Tourism Development in National Parks

National parks are “large natural areas containing a representative or outstanding sample of major natural regions, features or scenery” (Sch 1, Nature Conservation Act 2002 (Tas)). While national parks are declared for “protection and maintenance of the natural and cultural values”, some development may occur within the park boundaries.

This fact sheet examines the current rules governing tourist development in Tasmania’s national parks. Development must be consistent with set management objectives and, depending on the scale of the proposed activity, may require assessment by the Parks & Wildlife Service, a planning permit and/or a Commercial Visitor Service licence. The assessment process is designed to ensure that development does not compromise the values of our national parks, and provide opportunities for public input.

Management Plans

Under the National Parks and Reserves Management Act 2002 (Tas), the Director of Parks & Wildlife can develop a management plan for any national park. You can find management plans for Tasmania’s national parks on the Parks website.

Management plans can set out the specific activities and developments that may or may not take place within a national park. For example, a management plan may prohibit tourist development, restrict tourist development to specified areas within the national park or set strict criteria for allowable tourist development.

A management plan must be consistent with the management objectives set out in the Nature Conservation Act 2002. For national parks, the management objectives include:

- a) to conserve natural biological diversity;
- b) to conserve geological diversity;
- c) to preserve the quality of water and protect catchments;
- d) to conserve sites or areas of cultural significance;
- e) to encourage education based on the purposes of reservation and the natural or cultural values of the national park, or both;
- f) to encourage research, particularly that which furthers the purposes of reservation;
- g) to protect the national park against, and rehabilitate the national park following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the national park’s natural and cultural values and on assets within and adjacent to the national park;
- h) to encourage and provide for tourism, recreational use and enjoyment consistent with the conservation of the national park’s natural and cultural values;
- i) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives;
- j) to preserve the natural, primitive and remote character of wilderness areas.

These laws expressly encourage tourism activities within national parks, provided the activities are consistent with the conservation of the natural and cultural values of the park.

Many management plans for national parks in Tasmania provide for a Visitor Services Zone, or something similar, and allow tourist development only in that zone (for example, the Freycinet National Park Management Plan 2004). Other management plans provide general guidance on the types of visitor services (including accommodation) that may be considered appropriate, but do not explicitly restrict the development to certain zones (for example, the Maria Island National Park and Ile Des Phoques Nature Reserve Management Plan 1998).

Some management plans are also supported by more detailed Site Plans to guide development in specific areas (for example, the Russell Falls Visitor Services Site Plan 2010).

DISCLAIMER

This fact sheet is for information purposes only and is not legal advice. For advice about a specific issue, please contact EDO Tasmania on 6223 2770 or edotas@edo.org.au
Tourism activities in National Parks

**Development in the World Heritage Area**

Australia is a signatory to the World Heritage Convention. The Convention requires countries to protect, conserve and present the natural and cultural heritage values of properties on the World Heritage List. The Convention does not discourage tourism, but emphasises that activities within World Heritage Areas should not damage heritage values.

Developments proposed in the Tasmanian Wilderness World Heritage Area will be subject to the impact assessment process for Major Projects set out in the *Tasmanian Wilderness World Heritage Area Management Plan 1999*. The National Parks and Wildlife Advisory Committee will advise on the scope of the impact assessment and a timeframe for preparation of the assessment report.

The assessment report will be released for public comment for at least one month before the Minister decides whether to allow the proposed development to proceed. In most cases, a planning permit and approval under the EPBC Act will also be required (see below).

**Making and amending management plans**

If a management plan does not allow a particular development, a proponent can request that the management plan be amended. If the Director of Parks and Wildlife agrees to consider an amendment, a draft amended management plan must be released for public comment.

The Tasmanian Planning Commission will consider all issues raised in public submissions, the natural and cultural values of the national park and whether the proposed plan is consistent with the management objectives, before making a recommendation to the Minister regarding the proposed amendment to the management plan.

The Minister is not required to adopt the recommendation of the Commission. Once the Minister has declared a new or revised management plan, all activities undertaken within the national park must be consistent with that plan. Any planning permit issued (see below) must also be consistent with the management plan.

**Planning permits**

Most tourist development within a national park will require approval from the local council (sometimes called the ‘planning authority’).

The Director of Parks and Wildlife must give written consent before an application can be made for a proposed development within a National Park. For significant developments, this consent will not be given until a Reserve Activity Assessment has been completed (see below).

Whether a development proposal is permitted, prohibited or discretionary will depend on the planning scheme that applies to the area. You can find copies of all current planning schemes on the Planning Commission website.

If the proposal is discretionary, the development application must be released for public comment. The local council will consider all public representations, any expert reports, the terms of the management plan and the provisions of the relevant Planning Scheme when deciding whether to grant approval for the development.

Any person who made a representation has a right to appeal against a decision to grant a planning permit. For more information about the planning approval and appeal process, visit the Environmental Law Handbook or Going It Alone: A Guide for Unrepresented Litigants.

**Reserve Activity Assessment**

The *Tasmanian Reserve Management Code of Practice 2003* requires Reserve Activity Assessments to be undertaken in respect of most visitor services and infrastructure proposals. The Code specifies appropriate standards and practices for the assessment of new activities in national parks and reserves.

If the Parks & Wildlife Service is not satisfied with a Reserve Activity Assessment, consent will generally not be given to proceed with an application for a planning permit for the proposed activity. Some planning schemes also require an applicant to demonstrate that they have received a positive Reserve Activity Assessment.
Leases and Licences

National parks are public land, so tourism operators need a lease or licence from the government to undertake activities within park boundaries.

The Minister for Parks may grant a lease to any person to occupy an area of a national park for up to 99 years. In general, a lease must not authorise construction of a building unless the work would be allowed under the management plan. For example, the Freycinet Lodge currently holds a lease for the area covered by the accommodation facility and a licence to operate. The Lodge, which pre-dated the current management arrangements, is expressly recognised in the Freycinet National Park and Wye River State Reserve Management Plan 2000.

With few exceptions, any person who wants to operate a commercial business within a national park, including guided walks, standing camps, food outlets, canyoning tours or commercial filming, must obtain a licence.

Applications for a Commercial Visitor Services (CVS) lease or license must be made to the CVS Unit within the Parks & Wildlife Service. Applicants must provide information about the proposed activity and measures that will be taken to minimise the impacts on natural and cultural values within the National Park.

Depending on the scale of the proposed activity, a Reserve Activity Assessment (see above) may be required before a lease or licence will be issued.

Approval under the EPBC Act

The Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) implements Australia’s obligations under the World Heritage Convention. The EPBC Act requires any activity that could have a significant impact on the values of a World Heritage Area to be approved by the Federal Minister. Tourism developments proposed within the Tasmanian Wilderness World Heritage Area with the potential to impact on natural values will require approval from the Minister (in addition to the various permits outlined above).

Developments outside the World Heritage Area which may impact on the values within the World Heritage Area, or which will impact on listed threatened species or national heritage places, may also need to be assessed under the EPBC Act.

CASE STUDY: Three Capes Track

The Three Capes Track is a planned multi-day bushwalk within the Tasman National Park, connecting Cape Raoul, Cape Pillar and Cape Hauy. The project involves track construction and upgrades, provision for water services and new accommodation facilities within the National Park.

The State government project has been promoted for its economic benefits to the Tasman Peninsula. The project is also strongly opposed by a number of interest groups due to impacts on natural and scenic values of the National Park.

The project has been required to go through the following processes:

Amendment to the Tasman National Park Management Plan to allow the project. Nearly 250 public submissions were received by the Commission. The Commission recommend approval and the revised Management Plan was declared in 2009.

Reserves Activity Assessment (Level 4). This assessment required the preparation of a Development Proposal and Environmental Management Plan, which was released for public comment.

EPBC referral. The project was referred to the Federal Minister under the EPBC Act, as a number of listed threatened species were potentially impacted by the construction and operation of the track. The Federal Minister determined that approval was not required under the EPBC Act, provided the project was carried out in accordance with specified conditions.

Planning permit. The Parks & Wildlife Service submitted a development application to the Tasman Council for the project. The project was assessed against the Tasman Planning Scheme, which required an assessment of ecological impacts, weed management, impacts on Aboriginal heritage sites, eagle nest surveys and economic impacts. A planning permit was granted in June 2012.

For more information about the Three Capes Track project, visit the Government's project website and the campaign website opposing the proposal.