest stage and before there has been detailed analysis or development of the proposal; this is essential to ensure that proposals can be considered in a timely and efficient manner and so that the requirements for assessment and approval are clear from the start.

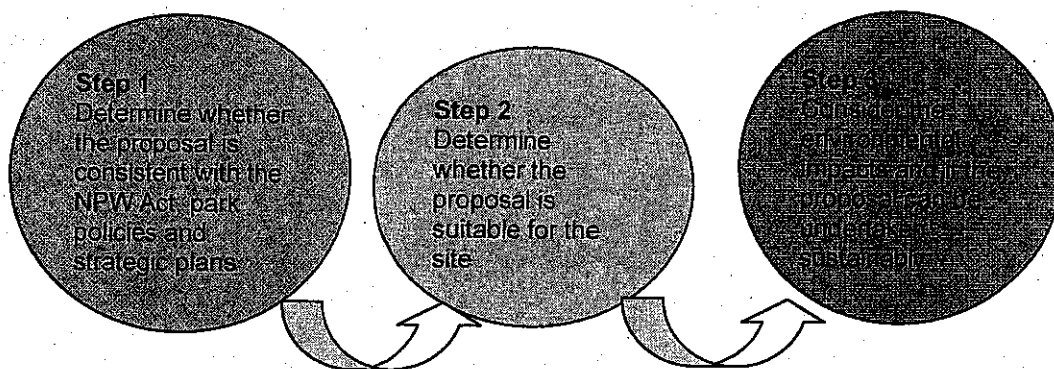


Figure 1: Summary of key steps

The guidelines apply to all proposals listed in s.151A of the NPW Act. They also apply to any lease or licence proposals within a nature reserve¹.

For external proponents, these guidelines must be applied before a lease or licence is granted under s.151 of the NPW Act.

The guidelines will also be applied to proposals of the kind listed in s.151A of the NPW Act that are being undertaken by DECCW. While these do not require a lease or licence it is appropriate that they be subject to the same level of scrutiny and assessment.

The guidelines establish a process for considering the overall sustainability of a proposal, and integrate with existing mechanisms for assessing environmental impacts. While the guidelines primarily relate to new proposals they will also be a valuable tool in improving the environmental performance of existing activities.

As stated above, before proceeding to follow the steps in these guidelines, proponents should contact the relevant park manager to confirm the requirements, timing and any site-specific issues. This step is also essential to ensure that only those projects that are consistent with the objects of the NPW Act, reserve management principles and the plan of management proceed to more detailed assessment.²

The guidelines do not apply to the ski resort areas in Kosciuszko National Park where developments and activities are managed under the provisions of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007*.

¹ Leases or licences may only be granted under s.151 for a purpose that is consistent with the relevant management principles for nature reserves (s.151A(2)).

² Contact details for each park office may be found at www.environment.nsw.gov.au/NPWS/NPWSRegions.htm

Part A: Introduction

Background

The NSW Government has developed a range of policy and legislative measures to improve opportunities for sustainable visitor use and tourism in the national parks system. These are intended to implement the findings and recommendations of the *NSW Taskforce on Tourism and National Parks* (DECC 2008a) and assist progress towards the NSW State Plan target of increasing park visitation by 20% by 2016. They also build on the directions established by *Living Parks – A sustainable visitation strategy* (DEC 2006).

The Taskforce report highlighted that sustainable nature tourism to parks and reserves can be a useful tool in the conservation and management of protected areas. Consistent with the *Living Parks* strategy it also recognised that the pre-eminent value of national parks and other reserves established under the NPW Act is the ongoing protection and enhancement of conservation values (both natural and cultural).

The NPW Act has long made provision for visitor and tourist facilities and uses within the national parks system that are compatible with the protection of conservation values. These include a range of accommodation types, from campgrounds to built facilities (such as cabins, lodges and cottages).

However, there is often significant community debate about what type of facilities should be provided and what uses allowed, in which parks and locations, and at what scale and intensity.

The *Living Parks* strategy provides some important guidance on these matters, emphasising that visitor numbers and facilities must be based on consideration of park conservation objectives and integrated planning, and that new facilities must be in harmony with natural settings, based on sustainable design principles and located in the right locations.

Following a similar logic, the Taskforce report (Key Finding No.10) also made some clear observations in this regard:

...large scale developments such as major resorts and hotels, theme parks, cinemas and golf courses are not appropriate in parks and reserves managed under the NPW Act.

Consistent with the *Living Parks* strategy and Taskforce conclusions, the NPW Act has been amended to provide clearer direction on future uses and activities that may be undertaken in the national parks system. This includes identification of the purposes for which a lease or licence may be granted (s.151A) and the matters that the Minister must be satisfied of before granting any such lease or licence (s.151B). In making this decision, the Minister is also required to have regard to the assessment criteria adopted by the Director General of DECCW (DECC 2008c).

For the first time, the NPW Act now provides a standardised and consistent decision-making framework applicable to leasing and licensing proposals of the kind listed in s.151A.

These guidelines will assist park managers and proponents to address some of the key sustainability issues for visitor use and tourism proposals within the national parks system. They will also assist decision-making, particularly with respect to practical implementation of the statutory assessment criteria adopted by the Director General.

The guidelines are informed by and build on the outcomes of the Taskforce report, the *Living Parks* strategy, and an expert review prepared for DECCW (GHD 2009). They will be progressively revised to take into account new information, understanding and experiences of sustainability practice within a national park setting, and any new standards adopted by Government.

Strategic planning and site selection

A range of mechanisms is in place to guide the delivery of sustainable visitor use and tourism at a strategic level, from directions for the entire national parks system to regional groupings of parks and individual parks. These are summarised in Figure 2.

In planning for the national parks system, DECCW also engages with other public land managers, such as Forests NSW, the Land and Property Management Authority and local councils, to identify shared opportunities for facilitating public access and enjoyment.

At the site specific level, more detailed investigation and analysis is undertaken to determine whether a proposal is consistent with the conservation values and characteristics of a particular location or place. The assessment criteria adopted by the Director General require a specific assessment of site suitability for proposals seeking a lease or licence under s.151 of the NPW Act.

In addition, leases and licences may only be granted for visitor and tourist uses under s.151A that authorise a new building or structure (such as an accommodation facility) if the purpose is identified as permissible in the plan of management and the general location of the new facility is identified in the plan. This ensures consideration of these types of proposals can be included in the overall planning for a park.

How are proposals assessed?

Part B of the guidelines describes the assessment process for new visitor and tourism use proposals within the national parks system of the kind listed in s.151A of the NPW Act. The proponent is responsible for providing adequate information to support proposals in accordance with these requirements.

Each proposal will be considered on its merits, based on the information provided. All aspects of a proposal will be examined and considered. If a proposal exceeds the required outcomes, or performs exceptionally well in some areas, that may be taken into account in assessing other aspects of the proposal.

In some cases it may be necessary for DECCW or the Minister to obtain independent advice and verification on a proposal (for example, energy efficiency measures). This is most likely where a proposal is large in scale, involves significant capital investment, is located at a sensitive site, or is particularly complex. External proponents will be required to meet DECCW costs in obtaining independent advice.

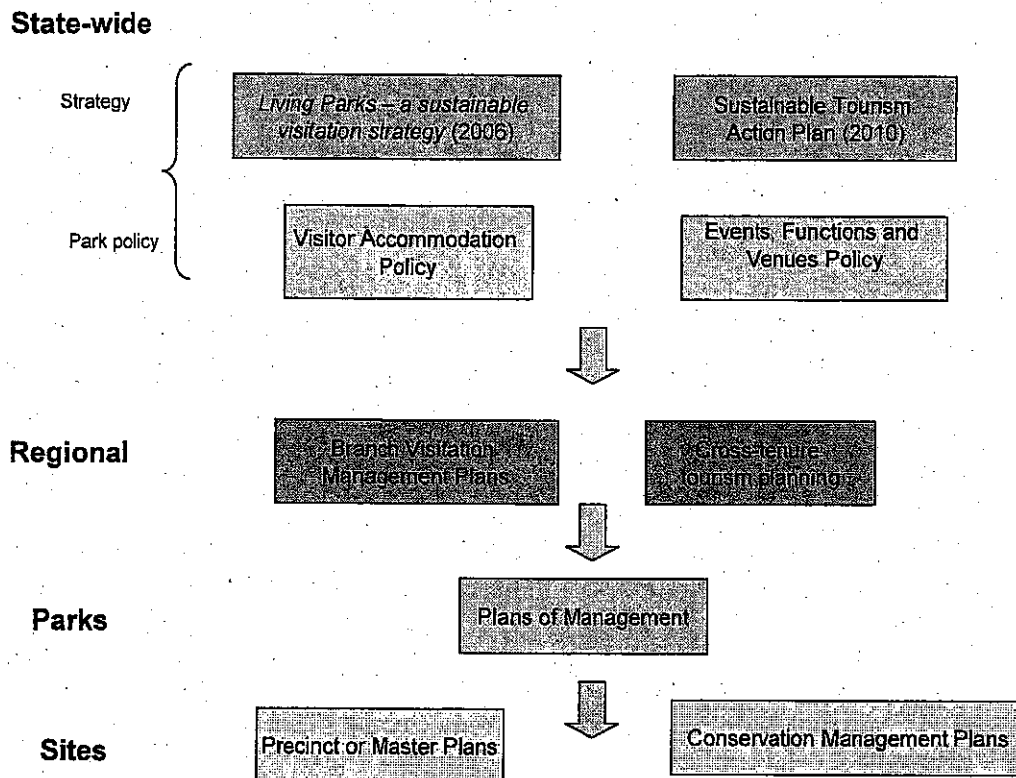


Figure 2: Summary of park planning for visitor use and tourism

In addition, for proposals involving building or infrastructure works, including temporary structures, all proponents will be required to provide certification of compliance with the Building Code of Australia (BCA), relevant Australian Standards, or to otherwise demonstrate that the works are structurally sound and safe for the intended purpose. Other standards in DECCW policies or guidelines may also be applicable to the project.

Scope, definitions and limitations

What is the national parks system?

In this guideline, the term 'national parks system' refers to lands reserved in NSW under the NPW Act, including:

- national parks
- historic sites
- state conservation areas
- regional parks
- karst conservation reserves
- nature reserves
- Aboriginal areas.

As noted above, a lease or licence within a nature reserve may only be granted where it is consistent with the management principles for nature reserves (s.30J,

NPW Act). There are more than 800 terrestrial reserves in the national parks system, and almost half of these are nature reserves.

This means that a proposal in a nature reserve that is primarily for visitor accommodation, for example, would not be considered permissible as it is not consistent with the management principles. On the other hand, facilities for scientific research, education or to support park management activities are more likely to be permissible. While these may make provision for overnight stay (for example, for field-based researchers or school groups), visitor accommodation is not their primary function.

Similarly, there are also limitations on the types of visitor activities and uses in wilderness areas declared under the *Wilderness Act 1987* which cover almost 30% of the national parks system. Specifically, licences and leases under s.151 of the NPW Act cannot be granted in wilderness areas.

In some cases, tourism and visitor use proposals may also be planned for lands that have been acquired under the NPW Act but are yet to be formally reserved under one of the above categories. In these situations, DECCW may determine that the guidelines should also be applied if the activities are of the kind listed in s.151A of the NPW Act.

What if there is an existing approval?

Many types of tourism and visitor facilities are already provided within parks, including accommodation, food outlets, visitor centres and emergency services buildings. Where activities are being undertaken by external proponents, they are typically operating under an existing leasing or licensing arrangement under the NPW Act.

Existing approved activities that are being undertaken in accordance with the terms of their approval may continue to operate without having to undertake additional assessments or obtain new approvals. DECCW will nevertheless encourage and work with the operators of such activities to ensure their operations are consistent with the intent of the guidelines.

The assessment criteria, and hence also these guidelines, do not apply to certain renewals of leases as detailed in s.151B(5) of the NPW Act. However, the assessment criteria do apply to new leases or licences for existing or continuing purposes, even where no physical change or works are proposed. This is discussed further below.

Is accreditation required?

DECCW supports the development of best practice industry, environmental and sustainability standards for tourism and park visitor uses. DECCW recognises the role of organisations including Green Globe and Eco Tourism Australia in developing sustainability standards, and has already recognised such accreditation schemes in the Eco Pass licensing system for commercial tour operators working in the national parks system.

DECCW will encourage proponents and operators seeking to obtain a lease or licence under s.151 of the NPW Act to gain accreditation with relevant sustainability standards, but accreditation is not a mandatory requirement for such activities. DECCW also reserves the right to require sustainability outcomes for projects where they are not required by an accreditation scheme.

What about proposals involving cultural heritage items?

Within the national parks system there are many existing facilities and associated infrastructure that were constructed well before contemporary understanding of sustainability. These include a range of historic buildings, structures and places that have important cultural heritage values. Many of these may also provide opportunities for future tourism and park visitor use, such as overnight accommodation and venues for events and functions.

The retention and adaptive reuse of heritage buildings, structures and places is an accepted heritage management tool and can promote greater community engagement in heritage, raising awareness and understanding of heritage values.

There are significant sustainability benefits to be gained from heritage conservation. Compared to a new development, conserving and reusing heritage buildings and places will:

- reduce the need for construction using new materials
- generate less construction waste
- disturb the surrounding environment less
- use less water and energy during construction.

The embodied energy (all the energy consumed during the original construction) in the existing building stock is substantial, and is an investment to be protected. In addition, many heritage buildings were originally designed to deal with local climatic circumstances, including use of high thermal mass materials, wide verandahs and systems to promote natural ventilation. In some cases, these original design features may have deteriorated or been altered with adverse effects to overall building performance.

There are often unique challenges in reusing heritage buildings and places. The overarching consideration is always to ensure that heritage values are not diminished or adversely impacted. DECCW's *Adaptive Reuse of Heritage Places Policy* and *Historic Heritage Reconstruction Policy* (both in preparation) provide more information.

There is nothing in these guidelines that seeks to override or replace heritage conservation requirements. In some cases it will not be possible to retrofit new technologies and sustainable design elements into historic buildings as the impact on heritage values will be too great. In other instances the challenge may relate more to improving or restoring the functioning of original or existing features, rather than introducing new techniques.



Quarantine Station (Ian Charles)



Nielsen Park (J Winter)

The sustainability options available for a particular proposal will therefore depend on the nature of the specific building or item involved and its heritage significance. Nevertheless, in all cases the aim should be to incorporate as many elements of sustainable design and operation as possible without adverse impact.

What about maintenance works?

DECCW and lease- and licence-holders regularly undertake routine and minor maintenance and repairs of assets. These include painting, replacement of fixtures (gutters, broken windows, roof tiles), sealing and grading of roads, and general upkeep (for example cleaning, landscape maintenance, replacement of basic services such as electrical cabling, and repair of damaged fabric).

The guidelines are not intended to apply to this scale of activity. However, where such actions relate to park accommodation or venue facilities DECCW will look to incorporate new techniques and technologies, in collaboration with lessees, to progressively improve the environmental performance of these assets.

What about continuing uses?

As noted above, while the renewal of a lease may not be subject to the sustainability assessment criteria, the grant of a new lease or licence for a continuing use will be. This is the case even though no physical works or changes may be proposed, for example, a lease being issued to a new operator of an existing restaurant or café.

Part B of the guidelines discusses the approach to be applied in these situations. The proponent and park manager should agree on whether to follow the approach in the guidelines or an alternative method that addresses the requirements of s.151B(1) and the sustainability assessment criteria.

What about recreational and group activities?

Under s.151A of the NPW Act a lease or licence may be granted for activities of a sporting or recreational nature.

However, where these activities are small-scale, of a one-off nature or short duration, do not permit the exclusive use of part of the park, and do not involve the erection of structures or substantial works, they are typically dealt with via a consent from the park authority under the NPW Regulation. Under the NPW Regulation, consent may be provided for certain recreational activities undertaken as part of an organised sporting competition, event or tournament. This also applies to activities involving group gatherings of 40 or more people, or any lesser number stated in a plan of management, park notice or notice given to a park user.

Common examples of activities that are managed using a consent under these provisions include bicycle or kayak races, orienteering events, casual hall hire, public meetings, weddings and similar small functions.

Where sporting or recreational activities are subject to a park consent under the NPW Regulation, rather than a lease or licence, application of the guidelines will not be mandatory. The existing system for obtaining park consents for these low-key activities is considered appropriate.

However, this guideline and the sustainability assessment criteria may provide a useful source of information to both proponents and park managers. There is also discretion for park managers to require application of the guidelines and assessment criteria on a case-by-case basis, and for conditions to be placed on any consents

requiring an activity to meet certain specified sustainability requirements (such as waste management).

In addition, the guidelines do not apply to commercial tour operations, as they are subject to a separate environmental accreditation process.³

Achieving sustainability

It is a requirement of the NPW Act that its objects are to be achieved by applying the principles of ecologically sustainable development (ESD). ESD requires the effective integration of economic and environmental considerations in decision-making processes. In addition, the objects of the NPW Act provide for the management of parks in accordance with the relevant management principles of the reserve. The management principles for various reserve categories include 'sustainable visitor or tourist use and enjoyment'.

The NPW Act defines sustainable, in relation to visitor or tourist use and enjoyment of land, to mean sustainable within the meaning of the principles of ESD which is a broad all-encompassing approach that addresses environmental, economic and social considerations, with the specific principles being:

- application of the precautionary principle in decision-making
- intergenerational equity
- conservation of biodiversity and ecological integrity
- improved valuation, pricing and incentive mechanisms; namely, the inclusion of environmental factors in the valuation of assets and services.

The *NSW Government Sustainability Policy* (DECC 2008b) commits the NSW Government to leading by example in sustainable water and energy use, reducing greenhouse emissions, and waste management. These are all part of delivering on the commitment for the NSW Government to be carbon neutral by 2020.

The approach used in these guidelines is consistent with this policy and the principles of ESD, recognising that visitor use and tourism activities in parks provide a major opportunity to embrace and promote sustainable practice.

There is currently no single, absolute or definitive test for determining the sustainability of activities or new developments. However, there are many assessment tools and techniques that have been developed to assist decision-makers examine the sustainability of various actions at a variety of scales. One example is the use of the BASIX scheme in NSW to improve the water and energy performance of residential developments. Another is the existing comprehensive systems that DECCW uses for the environmental assessment of activities within parks.

These guidelines require the overall merits of a proposal seeking a lease or licence under s.151 of the NPW Act to be tested using a combination of environmental impact assessment and sustainability assessment (summarised in the figure in Appendix D). This joint approach couples existing systems for environmental assessment with an additional layer of scrutiny that specifically examines issues such as compatibility with the park context, scale, design, and resource and material use, to ensure that requirements of the NPW Act are met.

³ www.environment.nsw.gov.au/parksecopass/index.htm

Best practice

Technologies and systems for sustainability, such as those for energy and water efficiency, are constantly being advanced and refined. Where the sustainability assessment criteria refer to the use of best practice measures, the onus is on the proponent to research, identify and source those contemporary measures that will optimise the sustainability outcomes for the particular project, are recognised as meeting any relevant industry standards (for example they have received certification under one of the labelling schemes) and are safe and fit for the intended purpose.

More information to assist proponents on saving energy and saving water, but which are not intended to be exhaustive, can be found in the further reading section at the end of the guidelines.

For projects that are more complex or seek to incorporate unique, innovative or cutting-edge approaches, it may be necessary to seek expert advice, for example the Association of Building Sustainability Assessors⁴ and Energy Services Directory,⁵ which is maintained by the Commonwealth Government.

Conclusion

Providing for sustainable visitor use, tourism and enjoyment of the national parks system in ways that are compatible with the protection of conservation values is a high priority for DECCW and the NSW Government. Both the *Living Parks* strategy and Tourism Taskforce report support this position and recognise that encouraging people to visit and appreciate parks not only improves conservation awareness and understanding but also promotes healthy lifestyles and supports regional communities.

These guidelines are aimed at ensuring that future park visitation and use is sustainable and that new projects have minimal environmental impact, are innovative, offer vibrant experiences, and incorporate new mediums for building community awareness and support for national parks.

⁴ www.absa.net.au

⁵ www.ret.gov.au/energy/efficiency/eoo/resmaterial/directory/Pages/default.aspx

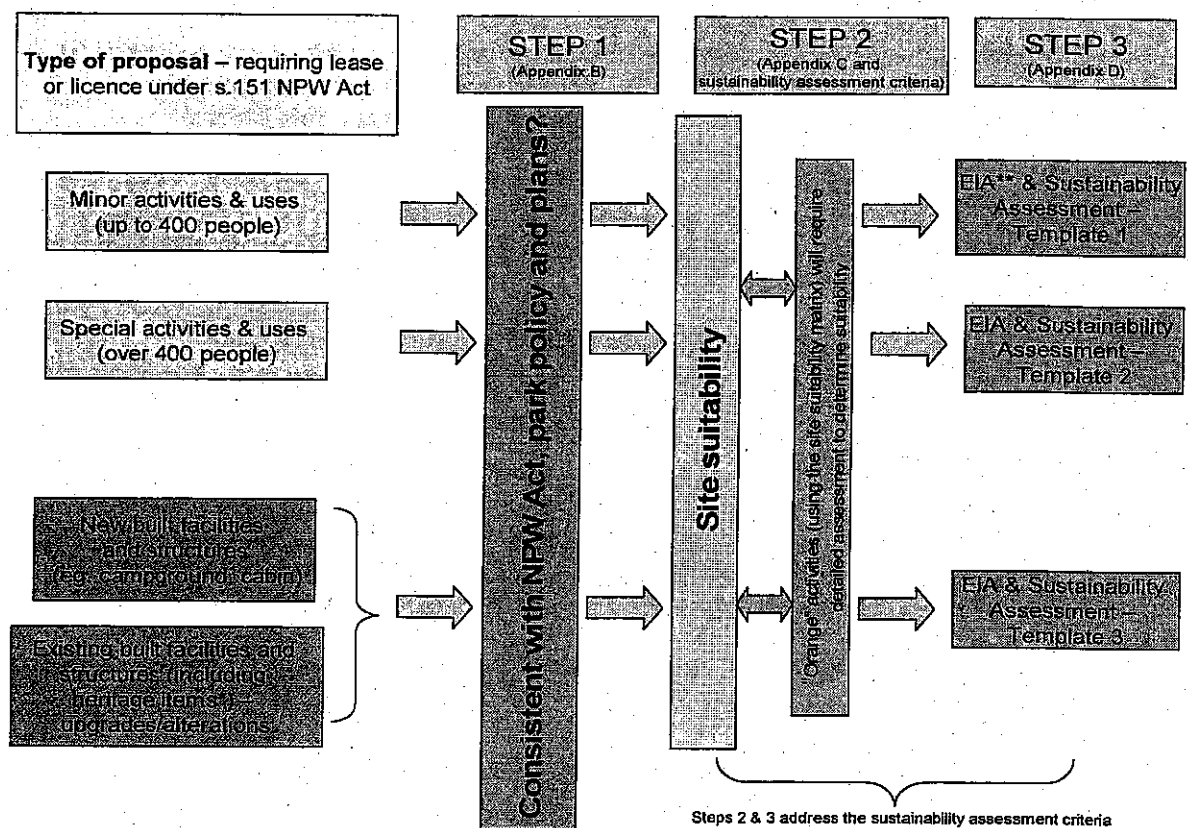
Part B: How to use the guidelines

Overview

Figure 3 summarises application of the guidelines to a proposal requiring a lease or licence under s.151 of the NPW Act. The following sections provide more detail on the required steps, separated into proposals involving:

- activities and uses (such as cultural events, sporting activities and functions)
- built structures and facilities.

Hypothetical case studies are in Appendix E.



* Cultural heritage items include places, buildings, structures, landscapes, plantings, relics and movable heritage objects identified by one or more of the following:

- State Heritage Register listing or items of assessed state significance (for example in a conservation management plan)
- DECCW Section 170 Heritage and Conservation Register or a Regional Cultural Heritage Management Strategy
- DECCW Historic Heritage Information Management System (HHIMS)
- items more than 25 years old.

Note that there may be specific heritage assessment requirements and statutory approvals applicable to heritage places. These would normally be identified early in the above process, although any detailed assessments would most likely occur concurrent with Steps 2 or 3.

** The environmental impact assessment requirements are discussed below.

These include preparation of either a Review of Environmental Factors (REF) or Conservation Risk Assessment (CRA).

Figure 3: Application of the guidelines

Activities and uses

What types of activities and uses are subject to the guidelines?

There is a range of purposes under s.151A of the NPW Act that, while they may not require physical works or construction, will involve use of places and the undertaking of organised activities within the national parks system. Examples include educational and research activities, conferences, functions and events, sporting activities and Aboriginal cultural activities.

Activities and uses tend to be temporary, but may involve large groups of people. They may be one-off, or take place on a regular basis. They may also occur on a single day, over several consecutive days, or on certain days over a number of weeks (for example three weekends in a row).

Some purposes, like events and sporting activities, tend to be held outdoors, typically have a cultural (arts, music, performance) or recreational focus (for example a bicycle race) and are usually open to the general public (although a fee may be required). Others, like conferences and functions, mostly take place indoors (but not always), are typically of a smaller scale and time duration, and not open to the public. Some purposes operate on a commercial basis, however others are held for the purpose of charity, family or community celebration, or operate on a cost-recovery basis only.

Any of the above activities or uses that require a lease or licence under s.151 of the NPW Act are subject to the guidelines. They also apply to projects of a similar kind being undertaken by DECCW.

The guidelines are not mandatory for small-scale and short duration sporting and group activities that are currently managed through the system of park consents under the NPW Regulation. However, the guidelines may be applied on a case-by-case basis at the discretion of DECCW. Further background information on these types of activities is provided in Part A.

Proponents should also refer to the *Events, Functions and Venues Policy* (DECCW 2010a) for further information.

How are activities and uses assessed?

There is wide variety in the scale and intensity of activities and uses that could occur within parks, and that may require a lease or licence. The guidelines differentiate between:

- minor activities and uses which involve no more participants than would normally access an area for casual or informal use (the common base-load of park visitation), up to a maximum of 400 people on a single day or in cumulative total over consecutive days (for example 200 people on one day, or 350 in total over two days)
- special activities and uses which occur on single or consecutive days and involving a cumulative total of more than 400 people (staff and patrons) over the course of the activity (for example 450 people on one day, or 210 people a day on two consecutive days).

These thresholds are considered reasonable surrogates to ensure that the level of assessment required for a proposal matches the expected level of complexity and potential environmental impacts.

It is recognised that there will be occasions where a proposal that fits within one of the thresholds may more appropriately be dealt with under the other. For example, an event that would meet the requirements to be minor may be better dealt with as a special event because of the particular environmental sensitivities of the site. Similarly, some proposals may exceed the special activities threshold but would more readily be treated as a minor proposal.

While the above thresholds should be used as the primary consideration in determining how the requirements of these guidelines should be applied, DECCW may decide that a proposal should move from one category to the other after consideration of the nature of the proposal, its scale, complexity and potential environmental impact. This may occur either on a case-by-case basis, via policy decisions or through the plan of management.

Minor activities and uses are assessed using the Minor Activity and Use *Template 1* which incorporates consideration of legal permissibility, site selection and environmental and sustainability issues. The template provides a streamlined version of the standard REF requirements, and is considered sufficient to meet the obligations of Part 5 of the *Environmental Planning and Assessment Act 1979*.

The template also provides that minor activities that trigger certain impacts will require preparation of a full standard REF. Where these triggers are reached a proponent will be required to complete a REF (DECCW 2010b).

Relationship to the NPW Act and sustainability assessment criteria

Template 1 will provide the information needed to assist the Minister to determine whether the proposed minor activity or use:

- is consistent with the objects of the NPW Act, the management principles for the land and any plan of management
- satisfies the requirements of s.151B(1) of the NPW Act and all of the matters in the Director General's sustainability assessment criteria.

Special activities and uses are assessed using the same process that applies to proposals involving built structures and facilities detailed in Appendix A. This includes preparation of a REF or CRA, and Sustainability Assessment (in this case using *Template 2*).

Relationship to the NPW Act and sustainability assessment criteria

The completed REF or CRA, and *Template 2*, will provide the information needed to assist the Minister to determine whether the proposed special activity or use:

- is consistent with the objects of the NPW Act, the management principles for the land and any plan of management
- satisfies the requirements of s.151B(1) of the NPW Act and all of the matters in the Director General's sustainability assessment criteria.

What if the activity or use is ongoing?

From time to time projects will be proposed that involve the running of an activity over an extended period of time, for example an event involving 100 people every Saturday for four weeks.

In this case a single assessment should be completed covering the running of the activity over the whole time period. That is, the entire activity is considered in one process, rather than undertaking a fresh assessment and obtaining an approval every time. In the above example the proposal would be assessed using the process for a minor activity and use covering the entire four week period, rather than a new assessment for each Saturday.

This approach can also be applied to activities that are planned to run annually for a number of years (for example a cultural festival). However, in this case any lease or licence granted may include conditions requiring aspects of the activity (such as transport or waste management) to be reviewed and updated every year to promote continued environmental improvement.

Other sources of information

There is a range of guides available to support the planning and management of events. Key information sources are identified in the references and further reading at the end of these guidelines and in the sustainability assessment templates. Proponents should refer to these as necessary during the planning of activities and uses.



You Shoot TV



Simone Cottrell/DECCW



Daniel Smith/DECCW

Built structures and facilities

Any lease or licence proposal under s.151 of the NPW Act will be subject to the requirements of s.151B, including the sustainability assessment criteria. The following section discusses this requirement with specific reference to built structures and facilities.

While the focus is on proposals involving physical works to buildings or structures, it should be noted that the provisions of s.151B will also apply to proposals where no physical works are proposed, for example the granting of a new lease for an existing café (note that certain lease renewals are not subject to the sustainability assessment criteria, as per s.151B(5) of the NPW Act).

What types of built structures and facilities are subject to the guidelines?

Under s.151A of the NPW Act there is a range of purposes that may be undertaken which could involve either the construction of new buildings or facilities, or the reuse of existing structures and places (including alterations and additions). This includes visitor accommodation, education and research facilities, retail outlets, food outlets such as restaurants and cafes, venues used for events and functions, and emergency services (for example a surf life-saving club).

Any of the purposes in s.151A that involve the erection, installation, construction and/or use of buildings, structures or works (permanent or temporary) will be subject to these guidelines. This includes new works, modifications to existing facilities (except for routine maintenance – see Part A) and the provision of supporting infrastructure that is ancillary to such purposes. This applies to proposals by external proponents requiring a lease or licence under s.151 of the NPW Act, or projects of a similar kind being undertaken by DECCW.

The provision of built facilities for visitor accommodation and venues for conferences, events and functions is a particular focus of the guidelines because of the likely physical works required. These are discussed in more detail below.

Special note – new buildings and structures

Under s.151A(5), lease proposals involving a new building or structure for sustainable visitor use (such as accommodation or cafes) may not be granted unless:

- the purpose for which the lease is to be granted is identified as permissible in the plan of management
- the general location is also identified in the plan of management.

Before proceeding to apply the sustainability assessment criteria and undertake a REF or CRA for a proposal involving a new building or structure, proponents should confirm with the park manager that the above requirements have been, or will be, met.

Accommodation

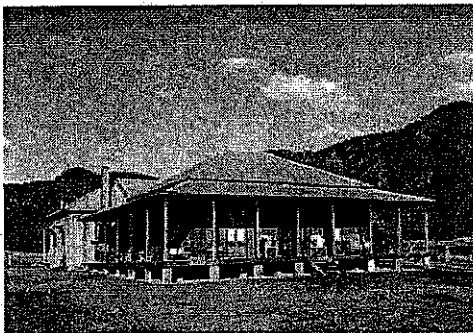
Current accommodation in parks is mostly provided in camping facilities but also includes cabins, cottages, homesteads, lodges, caravan parks and historic buildings (such as lighthouses). The NPW Act provides for new accommodation facilities to be developed. Existing buildings may also be adapted.

The standard of accommodation is very dependent upon the location and the level of infrastructure and facilities provided. This ranges from:

- remote bush camping with no infrastructure
- accommodation without utilities except toilets and basic shelters
- accommodation with remotely provided utilities such as solar power, portable gas, generators, water tanks and on-site sewage treatment
- accommodation with site connections to mains power, water and sewerage utilities.

Consistent with the equity principles of ESD, current and future planning will continue to focus on ensuring that a range of accommodation opportunities is provided across the national parks system, catering to people from different socioeconomic backgrounds and levels of physical ability.

Further information is provided in the *Visitor Accommodation Policy* (DECCW 2010c).



East Kunderang (M. Van ewijk)



Bouddi National Park (B. Peters)

New accommodation

The guidelines apply to all new accommodation activities which involve the erection, installation, construction and/or use of buildings, structures or works (permanent or temporary). This includes new campgrounds, new buildings and the reuse of existing buildings. Any infrastructure that is needed to support new accommodation, such as utility services and roads, must also be considered as part of the assessment processes outlined in these guidelines. There may also be additional standards that apply to such infrastructure (for example, road and trail standards).

The guidelines are not limited to visitor accommodation and apply to other types of accommodation that may be provided within the national parks system. That includes accommodation for park staff and associated with research or other facilities.

Upgrades or alterations to existing accommodation, including heritage items

As noted in Part A, there are major sustainability benefits associated with the reuse, adaptation and upgrading of existing facilities, compared to a totally new development. At the same time, where an existing building, structure or place is known to have cultural heritage values, any alterations require careful planning and design to ensure those values are maintained into the future.

The guidelines apply to upgrades or alterations planned for existing accommodation facilities and associated supporting infrastructure. This includes, but is not limited to, works affecting:

- a single existing building
- a number of existing buildings
- an existing campground (such as expansion of the footprint or area of the campground).

As is the case for new accommodation, any infrastructure works (roads, trails, car-parking, water supply, sewage systems, stormwater drainage, heating, cooling and electrical supply) needed to support planned changes to existing accommodation should also be taken into account in considering the proposal and whether it satisfies the sustainability assessment criteria.

In recognition of the special attention required to the conservation of heritage values, the sustainability assessment criteria make provision for tailored considerations for proposals affecting heritage items. That approach is further supported in these guidelines.

In addition, the guidelines also acknowledge that in the case of proposals where the only physical works planned are considered routine or minor maintenance (as discussed in Part A) then alternative approaches to addressing the requirements of s.151B (1) and the sustainability assessment criteria may be acceptable. These should be discussed with the park manager.

Change of building use

In some cases, existing buildings will be proposed for conversion to provide accommodation facilities, for example converting a former shearing shed to low-cost dormitory-style accommodation. Similarly, some existing accommodation buildings may be proposed for different types and levels of accommodation use, such as a former pastoral station homestead previously providing private housing for a single family being converted for short-stay accommodation for park visitors.

The guidelines apply to proposals involving a change of building use, where the planned end use is identified in s.151A of the NPW Act. As noted above, in the case of buildings of heritage value the extent to which sustainability matters are addressed will be determined by the overall priority of avoiding impacts on heritage significance.

Continuation of an existing use

There will also be occasions where no physical works are proposed, and a lease or licence is only being sought to continue a building's previous use, for example a new lease to operate an existing accommodation facility or café.

The requirements of s.151B will still apply to such proposals. That is, the Minister has to be satisfied that the matters in s.151B(1) have been met, and in making that decision the Minister has to have regard to the sustainability assessment criteria.

In these circumstances, the proponent should discuss with the park manager whether to apply the method detailed in these guidelines, or agree on an alternative approach to address the requirements of s.151B (1) and the sustainability assessment criteria. Improving the environmental performance of existing uses over time is an important objective and should inform the agreed approach.

Common accommodation examples

The guidelines will therefore apply, but are not limited, to a range of accommodation types that will require a lease or licence (or being undertaken by DECCW), including:

- camping (from remote bush camping to permanent camping grounds with a high level of facilities)
- cabins, homesteads and other building types (including adaptive reuse of existing buildings)
- permanent and temporary accommodation structures, including safari-type tent facilities and manufactured or modular structures
- ancillary development, facilities or supporting infrastructure that is directly related to accommodation facilities (for example roads, shower and toilet blocks).

In the case of continuing uses, they will only apply where a new lease or licence is required (lease renewals are dealt with under s.151B(5)).

They may also be used to assist in driving environmental improvements in accommodation facilities operating under existing approvals.

Venues

Conferences, events, functions, and cultural or educational activities are often held at specific venues. Some other purposes identified in s.151A of the NPW Act may also make use of these locations.

Within the national parks system, venues typically include buildings such as halls, homesteads and cottages, but may also include outdoor areas used for concerts, festivals and other social gatherings. In order to be used as venues, such locations require suitable kitchens, bathrooms, transport access and other facilities. In some cases, new purpose built venues may also be proposed.

The guidelines apply to all new venue proposals that require a lease or licence (or being undertaken by DECCW), including:

- new buildings, structures or works (permanent or temporary)
- upgrades of alterations planned for existing buildings and places, and associated supporting infrastructure, for the primary purpose of supporting events and functions
- change of building use, where the building was previously used for a different purpose.

In the case of a continuing use they will only apply where a new lease or licence is required.

How are proposals involving built structures and facilities assessed?

Before proceeding to apply the following steps, proponents should always first liaise with the park manager. This is essential to ensure proposals can be considered in the most timely and efficient manner.

There are three steps in the assessment and consideration of lease and licence proposals involving new built structures, or modifications to existing facilities:

- Step 1 – Determine whether the proposal is consistent with the NPW Act, park policies and strategic plans.
- Step 2 – Determine whether the site is suitable.
- Step 3 – Obtain an environmental impact assessment *and* sustainability assessment.

These are discussed in more detail in Appendix A.

Other sources of information

Additional guidance may be available to support the planning and design of built facilities in certain locations. These include the *Coastal Design Guidelines for NSW* (Coastal Council 2003), *North Coast Urban Design Guidelines* (DoP 2008) and *Planning for Bushfire Protection* (RFS 2006). Proponents should make use of this material where it is relevant.

Proposals involving both built structures and uses

In some instances, proposals requiring a lease or licence under s.151 of the NPW Act will involve both physical works to a place or built structure, and subsequent activities and uses in that location. For example, works to upgrade an existing building which will then be used for events and functions.

In this case the proponent should follow Steps 1 and 2 for built facilities and structures, and then complete a sustainability assessment for both:

- the planned activity or use – depending on the nature and scale of the intended activity or use the park manager will determine whether the sustainability section of *Template 1* (section 11) will suffice, or whether *Template 2* should be used. Using the above example, if the proposal involved holding events and functions catering to 200 people every weekend of the year, then it would be appropriate to use *Template 2* given the resource intensive nature of such an ongoing use
- the physical works component using *Template 3*.

Assessment fees and timing

Proposals from external proponents requiring submission of a REF are already subject to an application fee under existing DECCW procedures. There is no separate application fee required for a sustainability assessment, as this will be considered together with the REF.

However, as noted above and consistent with REF processes, external proponents will be required to meet *all* costs associated with the assessment of a proposal by DECCW. This also applies to proposals that are subject to a CRA, and includes staff time, travel, exhibition requirements and any costs associated with engaging consultants or specialist expertise to advise DECCW or the Minister on a proposal.

Further information on assessment fees is provided in the *Proponents Guidelines for the Review of Environmental Factors* (DECCW 2010b).

DECCW will endeavour to complete the determination of a proposal, including the REF or CRA and sustainability assessment, within 40 calendar days. This is consistent with existing arrangements for the assessment of REFs.

The 40 days does not include time involved in public exhibition of the proposal or additional time required to obtain specialist assessments to inform the decision-making process.

A final decision on whether to grant the lease of licence will be made by the Minister (or delegate) following the conclusion of the above process (see below).

Exhibition and referrals

Public exhibition

Consultation with the community and stakeholders is an important part of the planning and assessment process for visitor use and tourism proposals in the national park system.

The NPW Act (s.151F) includes provisions regarding the formal public exhibition of leasing and licensing proposals. In summary, these require either:

- public notice in a local newspaper, on the DECCW website, and a 14-day public comment period for proposals where the land (including any buildings or structures on the land) has not been previously used or occupied for the purpose, or that involve erection of temporary buildings or structures
- public notice in a local and State-circulating newspaper, on the DECCW website, and a 28-day public comment period for proposals involving erection of a new permanent building or structure, significant modification to an existing building or structure, or other significant permanent physical change to the land.

Section 151F(6) provides that the above requirements do not apply if the proposed lease or licence:

- is for a total period that does not exceed 31 days
- relates to lands reserved under Part 4A (Aboriginal land) if it involves a community development purpose prescribed by the Regulations
- if within the previous two years there has already been public consultation in relation to a development or activity that is substantially the same as the use to be authorised by the lease or licence.

In the last case, that would include circumstances where a REF for the proposal had already been exhibited in the past two years. Requirements for consultation during the preparation of a REF, and the triggers for formal public exhibition, are detailed in the *Proponents Guidelines for the Review of Environmental Factors* (DECCW 2010b).

It may also apply where a new plan of management, or an amendment to an existing plan, had been exhibited within the two years, but only if the plan had clearly included information regarding proposed activities and uses that were substantially the same as those for which a lease or licence was being sought.

The exhibition requirements for a proposal should be discussed with the park manager at an early stage to ensure that they are built into the planning and assessment process.

Referral for advice

The Minister must also refer certain proposals to the National Parks and Wildlife Advisory Council for advice (s.151G). These include proposals involving:

- new permanent buildings or structures
- significant modification to existing buildings or structures, or significant permanent physical change to the land
- a term exceeding 10 years
- new head leases under s.151H
- any other lease or licence proposal which the Minister considers appropriate.

The Minister may also refer lease or licence proposals to the Aboriginal Cultural Heritage Advisory Committee of Karst Management Advisory Committee (for proposals in karst conservation areas) and hold a public hearing.

Any submissions or advice are to be taken into account by the Minister in deciding whether to grant a lease or licence.

Further information is available in the *Leases and Licences Referral Policy and Procedures* (DECCW 2010d).

Decision-making and Director General's report

For proposals by external proponents requiring a lease or licence, DECCW will prepare and complete a determination report which will serve two main purposes:

- consideration of the environmental impacts of the proposal as detailed in the REF or CRA to satisfy requirements of the EP&A Act
- an assessment of the proposal against the matters specified in s.151B of the NPW Act, including the sustainability assessment criteria, as required by s.151B(2)(b).

While the NPW Act only requires that the DECCW report is provided to the Minister (or delegate) for lease proposals, in practical terms it is logical for the same process to also apply to licence proposals.

If the determination report concludes that the environmental and sustainability impacts of the proposal are acceptable and the proposal should proceed for final decision on the grant of a lease or licence, then the report and all relevant supporting information will be provided to the Minister (or delegate) to assist in making that decision. Further guidance on ensuring transparency in the decision-making process is provided below.

This package of material will provide the primary source of information to be used by the Minister (or delegate) to determine whether he or she is satisfied that the intended purpose meets the requirements of the NPW Act.

As noted above, the Minister is also required to take into account any submissions, reports or advice provided under s.151F and s.151G of the NPW Act, and may also have regard to other information relevant to the assessment of the proposal, such as any expert reports or independent analysis. Such information will usually be considered as part of the determination report prepared by DECCW.

Separation and transparency in decision-making

In order to support robust and transparent decision-making, it is DECCW policy that the delegated officer who prepared the determination report is *not* the same delegate who makes the decision whether to grant the lease or licence. Further information is available in the *Procedural Guidelines for the exercise of lease and licence delegations*.

Leases and licences of Aboriginal land

Under s.151E, in respect of land reserved under Part 4A, the Minister:

- may only grant a lease or licence under s. 151 with the concurrence of the board of management
- must not grant a lease or licence contrary to the terms of the lease of land under Part 4A.

In some cases, proposals that are granted a lease or licence may also have to satisfy subsequent and additional statutory assessment and approval requirements. For example, proposals that involve building or infrastructure works (including temporary structures) will be required to show compliance with the BCA and Australian Standards, or to demonstrate that the works are structurally sound and safe.

These, and other similar requirements, will be identified during the assessment of the proposal in accordance with these guidelines. Conditions may be placed on the granting of a lease or licence to ensure that such requirements, and the outcomes of the determination report, are met by the proponent.

Appendix A – Assessment steps for lease and licence proposals

Step 1 – Determine consistency with NPW Act, park policy and strategic plans

This applies to all activities in parks. Appendix B summarises the key matters for consideration.

In-principle agreement on whether a proposal is capable of addressing these matters should be reached with the park manager *before* proceeding to Steps 2 and 3. The formal analysis and documentation of how a proposal responds to these occurs during Step 3.

Relationship to the NPW Act and sustainability assessment criteria

Step 1 will provide the information needed to assist the Minister to determine whether the proposal is consistent with the objects of the NPW Act, management principles for the land and any plan of management. This is a standard requirement for all activities and uses in the national parks system.

Step 2 – Determine site suitability

All activities in parks need to be undertaken in locations that are appropriate and able to accommodate the proposal (Appendix C).

The sustainability assessment criteria adopted by the Director General outline the key matters for assessing site suitability and a method to address them. This includes an indicative guide to the scale and intensity of accommodation that is considered appropriate in parks.

As with Step 1, in-principle agreement with the park manager on whether a proposal is generally suitable for a site should be finalised *before* proceeding to Step 3. If required by the sustainability assessment criteria, this will include consideration of the outcomes of a strategic site assessment.

Outcomes of the site suitability assessment are formally documented during Step 3.

Relationship to the NPW Act and sustainability assessment criteria

Step 2 will provide part of the information needed to assist the Minister to determine whether the proposal is compatible with the natural and cultural values of the land to be leased or licensed and reserved land in the vicinity, as required by:

- s.151B(1)(a) of the NPW Act
- Criterion 1 of the sustainability assessment criteria.

Other information to support this decision is provided in Step 3.

Step 3 – Environmental impact and sustainability assessment

Most proposals that are subject to these guidelines will require both an environmental impact assessment and sustainability assessment, as follows.

(a) Environmental impact assessment

This will be in the form of either a:

- **REF** – this is used to assess the environmental impacts of activities under Part 5 of the EP&A Act, or
- **CRA** – this is used to assess the environmental impacts of exempt developments listed under the *State Environmental Planning Policy (Infrastructure) 2007*.

DECCW has systems and guidelines in place for the preparation of REFs and CRAs (DECC 2010b).

The REF or CRA is also used to formally document the assessments of consistency with the NPW Act, park policies and strategies, and site suitability required at Steps 1 and 2.

Proposals affecting heritage items may require additional assessments to meet the requirements of the *Heritage Act 1977* and related DECCW policies.

(b) Sustainability assessment

This is used to examine the form, scale and design of proposals and address the efficient use of resources, including water and energy, materials choice, and the management of waste.

Template 2 is used to complete the sustainability assessment for special activities and uses (generally involving more than 400 people).

Template 3 is used to complete the sustainability assessment for new built facilities and structures, and upgrades or alteration to existing facilities.

The amount of information and detail provided in the template will vary depending on the nature of the proposal, for example a minor campground extension compared to a new accommodation building. Only those parts of the templates that are directly relevant to the proposal should be addressed.

The environmental impact and sustainability assessments are to be *submitted together* for assessment by DECCW and provision to the Minister (or delegate) to inform a decision on whether a lease or licence should be granted (Appendix D).

Proposals where a REF or CRA is not required

In some limited cases, lease or licence proposals may not trigger the requirement to complete either a REF or CRA. However, proponents will still need to complete a sustainability assessment in order to address the requirements of the NPW Act (except as provided below).

Routine or minor maintenance, or no physical works proposed

In cases where there are no physical works associated with a proposal, or the only works are limited to minor maintenance activities (as discussed in Part A), the park manager may determine that it is not necessary to complete the templates. In this situation, information must still be provided to address the requirements of s.151B(b) and (c) and the sustainability assessment criteria, but may be in an abbreviated or alternative form as agreed by the park manager.

Relationship to the NPW Act and sustainability assessment criteria

The environmental impact assessment component of Step 3 will provide part of the information needed to assist the Minister determine whether the proposal is compatible with the natural and cultural values of the land to be leased or licensed and reserved land in the vicinity, as required by:

- s.151B(1)(a) of the NPW Act
- Criterion 1 of the sustainability assessment criteria.

It will also provide the mechanism to document the consideration of site suitability (Step 2), which is the other part of Criterion 1.

The sustainability assessment part of Step 3 will provide the information needed to assist the Minister determine whether the proposal:

- provides for the sustainable and efficient use of natural resources, energy and water as required by s.151B(1)(b) of the NPW Act and Criterion 2 of the sustainability assessment criteria
- will be of an appropriate built form and scale, including its bulk, height, footprint, setbacks and density as required by s.151B(1)(c) and Criterion 3 of the sustainability assessment criteria in relation to proposals authorising new buildings or structures, or the modification of existing buildings or structures.

Appendix B – Determine whether a proposal is consistent with the NPW Act, park policies and strategic plans

All activities in the national parks system are subject to a consideration of their consistency with the NPW Act and park management policies and strategic plans. The key matters for consideration are identified in Figure 4.

Although a proposal may demonstrate that it meets these requirements, this does not mean that it will necessarily receive final approval or that there is in-principle approval. It merely means that the Minister (or delegate) has the legal power and discretion to grant an approval if he or she is satisfied of the sustainability factors in s.151B.

Further guidance on these matters is available (DECCW 2010b).

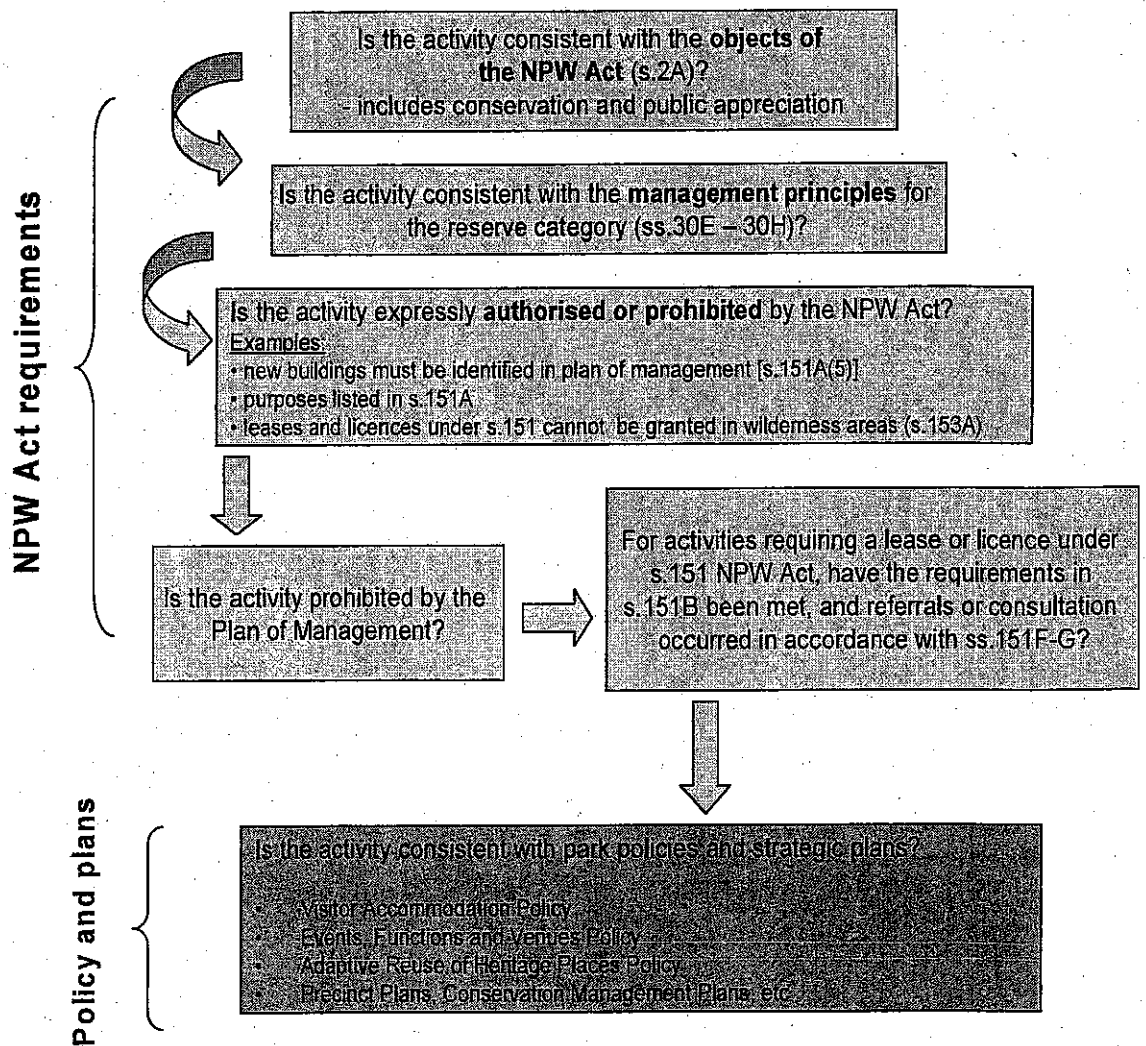


Figure 4: Steps in determining consistency with the NPW Act and park policies

Appendix C – Choosing the right site

The approach to assessing whether a proposal is compatible with natural and cultural values is detailed in Criterion 1 of the sustainability assessment criteria which specify the method for determining indicative site suitability. In summary, this requires:

- identification of the site character and landscape context of the place
- application of that information to a site suitability matrix
- interpretation of the relevant site suitability guide.

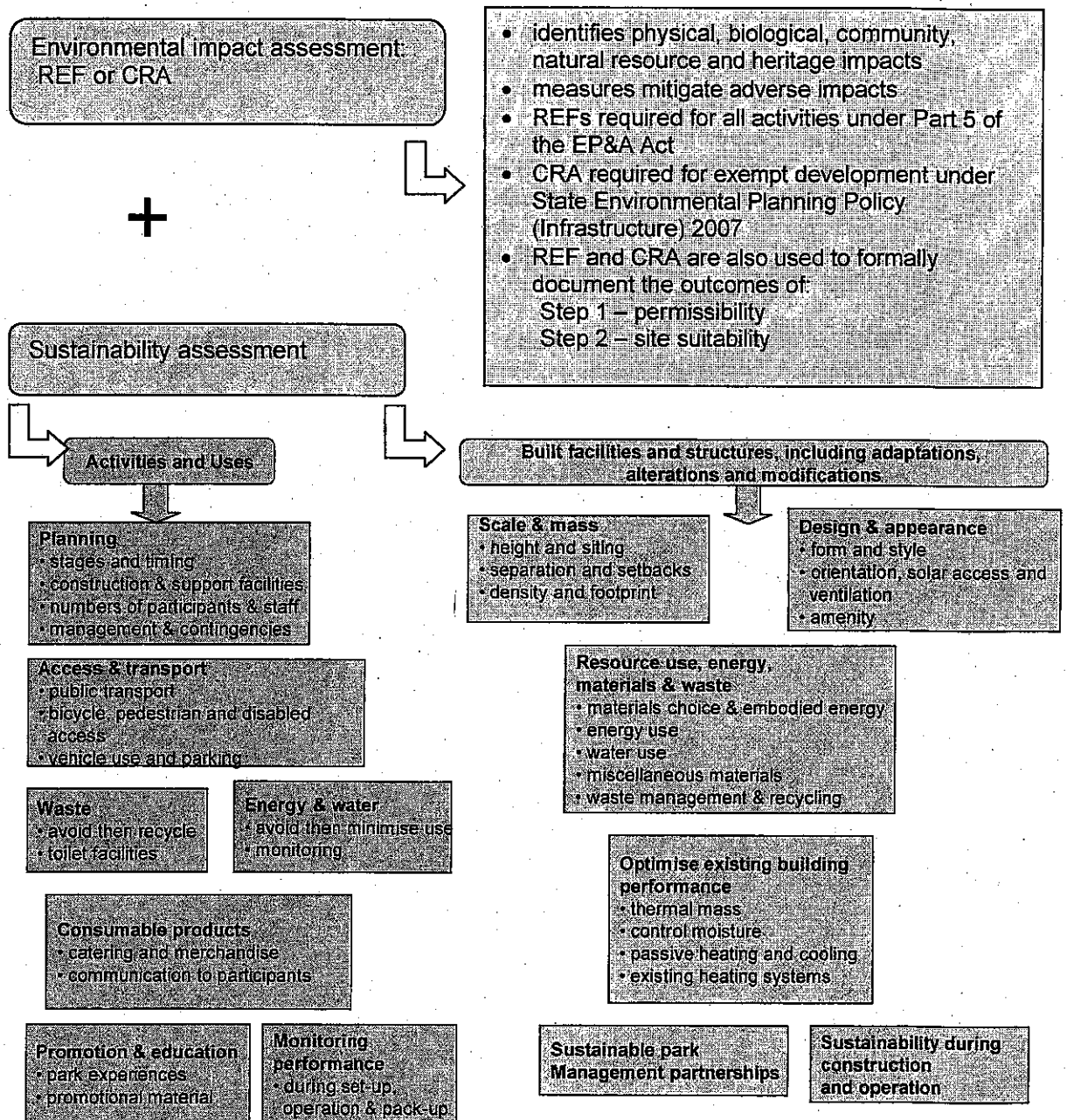
The assessment criteria require a detailed strategic site assessment for proposals that fall within the orange area of the site suitability matrix.

Criterion 1 also sets out the matters to be taken into account in determining whether a proposal is compatible with the conservation of natural and cultural values.

Information to address these requirements is to be formally documented in the following manner in:

- a REF or CRA for proposals involving built facilities and structures, or special uses and activities, or
- *Template 1* for minor activities and uses.

Appendix D – Assessing the merits of a proposal



The sustainability assessment is undertaken by completing one of the following:

Template 1 – Minor activities and uses

(a combined and streamlined REF and sustainability assessment)

Template 2 – Special activities and uses

Template 3 – Built facilities and structures

(including adaptations, alterations and modifications)

In combination, the environmental impact assessment and sustainability assessment address all matters detailed in s.151B(1) of the NPW Act, and the sustainability assessment criteria.

Appendix E – Case studies

The following examples are intended to illustrate how the above processes would be applied to visitor use and tourism proposals that may be undertaken within the national parks system.

Example 1: A concert for 5000 people over two days in a regional park

Type of activity: A special event (more than 400 people over consecutive days) requiring five weeks to set up (three weeks before) and to pack up (two weeks later).

Approval required: A licence under s.151 of the NPW Act.

Key steps:

- Contact the park manager to discuss the proposal and confirm requirements.
- In consultation with the park manager, confirm in-principle whether the proposal is consistent with the NPW Act, park policies and strategic plans (Appendix B).
- If the above is confirmed, in consultation with the park manager assess site suitability (Appendix C and sustainability assessment criteria).
 - *If the activity is in the orange area of the site suitability matrix in the assessment criteria, undertake a more detailed strategic assessment of the site.*
- If the site is agreed in-principle as suitable, confirm any site specific assessment requirements and proceed to undertake a REF and sustainability assessment for special activities and uses (*Template 2*).
- Confirm any requirements for consultation, including public exhibition, with the park manager. In this case, the REF and sustainability assessment are exhibited (potential neighbour and traffic impacts). Consultation with the NSW Advisory Council is not required as the term of the licence is less than 10 years.
- The information provided in the REF and sustainability assessment is considered, together with any submissions, and a determination made on whether the activity should proceed.
- If successfully determined, the Minister (or delegate) will consider the information provided (including the DECCW determination report and any submissions) and decide whether they are satisfied of the factors in s.151B and whether to grant a licence under s.151 of the NPW Act. Exhibition of the licence proposal is not required, as the REF has already been exhibited.
- If the licence is granted, the activity may proceed in accordance with the licence and any attached conditions.

Example 2: Construction of three new cabins in a state conservation area

Type of activity: Accommodation

Approval required: Lease under s.151 of the NPW Act.

Key steps:

- Contact the park manager to discuss the proposal and confirm requirements.
- In consultation with the park manager, confirm in-principle whether the proposal is consistent with the NPW Act, park policies and strategic plans (Appendix B).
 - *Because the activity involves new buildings for visitor use, the plan of management must identify the purposes as being permissible and the general location for of the new buildings (s.151A(5)).*
- If the above is confirmed, in consultation with the park manager assess site suitability, including whether the proposal is consistent with the park setting (Appendix C and the sustainability assessment criteria).
 - *If the activity is in the orange area of the site suitability matrix in the sustainability assessment criteria, undertake a more detailed strategic assessment of the site.*
- If the site is agreed in-principle as suitable, confirm any site specific assessment requirements and proceed to undertake a REF and the sustainability assessment for built facilities and structures (*Template 3*).
- Confirm any requirements for consultation, including public exhibition, with the park manager. In this case, the REF and sustainability assessment are exhibited. Because the lease will authorise erection of new permanent buildings, consultation with the NPW Advisory Council is also required.
- The information provided in the REF and sustainability assessment, and any submissions, will be considered and a determination made on whether the activity should proceed.
- If successfully determined, the Minister (or delegate) will consider the information provided (including the DECCW determination report and any advice from the NSW Advisory Council) and decide whether they are satisfied of the factors in s.151B and whether to grant the a lease. Separate exhibition of the lease proposal is not required, as the REF has already been exhibited.
- If granted, the activity may proceed in accordance with the lease and any attached conditions.
- Building and infrastructure works will need to be certified as complying with the BCA and relevant Australian Standards. Follow the processes in the DECCW *Construction Assessment Procedures* (DECCW 2010e).

Example 3: Adaptive reuse of a former pastoral station homestead (heritage item) for visitor accommodation in a new national park

Type of activity: Accommodation

Approval required: Lease under s.151 of the NPW Act.

Key steps:

- Contact the park manager to discuss the proposal and confirm requirements.
- In consultation with the park manager, confirm in-principle whether the proposal is consistent with the NPW Act, park policies and strategic plans (Appendix B).
- If the above is confirmed, in consultation with the park manager assess site suitability, including whether the proposal is consistent with the park setting (Appendix C and the sustainability assessment criteria).
 - *The reuse of existing buildings is generally suitable in all park settings. However, if the activity is in the orange area of the site suitability matrix in the assessment criteria, undertake a more detailed strategic assessment of the site.*
- If the site is agreed in-principle as suitable, confirm any site specific assessment requirements and proceed to undertake a REF and apply the sustainability assessment for built facilities and structures (*Template 3*) to incorporate as many sustainability elements as possible without adverse heritage impact.
- Separate detailed assessments may also be required to meet the statutory requirements of the Heritage Act.
- Confirm any requirements for consultation, including public exhibition, with the park manager. In this case, the REF and sustainability assessment are exhibited and consultation with the NPW Advisory Council occurs.
- The information provided in the REF and sustainability assessment, and any submissions, are considered and a determination made on whether the activity should proceed. Relevant decision-makers also determine whether any Heritage Act approvals should be granted.
- If successfully determined, the Minister (or delegate) will consider the information provided (including the DECCW determination report and any advice from the Advisory Council) and decide whether they are satisfied of the factors in s.151 and whether to grant the lease. Separate exhibition of the lease proposal is not required, as the REF has already been exhibited.
- If granted, the activity may proceed in accordance with the lease and any attached conditions, and any Heritage Act approvals.
- Building and infrastructure works will need to be certified as complying with the BCA and relevant Australian Standards. Follow the processes in the DECCW *Construction Assessment Procedures* (DECCW 2010e).

Example 4: Upgrade an existing building for new venue and function uses as an ancillary use to an accommodation facility

Type of activity: Venue

Approval required: Lease or licence under s.151 of the NPW Act.

Key steps:

- Contact the park manager to discuss the proposal and confirm requirements.
- In consultation with the park manager, confirm in-principle whether the proposal is consistent with the NPW Act, park policies and strategic plans (Appendix B).
- If the above is confirmed, in consultation with the park manager assess site suitability, including whether the proposal is consistent with the park setting (Appendix C and sustainability assessment criteria).
 - *The reuse of existing buildings is generally suitable in all park settings. However, if the activity is in the orange area of the site suitability matrix in the assessment criteria, undertake a more detailed strategic assessment of the site.*
- If the site is agreed in-principle as suitable, confirm any site specific assessment requirements and proceed to undertake a REF and the sustainability assessment for built facilities and structures (*Template 3*).
- Confirm any requirements for consultation, including public exhibition, with the park manager. In this case because the building has not previously been used for this purpose, it is exhibited under s.151E (notice in local paper and 14-day comment period).
- Consultation with the NPW Advisory Council is not compulsory (but may still occur) as the upgrade works do not involve significant modification of the building and the term is less than 10 years.
- The information provided in the REF and sustainability assessment is considered and a determination made on whether the activity should proceed.
- If successfully determined, the Minister (or delegate) will consider the information provided (including the DECCW determination report and any submissions) and decide whether they are satisfied of the factors in s.151B and whether to grant the lease or licence. If granted, the activity may proceed in accordance with the lease or licence and any attached conditions.
- Building and infrastructure works will need to be certified as complying with the BCA and relevant Australian Standards. Follow the processes in the *Construction Assessment Procedures* (DECCW 2010e).

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