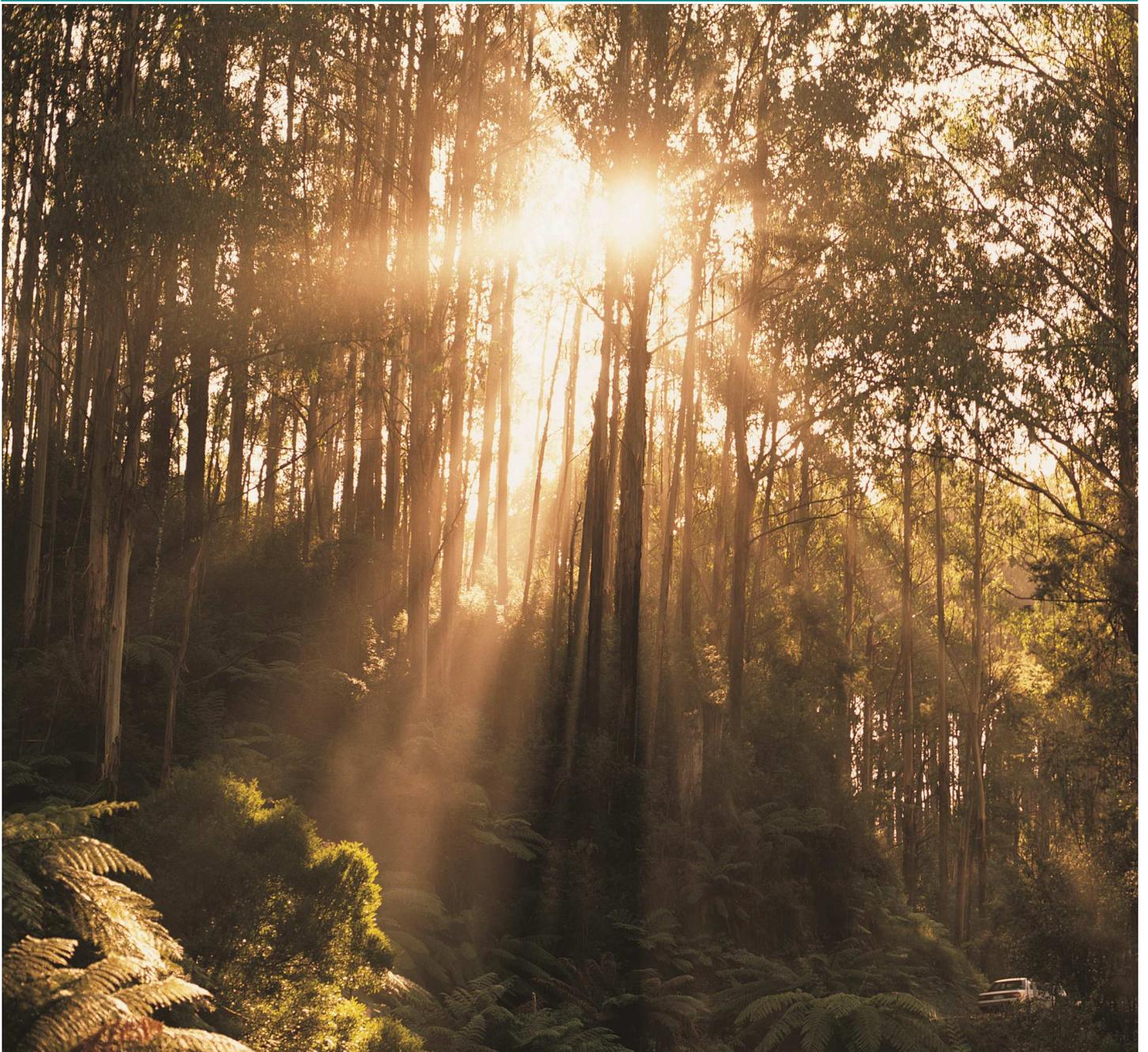


Tourism Leases in National Parks: Guidance Note



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Tourism Leases in National Parks: Guidance Note

This guidance note provides an overview of the principles and procedures that the government will apply when considering a proposal for private investment for appropriate, small scale development inside a national park under a lease of up to 21 years. It accompanies changes to the *National Parks Act 1975* to reduce the maximum term of a lease under the general leasing power (section 19G) to 21 years.

National parks are special parts of our heritage which need to be protected for this and future generations. Their special qualities attract visitors from across Victoria, interstate and overseas.

The Victorian Government is committed to protecting the state's national parks and it does not want to compromise the very values that attract visitors to them in the first place. This approach is reflected in its election policy, *Our Environment, Our Future*, where the government committed to "not allow large scale private development in our national parks" and to "remove the Government's ability to grant 99 year leases".

The Victorian Government is also working to encourage growth in the tourism industry across the state. Tourism is a significant contributor to the economy and to jobs for Victorians, particularly for regional areas, and national parks play an important role in nature-based tourism. However, rather than encouraging developments inside national parks, tourism development will be encouraged to be sited on private or other public land outside parks, in locations that are more likely to provide economic benefits directly to regional towns. This is consistent with the worldwide trend for resorts and large scale tourism developments to be located outside national parks.

Nonetheless, a range of private investment possibilities in national parks may be considered depending on the site, the scale of the proposal and whether the requirements of the National Parks Act can be met. Examples of potential proposals could include eco-huts or other types of boutique tourism accommodation, guided walks with low impact accommodation, or other recreational facilities such as treetop walks or ziplines.

Scope

This guidance note **applies** only to land that can be leased under section 19G of the National Parks Act. This includes, for example, national parks, state parks, coastal parks and marine national parks but excludes areas under the Act where development or visitor use is not appropriate or permitted. For the purposes of this guidance note, the relevant areas are collectively referred to as 'national parks'.

In particular, the guidance note **does not apply** to the following areas that are expressly excluded from the general leasing power in the National Parks Act:

- wilderness parks and wilderness zones
- remote and natural areas
- closed water catchments in the Great Otway, Kinglake and Yarra Ranges national parks (known as designated water supply catchment areas)
- natural catchment areas under the *Heritage Rivers Act 1992*

- reference areas under the *Reference Areas Act 1978*.

The guidance note **does not apply** to other public land managed under other Crown land legislation such as the *Crown Land (Reserves) Act 1978*, *Forests Act 1958*, *Land Act 1958* and *Alpine Resorts (Management) Act 1997*.

Guiding principles

In national parks, the government will generally provide any tourism and recreation infrastructure or facilities aimed at improving the visitor experience. However, there may be occasions where private investment could be utilised to fund the installation of small scale visitor facilities in a manner which complements those that the government provides.

An opportunity for private investment in a national park may either be identified by the government or relevant land manager, or instigated by an unsolicited proposal from a proponent. In either case, the government will either confirm or identify the best possible sites on public land that could facilitate the proposal. Where relevant, the proposal will be put forward for an Expression of Interest process that may entail co-investment by government.

The following guiding principles¹ and consultation requirements will be applied to the government's consideration of leasing requirements for any proposal for potential tourism and recreation facilities in national parks.

1. The proposed facility must be shown to be dependent on its unique location due to the nature of the site and its setting in a national park. A proposal that could be sited on private land or public land outside parks would not progress.
2. Any tourism development in national parks must be located and designed to be compatible with protecting the natural and cultural values and features of the park. The purpose of the development must be consistent with the legislative objectives and purpose of national parks.
3. The development must provide an enhanced nature-based visitor experience and encourage visitors to appreciate and conserve the park.
4. Any tourism development must provide the greatest public benefit for the site considering any environmental, social and economic outcomes for the park and the broader region. The greatest public benefit will be determined by considering:
 - environmental outcomes – a development must be established and managed in an ecologically sustainable way. This includes avoiding or minimising adverse environmental impacts and being consistent with the park management plan and any approved master plan. Certification of the development through an eco-accreditation scheme will also be preferred
 - social outcomes – the proposal should demonstrate how the development will enhance understanding, appreciation and enjoyment of the park
 - economic outcomes – the development must provide broader economic benefits for the region and state, such as employment opportunities, indirect benefits from tourism and potential spend in complementary businesses.
5. Development will not be allowed where it impacts on Aboriginal cultural and historic heritage. Where relevant, the proponent must engage, involve and benefit Traditional Owners and local communities.

¹ These guiding principles are not expressed in order of priority and are to be applied equally.

6. Public access to the site must be maintained, and potential adverse impacts on use and enjoyment of the park by other park users must be minimised. Exceptions will be made during construction and for safety reasons.
7. The government process for considering proposals will be consistent, transparent and appropriate to the nature, scale and location of the proposed development, while protecting the intellectual property of the proponent.
8. Lease duration (up to 21 years) for a tourism development will be commensurate with the level and rate of return on investment, considering risk and capital and operating costs associated with the location and the nature of the development and competition policy principles.

Consultation

Any potential leasing proposal will be subject to early and ongoing consultation requirements during consideration of the nature and detail of any proposal so that all interested parties can input before a final decision is made to grant a lease.

In particular the following consultation will be required:

- National Parks Advisory Council

The Minister must formally consult the National Parks Advisory Council on a proposal before any lease is granted. Comments received from the Council will be taken into account in assessing a proposal and determining any conditions to attach to a lease.

- Traditional Owners

Where relevant, Traditional Owners must be consulted particularly where the area is subject to settlements under the *Native Title Act 1993* or the *Traditional Owner Settlement Act 2010* and where they have responsibilities under the *Aboriginal Heritage Act 2006*.

- Public consultation

Public consultation will be an important part of government's process to consider any proposal to allow public review, comment and refinement of the development concepts. Before deciding to grant a lease, the government will conduct a formal public consultation process. This will include, at the initial stages of the process, consulting on the nature of the proposal as well as consulting during subsequent stages on the terms of the lease. Public consultation may include:

- publishing a public notice advising of the commencement of public consultation, including a summary of the proposal and associated leasing requirements, how a person may lodge a submission and any deadlines for submission
- holding public meetings or events to provide information on a proposal to interested members of the community, details of which must be included within a public notice
- direct consultation with stakeholders identified as having an interest in the proposal
- publishing the outcomes of consultation.

Any submissions and comments received during a consultation process will be taken into account by the minister when assessing a proposal and deciding whether or not to grant a lease.

Consultation as part of any other necessary consents and approvals, such as under the relevant planning scheme, may also be required. For example, if a planning scheme amendment or planning permit are required, the development proponent will need to lodge an application with the relevant planning

authority. Once an application is lodged, consultation will be undertaken by the relevant planning authority in accordance with the *Planning and Environment Act 1987*.

Where notice of a development proposal is required by the planning scheme, members of the community who may be affected by the proposal can inspect the plans and make a submission about the application to the relevant planning authority if they have concerns about it. An objector to a planning application also has the right to have a planning decision reviewed in the Victorian Civil and Administrative Tribunal.

More information regarding the planning consultation processes can be found at:
<http://www.dtpli.vic.gov.au/planning/about-planning/consultations>.



www.delwp.vic.gov.au