



Australian
**Conservation
Foundation**

INC. ABN 22 007 498 482

340 Gore Street
Fitzroy VIC 3065
Telephone: 03 9416 1166
Facsimile: 03 9416 0767
Web: www.acfonline.org.au
E-mail: acf@acfonline.org.au

Quinton Clements
Inquiry Secretary
Joint Standing Committee on the National
Capital & External Territories
Parliament House
Canberra ACT 2600

7th August 2002

Dear Mr Clements

**Submission to Inquiry into Norfolk Island Issues
(Review of Annual Reports)**

Further to your Committee's decision to inquire into a number of matters concerning Norfolk Island the Foundation's submission is attached. It deals with three of the particular matters itemised in the notice about the review, namely: land management and land transfer by the Commonwealth Government; land management and land planning; and heritage protection including the protection of the Kingston Arthurs Vale Historic Estate.

We very much welcome this inquiry which comes at a critical time in Norfolk Island's development and would be pleased to provide a representative to attend any hearing if you believe this would be helpful.

Yours sincerely

Don Henry
Executive Director

**SUBMISSION BY THE AUSTRALIAN CONSERVATION FOUNDATION TO JOINT
STANDING COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL
TERRITORIES: TERMS OF REFERENCE CONCERNING NORFOLK ISLAND (REVIEW
OF ANNUAL REPORTS).**

**A. INTRODUCTION: INTEREST OF THE AUSTRALIAN CONSERVATION
FOUNDATION (ACF) IN NORFOLK ISLAND**

1. The ACF is a national community-based conservation organisation governed by an elected Council. Council decided at its 95th Meeting on 27-28th July to make this submission. The Foundation is interested in all matters of national environmental significance including the three areas covered by your current terms of reference. In the case of Norfolk Island it is the Foundation's opinion that the environment of the Territory contains features of national and international significance and that some of these values are seriously threatened by the proposed transfer of Crown leases, the proposed revision of the Norfolk Island Plan and developments affecting heritage protection.

2. The Foundation's involvement with Norfolk Island began in 1967 only a few years after its formation. In 1968 it published *The Conservation of Norfolk Island* (Special Publication Number 1, reprinted in 1969 and 1975). This was the ground breaking work on the conservation of the Island's native flora and fauna and scenic and historic landscapes. One of the report's major recommendations, the establishment of the Norfolk Island National Park, was implemented in 1985-86 with its proclamation under both local and federal legislation (the Commonwealth's involvement with the area's management for nature conservation had begun in 1979).

3. Since 1967 the Foundation has maintained this high level of involvement with Norfolk Island and has endeavoured to participate in all consultations on major development proposals, statutory planning reviews, etc. Its approach can be summarised as identifying values, providing for their protection and restoration in the context and helping with the development of an ecologically sustainable society. Amongst the specific actions it has taken has been the identification of significant rainforest areas for addition to the Norfolk Island National Park and the nomination in 1996 of nine areas on Norfolk Island for the Register of the National Estate (RNE).

4. Throughout the 1990s and to the present day the Foundation has actively opposed the transfer of the control and ownership of the Crown leasehold. It has done this on the grounds of protecting the national environmental interest. The lands concerned are of national and international conservation significance in whose future all Australians have a stake.

5. The ACF is not alone in its opinion about the high heritage significance of the Norfolk Island environment. *The National Estate in 1981* (1982), a report submitted by the Australian Heritage to the Minister for Home Affairs and Environment for presentation to Parliament said Norfolk Island "deserved to be considered in its entirety as a potential World Heritage site".

6. The Foundation is very conscious of the fact that because Norfolk Island is small and remote there is little likelihood of mainlanders being able to participate in many of the usual ways in helping to shape the Island's future. This, we believe, gives the federal Parliament and the Australian Conservation Foundation added responsibilities. We try to provide a voice for those wider interests. Your current enquiry constitutes a rare national forum for exploration of important environmental issues and we welcome the opportunity to be of assistance.

7. In addition we believe the importance of your enquiry and our role is increased by the critical decisions to be made at this juncture. In the sections which follow we have focussed on what we consider to be the main points and attempted to avoid too much detail. We would be glad to expand on any matter of interest to the Committee. Background information in relation to many of the matters discussed is to be found in *Island on the Brink A Conservation Strategy for Norfolk Island (2001)*.

8. The proposed transfer of the Crown leasehold, scheduled to be completed by the end of 2002 is the crucial current issue. We urge the Committee to suggest to the Commonwealth that it suspend further action on this until it has been able to consider your report.

9. The three issues discussed in this submission (the transfer, the statutory plan and heritage protection) are all closely related. The Minister for Territories and the Department of Transport and Regional Services have stated that the revision of the Norfolk Island Plan and the introduction of a local heritage protection system are prerequisites for the transfer. The implication of this is that these actions will provide safeguards for the protection of the values on the land which is the subject of the transfer proposal.

B. THE PROPOSAL TO FREEHOLD THE CROWN LEASEHOLD

10. The proposal to offer the Crown leases as freehold title to the lessees began as a proposal to transfer ownership of the Crown leasehold to the Norfolk Island Government on the understanding that they would continue as leasehold. This was changed to the current freeholding proposal in mid 2001. The move is a part of the Commonwealth/Norfolk Island Government Land Initiative. Environmental values on the Crown leasehold have to date been protected by three types of measure: the overall policy of the owner (ie the Commonwealth) concerning subdivision; conditions applied to the leases; and (since 1997) the provisions of the statutory plan. The last of these three measures has had least effect because the Commonwealth has had a longstanding policy against subdivision. If the freeholding proposal is implemented the provisions of the plan, particularly with regard to minimum subdivision levels, will become more important, as will any covenants which the Commonwealth applies to the leases before selling them.

11. Commonwealth ownership of about half of the Territory has had a major role in the maintenance of environmental values. It has:

1. facilitated the establishment, management and extension of the National Park and the public reserves;
2. helped maintain the character of the rural landscapes and the coastline;
3. helped maintain the authentic character of the Kingston Arthurs Vale Historic Area (KAVHA);
4. contributed to the viability of farming and horticultural enterprises; and
5. contributed to the overall ecological sustainability of the Territory.

Continued Commonwealth ownership can continue to deliver these benefits whilst local ownership will most likely not only withdraw them but undo the gains which have been made in the past.

12. All of the features which have been conserved as a result of Commonwealth ownership of Crown land are major attractions for tourists and therefore the Territory's major tourist resource. Another effect is that the existence of the Crown leasehold (covering some 700 to 1,000 hectares) and the longstanding policy of no subdivision has been used to justify lower minimum subdivision levels on the 1,700 hectares of freehold land. Maps 7 and 8 in the planning report section of the *Draft Norfolk Island Plan, January 1997*, prepared by the National Capital Authority (NCA), show clearly the high degree of fragmentation of the freehold compared with the Crown leasehold. According to the NCA 55% of the leasehold comprises portions over 8 hectares whereas only 8% of freehold is over this size. 49% of the freehold is in portions of under 2 hectares. In its report the NCA described the effects of this situation. The larger leasehold lots, it stated (page 32), "has had the effect of "protecting the visual setting of both the National Park and KAVHA" and "protecting the landscape beauty of the island". The fragmentation of the freehold lots it said (pages 30 and 31) had "creat(ed) portions shaped with no regard to the island's natural topography and landscape beauty", "reduced the viability of farming units" and through "the proliferation of vacant portions", "led to areas being overgrown with weeds". The continued fragmentation, the NCA said (page 30), was "a significant issue that could potentially threaten the ecological sustainability of the island" The NCA "strongly recommended" (page 32) that the policy against the subdivision of leasehold land continue, irrespective of any possible changes in leasehold land administration, "in order to protect the landscape beauty of the island". There is a strong culture on Norfolk Island of splitting properties for inheritance purposes. If the Crown leasehold is converted to freehold there there would be strong pressure to break up the holdings for this reason and to make money. The likely outcome of such subdivisions would be the spread of settlement, the creation of non viable holdings and the loss of environmental values. The point was made firmly by Justice Nimmo in his 1976 *Report of the Royal Commission into Matters Relating to Norfolk Island*. Noting that

"without its essentially rural style environment Norfolk Island would lose a great deal of its attractiveness to tourists and would suffer accordingly", Justice Nimmo wrote: "It has generally been held on Norfolk Island that without the Crown leasehold fragmentation would be far more widespread". Another effect would be to make land resumption for addition to the national park and reserves more difficult and more costly. The 1989 report *A Survey of Quality Plant Communities of Norfolk Island Outside the National Park* by Helman and Gilmour confirmed that the remnant stands outside the park "contain vegetation communities which are not represented in the park". Other areas would make valuable additions to the public reserves.

13. No one has claimed that these analyses of the benefits of Crown leasehold and the policy of no subdivision are incorrect. Why then the proposals to first transfer ownership of the Crown leasehold and then to freehold it? The push for the transfer of ownership of the Crown leasehold came from the Norfolk Island Government's internal self government aspirations. Similar claims have been made with regard to local control of the National Park and the public reserves. The sequence of events with regard to the proposed transfer to January, 2001 is described in *Island on the Brink A Conservation Strategy for Norfolk Island* (pages 138-145). The rationale for transfer of leasehold land to freehold title given by recent Ministers for Territories has consistently been that "the people of Norfolk Island should be given the opportunity to own land on which they live and work, similar to other Australians". In point of fact the Norfolk Island situation is already similar to the situation over most of Australia where there is both freehold and leasehold land. It appears that a part of the reasoning behind the proposal is an ideological objection to government ownership of land. Commenting recently about local conservation opposition to the proposed sell off in an interview aired on ABC Television on 23rd June, 2002 the Territories Minister, the Hon Wilson Tuckey said "Well, this is just the typical sort of green attitude that everything should be taken off everybody; and you know, I think they're more communists than real environmentalists". It is worth noting that the retention of the Crown leasehold would not result in anything being taken off anybody that they currently have. Presumably, if this kind of logic was to be applied elsewhere it would result in the freeholding of the Crown leasehold in the Australian Capital Territory (ACT). Currently, all land in the ACT is leasehold and freeholding is expressly forbidden by law. The freeholding of the Norfolk Island Crown leasehold would bring it under the control of the Norfolk Island Government in relation to subdivision policy.

14. The Foundation believes that in terms of the ownership of Crown land on Norfolk Island the Commonwealth effectively stands in the same relationship to the Norfolk Island Government as a State Government owning Crown land within the confines of a municipality does to the local government of the area. The current Commonwealth Government however takes an opposite view, arguing that Norfolk Island has powers equivalent to the Governments of the States and the Internal Territories. Such an approach ignores the vast difference in size, population and resources between Norfolk Island and the other political entities

and the need for a secure means of protecting the national interest. Further implementation of the Commonwealth's logic would in Norfolk Island lead to the transfer of the ownership and management of the National Park and the public reserves to the local government. A different logic says that national government should have a strong role in protecting things of importance to the nation as a whole. This is the approach which the Government is pursuing with its proposed amendments to heritage legislation, including the establishment of Commonwealth and National Heritage lists (see Second Reading of Environment and Heritage Legislation Amendment Bill, House Of Representatives, 27th June 2002).

15. In its 1990 *Review of Norfolk Island Crown Land Administration* the Department of Arts, Sport, Environment, Tourism and Territories recommended an environmental review of Crown leases and compilation of an inventory of significant environmental features followed by the development of special lease covenants to ensure conservation of the significant features. It also recommended the introduction of longer term leases with retention of 28 year leases where resumption might be thought necessary. The inventory was not compiled, local objections having been made to the proposal to enlist the support of the National Parks and Wildlife Service and the Norfolk Island Conservation Society in its compilation. The NCA in its 1997 report (pages 33-34) called for a number of studies including an assessment of cultural landscapes. The Foundation had in 1996 made its contribution to this aspect of land evaluation when it nominated nine areas for the Register of the National Estate (RNE). The values identified by the ACF are on the RNE database. In May and November, 2000 the Australian Heritage Commission advised the Department of Transport and Regional Services (DOTARS) that it should assess all heritage values and provide for ongoing protection of identified values prior to any transfer. In response DOTARS commissioned a study of nationally significant flora and fauna by Helman and Gilmour. Completed in mid 2001 this report has not been released for public scrutiny. AHC in comments to DOTARS drew attention to the fact that the study did not encompass cultural heritage. The Foundation and other bodies have called for all relevant nationally significant values to be assessed including the cultural landscape values included in the RNE nominations. The Foundation has been advised by the Minister for Environment and Heritage Dr Kemp (letter of 12th June, 2002) that he wrote to the Territories Minister on 6th February, 2002 drawing attention to the AHC advice that the divestment process should include "assessment of heritage values, appropriate conservation planning and protection of identified values through an operational Norfolk Island heritage regime" and that he had further indicated that he did "not think it appropriate to undertake divestment until the Commonwealth can be certain that the Norfolk Island Government has in place an appropriate regulatory heritage protection regime".

16. Even though: there are strong arguments for the retention of the Crown leasehold; the environmental values at stake have not been comprehensively investigated; examination of possible protection measures are incomplete; and there are very serious doubts about whether the values could ever be protected under a local regime, the Territories Minister and DOTARS are pushing

ahead with the freeholding proposal and informal offers to individual leaseholders have already been made. A more prudent approach would have been to ensure that all of the so-called prerequisites were in place and workable, that all values had been identified and that adequate measures had been devised to protect them.

17. Because of their clearly demonstrated ongoing benefits the Foundation supports the retention of the current arrangements for continued ownership and control of the Crown leasehold by the Commonwealth and the completion of the long overdue studies and assessments called for by so many bodies.

C. THE STATUTORY PLAN REVISION

18. The Commonwealth Government has determined that a number of "prerequisites" to improve land management are to be met prior to any transfer of land. One of these is the completion of a review of *The Norfolk Island Plan*. This statutory plan, provided for in *The Planning Act 1996*, was adopted in 1997 and is the current planning instrument. It is an indication of how difficult the Commonwealth and the local community has found the task of developing such a plan that 29 years elapsed between the first report on the development of a plan by the National Capital Development Commission in 1968 and the approval of the *Norfolk Island Plan* in 1997. ACF was involved with each stage of this saga (an account of which can be found in *Island on the Brink* (pages 132-134)).

19. The major obstacle to the completion of a statutory plan was local resistance to the environmental protection provisions of the various proposals. Whilst the *Norfolk Island Plan* of 1997 which was developed by the National Capital Authority (NCA) as consultant was a compromise document the Foundation believes it has some good points as well as some deficiencies. It is at least a good start capable of being improved as new information becomes available and as awareness of the importance of the environment grow. It was an indication of the environmental orientation of the NCA's planning report that it acknowledged as major source documents the unadopted 1985 *Development Plan* subtitled *A Conservation Strategy* and the 1988 *A Conservation Strategy for Norfolk Island* produced by the Norfolk Island Conservation Strategy.

20. At the time of writing of this submission the revision of the plan is still not complete. A draft revised plan was released for comment in mid 2001 and a final draft plan was tabled in the Norfolk Island Legislative Assembly in February, 2001. During debate on the draft in May, 2002 a number of amendments were proposed and comments were called for on these also. In early August preparations were in hand to develop a number of new pieces of legislation as part of the Land Initiative, including a new Planning Bill. The Foundation is not aware of any timetable for the completion of the planning review.

21. The Foundation made submissions on the initial draft (September, 2001) and on the amendments (June, 2002). No opportunity was made for comment on the final draft plan. It is

important to note that although planners from DOTARS played a major role in the carrying out of the review (through a Joint Planning Team) the plan has been prepared to meet the interest of the Norfolk Island community, not the wider interest. Consistent with this there was no public advertisement on the mainland of the call for comments on the draft and proposed amendments and, in spite of its longstanding interest in Norfolk Island, the ACF learnt of these opportunities only through Norfolk Island conservationists. A proposal by DOTARS that there be mainland advertisements was not agreed to by the Norfolk Island Government.

22. Copies of the Foundation's submissions can be made available to the Joint Standing Committee if the Committee feels these would be of interest. While the review is incomplete the draft plans and the proposed amendments are probably indicative of the general orientation of the revised plan. If the main elements proposed are adopted the plan in conjunction with the land transfer will seriously reduce protection for the four main features of national and international significance on Norfolk Island, namely: the indigenous flora and fauna; the Norfolk Island coastline; the authentic remains of the convict settlements centred on Kingston; and the characteristic beauty of the associative rural landscapes. There is much that could be said about the threat the Land Initiative poses to each of these but we will attempt to be brief. The protection of the rural landscapes is dealt with in section D. Heritage (below).

23. The draft plan proposes no special protection for the remnant areas of native vegetation outside the national park and the public reserves even though these have intrinsically high conservation values and in some cases are important for buffering the Park and the reserves. The Norfolk Island National Park Advisory Committee in its submission on the draft plan called for protection of the National Park buffer areas. The only plan protection which would be afforded (if agreed to) would be a minimum subdivision level in the Rural Zone of, either, 10 hectares (draft plan), or, 4 hectares (final draft), or, as at present 2 hectares for Rural A and 0.8 hectares for Rural B and a ban on subdivision in land transferred from Crown leasehold (proposed amendment). For Crown leasehold all of these options are inferior in terms of environmental protection to the present position of Commonwealth ownership and a firm policy of no subdivision. There is considerable discretion built into the plan implementation and amendment process. The Joint Planning Teams' written response to the Foundation's proposals for the inclusion of special planning measures (such as the use of planning overlays, widely used in statutory plans elsewhere) to protect these values, including the National Park buffer areas, was that such provisions would be "draconian". It is apparent that for Crown leasehold DOTARS intends to rely instead on revision of legislation such as the *Trees (Preservation) Act*, and covenants inserted into the titles, although whether the existing law would allow for such covenants to run permanently with the title on Norfolk Island seems to be unclear.

24. The Norfolk Island coastline is one of the Territory's most outstanding heritage assets. It is important for its scenery, seabird habitat and contribution (through protection) to the

stability of the whole Island. Mainly comprising high cliffs it is very prone to erosion. Development on this part of Norfolk Island threatens all of these values. Not surprisingly over much of the Island's history, beginning with Superintendent King in 1794, the coastline and its vegetation have been protected in various ways. All of the various reports on the environment since 1968 have recommended protection (see pages 90-95 of *Island on the Brink* for a history of coastal protection on Norfolk Island). The existing *Norfolk Island Plan* makes special provision for the Norfolk Island coastline designating it an 'environment protection area'. This includes a ban on all building within 50 metres of the cliff top or break of slope and the discouragement of building over a further 50 metre zone. The draft final plan proposes a Special Regulatory Area for the coast which would involve significant narrowing of the coastal protection area (abandoning the break of slope as a set back point). One of the proposed amendments would eliminate the Special Regulatory Area and include protections in each planning zone. The reasoning behind this proposal is that it would avoid individual lots from falling into two zones (eg Rural and Special Regulatory Area). The existing Planning Subdivision Code indicates minimum portion sizes for subdivision exclusive of any land in the Environment Protection Area, a more protective approach. The amendment also involves a change from a restriction on all buildings to a restriction on "major building structures" creating a more discretionary situation.

25. The Foundation is opposed to both the narrowing of the coastal protection area and its elimination as a special area. If either of these are outcomes of the plan revision they will constitute a lessening of the protection for nationally important heritage values and a feature of utmost importance for the protection of the stability of Norfolk Island as a whole. The Foundation has long advocated a 100 metre coastal protection zone measured from the top of the cliffs or the break of slope. We do not accept the contention of the Joint Planning Team that the position of the break of slope (adopted in the current plan on the basis of advice from the National Capital Authority) is difficult to establish by survey. The existing plan was working well in preventing unwanted development around the coast. Much of the west coast is Crown leasehold. If these protections are weakened they will facilitate the likely development of a rash of new coastal building development.

26. The Commonwealth has played a major role in the protection of Kingston Arthurs Vale Historic Area (KAVHA). KAVHA covers 250 hectares of which 78 hectares is public reserve. The balance is freehold and leasehold (17 portions). The KAVHA viewedshed taking in all land visible from a number of key points covers 300 hectares. The history of the protection of the area is described in *Island on the Brink* (pages 98-103). The 1995-96 *Study of World Heritage Values Convict Places* by Pearson and Marshall concluded that Kingston was eligible for world heritage listing in its own right and was essential for a series nomination including other Australian convict places. The convict sites are on the Government's indicative list of potential world heritage sites and the Government's electoral commitment is to seek agreement with the State Governments to enable the nomination to go

forward. However, in spite of its indispensable nature the Government appears not to be presently pursuing the inclusion of KAVHA (it is possible that it will seek to add Kingston to an inscribed World Heritage Area at a later date). Evidently, this is because of the vote against nomination in a referendum conducted by the Norfolk Island Government in 1998.

27. The 1988 *Conservatin Management Plan* for KAVHA (currently under revision) stresses the importance of the absence of modern development for the authenticity of the historic site. Figure 5 volume 2A of the Plan identifies the area requiring protection. Activities deemed inappropriate are those that would "detract from or confuse the historical associations of the place". Authenticity is an important World Heritage admission criterion for cultural places. The existing statutory plan provides protection for the visual setting of KAVHA and makes the KAVHA Management Board the decision making authority for development applications (it has been claimed that this part of the plan was never implemented) The draft plan included continued protection for the visual setting by means of a schedule of blocks in a viewshed but the final draft plan removed this and proposes a purely advisory role for the KAVHA Board. The Board has agreed to the changes because of their contentiousness and has agreed to develop guidelines to assist residents and decision makers. A considerable part of the viewshed is Crown leasehold. Whether this leasehold land in KAVHA is the subject to the transfer proposals is not clear. Land outside KAVHA but in the viewshed may be included. The weakening of the planning controls would facilitate subdivision and residential development in full view of the historic site and other public viewing points. This would seriously reduce the heritage values and might make KAVHA ineligible for World Heritage inscription.

28. The Foundation is strongly opposed to the proposed weakening of heritage protection at Kingston. Continuation of the present planning regime is supported. It is noted that resumption of key leasehold properties at KAVHA for addition to the public reserve, as foreshadowed by DASET in 1990, would make the situation more secure.

D. HERITAGE PROTECTION

29. Norfolk Island has the oldest agricultural land in Australia still in agricultural use. Farming began in the first few years of European settlement between 1788 and 1806. These long settled landscapes, still retaining patches of the distinctive natural vegetation, are of national significance for their historical values, scenic beauty and native flora and fauna. The Australian Heritage Commission believes they have "high associative values" in relation to KAVHA.

30. There have been three main planning concepts for conserving these values: zoning as rural in a statutory plan; the establishment of special landscape protection areas in the plan; and the establishment of heritage lists. Creation of a rural zone was first recommended in 1968 but did not become part of an approved plan until 1997. The idea of special cultural landscape protection areas was first promoted by the the Australian

Conservation Foundation and the Norfolk Island Conservation Society in their 1985-1986 submissions on the draft *Development Plan*. The latter in its submission and subsequently in the 1988 *Conservation Strategy* proposed special zones for the six areas it had identified as having the highest landscape heritage values. The establishment of a local heritage register was first proposed in the *Coldham Plan* of 1972 and has yet to be established as a separate entity thirty years on. The proposal for special landscape protection areas as part of the statutory plan having been rejected by the Norfolk Island Government the Foundation in 1996 nominated the eight rural landscape areas and the 100 metre coastal strip outside the already listed National Park and public reserves for the Register of the National Estate (RNE). All of the present areas on the RNE on Norfolk Island were listed in 1980-82 (see pages 112-114 of *Island on the Brink*). Since that date there has been strong local opposition to further nominations including the nine nominations made by the ACF in 1996. The outcome for the ACF nominations was that the Australian Heritage Commission decided to defer their assessment in favour of later joint assessment by the AHC and the Norfolk Island Government when the local heritage protection scheme has become operational. Local heritage legislation was passed in 1996 but not proclaimed. A new heritage bill was tabled in 2002. A Memorandum of Understanding which was to facilitate the joint assessment drafted in June 2000 has yet to be agreed upon. The six year delay in assessing the ACF nominations is unconscionable particularly since the transfer of ownership of those parts of the nominations which are Crown leasehold will mean that the areas will no longer be eligible for inclusion on the proposed Commonwealth Heritage List. No doubt DOTARS will claim that the making of local heritage arrangements will occur soon (the situation which has existed for the last 30 years) but the main point is that an assessment which will most likely depend on the agreement of the local government is inappropriate for nationally significant features. It is not an arrangement which as far as is known exists in any other part of Australia. If it continues to be applied for Norfolk Island nominations for the National Heritage Register under the proposed new federal heritage legislation it is almost certain that no broad acre cultural landscapes will be listed.

E. CONCLUSION

31. The future of the Norfolk Island environment is at a critical stage as the Commonwealth prepares to divest itself of land which is of importance both to the nation and to the future ecological sustainability of the Territory. The fact that the environment and heritage values on the Crown leasehold have been conserved by Commonwealth stewardship has clearly demonstrated that this arrangement works. On the other hand there is every likelihood that freeholding combined with weak and ineffective planning would lead to the loss of the values. The threats of the proposed change to the coastline, the rural landscapes, the historic settlements and the indigenous and flora and fauna are obvious. Rather than preventing loss of values the statutory plan as proposed will weaken the environmental protection regime thereby facilitating the adverse developments which are expected to follow transfer of the Crown leasehold. The remarkable aspect of

the whole risky proposal is that there is no clearly demonstrated advantage to be gained from converting the long term leases to freehold. Crown leasehold has been judged to be the appropriate form of tenure for the Australian Capital Territory. The nationally important environmental values combined with the limited resources of the small local community warrant a continuation of the leasehold system in the Territory of Norfolk Island.

32. The Foundation calls on the Joint Standing Committee to find that the proposed transfer is ill advised, and that the changes to the statutory plan are not in anyone's best long term interest. It urges the Committee to recommend that: 1) the transfer proposal be abandoned; 2) the existing plan be the basis of any revision of the statutory plan; 3) the coastal and KAHVA Viewshed protection areas be retained; 4) the study of the national environmental significance of the Norfolk Island environment be expedited; and 5) consideration be given to the most appropriate means of protecting these values. The Foundation considers that a mix of protective measures are likely to be helpful and need to be evaluated including: protection through the planning scheme (eg overlays); improved lease conditions; management agreements with lease owners; heritage register protection; and resumption of critical areas to add to the National Park and public reserves.