



environmental defender's office new south wales

Submission to the Taskforce for Tourism and National Parks

29th August 2008

The EDO Mission Statement

To empower the community to protect the environment through law, recognising:

- ◆ *the importance of public participation in environmental decision making in achieving environmental protection*
- ◆ *the importance of fostering close links with the community*
- ◆ *that the EDO has an obligation to provide representation in important matters in response to community needs as well as areas the EDO considers to be important for law reform*
- ◆ *the importance of indigenous involvement in protection of the environment.*

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Introduction

The Environmental Defender's Office of NSW (EDO) welcomes the opportunity to provide comment on the Taskforce for Tourism and National Parks inquiry. The EDO is a community legal centre with over 20 years experience specialising in public interest environmental and planning law.

The New South Wales national park system is home to some of Australia's most ecologically diverse and culturally unique areas. As noted in the 2004 State of the Parks Report:

“The NSW park system forms the cornerstone of the protected area network in New South Wales, areas vital for functioning ecosystems that provide the NSW community with clean air and water and maintain natural processes. The protection of cultural heritage is another important role of government and the park system is critical for protecting Aboriginal and historic heritage objects, places and landscapes that contribute to our spiritual well-being and reflect on our shared histories.”¹

The protection of these environmental assets should be the top priority for the Department of Environment and Climate Change (DECC) and the Department of Tourism NSW (DTNSW) who are administering this inquiry.

This submission aims to highlight the necessary considerations that need to be taken into account should the NSW Government pursue a course that encourages further public visitation and increased commercial activity in National Parks. A challenging balancing act exists to make sure that the interests of the public to access and enjoy the benefits of national parks are upheld, whilst ensuring the environmental integrity of the parks is retained.

This submission focuses on some of the key environmental concerns decision makers should be aware of when considering increased public access and commercial activity in NSW national parks. Adherence to the principles of Ecologically Sustainable Development and sustainable tourism will form the overarching recommendations of the EDO throughout this submission.

What are the State Plan visitation objectives?

Throughout the Terms of Reference there are multiple references made to the “visitation and tourism objectives” of the State Plan. It is therefore important to begin by identifying what these objectives entail. On 10 December 2007, Premier Morris Iemma released a 12 month progress report on the NSW State Plan. It made the references to the progress of objectives relevant to the Environment including:

“Priority E8 – More people using parks, sporting and recreational facilities, and participating in the Arts and Cultural activity”²

¹ Available at: <http://www.environment.nsw.gov.au/sop04/sop04foreword.htm>

² Available at: <http://www.nsw.gov.au/stateplan/index.aspx?id=177e3ee3-4716-4a5a-aa93-b506f73bc2b2>

The specific target referred to in this report relevant to parks was to, “(i)increase the number of visits to State Government parks and reserves by 20% by 2016.” Additionally the State Plan states that another of its targets is to “increase tourism in NSW by 10 million visitor nights by 2016.”³ This increase of visitation appears to be the main focus of the tourism objectives for the NSW government.

Role of DECC

The central piece of legislation relevant to the management of the NSW National Park system is the *National Parks and Wildlife Act 1974*, which is administered by the Department of Environment and Climate Change (DECC). Management of the NSW National Park system, in conjunction with the DECC operated National Parks and Wildlife Service, is one of DECC’s core responsibilities. The EDO submits that this inquiry, which is so central to DECC core functions be conducted by DECC, and not delegated to the DTNSW. The DTNSW has a very different mandate (and different objectives) to DECC. The EDO therefore submits that protection, conservation and long-term management of the NSW reserve system must remain the key focus and the agency responsible for ensuring this should have responsibility for this inquiry.

Key recommendations

Our key recommendations in regard to this inquiry are as follows:

- Any plans to increase tourism activity in the NSW National Park system should strictly adhere to the principles of Ecologically Sustainable Development and Sustainable Tourism.
- The responsibility for National Park management falls clearly within the core duties of DECC, and any additionally input from DTNSW should serve only a complementary role.
- It is fundamental that the environmental safeguards contained in the *National Parks and Wildlife Act 1974* and the *Wilderness Act 1987* are retained. Any weakening of these instruments in the name of achieving short term tourism goals should be strictly prohibited.
- It is essential that groups with expertise in indigenous, cultural, heritage, community and environmental matters be involved from an early stage in the consultation process.
- Appropriate allocation of adequate funding and sufficient resources are essential to ensure the conservation of natural assets in National Parks.
- Revocation to support commercial developments in parks or wilderness areas should categorically be rejected.

The Australian Network of Environmental Defender’s Offices (ANEDO) prepared a submission in 2006 for a federal inquiry titled “Australia’s national parks, conservation reserves and marine protected areas”. Many of the principles and objectives highlighted in

³ New South Wales State Plan, pg 7.

that document are relevant to this inquiry, and a copy of this submission is available on the EDO website⁴.

Part One: Propose conservation, visitation and tourism objectives, targets and measures for Parks and related land tenures over the next 1 to 3 years to support State Plan targets and identify planning, development and promotional strategies to support those objectives.

1.1 Incorporation of the principles of ESD

The terms of reference state that the purpose of this submission is to “advise the Ministers for the Environment and Tourism on practical methods to expedite the realisation of NSW State Plan objectives”. As noted above, the major objectives identified in the NSW State Plan regarding tourism relate to increasing the number of visits by 20% in parks and visitor nights by 10 million a year more generally in NSW. These are ambitious figures which will require significant planning and preparation to ensure the approach taken to achieve this short term goal is not done at the expense of environmental assets. If such an increase in tourist numbers is not managed correctly, history has demonstrated that environmental degradation may well eventuate:

“Recreational activities can result in the direct disturbance of animals or the destruction of habitats, such as by divers on the Great Barrier Reef or by walkers on alpine feldmark in the high country of Kosciuszko National Park”⁵.

In an attempt to mitigate the potential environmental degradation that may arise from increased tourism in national parks, the EDO recommends that when setting conservation, visitation and tourism objectives, measures should be taken to ensure that there is strict adherence to the principles of Ecologically Sustainable Development (ESD). The *National Parks and Wildlife Act 1974* stipulates that the objects of the Act “are to be achieved by applying the principles of ecologically sustainable development.”⁶ Such principles include the Precautionary Principle and the principle of Intergenerational Equity.

The Precautionary Principle in the context of environmental protection essentially pertains to the management of scientific risk.⁷ The following statement demonstrates how the application of the Precautionary Principle can assist in protecting conservation values, even where the full extent of impacts may be uncertain:

“Conservation depends on methods that explicitly deal with uncertainty. The precautionary principle may provide a framework for dealing with uncertainty in the decision making process and provide a motivation to improve knowledge.”⁸

⁴ Available at: <http://www.edo.org.au/edonsw/site/policy.php>

⁵ Lindenmayer, D. & Burgman, M. 2005, *Practical Conservation Biology*, CSIRO Publishing, Australia.

⁶ Section 2A(2).

⁷ “Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation” United Nations Conference on Environment and Development (UNCED), Rio de Janeiro, 1992.

⁸ Lindenmayer, D. & Burgman, M. 2005, *Practical Conservation Biology*, CSIRO Publishing, Australia.

Another important element of ESD that should be incorporated into the achievement of the NSW State Plan objectives is the principle of Intergenerational Equity. Intergenerational Equity is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”⁹. Adherence to this principle, and the other relevant elements of ESD, is fundamental to ensure that any actions taken by decision makers do not focus solely on achieving the short term objectives of the NSW State Plan. Decision makers need to implement strategies that seek to achieve these short term targets in a way that does not compromise the natural assets or longevity of NSW national park system.

1.2 Ecotourism and Sustainable Tourism

In regard to tourism and national parks, there are two popular terms that are often referred to as having environmentally beneficial connotations; sustainable tourism and ecotourism. Ecotourism is defined as:

“Tourism that allows for the enjoyment and understanding of the nature and culture of a destination while producing economic benefits and actively promoting environmental conservation.”¹⁰

The EDO welcomes the development of conservation, visitation and tourism objectives that operate in accordance with the principles of genuine ecotourism. We would support definitions and criteria to ensure ecotourism developments are genuinely low impact and sustainable, and not simply a ‘branding’ exercise in greenwash. Additionally, the EDO recommends that the principles of sustainable tourism also be incorporated into any plan that attempts to increase tourism levels in the NSW national park system:

“Sustainable tourism in its purest sense, is an industry which attempts to make a low impact on the environment and local culture, while helping to generate income, employment, and the conservation of local ecosystems. It is responsible tourism that is both ecologically and culturally sensitive.”¹¹

For sustainable tourism to be achieved, “a workable balance must be struck between the welfare of the community, the environment and a viable local economy.”¹²

The EDO therefore recommends that those bodies responsible for expediting “the realisation of NSW State Plan objectives” strictly adhere to the principles of ESD and sustainable tourism when developing conservation, visitation and tourism objectives for the NSW National Parks System. Should any of these principles not be included as

⁹ World Commission on Environment and Development 1990, *Our Common Future*, Australian edn, Oxford University Press, Melbourne, p.85.

¹⁰ Ayala, H. 1996, Ecoresort: a ‘Green’ masterplan for the international resort industry, *International Journal of Hospitality Management*, Vol. 14, Pgs 351-374.

¹¹ "Urban Environmental Management Sustainable Tourism". Global Development Research Center. Retrieved on 2007-12-06.

¹² McLeod, C., Nolan, G. & Bartholomew, M. 2008, *Sustainable tourism precincts in rural and regional areas: case studies in Australia and New Zealand*, Sustainable Tourism Cooperative Research Centre, Queensland.

fundamental elements of the NSW objects when increasing tourism in national parks, then the potential long-term sustainability of these areas is likely to be compromised when attempting to attain short term tourism goals.

Part Two: Identify and consult with other potential partners, including industry, other land managers such as Forests and Lands and other States to assist in making recommendations on the delivery of agreed tourism objectives.

The EDO supports a comprehensive consultation process. However, we are concerned at the focus of this term of Reference on stakeholders with commercial interests such as “industry” and “other land managers.” It is essential that key groups with expertise in matters relevant to the conservation and management of national parks play a key role and are comprehensively represented in the consultation process.

For example, Traditional Owners and indigenous play a key role in the consultation process. This is essential for Indigenous Co-management arrangements through Part 4A of the *National Parks and Wildlife Act 1974 (NSW)*, and more broadly.

The EDO therefore recommends that groups with expertise in indigenous, cultural, heritage, community and environmental matters be involved from an early stage in the consultation process.

Part Three: Review existing research and information, especially from other relevant jurisdictions, necessary to inform tourism in parks including information to understand potential impacts of tourism on conservation and biodiversity values of parks and commission new research, where appropriate.

There are a number of both direct, and indirect, impacts arising from increased tourism in parks that can affect the conservation and biodiversity values of parks. The objects of the State Plan aim to increase the amount of public visitation to national parks and it is therefore important that mechanisms be implemented to minimise the potential environmental impacts that may arise from increased anthropogenic activity in these areas. There are a range of major potential environmental impacts that may arise from attempting to achieve the increased visitation and tourism objectives contained in the State Plan

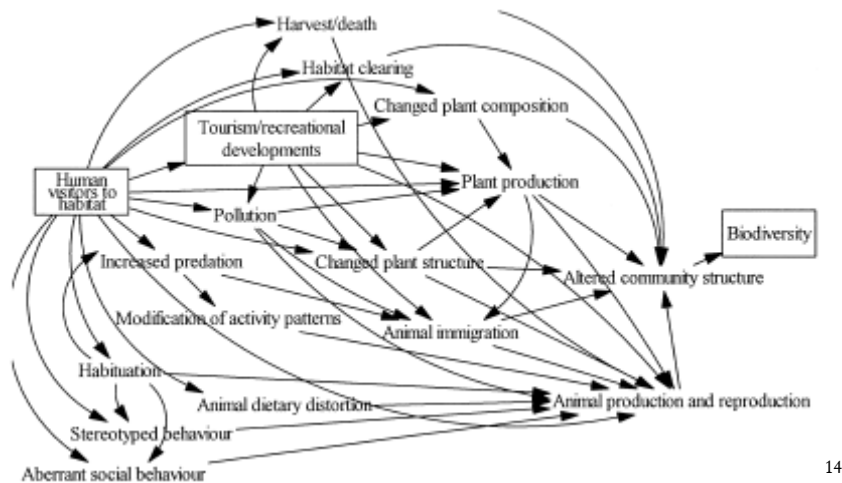
The EDO submits that it is essential to recognise where the major environmental concerns lie in order to implement effective legislation and policy that incorporate provisions that address such issues.

An obvious potential environmental impact that may arise relates to the additional infrastructure that is required to accommodate an increase in tourist visits to national parks. Infrastructure such as tracks, trails, roads, lookouts, fixed campsites and other types of accommodation all have the potential to influence biodiversity levels, and disturb the delicately balanced ecological webs that exist in these areas.

The impacts associated with tourism activities themselves should also not be underestimated; activities such as camping, horse riding, walking, off-road driving and mountain biking. These activities can cause “changes to the hydrology of the site, soil conditions including nutrients and erosion, as well as the introduction of weeds and pathogens”¹³. The impact of introduced weeds and pathogens through transportation in mud on footwear, tent pegs, trowels, horse hooves, bike tires and seeds on shoes, clothing and equipment provides a formidable challenge to those bodies responsible for park management.

How best to address the disposal of human waste is another example of the broad nature of issues that are required to be addressed. Increased nutrient levels from inadequate disposal of such waste can cause changes to water quality, soil quality, species composition and ecosystem function.

The complexity of the interaction between tourism and factors such as biodiversity levels should not be underestimated, and is well illustrated in the diagram below:



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It is essential that those bodies responsible, such as DECC and DTNSW, make provisions to ensure that these impacts are minimised when attempting to increase tourism in National Parks. The EDO submits that substantial efforts should be made to mitigate the impacts that arise from increased tourism and associated infrastructure and ensure that those adaptations are done so in an ecologically sustainable manner.

In terms of mechanisms to manage and prevent certain impacts, the EDO submits that there are a number of fundamental elements: any tourism activity in national parks must be subject to comprehensive environmental impact assessment, decision-makers must consider cumulative impacts and off-park impacts in addition to direct impacts, tourist

¹³ Pickering, C.M. & Hill, W. 2007, Impacts of recreation and tourism on plant biodiversity and vegetation in protected areas in Australia, *Journal of Environmental Management*, Vol. 85, Pgs 791-800.

¹⁴ Reynolds, P.C. & Braithwaite, D. 2001, Towards a conceptual framework for wildlife tourism, *Tourism Management*, Vol. 22, Pgs 21-42.

developments in parks must not be ‘fast-tracked’ at the expense of EIA processes, and sensitive areas should be no-go zones for high impact activities.

Part Four: Identify any legislative, regulatory and structural constraints to the achievement of the State Plan visitation objectives and make recommendations on overcoming any such barriers.

4.1 Relevant Legislation

The two key pieces of NSW legislation applicable to the national park system are the *National Parks and Wildlife Act 1974* and the *Wilderness Act 1987*. Both instruments contain rigorous environmental safeguards aimed at preserving the environmental assets contained in national parks. The EDO submits that it is entirely appropriate that these Acts include constraints on the way in which tourism activities can be conducted in certain areas. Their objects emphasise the need for “permanent protection”¹⁵ and “proper management”¹⁶ which “are to be achieved by applying the principles of ecologically sustainable development”¹⁷. The EDO in no way recognises these constraints as “barriers” that should be attempted to be overcome. Instead they should be viewed as providing important safeguards to ensure that operations are conducted in an environmentally sustainable manner.

4.2 Legislative Objectives

As noted above, the central piece of legislation relevant to the management of the NSW national park system is the *National Parks and Wildlife Act 1974*, which is administered by the Department of Environment and Climate Change. The Act states that:

“the purpose of reserving land as National Parks is to identify, protect and conserve areas containing outstanding or representative ecosystems, natural or cultural features or landscapes or phenomena that provide opportunities for public appreciation and inspiration and sustainable visitor use and enjoyment”¹⁸.

This clause highlights the reasons for protecting these areas of land is two-fold; firstly to conserve the environmental assets of an area, and secondly to ensure the public are provided opportunities to appreciate these areas. Additionally, the *National Parks and Wildlife Act 1974*, provides a number of guiding principles in relation to management of national parks, including:

“provision for sustainable visitor use and enjoyment and that is compatible with the conservation of the national park’s natural and cultural values”¹⁹.

These sections demonstrate that opportunities already clearly exist within the *National Parks and Wildlife Act 1974* for tourism activities in national parks, and that alteration of

¹⁵ Section 3(a), *Wilderness Act 1987*.

¹⁶ Section 3(b), *Wilderness Act 1987*.

¹⁷ Section 2A(2), *National Parks and Wildlife Act 1974*.

¹⁸ Section 30E(1), *National Parks and Wildlife Act 1974*.

¹⁹ Section 30E(2)(e), *National Parks and Wildlife Act 1974*.

the legislation is unnecessary in order to pursue the objectives of the NSW State Plan. The current provisions appropriately provide for tourism activities by imposing necessary conditions and certain constraints such as that the activities be “compatible” with the conservation objectives of the legislation. It is vital that these constraints are upheld and that any attempts to achieve the objectives of the inquiry to increase tourism activity in national parks, do not come at the expense of weakening the conservation objectives set out in the relevant legislation.

Similarly, the EDO does not support any weakening of the *Wilderness Act 1997* to facilitate increased tourism. Areas are designated under the Act due to their unique and unspoilt attributes, and the purpose of the legislation to protect sacrosanct wilderness areas has been confirmed by the Land and Environment Court.²⁰

4.3 Revocation of national parks

The ANEDO response to the federal inquiry entitled “Inquiry into Australia’s national parks, conservation reserves and marine protected areas”, outlined the position on revocation of national parks. That submission stated that whilst there may be occasional boundary adjustments in exceptional circumstances, these do not include revocation to support commercial developments in parks or wilderness areas.²¹

4.4 Categories of Land Reservation

Potential for increased tourist activity may have different impacts for different categories of reserved land. Part 4 of the *National Parks and Wildlife Act 1974* outlines a series of different categories of land reservation. They include national parks, wilderness areas, historic sites, state conservation areas, regional parks, karst conservation reserves, nature reserves, and Aboriginal areas. Division 2 of the *National Parks and Wildlife Act 1974* outlines, through the different management principles, the purposes for declaring an area as one of the previously mentioned categories of land.

A comparison of Nature Reserves and Regional Parks is an example that demonstrates the very different management principles that attach to the various categories of land. Nature reserves are declared “to identify, protect and conserve areas containing outstanding, unique or representative ecosystems, species, communities or natural phenomena”²². Regional Parks however are reserved “to identify, protect and conserve areas in a natural or modified landscape that are suitable for public recreation and enjoyment.”²³

It is apparent that there will be different constraints on increasing tourism activity throughout the NSW national park system depending upon the classification of the area in question. Any plans to increase tourism levels in an area should take into account the

²⁰ *Blue Mountains Conservation Society Inc v Director-General National Parks and Wildlife; the Minister for the Environment and AFG Talons Pty Ltd (2004) NSWLEC 196* (“Stealth” Case).

²¹ ANEDO submission pg 17, notes “if there is no alternative to revocation there must be clear protocols in place including large offset ratios of compensatory reservation.”

²² Section 30J(1), *National Parks and Wildlife Act 1974*.

²³ Section 30H(1), *National Parks and Wildlife Act 1974*.

relevant management principles applicable to the land in question. Again these management principles should not be viewed as “barriers” to be overcome, but instead as important environmental safeguards that should not be weakened in order to obtain the short term visitation objectives of the NSW State Plan.

The EDO does not support any downgrading of conservation status to facilitate tourist development, rather tourism operations should be considered only for areas of least impact.

4.5 State of the Parks 2004 Report

The 2004 *State of the Parks Report* (the Report), released in June 2005 by the then Department of Environment and Conservation (DEC), has been heralded by bodies such as the International Union for Conservation of Nature as setting “a world wide standard in the comprehensiveness of the issues and for the systematic analysis of the best available information”²⁴ in relation to national parks. It is widely considered a best practice example of how park management should be conducted, and is certainly a document that should be taken into account when developing strategies to increase tourism levels within NSW national parks. It makes the following comment:

“The primary purpose of the NSW park system is to provide security in perpetuity for the state’s natural and cultural heritage.”²⁵

Whilst this purpose does not necessarily arise in direct competition to the tourism objectives of the NSW State Plan, it does suggest that the priorities for maintaining these areas are largely aimed at preserving environmental assets. The EDO submits that this conservation aspect is so heavily emphasised due to the simple fact that should these environmental assets no longer exist, the secondary issues of access and public appreciation of these areas becomes irrelevant, and therefore conservation of the asset is the appropriate priority.

Another important point contained in the Report relevant to this inquiry is the prioritisation of three Primary Objectives identified for “Building the NSW park system”²⁶. The first is the Comprehensive, adequate and representative goal which aims to “protect significant geological features and landforms... and to protect samples of as many of the state’s ecosystems and habitats as possible, which in turn will protect the natural processes, plant and animal communities and species that occur”. The second is Importance to People which aims to “protect samples of land with cultural value to people such as place, objects and features of significance to Aboriginal people and historic places and buildings.” The third, Adequacy and Security aims to “protect parks of an adequate size and configuration to provide long term security for the natural and cultural values they support and to adequately provide for public enjoyment and appreciation”.

²⁴ Letter to the Hon. Bob Debus MP, from Nikita Lopoukhine, Chair, IUCN World Commission Protected areas, 11 May 2005. Available at: <http://www.environment.nsw.gov.au/images/sop04/sop04prelimfig.jpg>

²⁵ Available at: <http://www.environment.nsw.gov.au/resources/sop04/sop04chap2.pdf>.

²⁶ Page 23 of the State of the Parks Report 2004. Available at: <http://www.environment.nsw.gov.au/resources/sop04/sop04chap3.pdf>.

It is important to acknowledge that this Report has been identified as “an excellent report that will be copied world wide”²⁷. This recognition is testament to the fact that the purposes and objectives contained in the Report applicable to preserving the NSW national park system are very relevant considerations that should be taken into account by the decision makers administering this inquiry.

Part Five: Assess a wide range of considerations including but not limited to:

- a) Develop opportunities associated with the Parks estate, including adaptive reuse of existing facilities, volunteering opportunities, and opportunities for other new tour/experience based products;
- b) Ticketing and pricing structures to promote tourism;
- c) Licensing and accreditation standards for commercial operators, and
- d) Training needs for guides and visitor services to support the visitor experience and commercial objectives.

a) Develop opportunities associated with the Parks estate, including adaptive reuse of existing facilities, volunteering opportunities, and opportunities for other new tour/experience based products;

In order to attain the State’s objective of increasing tourism to the NSW National Park System, there will be a need to increase the infrastructure required to accommodate such numbers. There will also be a necessity for increased personnel. Adaptive re-use of building should undoubtedly be an avenue that the responsible bodies should investigate. The EDO supports the augmenting of facilities *within* their existing footprints. Adaptive reuse of buildings, especially those with significant heritage or cultural values, provides economic benefits through avoiding both demolition and construction costs, social benefits through maintaining infrastructure of historic importance, and environmental benefits through saving approximately 95% of the “embodied energy”²⁸ in a building.

The incorporation of a well directed and environmentally responsible volunteer program has the potential to alleviate some of the economic and personnel pressures placed on park management bodies. Decision makers must be aware that the desire of an individual to want to contribute to positive environmental outcomes does not always result in such outcomes being achieved. Supervision, guidance and explanation of the objectives and methodology to be implemented to assist in park management are crucial to ensure that efforts of volunteers effectively contribute to the longevity of the park system.

In regard to suggestions for new tour/experienced based products, an emphasis should clearly be placed on environmentally sustainable activities. There should be an emphasis on forms of tourism such as non-consumptive wildlife-oriented recreation (NCWOR) tourism, which if well managed can result in long-term conservation of wildlife resources.

²⁷ Letter to the Hon. Bob Debus MP, from Nikita Lopoukhine, Chair, IUCN World Commission Protected areas, 11 May 2005. Available at: <http://www.environment.nsw.gov.au/images/sop04/sop04prelimfig.jpg>

²⁸ The CSIRO defines embodied energy as the energy consume by all of the processes associated with the production of a building, manufacturing of materials and equipment, transport and administrative functions.

“Such tourism offers a realistic chance for the conservation of wildlife resources in the long term, especially important when wildlife resources are dwindling due to habitat destruction, poaching and other human actions. This is because by showing a sustainable economic value for wildlife resources, habitat destruction, poaching and other threats can be reduced”²⁹.

On an additional note, the biodiversity objectives of the NSW State Plan include the following:

- “By 2015 there is an increase in the number of sustainable populations of native fauna species
- By 2015 there is an increase in the recovery of threatened species, populations and ecological communities”.

An emphasis on NCWOR tourism is likely to contribute to the achievement of the above goals.

b) Ticketing and pricing structures to promote tourism

The expertise of the EDO does not lie in the area of economics, however it is widely understood that the allocation of adequate funding and sufficient resources are essential to ensure the conservation of natural assets.³⁰

Appropriate consideration must be given to ticket prices to ensure that sufficient revenue is available to mitigate anthropogenic impacts from increased tourism activity in national parks. Should the status of the environmental resources begin to degrade, so too will the level of tourism:

“As the environment is an indispensable asset to the tourism industry, the protection and conservation of environmental resources (which include natural, cultural and historic resources) are prime considerations for the tourism industry, upon which it depends as primary inputs in the production of the tourist output.”³¹

c) Licensing and accreditation standards for commercial operators, and

d) Training needs for guides and visitor services to support the visitor experience and commercial objectives

Both these factors are important considerations, and can be addressed under the same broad umbrella of concerns. In order to ensure that the environmental assets of NSW’s national parks are maintained throughout the projected increase in tourism, a system must be established to ensure that those commercial operators obtaining an economic benefit are conducting business in an environmentally responsible manner. Appropriate licensing and accreditation standards for commercial operators that encourage the implementation

²⁹ Wilson, C. & Tisdell, C. 2001, Sea turtles as a non-consumptive tourism resource especially in Australia, *Tourism Management*, Vol. 22, Pgs 279-288.

³⁰ Lindenmayer, D. & Burgman, M. 2005, *Practical Conservation Biology*, CSIRO Publishing, Australia.

³¹ Lim, C. & McAleer, M. 2005, Ecologically sustainable tourism management, *Environmental Modelling and Software*, Vol. 22, Issue 11, pp 1431-1438.

of practices consistent with the legislation, the elements of sustainable tourism and ESD, are essential for the longevity of the NSW national park system. Without rigorous licensing and accreditation standards in place to monitor those commercial activities occurring with the national park system, exploitation of national park resources is likely to occur by entities keen to extract a commercial benefit at the lowest economic cost.

The EDO recommends that provision be made for establishing standards, accrediting participants, independently auditing compliance, and enforcing relevant penalty provisions.

With regard to training needs for guides and visitor services, such practices should be encouraged to “support the visitor experience” through ensuring more knowledgeable guides and visitor services are available for tourism. Second, if those individuals responsible for Park Management are provided with increased education of the environmental processes that exist with national parks, better management programs are likely to be introduced which in turn will lead to enhanced environmental outcomes. Third, one of the objects of the *National Parks and Wildlife Act 1974* includes “fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation”³². Additional funding into appropriate training needs for guides and visitor services is in accordance with this Object.

In April this year a new tourism initiative was introduced in Kakadu Nation Park that made it compulsory for all tourism operators to have a guide present on each tour who had undergone the recently released accreditation program. The program is called the Kakadu Knowledge for Tour Guides Program and provides,

“entry-level training covering all the things a tour guide should know when working in Kakadu – including key areas of visitor safety, understanding the park’s natural and cultural values and history, minimising environmental impact and legal compliance.”³³

Those tour groups that are not accompanied by a guide who has undergone the program are required to employ a local guide who holds the appropriate certificate. The EDO would encourage similar standards of certification be implemented when attempting to achieve the tourism objectives set out in the NSW State Plan.

Careful consideration must also be placed on the consequences that may arise following the allocation of permits for tourism activities in NSW national parks. Many of the Plans of Management developed for NSW parks place a strong emphasis on ensuring Traditional Owners are given the opportunity to play a key role in the operation of local tourism activities. This strategy encourages the maintenance and protection of areas of cultural importance, provides tourists with a greater understanding of the indigenous significance of a site, and provides indigenous communities with opportunities for employment and income. On account of these benefits, the EDO submits that in circumstances where a limit exists on the number of permits available for tourism activities in areas of indigenous significance, Traditional Owners should be given priority in the allocation of such

³² Section 2A 3(c), *National Parks and Wildlife Act 1974*.

³³ Available at: <http://www.environment.gov.au/parks/permits/kakadu-tours.html>.

permits. The Booderee National Park Management Plan provides an example of such a strategy;

“Where limits are set, opportunities for permits will be reserved for the Wreck Bay Aboriginal Community enterprises and other applications for permits for commercial tours will be assessed on an open competitive basis if more than one tour company is interested in the same commercial tourism opportunity.”³⁴

The EDO submits that permit strategies analogous to the one above be retained in those NSW Park Management plans that currently contain them, and that any attempt to achieve the tourism objectives in the NSW State Plan must encourage the involvement and consultation of the Traditional Owners of an area.

Part Six: Articulate the benefits of tourism in contributing to conservation, including case studies and development models of successful tourism activities in protected areas in Australia and overseas (including comparisons with parks in VIC and QLD, highlighting aspects that work, similarities and differences).

The EDO recognises that benefits can arise from increasing tourism in national parks, such as increasing funding levels to conservation activities and public education of environmental issues through increased ticket revenues. This benefit can be enhanced by ensuring tourist satisfaction levels are retained in those areas that are often visited. A recent study looked at tourist satisfaction indicators, and discovered that;

“Conditions considered of greatest importance in determining visitor’s quality of experience included litter, inadequate disposal of human waste, presence of wildlife, levels of noise, and access to beach and ocean”³⁵.

This illustrates that any benefits are very much dependant on preserving national park areas in their natural state. The public should be encouraged to experience the cultural, scenic, recreational, heritage and ecological values of the NSW national park system, as parks provide invaluable practical environmental education and enjoyment. It is important however, that those bodies responsible for park administration ensure that these experiences are carried out in an environmentally responsible manner, and ensure that negative cumulative environmental impacts do not outweigh short-term financial benefits.

The Overland Track through Tasmania’s Wilderness World Heritage Area is a good example of where effective tourism strategies have been implemented to maintain the environmental assets of a protected area. The Tasmanian Parks and Wildlife Service developed a booking system that limits tourism levels throughout the peak walking season (1 November – 30 April). These restrictions cap the number of walkers at 34 independent bushwalkers (maximum party size of 8), and 2 groups of up to 13 commercial and

³⁴ Booderee National Park Management Plan. Available at: <http://www.environment.gov.au/parks/publications/booderee/pubs/management-plan.pdf>.

³⁵ Moore S.A. & Polley, A. 2007, Defining indicators and standards for tourism impacts in protected areas: Cape Range National Park, Australia, *Environmental Management*, Vol. 39, Pgs. 291-300.

community groups departing per day. This booking system aims to serve a number of purposes;

“Managing the total number of walkers departing each day will help to reduce the extent and occurrence of overcrowding at campsites. It will also help to provide a better experience for walkers and reduce environmental impacts.”³⁶

Queensland has implemented similar strategies to protect some of its iconic environmental assets. The Whitsundays Plan of Management came into effect in 1998 and introduced a system that both capped the number of, and placed restrictions on, commercial tour operations in the Setting 5 (protected setting) area of Hill Inlet near Whitehaven Beach. These included such restrictions as ensuring the size of the vessel was under 20m, the maximum group size was limited to 15 people and each group was accompanied by a mandatory guide. Unfortunately these restrictions were insufficient to prevent environmental damage, and as such when amendments occurred to the Plan of Management in November 2005, only those individuals with historical use of the area were permitted to use the area.

The above examples demonstrate the difficulties that can arise when attempting to achieve the dual objective of both enhancing the visitor experience whilst retaining the environmental assets of an area. The decision makers responsible for developing strategies to increase tourism numbers to the NSW national park system should analyse both effective and unsuccessful examples to ensure that those environmental assets that encourage visitation are retained.

Part Seven: Make recommendations as to appropriate terms for a Memorandum of Understanding between DECC and Tourism New South Wales encompassing:

- a) Stated visitation objectives;**
- b) Ensuring the appropriate conservation and biodiversity values remain protected; and**
- c) Removing any unnecessary legislative, regulatory and structural constraints to State Plan tourism objectives.**
- d) Identifying mechanisms to increase management resources and conservation benefits from tourism in national parks.**

The EDO supports the development of a Memorandum of Understanding (MOU) between Department of Environment and Climate Change (DECC) and the Department of Tourism NSW (DTNSW) to clarify the roles and responsibilities of those parties involved in developing tourism objectives under the NSW State Plan.

Clarification of roles is required and EDO submits that DECC must retain the primary management and decision-making role. Having contacted DECC to obtain further information regarding this inquiry, the EDO was informed that it is DTNSW that is

³⁶ Tasmanian Department of Environment, Parks, Heritage and the Arts, *Great Bushwalks The Overland Track, Cradle Mountain – Lake St Clair National Park*. Available at: http://www1.parks.tas.gov.au/factsheets/great_bushwalks/Overland.pdf

responsible for the administration of this inquiry, and DECC did not have a contact person specifically working on it. This is certainly an extremely irregular situation, as the *National Parks and Wildlife Act 1974* clearly stipulates, at section 31 of the concerning Care, control and management of parks and sites lies with the Director-General of DECC.³⁷

Therefore it is essential that the MOU between these two departments recognises the fact that the responsibility for national park management falls clearly within the core duties of DECC, and any additionally input from DTNSW should only serve as a complementary role. Additionally, it is fundamental that the environmental safeguards contained in the relevant legislative instruments remain paramount when considering additional tourism activities in national parks.

a) Stated visitation objectives

Whilst the obvious “visitation objective” in the State Plan is to increase tourism, it is fundamental that the path taken to achieve this goal is done so in a manner that doesn’t compromise the environmental values of an area. As discussed in relation to the first term of reference, strategies to achieve this goal should be constructed in accordance with the principles of ESD and sustainable tourism. By incorporating these principles into park management strategies, the task of protecting “conservation and biodiversity values” becomes significantly easier. Furthermore, as noted above, for some popular but sensitive sites, it may be appropriate and necessary to cap visitation numbers to ensure long-term sustainability.

Additionally, the EDO recommends that any MOU between DECC and DTNSW must incorporate a number of overarching environmental principles (for example, the principles of ESD) that are to be abided by when attempting to achieve the tourism objectives noted above.

b) Ensuring the appropriate conservation and biodiversity values remain protected.

As outlined above, within NSW there are various categories of protected areas including national parks, wilderness areas, historic sites, state conservation areas, regional parks, karst conservation reserves, nature reserves, and Aboriginal areas. A piece of land is reserved under one of these various classifications in order to achieve a certain outcome; for example if an area is declared a nature reserve, it is done “to identify, protect and conserve areas containing outstanding, unique or representative ecosystems, species, communities or natural phenomena”³⁸. This example highlights the fact that different categories of protected area will require different measures to protect the conservation and biodiversity values of that particular area. Additionally, it is important to ensure that decision makers understand that some areas will simply be unavailable for increased tourism activity due to their environmental, heritage or cultural sensitivity and significance. It is therefore fundamental that DECC and DTNSW factor in the specific

³⁷ Section 31.

³⁸ Section 30J(1), *National Parks and Wildlife Act 1974*.

legislative management principles and restrictions attached to an area before decisions regarding increased tourist activity or commercial exploitation are made.

c) Removing any unnecessary legislative, regulatory and structural constraints to State Plan tourism objectives.

As noted in relation Term of Reference 4, the EDO submits that the environmental safeguards, conservation objectives, planning and management principles enshrined in the *National Parks and Wildlife Act 1974* and the *Wilderness Act 1997* are essential for the long-term sustainable management and public enjoyment of NSW reserves. We do not support any weakening of these vital legislative processes and protections for short-term financial gain. Parks must be managed long-term for future generations to enjoy, and not just to meet 1-3 year commercial goals of the State Plan.

d) Identifying mechanisms to increase management resources and conservation benefits from tourism in national parks.

An increase in tourism in national parks will be accompanied by an increase in revenue which should, if managed and allocated appropriately, provide an opportunity for greater efforts to be put into conservation and park management. However, should this increased revenue be allocated in a way that does not focus primarily on the retention of the environmental values of the park, losses will occur both in terms of tourist numbers and biodiversity levels. Furthermore, as discussed in relation to the third Term of Reference, there are still areas concerning the increased amount of anthropogenic activity in parks that require further research to understand their full impacts.

Due to the complexity of human impacts on biodiversity and ecosystems within parks (as illustrated above) and potential for unforeseen environmental consequences, the EDO submits that a portion of those funds from increased tourism to national parks be held in trust for remediation works that may be necessary to address unforeseen circumstances, and compliance and education resources to prevent future impacts. Funding from such a trust could assist in conducting ongoing conservation activities.

Conclusion

It is important that the State Government continue to encourage the public to experience the cultural, scenic, recreational, heritage and ecological values of the NSW national park system. It is equally important however that appropriate mechanisms are implemented to ensure that the longevity and environmental integrity of these areas is retained. The tourism objectives outlined in the NSW State Plan are certainly ambitious and will require careful planning to minimise the impact from increased anthropogenic activity in these environmentally significant areas. The EDO recommends strict adherence to four key elements to ensure these areas remain protected.

The first is to ensure that DECC, as stipulated by the *National Parks and Wildlife Act 1974*, remain the key body responsible for the administration of the NSW National Park

system. Any additional assistance from DTNSW should serve purely a complimentary role.

Second, it is fundamental that the current environmental safeguards contained in the *National Parks and Wildlife Act 1974* and the *Wilderness Act 1987* are retained. They provide regulations which have to be complied with when conducting tourism operations within certain areas. These regulations should not be seen as constraints or “barriers” which are to be overcome but instead as providing important safeguards to ensure that operations are conducted in an environmentally sustainable manner. Any weakening of these instruments in the name of achieving short term tourism goals should be strictly prohibited. The longevity and environmental integrity of these systems should be the key priorities of DECC, and any degradation of the legislative framework that protects these areas should be strictly disallowed.

Third, the decision makers in charge of this inquiry must be aware that there are areas within the NSW National Park System that are simply inappropriate for increased tourist activity or commercial exploitation; whether this be as a result of reasons such as environmental fragility, heritage or cultural significance, some areas will have to remain unaltered.

The final element that must be incorporated into any plans to increase tourism activity in the NSW national park system is strict adherence to the principles of Ecologically Sustainable Development and sustainable tourism. Retention and protection of the flora and fauna of national parks is critical. The importance and care required when approaching this task should not be underestimated. These four elements must underpin any measures developed to achieve the goals set out in the NSW State Plan, otherwise the unique environmental asset upon which the tourism is based will be degraded.