

# Development Proposals on Northern Territory Parks and Reserves Policy

Parks and Wildlife Commission



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<b>Acronyms</b>	<b>Full form</b>
AAPA	Aboriginal Areas Protection Authority
DEPWS	Department of Environment, Parks and Water Security
NT EPA	Northern Territory Environment Protection Authority
EOI	Expression of Interest
JSC COORD	Jobs Sub Committee of the CEO Coordination Committee
NT	Northern Territory
NTG	Northern Territory Government
Parks and Wildlife	Parks and Wildlife Commission of the Northern Territory

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## 1. Introduction

The Northern Territory Government (NTG), through the Parks and Wildlife Commission of the Northern Territory (Parks and Wildlife), manages 85 parks, reserves and other protected areas across the Northern Territory (NT). Of these, 33 are jointly managed with Aboriginal Traditional Owners or Native Title holders. Collectively, the NT parks estate includes some of the NT's most visited, valued and unique landscapes and environments offering a diversity of landscapes and natural ecosystems.

Parks and Wildlife is dedicated to conserving the natural and cultural values of these parks and reserves for public benefit and to presenting parks and reserves for high quality nature and cultural based tourism and recreation, to ensure the Territory remains a 'must see' and 'must return to' destination.

There is increasing demand for immersive and authentic nature-based experiences and opportunities across Australia and globally, which presents as an opportunity for the Northern Territory. The private sector has the financial scope and imagination to develop and provide opportunities for visitor experiences that add value both to the outdoor lifestyle of Territorians and to our tourism economy that go beyond the standard offerings that governments are usually able to deliver. Parks and Wildlife enters into, and manages, a range of commercial arrangements in the form of contracts, permits and deeds and sub-leases under the *Territory Parks and Wildlife Conservation Act 1976* (the Act) and the *Territory Parks and Wildlife Conservation By-Laws 1984* (the By-Laws) to provide for private commercial interests and operators on Territory parks and reserves.

The NTG encourages approaches from the private sector on its ideas for developments that will improve access, expand and diversify recreational opportunities, fill market gaps and connect people and communities with Territory parks and reserves. It welcomes submissions from the private sector proposing activities to enhance visitor experiences on most parks and reserves, particularly where those proposals complement other activities and enhance the natural and cultural values of the parks estate.

## 2. Scope

This policy sets out the processes and considerations for proponents seeking to develop and deliver proposals on the NT parks estate and other protected areas of the NT, including joint managed parks, where a proposal has not been solicited by the NTG through a procurement action or Expression of Interest, sponsorship or grant program or a proposal that can be facilitated through another means such as a permit, deed or other authorising environment.

The policy provides the authorising environment and framework for dealing with proponents during project development on a first come first serve basis.

It provides guidance and transparency on how development proposals will be considered and determined by Parks and Wildlife based on their value and complexity. It also sets out what a proponent can expect in relation to the treatment of commercial-in-confidence materials and intellectual property, and the assessment processes that will apply.

For the purposes of this policy, a development proposal is defined as:

- a proposal requiring an agreement or contract from Parks and Wildlife that may include exclusive access to land, including the permission to develop or use land, subleases of land, the concessional lease or ownership of buildings, the grant or waiver of a right and/or the provision of resources and expertise; and
- a proposal submitted for any of the parks and reserves as part of the estate, including Joint Managed Parks.

### 3. Objectives

The objective of this policy is to encourage commercial proposals initiated and presented by a private or non-government entity or proponent to engage with NTG to discuss and develop opportunities on the NT parks estate.

### 4. Policy Statement

Development proposals on the NT parks estate, independent of their total value, are encouraged, and will be accepted for review and assessment at any time. From time to time Parks and Wildlife may also invite proposals for specific region/s, parks and/or to achieve a certain objective or outcome.

The ideas and information presented in a development proposal under this policy will be treated as commercial in confidence and provide an opportunity to contract directly with NTG rather than through a competitive procured process.

Proposals will be considered by Parks and Wildlife based on their value and contribution to the estate. Proposals must deliver strong value for money outcomes and public benefits.

Proposals may include tourism, hospitality and recreation commercial ventures that may include infrastructure and activities delivered under a commercial arrangement such as a contract, sub-lease, permit or deed with Parks and Wildlife. Proposals may also include developing and undertaking exclusive adventure tourism products that will occur out of season or in locations that are not usually accessed for this purpose.

The NTG and Parks and Wildlife are not in the position to make unilateral decisions regarding development proposals, or the development and use of land or infrastructure on jointly managed parks and reserves. The approvals process, confidentiality commitments and approved outcomes of proposals on joint managed parks will be dependent on the decisions made by the Joint Management partners at each point in the process for a particular proposal.

For Park specific information on which parks and reserves are joint managed please refer to Attachment A.

### 5. Application and Assessment

Eligible applications will be assessed by Parks and Wildlife on a non-competitive basis, in order of receipt and based on the following four stages:

- 1) Planning and design (initial engagement, informal discussion)
- 2) Application
- 3) Assessment
- 4) Final outcome (negotiation of final agreements)

#### 5.1. Stage 1 – Planning and design

The planning and design stage as the initial engagement stage allows the proponent and NTG to explore the development proposal confidentially and without prejudice. It is expected that the initial engagement would be by way of informal discussion and will determine whether the proposal meets the policy objectives and what additional work might be required before the proposal could be progressed under this policy.

Information required as part of this stage would include an overview of the proposal, the relevant park or reserve, delivery process, infrastructure requirements, proposed time frame and operating model.

The planning and design stage will provide an opportunity to consider whether the proposal can be facilitated by other means such as a permit and deed or other authorising environment.

As part of the informal discussion Parks and Wildlife will also consider if further negotiations will be required by the proponent with third parties if the proposal is on a joint managed park or reserve and/or whether there are native title considerations that will need to be addressed.

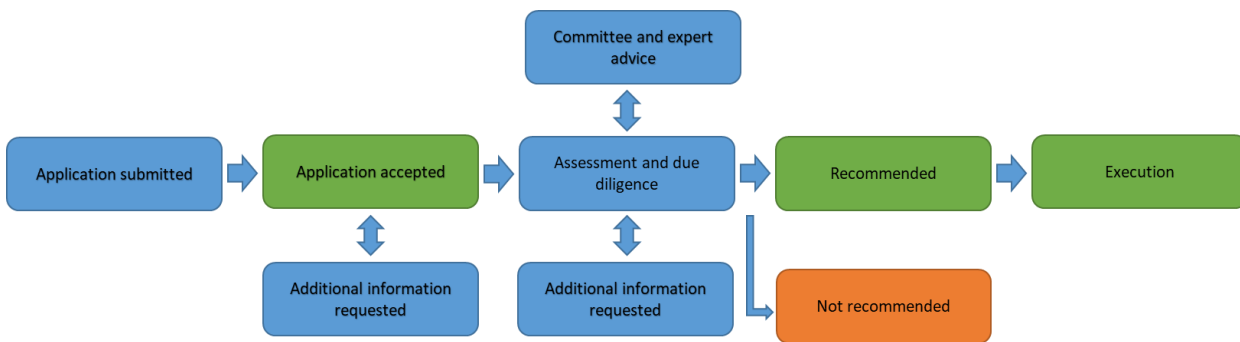
If there are joint management or native title considerations, the proponent is strongly encouraged to commence confidential discussions and negotiations with the appropriate Land Council as soon as possible. Land Councils are able to facilitate confidential negotiations with Traditional Owners and Native Title Holders. It is the responsibility of the proponent to negotiate with the Traditional Owner/s and/or Native Title Holders to obtain their support for the proposal. A statement of support from Traditional Owner and/or Native Title Holders will be required to be obtained before the proposal proceeds to application (Stage 2).

The planning and design stage allows the proponent and NTG to collaboratively explore the proposal in greater detail prior to the commitment of considerable resources by all parties to formal application and assessment processes.

## 5.2. Stage 2 – Application

Once a proponent has completed their planning and design stage the formal process of Application (Stage 2, Assessment (Stage 3) and Final outcome (Stage 4) will commence. Figure 1 below outlines the process from application submission to finalisation of the proposal.

**Figure 1: Process map from application to finalisation of a proposal.**



Following Stage 1 additional information will be required from the proponent for Stage 2 to commence. Additional information required includes the specific details about the applicant including capability and experience; conflict of interests; project scope; projected costing; proposed timeframes; contributions by partners; and letters of support from Traditional Owners and/or Native Title Holders if required. These requirements will be detailed in the application form.

As part of the Application Stage the proponent is required to submit the proposal in writing and clearly address each of the assessment criteria (see below).

Parks and Wildlife will review the proposal in terms of its strategic priorities, innovation, and possible benefit to the NT, and how it aligns with the assessment criteria below. Parks and Wildlife will accept the proposal if it is deemed complete and inform the proponent that the proposal has been accepted. If a

proposal is not accepted, Parks and Wildlife will inform the proponent in writing advising of the outcome by providing reasons for the decision and whether the proposal can be resubmitted with further information.

If the proposal is accepted to proceed to the next stage, Parks and Wildlife will develop a paper outlining the project's benefits and recommendations, including why the proposal is eligible for progression under this policy, to be submitted to the Minister for approval to proceed to Stage 3 –Assessment. If the proposal exceeds a total cost of \$5.0 million, or deemed to be high impact or high risk, the Minister may refer the proposal Cabinet.

### **Assessment Criteria**

A concept proposal will be assessed against the following criteria:

#### **Proposal Merit**

**NT Government Priorities** - The proposal must align with NTG's strategic priorities and contribute to the enhancement of tourism in the interest of public benefit.

**Net Public Benefit** - The proposal must demonstrate that the expected public benefits extend to employment opportunities, tourism income, benefits to Traditional Owners and beneficial environmental outcomes, including opportunities foregone.

**Project Feasibility** - The proposal must demonstrate how the commercial viability of the project will be achieved, including the level of NTG support required.

**Alignment with Principles** – as NT Parks and Reserves are high value public assets that are managed for a particular purpose, a set of principles applicable to commercial development on NT Parks and Reserves have been developed and are available at Attachment B.

#### **Delivery Approach**

**Allocation of Risk** - The proposal must identify key risks and demonstrate that the degree and nature of risks to be accepted by the NTG (if any) are appropriate and acceptable.

**Capability and Capacity** - The proposal must demonstrate that the proponent has the experience, technical expertise, and financial capacity to deliver its proposal within the timeframe outlined in the proposal.

## **5.3. Stage 3 –Assessment**

Under the Assessment stage, Parks and Wildlife will coordinate an assessment panel from relevant NTG agencies to assess the suitability of the proposal to proceed. In some instances, assessment may be carried out by a broader assessment panel including Traditional Owners/Native Title holders, Land Council staff and NTG representatives.

At this stage, proponents are required to be able to demonstrate financial backing and be investment ready at the time of entering negotiations, having completed a feasibility study testing the robustness and reasonableness of the proposed financial assumptions and project risks, as well as the technical, legal and commercial feasibility of the proposal.

Following assessment, the assessment panel will recommend if the proposal should proceed to negotiate final agreement.

The final decision on whether the proposal should proceed to negotiate final agreement can be made by the Minister, unless the proposal exceeds a total cost of \$5.0 million, or the proposal is considered high impact or high risk, then a decision is to be sought by Cabinet.

Once a proposal has been agreed to progress to the next stage, an approvals and authorisations process will be undertaken which will establish the contractual framework for the project.

At the conclusion of the assessment process, Parks and Wildlife will notify the proponent whether the proposal will proceed to the next stage and if proceeding the next steps and requirements. Requirements can differ between proposals being highly project specific and can range from, but are not limited to, level of stakeholder engagement, project pre-approvals, funding approvals, consent by relevant Traditional Owners and/or Native Title holders, Land Council support and insurance related matters.

#### 5.4. Stage 4 – Final outcome (negotiation of final agreements)

After successfully completing stages 1 to 3 stage 4 – negotiations between the proponent, NTG and, if required, external stakeholders will advance to binding stage. This stage will ensure that all outstanding issues are addressed and resolved with the aim to enter into a binding agreement. The binding agreement requires settlement of standard terms and conditions, roles, resourcing, financial contributions, governance structure, program of works, timeframes, disclosure parameters, other requirements of the proponent, NTG, third parties and other relevant matters.

Approvals might include Joint Management Partners approval, development of subleases, approval of permits and deeds or operating agreements, authorisation to develop or use land on a park or reserve, Aboriginal Areas Protection Authorities (AAPA) clearances, NT Environment Protection Authority (NT EPA) and planning assessments and approvals under NT legislation, and Australian Government approvals under the *Environment Protection Biodiversity and Conservation Act 1999* (EPBC Act). Timeframes for the navigation of the approvals process will depend on the nature, scope and location of the project.

### 6. Reserving the right to decline/withdraw

Both Parks and Wildlife and the proponent retain the rights to decline/withdraw from consideration of a proposal or offer at any stage of the development proposal process.



## 7. Legislation

All proposals will be assessed pursuant to below relevant Act(s)

*Cobourg Peninsula Aboriginal Land, Sanctuary and Marine Park Act 1981 (NT)*

*Nitmiluk (Katherine Gorge) National Park Act 1989 (NT)*

*Interpretation Act 1978 (NT)*

*Parks and Wildlife Commission Act 1980 (NT)*

*Procurement Act 1995 (NT)*

*Territory Parks and Wildlife Conservation Act 1976 (NT)*

*Territory Parks and Wildlife Conservation By-Laws 1984 (NT)*

*Environment Protection Act 2019 (NT)*

*Northern Territory Aboriginal Sacred Sites Act 1989 (NT)*

*Environment Protection Biodiversity Conservation Act 1999 (Cth)*

## 8. Application and Contact details

### ***Parks and Wildlife Division, Permits Office***

Palmerston Office (Monday to Friday 8:00am – 4:00pm)

 (08) 8999 4486  [pwpermits@nt.gov.au](mailto:pwpermits@nt.gov.au)  <https://nt.gov.au/leisure/parks-reserves>

## Attachment A – Joint Managed Parks and Reserves

- Alice Springs Telegraph Station Historical Reserve
- Yeperenye / Emily and Jessie Gaps Nature Park
- Iytwelepenty / Davenport Ranges National Park (incl. proposed extension)
- Karlu Karlu / Devils Marbles Conservation Reserve
- Arltunga Historical Reserve
- Chamber's Pillar Historical Reserve
- Corroboree Rock Conservation Reserve
- Dulcie Range National Park
- Finke Gorge National Park
- Kuyunba Conservation Reserve
- Mac Clark (Acacia peuce) Conservation Reserve
- Napwerte / Ewaninga Rock Carvings Conservation Reserve
- Native Gap Conservation Reserve
- N'dhala Gorge Nature Park
- Rainbow Valley Conservation Reserve
- Ruby Gap Nature Park
- Tjoritja / West MacDonnell National Park
- Tnorala (Gosse Bluff) Conservation Reserve
- Trephina Gorge Nature Park
- Watarrka National Park
- Judbarra / Gregory National Park
- Black Jungle / Lambells Lagoon Conservation Reserve
- Djukbinj National Park
- Fogg Dam Conservation Reserve
- Garig Gunak Barlu National Park (Cobourg Marine Park)
- Garig Gunak Barlu National Park (Gurig National Park)
- Harrison Dam Conservation Reserve
- Mary River National Park
- Melacca Swamp Conservation Area
- Barranyi (North Island) National Park
- Giwining / Flora River Nature Park
- Gregory's Tree Historical Reserve
- Nitmiluk (Katherine Gorge) National Park

## Attachment B – Principles applicable to commercial development in Territory Parks and Reserves

### Principle one – alignment with Parks’ values

Commercial activities on the NT parks estate must align with Parks and Wildlife’s legislative requirements, policies, strategic priorities and management intent for the park estate. Activities and operations must be ecologically and culturally sustainable to ensure compatibility with the natural and cultural values of the parks and reserves. Whilst proposals may be considered if they are not specifically identified in park Plans of Management or Joint Management Plans, ideally they will reflect the priorities of those plans.

Where possible, proposals should consider use of established sites rather than undisturbed, natural areas. Adaptive re-use of available, redundant, underused sites or facilities is encouraged.

### Principle two – innovation and improvement

The proposed activities and operations will ideally provide unique, new or innovative visitor experiences, or address a service delivery that has been identified but is unable to be met from within internal resources. In particular, proposals that result in significant improvements in access for the general public and spread visitation out from existing sites and visitor nodes will be highly regarded.

### Principle three – diversity of operations

Varied proposals are encouraged to reflect the diversity of the NT parks estate. Proposed activities will ideally be site specific to enhance the natural and cultural values of the site. Activities must be sensitive to, and compatible with, current and future settings and visitor experiences in the particular area.

Where a commercial activity already exists at a park or reserve, consideration will be given to new, innovative and complementary proposals to expand offerings, services and experiences. The proposal should offer a different experience or benefit to visitors to avoid competition with existing operators unless the existing operator is unable to meet the demand for the service.

### Principle four – public benefit

Proposals must demonstrate a level of public benefit and equity and contribute to the public interest. The activity should provide the greatest net public benefit considering the conservation, cultural, social and economic outcomes of use. Commercial activities will be considered and reviewed by demonstrating the best use of the proposed site with minimal demand on the NTG for financial or in-kind support.

In particular, proposals must contribute to the Aboriginal economic development imperative of jobs, revenue and skills and training for Aboriginal people either through direct employment and training initiatives or contracting and subcontracting opportunities.

When considering ideas that involve exclusive access to parks and reserves, access for the general public must also be considered. If part of a proposal cannot be made accessible to the general public, an equity ‘off-set’ should be proposed to improve public amenity elsewhere on the park estate.

### Principle five – merit-based consideration

Received development proposals will be considered and reviewed on merit. The level of assessment will be appropriate to the nature, scale and location of the proposed commercial activity. The consideration, review and assessment process will be commercial-in-confidence and will not compromise the intellectual property of the proponent.

Parks and Wildlife will convene an assessment panel comprising experienced qualified representatives, relevant to the respective proposal, to evaluate proposals. Parks and Wildlife can engage the services of external advisors, other agencies, or external organisations in relation to the assessment of proposals or any other matter arising from the process or a proposal received.

### **Principle six – joint management considerations**

Development proposals on parks and reserves under joint management arrangements need to align with the principles of Joint Management as outlined in the Act. Engagement with the relevant Land Council should occur as soon as possible during the planning and design stage. Parks and Wildlife will be seeking evidence that proposals have a social licence to operate on a joint management park through support and agreement from the relevant Land Councils and Traditional Owners. Formal approval will be required later in the project development cycle and is likely to include presentation to a Joint Management Committee or Board. In considering any market led proposal for a jointly managed park or reserve, careful consideration will be given to the lease, Indigenous Land Use Agreement (ILUA) and the guiding principles of Joint Management.

The Joint Management Board / Committee has the right to seek clarification, stipulate conditions or refuse the proposal despite any agreement in principle to the project made at any stage of the project cycle.