



Senator Doug Cameron
Senator for New South Wales

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Mr Peter Ridgeway
President
Blue Mountains Conservation Society
PO Box 29
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Dear Mr Ridgeway ^{Peter}

Thank you for your letter dated 24 May 2013 concerning the outcomes of the *Blue Mountains Environmental Plan* public meeting.

I raised the Society's concerns about the standard LEP in Senate Estimates on 29 May 2013 when I questioned officers of the Federal Department of Sustainability, Environment, Population and Communities.

I also asked questions about recreational hunting in National Parks and the implications for the Blue Mountains World Heritage Area.

An extract of the transcript is enclosed for the information of your members.

Clearly both issues are 'top of mind' for the Federal department and I am more than happy to continue to raise the Society's concerns.

Yours sincerely

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CHAIR: I know Windsor Square. If you cannot get some heritage protection there, I just do not understand what the act does if it cannot protect one of the oldest and only examples of that type of architecture in the country.

Dr Dripps: We might take that as a comment, Senator, if that is okay.

CHAIR: Pass it on. It really is of significant community concern as well. I know that you get significant community concern on certain issues. Mr Murphy, you did not answer my question about what the timeframe would be for a decision, even if it is not an emergency decision. What would be the timeframe for the second assessment?

Dr Dripps: The minister generally makes his decisions about inclusion of items on the priority assessment list for the Heritage Council by the end of the financial year or early in the next financial year. So the minister would be expected to be advised reasonably shortly of the council's recommendations.

CHAIR: I might move on to another issue of heritage that I did raise some questions about at the last estimates. That is the question of the New South Wales state government implementing what is described as a standard instrument local environmental plan. Are you aware of these standard instrument local environmental plans in New South Wales?

Dr Dripps: Yes. We are aware of them.

CHAIR: The Blue Mountains Conservation Society have written to me and spoken to me about this issue. They are an active organisation with a big membership in the Blue Mountains. They are concerned that this standard instrument local environmental plan could potentially risk the continuing World Heritage listing of the World Heritage area because of development outside abutting the Blue Mountains World Heritage area. Are you aware of those concerns?

Dr Dripps: I have heard of those concerns, yes.

CHAIR: Are you aware of what the standard instrument LEP from the New South Wales government is intended to do?

Dr Dripps: At the broadest level I am, in that it is intending to apply a standard approach to development across New South Wales and thereby, one assumes, remove regulatory burden.

CHAIR: The Blue Mountains Conservation Society claim that it means the application of inappropriate zones, decreased information and mapping, significantly decreased assessment of the environmental impact of development, less stringent and certain language in terms of what needs to be considered and addressed when undertaking development, and the exclusion of comprehensive environmental and landscape overlays. That is what they have put to me. How would the department deal with that concern?

Dr Dripps: It is not our approach to assess planning schemes as such. We are interested in developments that have or may have a significant impact on matters of national environmental significance, so we do not assess statutory plans made by state governments specifically except in circumstances where the state governments or others have called for something like a strategic assessment to be done of such a plan or for a conservation agreement to be developed that applies to a particular area. So there are a couple of examples in Sydney where those instruments have been used. There has been a strategic assessment of western Sydney to protect the Cumberland Plains grassy woodlands in partnership with the New South Wales government. There is work being undertaken on a conservation agreement to protect the heritage values of Parramatta as they relate to the views from Old Parliament House.

CHAIR: What the Blue Mountains Conservation Society is saying is that they believe it will have a significant impact and that you should act under part 2 of the EPBC Act. Do you need someone to bring this to your attention to assess it? What happens?

Dr Dripps: We would undertake an assessment of a planning scheme generally at the request of the planning authority if they were seeking to ensure that they optimised and maximised the environmental outcomes. We would also have consideration of the planning measures as part of looking at the management plan for the World Heritage property, although there are limitations to the extent to which that can be considering activities outside of the property.

CHAIR: If the New South Wales government implements the standard instrument LEP and then development starts taking place, and consistent with that standard instrument LEP it has a significant impact on the World Heritage area, would it not be better for us to actually have a look at the standard instrument LEP now and make an assessment as to whether it is appropriate for development abutting a World Heritage area?

Dr Dripps: That might be a very strategic way to go about things.

CHAIR: How can we deliver that assessment if the New South Wales state government says, 'This is our business. We don't want you to be involved in it?' How can we do something about it?

Dr Dripps: I am not sure that the provision of policy advice is part of the role of officials attending this committee. But there are a number of measures that could be used.

CHAIR: I am not asking how the act works.

Dr Dripps: I was just going to go there. There are a number of measures that could be used, including undertaking a strategic assessment of the local environment plan in that area.

CHAIR: What are the others?

Dr Dripps: We would need to take a look at the extent to which the management plan for the World Heritage property is able to consider matters outside of the area of the World Heritage property and the way in which they are undertaken. Another option available is should there be an action that is likely to have a significant impact, the onus is on the proponent to refer that. If they do not refer that, there are penalty provisions of various kinds under the EPBC Act.

CHAIR: One of the issues that has been raised by the Blue Mountains Conservation Society is that they make an application to UNESCO. That seems to me to be a last resort type option. They would seek a World Heritage endangered listing. I really do not think we should be going down that path. So the other issues you have raised would be done before you would do something like this, would they not?

Dr Dripps: Well, I would certainly hope so. But people have liberty to make their own choices about these things.

CHAIR: I am just trying to get a practical way forward to address the concerns that the conservation society and the public have in the Blue Mountains area without them having to make applications to UNESCO. I may have some discussions with you outside estimates, because I would like to try to help get this resolved. That is good. Thanks for that information. My last issue is shooting in New South Wales and recreational hunting in New South Wales national parks. At question No. 073, I asked about New South Wales reserves where recreational hunting is done. Does the Blue Mountains World Heritage area abut any of the New South Wales reserves where recreational hunting has been approved? Your answer was that the Blue Mountains World Heritage area abuts the Goulburn River national park. That is one of the reserves listed by the New South Wales government as being assessed for the supplementary pest control program, which is political speak for hunting by amateurs in the park. If we have an abutment to the Blue Mountains World Heritage area and you are going to have recreational amateur hunters wandering around the Goulburn River national park, how will those hunters delineate when they are in the Goulburn River national park or in the Blue Mountains World Heritage area? When does abutting become encroaching?

Dr Dripps: They would know that they had moved from one estate to the other if they had a GPS tracking device or if they were very good at reading maps.

CHAIR: These are amateur hunters. What if they are not good at reading maps and they do not have a GPS device?

Dr Dripps: Then they may not be aware that they have moved from one property into the other.

CHAIR: So there are implications for this legislation in New South Wales for the World Heritage area in the Blue Mountains?

Dr Dripps: Well, there—

CHAIR: That would be the logical conclusion you would have to come to?

Dr Dripps: That would be one conclusion. The World Heritage area, as you know, Chair, is listed for its values. Whether a very small number of recreational hunters would have an impact on those values I think is probably a matter for debate. But I would lean towards it being reasonably unlikely.

CHAIR: So if we have one of the World Heritage area rangers going about their business in the Blue Mountains World Heritage area and we have these amateur hunters tramping around the Goulburn River national park abutting the World Heritage area firing at whatever they want to fire at, what are the health and safety implications for staff employed by the World Heritage area or your department?

Dr Dripps: Senator, we do not have World Heritage area rangers employed by this department. The ranger arrangements are done by the New South Wales government rangers. We are not experts in occupational health and safety risk analysis in that regard. But there would be a possibility of there being an unintended interchange between hunters and rangers.

CHAIR: An unintended interchange. You mean somebody could get killed?

Dr Dripps: That is possible.

Ms Rankin: We would have to assume that as part of any arrangements New South Wales is making in relation to their consideration of this legislation, they would be considering these issues and putting in place mechanisms.

CHAIR: Why would we assume that, Ms Rankin? Why would we assume anything if you are under political pressure from a sectional pressure group to bring in recreational hunting and you have expended a lot of political energy in doing a deal with them? Why would you assume that they are going to look after this?

Ms Rankin: I cannot imagine any government would want to see a situation arise where there was a chance of somebody being accidentally killed.

CHAIR: Well, you may not, but that is not the debate that is taking place in New South Wales at the moment.

Senator BOSWELL: You are leading the witness.

CHAIR: We are not in a court, Senator Boswell. The officers know when they are being led. They are smarter than me. So you have conceded that there could be someone killed in the Blue Mountains World Heritage area because of this amateur hunting that is going on in the Goulburn River national park. Can you take on notice and provide me details of what actions we could take at the federal level to try to minimise someone who is using the Blue Mountains World Heritage area in a recognised way not being killed by some amateur shooter in the Goulburn River national park?

Dr Dripps: We can certainly make inquiries about that and take that question on notice.

CHAIR: Thank you.

Senator LUDLAM: I have a couple of general questions on the heritage portfolio. I want to start with some quick true or false answers. I will work my way through the budget papers and you can tell me if I am reading them right. Staff cuts in environment regulation and heritage from 588 to 540? Staff cuts in the environment regulation and heritage area were from 588 to 540. Does that sound about right?

Dr Dripps: So 48 people. Yes, I gave some evidence to Senator Waters yesterday on this matter.

Senator LUDLAM: Heritage grants cut from \$7.4 million to \$4.4 million across the forward estimates?

Dr Dripps: That is right.

Senator LUDLAM: Your total program expenses cut from \$56 million to about \$50 million in the forward estimates?

Dr Dripps: Yes.

Senator LUDLAM: And that is off the back of the year on year cuts that I have been asking about in here since about 2008. So of the 40 staff or thereabouts who are cut from environmental regulation and heritage, how many were cut specifically from heritage?

Dr Dripps: As I advised Senator Waters yesterday, it is approximately 15 staff. The other thing I should add to my evidence from yesterday which I failed to recall at the time was that the balance of the numbers that were not included in yesterday's evidence is from the regulatory reform taskforce within the division, which at the start of the financial year was undertaking the approvals bilaterals work with the states.

Ms Rankin: I want to clarify that figure. Dr Dripps just mentioned the 15 relates to cuts from the combined heritage, wildlife and marine functions.

Senator LUDLAM: I do not want to traverse ground that Senator Waters covered yesterday if it is already on the record. I am specifically interested in the heritage side of the portfolio. Is it possible to carve out how many fewer people are working on heritage post budget than before, or is that not possible?

Dr Dripps: We would like to take that question on notice, if we could, please, Senator.

Senator LUDLAM: In the last four years, how many people in total have been cut from heritage? Maybe take that as a supplementary on notice, if you like.

Dr Dripps: Yes.

Senator LUDLAM: It appears that the Commonwealth's capacity around heritage matters has been severely degraded. The budget of a fortnight or so ago has not given us any good news. Sticking specifically to the heritage portfolio, what programs and services will these most recent cuts specifically impact?

Ms Rankin: Senator, are you referring to just heritage?