

# Proposed Management Planning Processes



## Issue

The current process for amending a reserve management plan under the *National Parks and Reserves Management Act 2002* (NPRM) is complex, often involving approval from both Houses of Parliament as well as the Governor.

The current approach is appropriate for a new management plan or where major amendments are proposed, however the need for a less onerous process to make minor amendments to a management plan is recognised.

Existing management plans by their nature are statements of management intent for the long term. It is difficult for a management plan to anticipate all future management needs or likely uses of a reserve. This issue becomes more problematic as management plans age. The need for additional statutory pathways to manage reserves is recognised by the Tasmania Parks and Wildlife Service (PWS).

The proposed statutory Reserve Activity Assessment (RAA) process also raises the scenario where a proposal is not exactly in accordance with a management plan or in the absence of a management plan, cannot meet all the reserve objectives under the NPRMA. Alternatively, a proposal may be in accordance with the current management plan, but the development of the proposal would require supporting commitments that require an amended management plan to be implemented. This has highlighted the need for a combined assessment/amendment process to better deal with those circumstances where an amendment may be justified.

## Background

PWS is responsible for managing Tasmania's 19 national parks, three World Heritage Areas (WHAs), and over 800 other reserves including marine reserves, Marine Conservation Areas (MCAs), Crown land and sites of historic and cultural significance.

PWS works across government and the community to manage the natural and cultural values of these landscapes and importantly to protect Aboriginal and historic heritage.

Management plans, site plans and other reports guide management of Tasmania's reserved lands.

Monitoring, evaluation and reporting also provides a mechanism for delivering public transparency and accountability in management.

## Adaptive management

Adaptive management is an approach that ensures management not only plans and carries out actions to achieve objectives, but also monitors and reports the results so that everyone can see what's working and what's not. Factual feedback about management performance supports informed planning and decision-making so that appropriate adjustments can be made to deliver the intended outcomes.

PWS uses the adaptive management cycle across a wide range of management contexts and timeframes, ranging from specific projects to statutory management plans. A key step in the cycle is amending/updating the management plans in response to monitoring feedback, Environmental Impact Statement outcomes, new research and community expectations.

## Discussion

The NPRMA provides for the management of reserved land declared under the *Nature Conservation Act 2002* (NCA), and the protection of the values associated with the reserve type. This is achieved through alignment with the objectives set for each reserve type, as prescribed by Schedule 1 of the NPRMA. Under the NPRMA, a statutory management plan may be developed for reserved land in alignment with the stated objectives.

Statutory management plans are prepared for national parks and selected reserves as provided for under section 19 of the NPRMA. The current management planning process (sections 19 - 28 NPRMA) is extremely detailed and time intensive. The process involves preparing the draft plan which must address applicable statutory powers by other agencies, approval by the Minister for Parks, the National Parks and Wildlife Advisory Council, possible approval by parliament and approval by the Governor having regard to which and how reserve objectives may apply. It is designed to be comprehensive and to ensure a high bar is set to ensure the protection of the values within our reserves, which is appropriate for the development of a new management plan or a significant amendment (refer to Management Plan Process Flowchart at the end of this paper).

There are currently 32 existing management plans <https://parks.tas.gov.au/about-us/managing-our-parks-and-reserves/management-plans-and-reports> over a range of reserve types including national parks, nature reserves, state reserves, conservation areas and game reserves.

Many of these existing management plans are over 20 years old. In some cases, they do not adequately reflect contemporary reserved land management approaches or community expectations. The PWS is currently revising the Maria Island National Park and Ile des Phoques Nature Reserve Management Plan and will commence the Ben Lomond National Park Management Plan revision soon.

## Amending a management plan

Under the current management planning process there is no separate process for amending an existing management plan, as the full process must be undertaken. As a consequence, minor amendments are usually deferred due to time constraints and over time existing management plans become less relevant and effective in providing management direction.

With the current RAA process the first consideration for any proposed development or use of reserved land, is whether the proposal is in accordance with a management plan or in the absence of a management plan, NPRMA Schedule 1 objectives. If the proposal is in accordance with these then it may progress to a further assessment process. The existing RAA process can only assess a proposal following this first test.

In the case of a PWS proposal, the best management outcomes may be achieved by undertaking an action which may not be in accordance with the management plan, but which would enable a better outcome for the reserve. The management plan may be outdated, not recognising relevant issues or did not foresee the full range of management requirements.

The current methods to review, amend or renew the whole management plan are inflexible. Consideration of proposed changes to any management plan could be determined under processes that are relative to the scale/impact of the proposed change. This would provide the PWS with options when managing the reserve or assessing a proposal.

## Management Statements

Management statements have been prepared for a number of reserves to focus on issues that deal with the key values of the reserve and target key management issues. They are used when specific and timely direction or guidance is required for a reserve.

Public and stakeholder views are sought/incorporated, specifically at a local level, and approval is given by the Director of National Parks and Wildlife (NPW). There are currently 4 approved management statements (<https://parks.tas.gov.au/about-us/managing-our-parks-and-reserves/management-plans-and-reports>). These are non-statutory.

## Other planning examples

### ***Land Use Planning and Approvals Act 1993***

The *Land Use Planning and Approvals Act 1993* (LUPAA) outlines the process for amendment of Local Planning Schemes (LPS) including requests for amendment. It provides clear directions about the things that must be taken into account when considering amendments including that they comply with the Act and the advice of the Tasmanian Planning Commission (Commission); the public exhibition and holding of hearings; and the matters to be taken into consideration by the Commission.

Specifically, Division 4 deals with combined applications for a planning permit and amendments to the LPS whereby a proponent (including the PWS) could request a consent authority to consider a proposal that would not be permissible without an amendment to the LPS.

A similar mechanism to this could be enabled via insertion of a similar provision in the NPRMA whereby an application would be referred to the Commission to consider the request to amend a management plan and application for a NPRMA authority at the same time.

In addition, the provisions for declaration of a major project under LUPAA provide [section 60M(4)] for a project to be declared a major project, even though the use or development that is proposed to form part of the project is prohibited under a relevant planning scheme.

## What can be done?

PWS would like to move towards a leaner issue-focussed adaptable, updateable management planning system which would aim for full planning coverage of National Parks, State Reserves, Nature Reserves, Game Reserves and Historic sites and high use protected areas alongside a fuller broadscale planning approach.

Considerations include:

- Provision for an alternative NPRMA management plan process could be developed, to amend and clarify existing reserve management plans,
- Amending the legislation to provide for statutory management statements, and
- Develop a new pathway to amend management plans in response to reserve management recommendations arising from completed Environmental Impact Assessments (EIA).

## Minor and significant amendments

### Minor amendments

This includes provision for a management plan and management statement amendment process that caters for minor amendments, where the process provides an appropriate level of scrutiny and assessment relative to the scale of the amendment, yet still provides for public involvement.

Other State jurisdictions have similar provisions, for instance as the Queensland Government does in Part 7 of the *Nature Conservation Act 1992* (Qld), and in New South Wales under section 73B of the *National Parks and Wildlife Act 1974* (NSW).

Minor amendments would need to be clearly defined and an appropriate process for dealing with them developed.

Minor amendments may include:

- correcting an error in the plan
- amendments to ensure the management plan or management statement remains uniform or complementary to another Act or a law of the Commonwealth
- amendments to adopt an Australian or international protocol, standard, code or intergovernmental agreement
- updating of management intent and statements of regular review

All of the above would not interfere with another agencies statutory powers under another Act. Minor amendments could, depending on the scale, include provision for timely implementation of reserve management recommendations arising from completed EIA processes. EIA outcomes may involve recommendations for an authority to the proponent with complimentary recommendations for facilities or upgrades/repairs/ provision of resources for a reserve or for a long-term commitment. These may require minor amendments to a management plan or management statement to be actioned.

In these situations, the proposed amendment process should only be able to be used where the Director NPW determines that the proposed amendments are minor in nature which would be defined by the NPRMA. The Director is required to give effect to the management plan under the NPRMA. Notification of these amendments is via a gazette notice from the Minister for Parks to enshrine it as part of an updated management plan.

### **Recommendation:**

DECISION MAKER: Approval of minor amendments would be by the Director NPW.

### **Significant amendments**

The need for significant amendments would continue to be dealt with by the existing management plan process, under section 25 of the NPRMA. Notification of these amendments is via a gazette notice from the Minister for Parks to enshrine as part of the management plan.

#### ***Significant amendments may include:***

- changes to consideration of management objectives
- use table amendments
- reserve boundary changes or incorporation of other reserves in the management plan
- zoning amendments

### **Recommendation:**

DECISION MAKER: Approval of significant amendments would be by the Minister for Parks if no other agencies statutory powers are affected OR approval by the parliament if they are affected.

### **Combined project proposal/management plan amendment**

Provide for an NPRMA management plan amendment process to allow for a proposal to be submitted via the statutory RAA process that requires an amendment to an existing management plan or a statutory management statement, without the need to review and amend or renew the whole management plan.

This process will allow for an Independent Assessment Panel (the Panel) of the Tasmanian Planning Commission to consider amendments to an existing management plan/ management statement in tandem with a development proposal under the statutory RAA process. This process may be used if a proposal cannot be considered unless the management plan/management statement is also amended.

This process must provide an appropriate level of scrutiny and assessment relative to the scale of the project and still provide for public involvement including public hearings. If assessed as suitable, the Panel may recommend to the Minister for Parks an amendment to the management plan. The Panel would give consideration to both the management plan amendment and the proposal through the same process. Notification of these amendments would be via a gazette notice from the Minister for Parks to enshrine it as part of the management plan.

### **Recommendation:**

**DECISION MAKER:** Independent Assessment Panel of the Tasmanian Planning Commission

## **Management Statements**

Provide for statutory reserve specific management statements approved by the Director NPW to:

- update the balance of achieving reserve management objectives in individual reserves
- match resource commitments to management intent
- focus operations on contemporary and specific needs of reserves
- incorporate community feedback, operational feedback and adjust management commitments to use pressure or adjust use pressure to management commitments
- incorporate results of reviews, studies and policies

The adoption of a management statement process would require the Director NPW to publicly advertise the management statements, consider submissions, hold public hearings and ensure certain conditions are met such as consistency with the management objectives. A management statement would be superseded by an adopted management plan. Notification of a management statements would be via a gazette notice from the Minister for Parks.

### **Recommendation:**

**DECISION MAKER:** Approval of management statements would be by the Minister for Parks on advice from Director NPW.

# What is proposed?

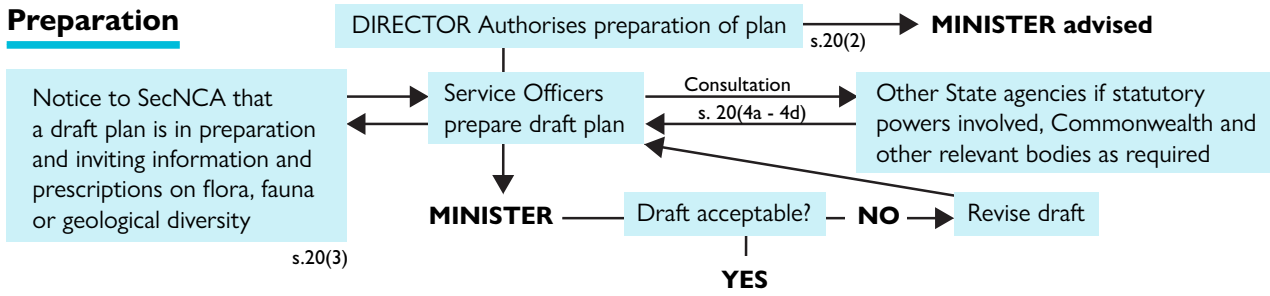
1. Increase the flexibility of the NPRMA management plan process to provide for additional pathways to update/amend a management plan in a process that is relative to the scale of the change that is being sought.
2. Provide for the Director NPW to approve minor amendments, as defined in the NPRMA, to management plans and management statements. The scope of what is considered a minor amendment to be defined in the NPRMA.
3. Provide for statutory policies to be developed by the Director NPW specific to a reserve and incorporated in, or referred to by, a management statement or an amended management plan.
4. Provide a mechanism for a proponent (including PWS) to submit a proposal via the statutory RAA process that may require a minor or significant amendment to a management plan or management statement.
5. Provide for an Independent Assessment Panel, established by the Tasmanian Planning Commission, which may consider the proposals having regard to legislative provisions including the reserve objectives. The Panel must undertake an investigation to determine if the proposed amendment is reasonable and undertake public consultation and hearings.
6. The Minister may amend a management plan for a combined proposal/amendment on advice from the Independent Assessment Panel.

## Contact details:

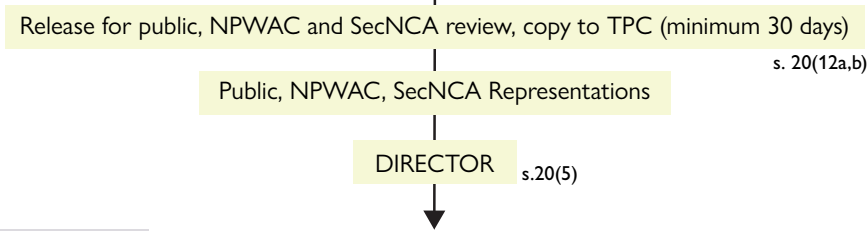
RAA Reform Process Team email: [RAAReform@nre.tas.gov.au](mailto:RAAReform@nre.tas.gov.au)

# Management Plan Procedure under the National Parks and Reserves Management Act 2002

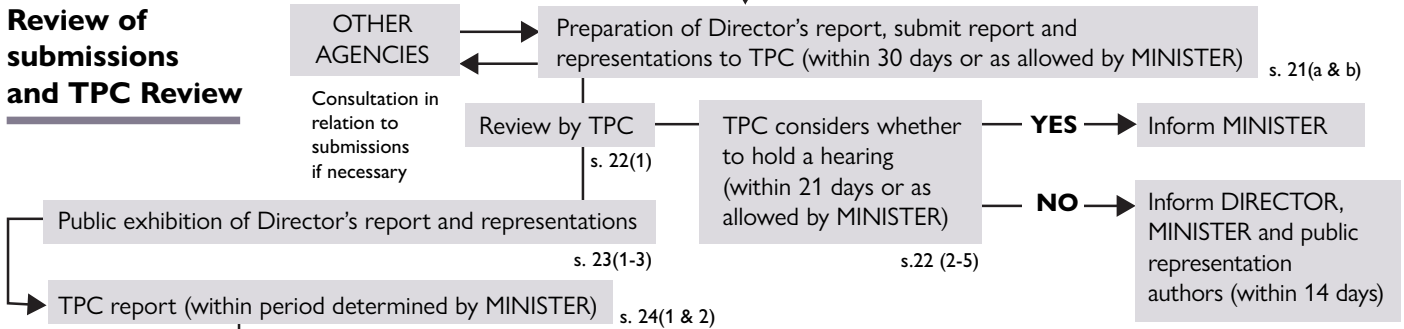
## Preparation



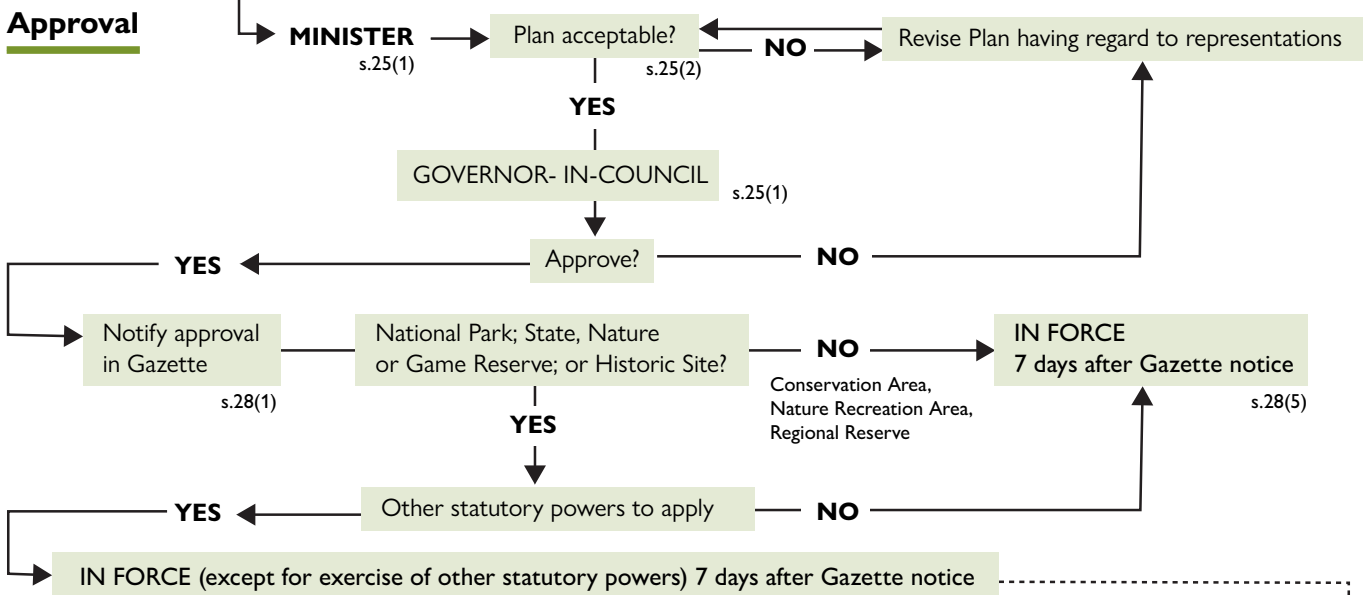
## Public release



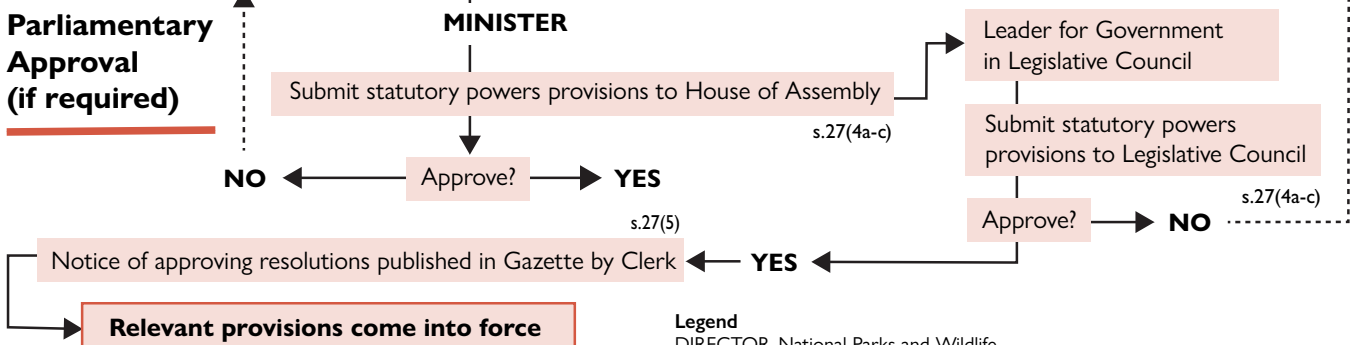
## Review of submissions and TPC Review



## Approval



## Parliamentary Approval (if required)



### Legend

- DIRECTOR National Parks and Wildlife
- NPWAC National Parks and Wildlife Advisory Council
- TPC Tasmanian Planning Commission
- SecNCA Secretary of the Department responsible for the Nature Conservation Act 2002