

Submission – Draft Nature Conservation Strategy 2012-2022

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The Conservation Council ACT region is the peak non-government environment organisation for the Canberra Region, and has been the community's voice for the environment in the Canberra region since 1979.

We represent the interests of community conservation organisations in the region as well as the broader environmental interests of all the citizens of the ACT.

Our mission is to achieve an ecologically sustainable and zero net carbon society through advocacy, education, research and engagement with community, the private sector and with government.

The Conservation Council is active in a number of campaign areas. Our current focus includes biodiversity protection, urban planning and action on climate change.

Context

The Nature Conservation Strategy is a statutory requirement under the *Nature Conservation Act 1980* (the Act) which in turn is the Australian Capital Territory's main legislation for protecting and enhancing our biodiversity.

The first and only Nature Conservation Strategy to date was gazetted on 5 December 1997.¹ A new draft Nature Conservation Strategy was released as a notifiable instrument on 3 September 2012.²

Nature Conservation Strategy and the Nature Conservation Act

The Conservation Council welcomes the release of the draft Nature Conservation Strategy 2012-2022. However we are concerned it appears to be progressing in isolation from the proposed new Nature Conservation Act and both need to be considered in parallel.

Recommendation 1:

The Nature Conservation Strategy be developed and considered in tandem with the forthcoming new Nature Conservation Act and the parallel review of the role and functions of the Conservator.

Although it may have occurred internally some form of assessment on the delivery, strengths and weaknesses of the first (and current strategy) should be provided and be made publicly available. We would not expect this to be formally part of the Nature Conservation Strategy however such an assessment should inform the new Strategy and give some guidance on why certain changes are proposed and what features are or should be retained. It should also provide detail on biodiversity gains and losses during the time of the Strategy.

Recommendation 2:

Provide a public available assessment and review of the effectiveness of the current Nature Conservation Strategy.

Roles and Functions of the Conservator

The role of the Conservator of Flora and Fauna is a key part of the *Nature Conservation Act 1980*. The Conservator is required to prepare a Nature Conservation Strategy. The draft Nature Conservation Strategy indicates the Conservator will “monitor the state of biodiversity in the ACT and monitor the effectiveness of the management of biodiversity, including through the implementation of Action Plans”.³

In 2004 the Labor Government announced its intent to review the Nature Conservation Act “a necessary step before the Government can consider strengthening the role of the Conservator”.⁴

In 2010 the Natural Resources Section, Environment and Sustainable Development Directorate (ESDD) commissioned an investigation into the role and functions of the Conservator of Flora and Fauna with the findings to inform the ongoing review of the Nature Conservation Act. ⁵Price Waterhouse were awarded the contract of \$44,800 to undertake this work in October 2010.⁶

On 27 June 2012 the Minister indicated he would consider releasing the report.⁷ On 2 August 2012 the Minister indicated he would not release the report stating: “It is an internal working document to inform the Government’s consideration of proposed changes to the Nature Conservation Act 1980”.⁸

The 2012 Legislative Assembly Estimates Committee recommended that the: “ACT Government make public the Environment and Sustainable Development Directorate report on the roles and functions of the Conservator of Flora and Fauna”. The Committee also expressed concern that the report had not been publicly released given the important and fundamental nature of the role of the Conservator.⁹

The August 2012 the Conservation Council put in a Freedom of Information request to obtain the report which was refused on the grounds that the report not be released until the Exposure Draft of the new Nature Conservation Act is released.

The Nature Conservation Strategy needs to be considered in the context of any changes that may occur in regard to the roles and functions of the Conservator through the new Nature Conservation Act. In this regard the consultant document informing Government thinking on this matter should be released as a matter of priority.

***Recommendation 3:
Immediate release of the Price-Waterhouse report on the roles
and functions of the Conservator.***

The role of the Conservator is vital and his/her powers should be widened and strengthened. The Conservator should be a statutory appointee independent of Government who reports directly to the Minister and the ACT Legislative Assembly.

At various times there have been suggestions that the Conservator roles and functions be undertaken by the Commissioner for Sustainability and the Environment. This is not a workable option as at times the Commissioner may have need to address complaints or investigate decisions made by the Conservator.

***Recommendation 4:
Strengthen the role of the Conservator through the new Nature
Conservation Act.***

***Recommendation 5:
The Conservator should be a statutory appointee independent of
Government who reports directly to the Minister and the ACT
Legislative Assembly.***

The role of the Conservator as a decision-maker or as an independent advisor to the Minister / Government needs to be clearly defined.

Vision / Strategic Goal of the Strategy

The draft Nature Conservation Strategy proposes a new vision which is: "Biodiversity rich, resilient landscapes stretching from the inner city to the mountains, where well functioning ecosystems can meet the needs of people and the environment".

The previous Strategic Goal was: "to protect our biological diversity and maintain ecological processes and systems".

It is unclear as to the rationale to move from the existing strategic goal in the current Nature Conservation Strategy. There should not need to be mention of

resilience as this is implied in the concept of protecting our biological diversity. Likewise there is no need in such a document to refer to the “needs of people”. In addition there is a tautology in the use of term ecosystems as well as the environment.

We support the original strategic goal and see no reason for it to be changed. We do propose that the vision include the term ‘enhance’ in recognition that we need to do more than just protect what biodiversity we have at the moment – we also need to enhance it – i.e. we need to be undertaking restoration activities.

Recommendation 6:
The vision needs to be a strong statement – to protect and enhance our biological diversity and maintain ecological processes and systems.

Purpose of the Strategy

The purpose of the strategy is unclear. It states it is intended to be a document for “all land management, planning, business and community sectors in the ACT to guide a coordinated and integrated approach to nature conservation”. However there is insufficient detail to usefully inform practical action. The Nature Conservation Strategy needs both a high level goal and vision as well as specific objectives linked to very clear actions and indicators.

Recommendation 7:
The Strategy in addition to including high level vision and principles must also be suitably practical to be of use to ACT land managers, both government as well as community Parkcare groups and rural landholders.

The draft Nature Conservation Strategy does not provide sufficient information on current status of biodiversity in the ACT. Providing such information would provide a useful basis for determining progress [or not] to date as well as priorities for action. As above it would be useful to consider this in the context of a review of the current strategy in order to assess what has worked, what hasn’t new threats etc.

Recommendation 8:
The Strategy should provide a scientific snapshot of the current status of biodiversity in the ACT and current key trends as well as expectations for 2022.

The maps include proposed urban areas, defined as urban landscape and it is unclear from the text if this implies these areas will be developed regardless of their biodiversity values. The role of the Nature Conservation Strategy is to provide for areas that are important for conservation.

Recommendation 9:
The Strategy should not accept that proposed urban development will be at the expense of biodiversity values

Objective, Action, Performance Indicator/ Target Approach

Strategies need to be linked to clearly defined objectives with clear practical actions and performance indicators. The proposed approach is unclear with strategies and actions not related to the proposed indicators.

The actions proposed in the draft Nature Conservation Strategy vary from very specific commitments and actions to no actions at all or to very broad statements. For example:

- A clear action: Strategy and action 1.1 Develop baseline information on landscape function.
- No action: Strategy and action 3.3 Restoration and management of priority landscapes. No priority landscapes are identified and no specific actions proposed.
- Broad statement: Strategy and action 1.3 Enhance regional connectivity and the action is to "continue working with NSW on regional connectivity initiatives.

The model in the existing (1998) strategy provides a greater level of detail. Again it would be useful if there was public review of the outcomes of the current Nature Conservation Strategy against its proposed objectives, including what actions had been undertaken and whether they had met the performance indicator or target.

Recommendation 10:
Link objectives to actions and to performance indicators and / or targets

Resourcing Implementation of the Nature Conservation Strategy

Similarly even though often vague the draft Nature Conservation Strategy makes a lot of commitments and it is unclear of the cost implications. Are these to be delivered within existing resources or are additional resources required? Likewise it is unclear who has responsibility for different elements for delivery of the Strategy.

Recommendation 11:
Ensure all actions are costed and have an appropriate budget allocation and who has responsibility for delivery.

Various funding models have been proposed and these should be more fully explored. This includes:

- A levy on all ACT residents
- All developers paying a land management contribution regardless of location to the bush / urban interface
- Developers next to bush paying a levy for ongoing management of the bush

- Other options.

***Recommendation 12:
The strengths and weaknesses of alternative funding models for ongoing land management should be fully evaluated.***

Monitoring, Reporting and Review

Section 5 which includes monitoring is inconclusive and does not actually outline a monitoring program. It is unclear that the targets identified will provide a timely indication of the biodiversity status in the ACT.

***Recommendation 13:
A specific and clear biodiversity monitoring program be developed.***

Aligning reporting with the Commissioner's State of the Environment (SoE) Report is useful however this report only takes place every four years. The next SoE report is not due until 2015.

Annual biodiversity reporting is required and some key indicators must be included in corporate documents such as Budget Papers and ideally as Strategic and / or Accountability Indicators as well as reporting against the Canberra Plan and Measuring our Progress.

Indicators nonetheless should be consistent across different reporting mechanisms.

***Recommendation 14:
Specific biodiversity indicators be included in ACT Budget papers and other key strategic documents such as the Canberra Plan.***

The current strategy indicated that community awareness was a key factor and that mechanisms would be put in place to ensure the ACT community was "aware of progress, issues and achievements".¹⁰ It would appear that neither of the three mechanisms proposed to achieve this objective eventuated. These were:

- 1) Development of an annual Nature Conservation Strategy Implementation Plan
- 2) Oversight of the Plan and public reporting on it via an independent Committee (ACT Environment Advisory Committee)
- 3) Regular review and reporting of the Strategy by the Conservator.

The draft Strategy simply says that the "Strategy be comprehensively reviewed towards the end of its ten year life to ensure it remains current".¹¹

Recommendation 15:
Ensure regular (annual) review and public reporting of the Strategy by the Conservator

Action Plans are a key mechanism for guiding action on management of threatened species and communities. There are now many Action Plans for threatened ACT species and communities yet it is less clear about resourcing and implementation of these or ongoing assessment of their effectiveness. To date none have been reviewed. It is also unclear how monitoring is used to inform implementation of action plans.

It is worth noting that the Auditor-General's Office has on the forward work program for 2013-14 that it may look at ACT Woodland and Grassland Strategies and Action Plans stating: "Areas of focus: The Woodlands and Grasslands Strategies include actions to identify important areas and propose means to protect them and areas suitable for regeneration and restoration. The strategies provide a guide to land use planning and environmental management in the ACT with respect to the remaining lowland woodlands and grasslands. The Audit Office could examine the effectiveness of the implementation of the action plans and progress against stated objectives and oversight of these strategies and action plans."¹²

Recommendation 16:
Develop a rolling plan for review of Actions Plans as a matter of priority.

Definition of Biodiversity

The definition of biodiversity is inappropriate. It should be consistent with the National Biodiversity Strategy.

Recommendation 17:
The definition of biodiversity should be consistent with the National Biodiversity Strategy.

Linkages to Other Policy – Local, National, International

It is important the Nature Conservation Strategy reflects current best practice and developments with local, national and international policy. There is also a need to include mechanisms within the strategy to ensure there is flexibility to reflect emerging issues and new best practice.

Recommendation 18:
Ensure Strategy reflect best practice in Local, National and International biodiversity policy.

Recommendation 19:

Ensure Strategy has mechanisms to ensure it continues to reflect best practice in Local, National and International biodiversity policy.

Offsets

The Conservation Council does not support biodiversity offsets. However we have developed a policy paper outlining key principles if offsets are to be applied. It is attached. In broad terms if offsets are to be used they must be guided by a policy on offsets. Currently there is no ACT offsets policy, although apparently considerable work has been undertaken on initial preparation of a policy. There has been no community engagement on the policy.

The Commonwealth has recently finalised its offsets policy. At a minimum the ACT needs to comply with this policy particularly in regard to practical implementation of the policy in regard to ensuring any offsets deliver the objective of "net gain". An essential part of this is monitoring and reporting on biodiversity outcomes at offsets sites. In turn this requires a register of all offset sites, their proposed deliverables, baseline studies and appropriate ongoing management resourcing.

Recommendation 20:

The Strategy should include reference to the need for an ACT offsets policy which includes: an offsets register, monitoring, reporting on outcomes, appropriate resourcing, enforcement and an annual independent review by the Commissioner for Sustainability and the Environment.

Governance – Integration of Biodiversity Functions

The Governance section (page 24) should be amended to reflect the intent to create a single Conservation Agency. Please refer to the Conservation Council briefing paper on this matter. The Conservation Council supports integration of all parts of biodiversity policy, biodiversity research, monitoring, enforcement and field based conservation rangers within one administrative unit – a single Biodiversity and Conservation Agency. This will deliver better biodiversity enhancement and protection and improved nature conservation outcomes

Recommendation 21:

The Strategy should reflect the intent to create a single Conservation Agency.

Recommendation 22:

Biodiversity issues need to be included early in the planning processes, rather than at the end (Development Application stage) when site decisions are often locked in and the only options are mitigation.

Bush on the Boundary

The Conservation Council has been a lead and key player in the establishment of Bush on the Boundary groups and various Bush on the Boundary projects. It is important to note that Bush on the Boundary (BoB) is not a Government program, although some funding to BoB projects has been provided by the ACT Government.

Ongoing deliverables from Bush on the Boundary would arise with a transition from being a series of ad hoc occasionally funded projects to an established program so that the benefits of the projects undertaken to date are fully realised.

A Bush on the Boundary perspective and program is critical in the ACT as so much of our urban settlement occurs very close to our important endangered ecological communities.

***Recommendation 23:
The various Bush on the Boundary groups and projects need consistent funding to become a viable ongoing program within an overarching framework.***

¹ <http://www.legislation.act.gov.au/di/1997-263/current/pdf/1997-263.pdf>

² <http://www.legislation.act.gov.au/ni/2012-457/default.asp>

³ Draft Nature Conservation Strategy page 23

⁴ ALP Election Policy – Our Environment, 28 September 2004, page 8

⁵ ESDD Annual Report 2010-11 page 234

⁶ ESDD Annual Report 2010-11 page 319

⁷ Estimates 27 June 2012 page 1121

⁸ Estimates QoN No. E12-555, 2 August 2012

⁹ Estimate Committee Report 2012-13 page 257

¹⁰ Nature Conservation Strategy 1997 page 42

¹¹ Draft Nature Conservation Strategy page 23

¹² ACT Auditor General's Office Performance Audit Program 2012-13 and Potential Audits (2013-14 and beyond) page 11