SOUTH AUSTRALIAN GOVERNMENT SUBMISSION

in response to the Senate Standing Committee on Environment, Communications and the Arts

Inquiry into the operation of the *Environment Protection and Biodiversity Conservation Act 1999*

October 2008

Disclaimer

The South Australian Government and its employees do not warrant or make any representation regarding the use, or results of the use, of the information contained herein as regards to its correctness, accuracy, reliability, currency or otherwise. The South Australian Government and its employees expressly disclaim all liability or responsibility to any person using the information or advice.

Table of contents

1. Executive summary 3
2. Introduction 5
   2.1. South Australian policy context 5
   2.2. Commonwealth / national policy context 6
3. Terms of reference (2a) Audit Report 8
4. Terms of reference (2b) Protection of critical habitats of threatened species and ecological communities 9
   4.1. Lessons Learnt 9
   4.2. Measures to improve recovery 9
   a) Complementary approaches, including bioregional planning 10
   b) Integrating biodiversity objectives into land-use planning 10
   c) Accelerate Use of Strategic Approaches under the EPBC Act 11
   4.3. Summary of measures to improve the effectiveness of the EPBC Act 11
5. Terms of Reference (2c) Cumulative Impacts 13
6. Terms of Reference (2d) Climate change 14
7. Terms of reference (2g) Funding 15
8. Further Information 16
9. References 17

Attachments

Attachment A: No Species Loss Strategy

Attachment B: Model for integrating conservation and land use planning

Attachment C: Land Use and Natural Resources Management Planning in South Australia

Attachment D: Assessment of Mining and Petroleum Proposals

1. Executive summary

The South Australian Government acknowledges that the Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) has made an important contribution to environmental protection in Australia during its first eight years of operation. It also acknowledges that the recent changes to the EPBC Act, effected in early 2007, aim to further improve the effectiveness of the Act by continuing to strengthen environment and heritage protection while streamlining some of the provisions of the Act and providing greater capacity and flexibility for more strategic approaches to be employed. Many of these reforms are being progressed with the States and Territories and more recently through the Council of Australian Governments (COAG) reform agenda.

The South Australian Government shares the Committee's concern about the continuing decline of a significant proportion of Australia's unique plants and animals, and the likelihood that accelerating climate change will exacerbate challenges faced by Australian species.

The South Australian Government's policy response to this continuing decline and to the challenge of climate change are clearly outlined in: (i) *South Australia's Strategic Plan 2007*; (ii) *No Species Loss – A Nature Conservation Strategy for South Australia 2007-2017;* (iii) the *State Natural Resources Management Plan 2006* and (iv) *Tackling Climate Change: South Australia's Greenhouse Strategy 2007–2020.*

However the continuing decline of biodiversity – particularly in the face of accelerating climate change – compels urgent and collaborative action to build the resilience of ecosystems so that they have the capacity to adapt to changes and disturbances.

While the South Australian Government is working closely with all levels of government, industry, indigenous, rural and urban communities, it is incumbent on all parties to stay focussed on tackling the major threats and to accelerate efforts to build the resilience of our precious ecosystems.

In the South Australian Government's view (and based on key recommendations highlighted in the *National Strategy for the Conservation of Australia's Biological Diversity* and the *Nature Conservation Strategy for South Australia*) key measures to improve the effectiveness of the EPBC Act require the urgent adoption of more holistic, systems-based approaches to biodiversity conservation that take into account management and monitoring at a range of scales, but that are reported within a landscape planning and management context.

The South Australian Government submission highlights a number of key strategies that, if implemented as a matter of urgency, should:

- achieve substantially better environmental outcomes;
- reduce duplication that is involved in project by project approvals and different State/Australian Government approvals and assessments processes;
- More effectively address cumulative impacts rather than assessing individual developments in isolation; and
- Provide a flexible framework to build resilience to climate change threats.

The timing appears ideal, given:

a) the 2006 changes to the EPBC Act now provide for more strategic and collaborative approaches to achieve the objects of the Act.

b) COAG has endorsed the uptake of the use of strategic approaches under the EPBC Act, and

c) the Australian Government can capitalise on South Australia's current planning reforms and other regional biodiversity planning processes.

In summary, the South Australian Government recommends the following:

1. There is an urgent need for the Australian Government to adopt more holistic, systems-based and landscape-scale approaches to biodiversity conservation by:

   - complementing the current listing and referral processes with a broader range of planning tools and approaches .
   - ensuring national biodiversity objectives and targets are integrated into jurisdictional land-use planning. Immediate work could begin to capitalise on South Australia's current round of regional planning work and other planning reforms.
   - accelerating work with States/Territories on projects that will progress strategic approaches under the EPBC Act.

2. The Australian Government must also ensure that adequate and ongoing resources are provided:

   - for long-term natural resources and ecosystem data collection programs, adequate monitoring and evaluation mechanisms and the provision of supportive tools.
   - to bolster efforts and resources for training and education programs and for the development of other supporting tools, particularly to accommodate the need to understand and implement recent and emerging reform programs for Australian Government and State and Territory EPBC-related processes and practices.

   Where appropriate, the Australian Government should work closely with States and Territories to develop and deliver these supporting systems, tools and programs.

2. Introduction

The South Australian Government shares the Senate Committee's concern about the continuing decline and extinction of a significant proportion of Australia's unique plants and animals, and the likelihood that accelerating climate change will exacerbate challenges faced by Australian species.

It is incumbent on all levels of government, industry and the community to stay focussed on tackling the major threats and on efforts to build the resilience of our unique ecosystems.

2.1. South Australian policy context

The South Australian Government's key policy responses to the continuing decline and to the challenge of climate change are outlined in: (i) South Australia's Strategic Plan targets[1]; (ii) *No Species Loss – A Nature Conservation Strategy for South Australia 2007-2017*; (iii) the *State Natural Resources Management Plan 2006*; and (iv) *Tackling Climate Change: South Australia's Greenhouse Strategy 2007–2020.*

Tackling Climate Change: South Australia's Greenhouse Strategy 2007–2020 is South Australia's long-term response to climate change. It provides a series of innovative and comprehensive strategies for the State to effectively address climate change. South Australia's strategies for increasing the capacity of ecosystems to adapt to climate change include: determining priorities for biodiversity conservation, identifying opportunities to build resilience in ecosystems, and improving ecological function and connectivity.

On 10 July 2007, the South Australian Government released *No Species Loss – A Nature Conservation Strategy for South Australia 2007-2017* (see Attachment A). The Strategy provides a framework to address terrestrial, aquatic and marine biodiversity decline in South Australia, by bringing together existing policy, legislative and strategic instruments for natural resources management and biodiversity conservation. It aims to inform the State's planning and development assessment system and provides guidance for incorporating biodiversity conservation into the State and regional Natural Resources Management (NRM) plans.

In recognition of the significant challenge that climate change brings to biodiversity conservation, the goals and objectives of *No Species Loss* are closely aligned with the biodiversity conservation objectives of *Tackling Climate Change: South Australia's Greenhouse Strategy 2007–2020. No Species Loss* also recognizes that response measures require a combination of approaches and the application of a 'landscape approach' to biodiversity conservation.

The strong linkages between biodiversity conservation and natural resources management offer many opportunities to develop complementary outcomes whilst avoiding unnecessary duplication of effort, policies and structures. To this end, the *State Natural Resources Management Plan 2006* promotes the development of better integrated legislation and policy structures to support land and seascape-scale management. These outcomes are articulated in the following goals of the plan:

Goal 1: Landscape scale management that maintains healthy natural systems and is adaptive to climate change

[1] TARGET 3.1– Lose no species: lose no known native species as a result of human impacts.

TARGET 3.2 – Land Biodiversity: by 2010 have five well-established biodiversity corridors aimed at maximising ecological outcomes particularly in the face of climate change.

Goal 2: Prosperous communities and industries using and managing natural resources within ecologically sustainable limits

Goal 3: Communities, governments and industries with the capability, commitment and connections to manage natural resources in an integrated way.

Improved integration could also assist in delivering the following State NRM Plan targets:

- by 2020, 50 per cent of species and communities in each of the 2006 risk categories have moved to a lower risk category;
- by 2011, no species and ecological communities have moved to a higher risk category;
- by 2011, no further net loss of natural habitat (terrestrial, marine and aquatic) extent and condition below that of 2006; and
- by 2020, a net increase in ecological connectivity across all terrestrial, marine, and aquatic ecosystems compared to the 2006 values.

Water, vegetation and soil targets in the State NRM Plan are also highly relevant to achieving biodiversity outcomes.

The *Planning Strategy for South Australia* (as outlined in Attachment C) provides policy direction for land use and development in South Australia over the medium term.

The South Australian Government has recently announced reforms, titled *Better Planning Better Future: Planning Reforms 2008* to improve and streamline South Australia's planning and development approvals processes. The adoption of more strategic approaches into planning and development policy is a key element of these reforms and provides consistency with the reforms being driven through the Council of Australian Government's (COAG) Business Regulation and Competition reform agenda to improve EPBC Act processes.

2.2. Commonwealth / national policy context

The *National Strategy for the Conservation of Australia's Biological Diversity* (DEST 1996) attributes the loss of biological diversity to a complex set of underlying causes including:

- the size and distribution of the human population;
- the level of resource consumption;
- market factors and policies that provide incentives for biological diversity depletion;
- undervaluation of environmental resources;
- inappropriate institutions and laws;
- ignorance about the importance and role of biological diversity;
- underinvestment in biological diversity conservation; and
- inadequate knowledge of our biological diversity and the rate at which it is being lost.

The National Strategy advocates that high priority must be placed on **developing and implementing integrated approaches to conservation** that both conserve biological diversity and meet other community objectives.

Objective 1.2 of the National Strategy is to: ***"Manage biological diversity on a regional basis****, using natural boundaries to facilitate the integration of conservation and production-oriented management"*. Furthermore the National Strategy emphasises the major importance of that **bioregional planning** to the success of biological diversity conservation.

The need to adopt bioregional planning approaches has also more recently been highlighted in a) the current review of the National Biodiversity Strategy and b) a national workshop on the impacts of climate change on the development and management of the National Reserve System (reported in Dunlop and Brown 2008). The workshop concluded that bioregional biodiversity strategies should be developed that take into account: linking the National Reserve System with private lands managed for conservation objectives; natural resources management; threat assessment; fire management; pest control; and ex situ conservation.

In February 2007, legislative changes enhanced the strategic provisions of the EPBC Act. The Act now allows for a range of approaches to more efficiently achieve the Act's objectives. For example, provisions relating to Strategic Assessments (s146) and Bioregional Plans (s176) can now encourage or facilitate joint (State-Commonwealth) planning processes that employ 'landscape-scale' management processes. The EPBC Act also enables strategic assessment of broader policies and plans. If a plan is endorsed under the EPBC Act following such an assessment, then actions taken in accordance with the plan do not require separate or individual approval. The likely advantages to all communities from this approach includes biodiversity conservation, business certainty and streamlined approvals processes.

The Council of Australian Governments (COAG) Business Regulation and Competition reform agenda relating to improved EPBC Act processes has recently been expanded (refer March and July 2008 Communiques and Implementation Plans) to promote the uptake by States/Territories and the Australian Government of more strategic approaches under the EPBC Act.

Based on South Australia's and the national policy agenda, it is timely and appropriate for more holistic and strategic approaches to be adopted to improve the effectiveness of the EPBC Act.

Section 4, which responds to terms of reference 2b, details many of the ways in which South Australia believes these approaches and concepts could be progressed, while sections 3 and 5-7 provide a short response to the terms of reference 2a, c, d, f and g.

3. Terms of reference (2a) Audit Report

The findings of the National Audit Office Audit 38 Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999

It is noted that the 2003 report of the National Audit Office Audit 38 *Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999* is now outdated as many of its recommendations have already been adopted by the Australian Government with some changes being made to the EPBC Act during the 2007 amendments.

Improvement is required in the following areas:

Awareness of the Act

The 2003 audit report noted that the Australian Government has made serious efforts to promote awareness of the EPBC Act.

In South Australia there have been relatively few referrals submitted in the past eight years (164 referrals until 1 September 2008) which may reflect a lack of awareness in the general community on the EPBC Act.

The Australian Government has previously funded a number of EPBC Act information sessions which targeted local councils, NRM boards and State agencies in South Australia. These information sessions were well received and were useful in raising the profile of the EPBC Act amongst agencies. Additional information sessions would be useful for new staff in these agencies.

There is a lack of understanding in the community surrounding the terms 'significant impact' and 'indirect and off site impacts'. This can be alleviated by the delivery of specific awareness programs.

Given the recent reform programs for Australian Government and State and Territory EPBC related processes and practices, there is a growing need to bolster efforts and resources for training and education programs and for the development of other supporting tools. Where appropriate, the Australian Government should be working closely with States and Territories to develop and deliver these new requirements.

Compliance and enforcement

The 2003 audit report concluded that monitoring and enforcing compliance with the requirements of the Act is crucial to its effective operation.

The onus is on the proponent for implementing actions that mitigate potentially significant impacts, or conditions of approval. However there maybe a case for further investment by the Australian Government to ensure that the mitigating actions have been carried out appropriately by the proponent. Without adequate compliance, there is insufficient incentive for proponents to continue to implement mitigating actions required of them by the Australian Government.

4. Terms of reference (2b) Protection of critical habitats of threatened species and ecological communities

Lessons learnt from the first 10 years of operation of the EPBC Act in relation to the protection of critical habitats of threatened species and ecological communities, and potential for measures to improve their recovery;

4.1. Lessons Learnt

The current biodiversity conservation measures in the EPBC Act have a strong focus on identifying and managing threatened species, threatened ecological communities and key threatening processes. While these are often effective for focussing attention on the protection of habitat critical to the survival of threatened species[2], they do not adequately address the key matters of National Environmental Significance and of biodiversity conservation on a landscape-scale.

Other operational issues that hinder the efficacy of the Act include:-

- delays, and in some cases removal of nominations, for the listing of many threatened ecological communities and threatened species;
- backlogs of threatened species and threatened ecological communities nominations;
- the long time frames required to both prepare and receive Australian Government Ministerial ratification of recovery plans; many threatened species still lack recovery plans[3]; and
- the inadequacy of monitoring programs to effectively measure the effectiveness of recovery plans in conserving species against short, medium and long-term goals.

Traditionally, threatened species recovery planning and management has been focused on the recovery of single species, although the approach to achieving that recovery has been (and still is) based around the protection of habitat critical to survival and the management of significant threats. This approach has seen a number of successful programs implemented for threatened species in Australia and elsewhere[2] which frequently demonstrate a wide range of outcomes beyond just the target species, and often address the conservation requirements of species at a very broad landscape-scale (e.g. fire management for the black-eared miner (*Manorina melanotis)* in Bookmark Biosphere Reserve mallee; introduced predator and herbivore management at the Arid Recovery project).

However, it is recognised that there is a limit to the rate at which recovery plans can be developed and, more particularly, implemented, highlighting the fact that other complementary conservation planning approaches are also required to manage and conserve biodiversity most effectively across the landscape.

4.2. Measures to improve recovery

As stated in Section 2, the *National Strategy for the Conservation of Australia's Biological Diversity* (1996) and South Australia's *No Species Loss Strategy* both recognise the complexity of the challenge to conserve and protect Australia's biodiversity. In order to more effectively deal with this complexity and to meet the

[2] Taylor et al (2005) concluded that single species recovery plans have been shown to be statistically strongly associated with recovering populations trends for US endangered species.

[3] Auditor-General's report (ANAO 2007) showed that approx 22% of all threatened species and 68% of ecological communities under the EPBC Act had a recovery plan in place by 2004

biodiversity objects outlined in the EPBC Act, there is an urgent need for the Australian Government to adopt more holistic, systems-based and landscape-scale approaches to biodiversity conservation by:

- complementing the current listing and referral processes, through broadening the use of tools and the number of approaches used.
- ensuring national biodiversity objectives and targets are integrated into jurisdictional land-use planning.
- (and more generally) accelerating work with States/Territories on projects that will progress strategic approaches under the EPBC Act.

a) Complementary approaches, including bioregional planning

Complementary approaches should include planning for conservation at a landscape scale so that recovery planning and management actions are integrated with land-use planning and regional development strategies. Recovery planning can also inform National Reserve System (NRS) and Comprehensive, Adequate and Representative Reserve System (CARRS) planning by identifying gaps in comprehensiveness, adequacy and representativeness.

The preparation and adoption of bioregional plans using bioregional planning tools in a cooperative manner between the Australian and State / Territory Governments would also enable consistent strategic decision-making at scales larger than at present. More comprehensive plans, such as at the Interim Biogeographic Regionalisation for Australia (IBRA) Sub-regional scale, allow a wider biodiversity context for decision-making on controlled actions and avoid ignorance of the cumulative impacts in planning and development. The bioregional planning program, and incorporation of some of the tools that deliver the landscape-scale context between current species recovery planning and continental (NRS and CARRS) planning strengths should be accelerated.

b) Integrating biodiversity objectives into land-use planning

In South Australia the integration of nature conservation and other natural resource objectives and targets takes place within Regional NRM Plans. These plans are currently being developed by the eight Regional NRM Boards in South Australia, with the exception of the Adelaide and Mt Lofty Ranges NRM Board (AMLR NRMB), which released its plan in July 2008.

The Draft Biodiversity Strategy for Adelaide and the Mount Lofty Ranges (in preparation) directly informs the regional NRM planning process. A number of State Government agencies were involved in the development of the Regional NRM Plan to ensure that biodiversity considerations were effectively integrated with other natural resource commitments (including agricultural production and water resources management targets). This provides a model for the other regions of South Australia to follow as they prepare their Regional NRM Plans.

Where possible bioregional boundaries and NRM, State and other socio-political boundaries should be aligned in a manner that supports efficient bioregional planning. This minimises difficulties in managing conservation issues across the landscape due to disparities in planning and funding and reporting processes.

Biodiversity conservation targets must also be integrated into the land-use planning process. In South Australia, there is an ideal opportunity to integrate nature conservation and development objectives in land-use planning and regional development strategies through the current development of *Regional Land Use Frameworks* (RLUF) and the *Plan for Greater Adelaide*. Attachment B provides more

detail on the Land Use and Natural Resources Management Planning in South Australia.

Attachment C outlines the current and proposed models for the interaction of biodiversity conservation planning with Regional NRM Plans and State Planning Systems in the current South Australian legislative and policy framework.

c) Accelerate Use of Strategic Approaches under the EPBC Act

The recent changes to the EPBC Act also offer a timely and important opportunity to adopt more strategic, integrated and 'landscape scale' approaches that are consistent with the COAG reform agenda.

The South Australian Government has been working with the Australian Government to identify more strategic approaches and to reduce the need for project by project approvals. Indications are that strategic approaches under the EPBC Act will offer more flexible environmental assessment and approval processes and add value to the sustainable economic development of Australia. While the potential of strategic approaches is not fully known, a number are emerging that could suit South Australia's policy direction and process improvements, such as the Planning reforms.

Some of the key areas identified in the preliminary discussions on strategic projects for South Australia include:

- Joint bioregional planning processes to accelerate and enhance current NRM and land-use planning processes. Initial attention could focus on areas flagged for future housing or other development that would benefit from a holistic and landscape-based assessment to achieve the best social, environmental and economic outcomes.
- Strategic assessment (viz accreditation) of South Australia's Planning Strategy – Regional Land Use Framework process;
- Investigating options relating to mining and petroleum industries, eg further accreditation of / bilateral agreements relating to assessment processes in South Australia (refer Attachment D). An important consideration here is the development of processes that take into account the net total loss of habitat that results from incursions such as clearance for roads, tracks and service infrastructure. Other opportunities include the development of EPBC policies to guide industry practices; and
- Progressing a strategic assessment of South Australian fire management planning.

The Australian Government and States and Territories need to work quickly and collaboratively to capitalise on current reform and planning processes to effect biodiversity improvements in the most vulnerable areas.

4.3. Summary of measures to improve the effectiveness of the EPBC Act

There is an urgent need for the Australian Government to adopt more holistic, systems-based and landscape-scale approaches to biodiversity conservation by:

- complementing the current listing and referral processes, by broadening the number of approaches and use of tools.
- ensuring national biodiversity objectives and targets are integrated into jurisdictional land-use planning. Immediate work could begin to capitalise on South Australia's current round of regional planning work and other planning reforms.

- accelerating work with States/Territories on projects that will progress strategic approaches under the EPBC Act. This

The Australian Government must also ensure that adequate investment is provided for long-term natural resources and ecosystem data collection programs, adequate monitoring and evaluation mechanisms and the provision of supportive tools.

5. Terms of Reference (2c) Cumulative Impacts

the cumulative impacts of EPBC Act approvals on threatened species and ecological communities, for example on Cumberland Plain Woodland, Cassowary habitat, Grassy White Box Woodlands and the Paradise Dam

It should be noted that many actions in isolation can be insignificant, but the cumulative effect across a landscape can be detrimental.

As referred to in Section 4 (ToR 2b) of this submission, the EPBC Act provides for a range of tools for proactively dealing with cumulative impacts, however these tools are currently underutilised.

There is a need to accelerate the use of these tools for proactively integrating environment assessment and management and to better deal with consideration of cumulative impacts

6. Terms of Reference (2d) Climate change

The effectiveness of responses to key threats identified within the EPBC Act, including land-clearing, climate change and invasive species, and potential for future measures to build environmental resilience and facilitate adaptation within a changing climate

A critical component of planning processes for matters of National Environmental Significance (NES) should be the inclusion of conservation targets and objectives that will provide an enhanced capacity to build ecosystem resilience to the impacts of climate change.

Landscape conservation planning, undertaken within a bioregional context, and integrated with NRM Regional Plans, should incorporate an assessment of the current health of a landscape and its trajectory (i.e. is it restorable, or can we only maintain what is left). Knowledge of the health/status of a landscape, and what factors are driving this clarifies the immediate needs for management and restoration. Importantly, this information also provides the basis for undertaking a risk assessment in terms of future scenarios and likely responses. Future environmental change, such as climate change, would provide the context for such a risk analysis approach.

The *No Species Loss* strategy seeks to identify and fill key gaps in knowledge to influence biodiversity management and provide an enhanced capacity to adjust to climate change impacts.

The lack of sound modelling and mapping of the impacts of climate change on natural systems represent current gaps in our knowledge that leave Australia vulnerable in terms of developing effective biodiversity adaptation strategies. Significant investment is required to progress the development of biodiversity conservation baselines and targets that will enable the long-term impacts of climate change on biodiversity to be monitored and managed appropriately.

7. Terms of reference (2g) Funding

The impact of programme changes and cuts in funding on the decline or extinction of flora and fauna.

The lack of long term funding is one of the biggest impediments to implementing effective recovery programs for threatened species/ecological communities.

Without long term funding commitments:

- it is difficult to establish an appropriate maintenance regime,
- adequate monitoring programs cannot be implemented;
- there is reduced ability to retain threatened species staff and regional knowledge (including knowledge of species, their habitats, site management, and previous landholder contact);
- long-term and innovative threat abatement programs cannot be implemented;
- certainty for implementing and maintaining effective recovery plans is significantly reduced.

Good environmental outcomes occur when people are communicating to find a solution that meets both the needs of the community and the needs of the environment. The EPBC Act and other environmental programs can facilitate this more effectively at a local level.

The Australian Government Liaison Officers regularly travel to the regions and remain an excellent source of information about the EPBC Act and an avenue to relay regional concerns. These staff have an excellent network developed throughout the state and also provide a valuable role in increasing awareness and understanding of the EPBC Act and other Australian Government programs. Unfortunately the number of these positions has been reduced and this has impacted on the ability of the remaining Liaison Officers to carry out their role effectively.

These changes reflect two key issues about matters of National Environmental Significance conservation planning and management, viz:

1. lack of regional NRM understanding and appreciating their roles and responsibilities in addressing matters of National Environmental Significance as **their** priorities; and
2. lack of an effective reporting tool/mechanism that enables progress in meeting action targets to be provided, interpreted and understood; and lack of ability to report in a step-wise fashion on long-term progress against long-term targets (there still seems to be a focus on short term outputs, rather than longer term outcomes)

8. Further Information

Any questions or queries in regard to this submission can be directed to:

Mr Brenton Grear, Director, Nature Conservation, Conservation Policy and Programs, Department for Environment and Heritage, GPO Box 1047, Adelaide SA 5001

9. References

Australian National Audit Office. (2003). The Auditor-General Audit Report No.38 2002–03 Performance Audit Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999 http://www.anao.gov.au

Australian National Audit Office. (2007). ANAO Audit Report No.31 2006–07 The Conservation and Protection of National Threatened Species and Ecological Communities http://www.ag.gov.au/cca

Department for Environment and Heritage. (2007). *No Species Loss - A Nature Conservation Strategy for South Australia 2007-2017*. Available at http://www.environment.sa.gov.au/biodiversity/pdfs/nsl_strategy.pdf

Department for Environment and Heritage (2008). *Draft South Australian Arid Lands Biodiversity Strategy* South Australia Arid Lands NRM Board, Department for Environment and Heritage. Available at http://www.environment.sa.gov.au/biodiversity/rangelands.html

Department for Environment and Heritage (in preparation). A biodiversity strategy for Adelaide and the Mount Lofty Ranges

Department of the Environment, Sport and Territories. (1996). *National Strategy for the Conservation of Australia's Biological Diversity.* ISBN 0 6422 4427 8. available at http://www.environment.gov.au/biodiversity/publications/strategy/

Department of the Environment, Sport and Territories. (1996). Dept of the Environment, Sport and Territories Approaches to bioregional planning. Part 2. Background papers to the conference, 30 Oct-1 Nov 1995, Melbourne.

Department of the Premier and Cabinet. (2007). *Tackling Climate Change: South Australia's Greenhouse Strategy 2007–2020*. available at www.climatechange.sa.gov.au

Department of Water, Land and Biodiversity Conservation (2006). *State Natural Resources Management Plan 2006* available at http://www.nrm.sa.gov.au

Dunlop, M., & Brown, P.R. 2008. Implications of climate change for Australia's National Reserve System: A preliminary assessment. Report to the Department of Climate Change, February 2008. Department of Climate Change, Canberra, Australia.

Government of South Australia. (2004) (updated in 2007). *South Australia's Strategic Plan 2007*. available at www.SAplan.org.au

Planning SA, Department of Transport and Urban Planning (2007). *Planning Strategy for Regional South Australia* January 2003 (as amended at December 2007) available at www.planning.sa.gov.au/go/planning-strategy

Planning SA (2008). *Better Planning Better Future.* available at http://www.planning.sa.gov.au/go/planningreform2008

Taylor MFJ, Suckling KF, Rachlinski JJ, (2005). The Effectiveness of the Endangered Species Act: A Quantitative Analysis. BioScience 55, 360-367. as cited in Taylor M, and Booth C,. Protected area gaps for threatened Australian animals identified from recovery plans. WWF-Australia

Attachment A: No Species Loss Strategy

The South Australia Government has committed to South Australia's Strategic Plan (SASP) Target 3.1: Lose No Species - *lose no known native species as a result of human impacts*. The target's measure is no decline and, where possible, an improvement in the regional status of known native species or relevant ecological communities.

On 10 July 2007, the South Australian Government released "*No Species Loss – A Nature Conservation Strategy for South Australia 2007-2017*" (No Species Loss Strategy).

Available at http://www.environment.sa.gov.au/biodiversity/pdfs/nsl_strategy.pdf

The *No Species Loss* Strategy outlines the direction and effort required in South Australia over the next decade to try to halt terrestrial, aquatic and marine biodiversity decline. Effective conservation of biodiversity requires the review and setting of conservation targets at regular intervals. The *No Species Loss* Strategy also provides us with the framework to ensure the planning and actions we undertake in the next decade are the right ones to manage the complex and long term challenges we face to halt biodiversity decline.

South Australia's plants and animals and the ecosystems they form have been in decline. At least 26 plants, 27 mammals, 8 birds and 1 reptile species are presumed to have become extinct in South Australia since European settlement. No species are known to have become extinct from South Australia in the past decade or more.

No Species Loss has been integrated into the SA Department for Environment and Heritage's (DEH) Nature Conservation Program.

A *No Species Loss Implementation Plan* is being developed during 2008-09 to facilitate, guide and monitor progress from relevant agencies responsible for delivering targets from *No Species Loss*.

Regional status assessments for flora and fauna, as identified in Targets 6 and 7 of *No Species Loss*, have commenced in the Northern & Yorke and the Adelaide-Mt Lofty Ranges regions. The DEH has prepared a draft *South Australian Arid Lands Biodiversity Strategy 2008-2018.*

Threatened species recovery plans (including the Glossy Black Cockatoo, Malleefowl and a range of Mt Lofty orchids) continue to be implemented. Out of 485 endangered and vulnerable listed threatened species in South Australia, there are recovery plans and related action plans being implemented for 202 (or 43%) of them. More importantly in terms of the recommendations of this submission, a regional recovery pilot in Adelaide Mount Lofty Region is currently underway.

Funding of approximately $1.5 million has been committed by the South Australian government in 2008-09 towards ensuring ongoing scientific research of ecological processes, development of detailed biodiversity planning strategies and implementation of species and community recovery plans.

Attachment B: Model for integrating conservation and land use planning

Work in Progress – South Australian Model

South Australian agencies are working towards establishing better operational links between Regional bioregional plans and NRM Plans and Regional Land Use Frameworks (RLUF).

The Biodiversity Strategy for Adelaide and the Mount Lofty Ranges (in preparation) provides direct links to the Adelaide and Mount Lofty Ranges regional NRM Plan (AMLR Plan), and provides conservation targets that can be incorporated within other planning documents. Biodiversity targets informed by the biodiversity strategy have been incorporated into the AMLR plan.

A current landscape restoration project is working towards developing and applying a process to determine landscape restoration needs and actions to ensure the maintenance of biodiversity. Although not quite completed, one outcome of this project has been the development of a broader landscape conservation planning framework that would integrate the various planning approaches that are in place. The basis for this project was the recognition that we had continental pattern based planning (i.e. CARRS) and local component based planning (i.e. species recovery), but what was missing was the landscape perspective. The integration of the various planning issues at all three scales should ultimately underpin a regional biodiversity planning.

Proposed South Australian Model

Ideally integration can be achieved through Regional NRM Plans and RLUF. Currently regional NRM plans or RLUF are working towards a more holistic approach.

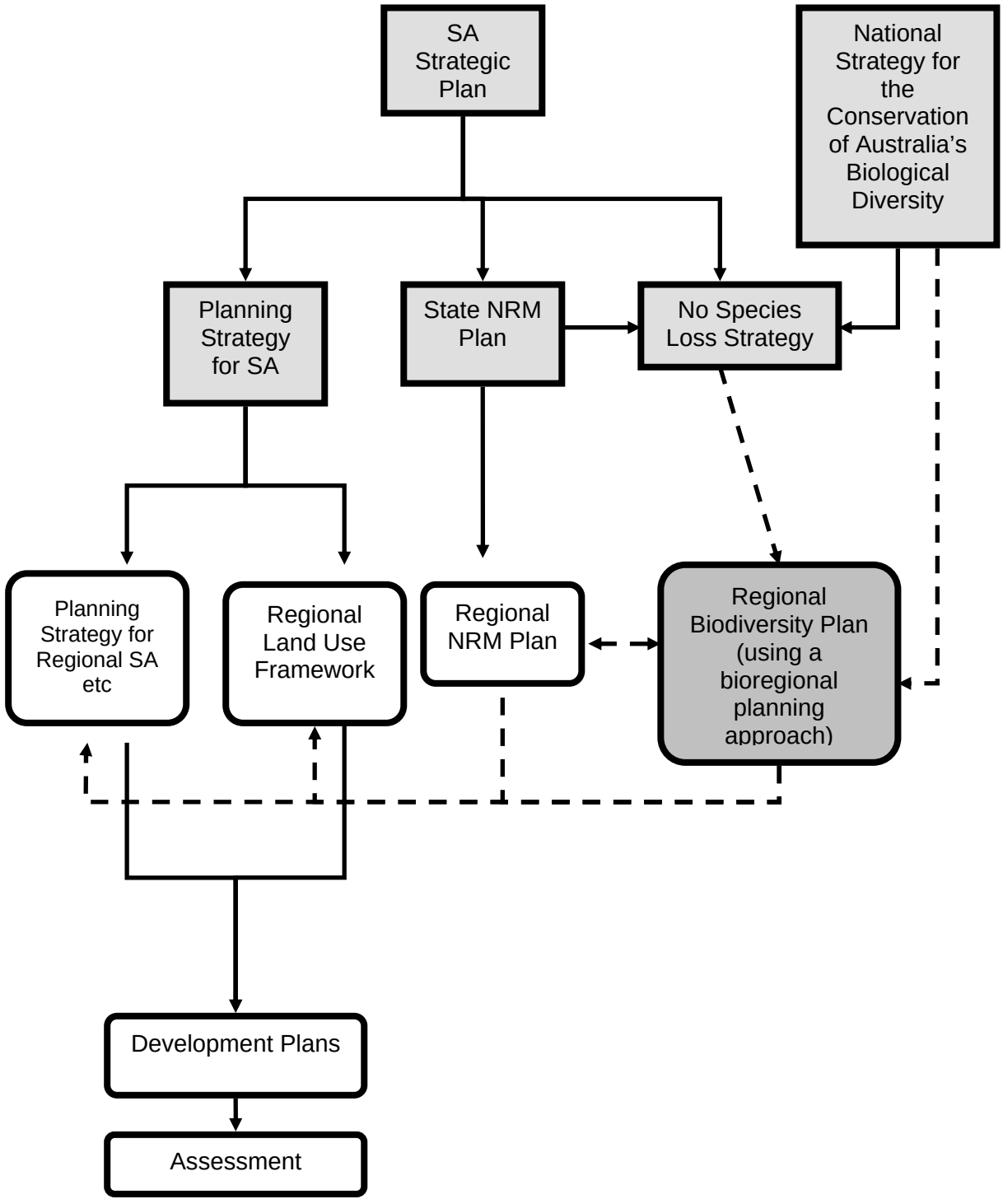
Figure 1 depicts the interrelationships between strategies, plans and processes relating to South Australia. This model, if based on the use of a comprehensive bioregional planning approach, could enhance ways to integrate national and state nature conservation and development objectives into South Australia's land use planning strategies.

Note: A model process[4] for bioregional planning for biodiversity conservation could incorporate the following elements:

- identification of the bioregion, based on appropriate natural boundaries such as IBRA;
- identification of threats to biodiversity to be protected within the "community of interest";
- expert advice being sought on best means of combating the threats;
- community agreement on a vision for biodiversity in the region and the best strategies to combat the threats to it;
- incorporation of strategies into ongoing activities and existing planning processes, and
- ongoing monitoring and reporting.

[4] DEST (1996) Approaches to bioregional planning.

Figure 1: Integration of nature conservation and development objectives in land use planning strategies, using a bioregional planning approach



Attachment C: Land Use and Natural Resources Management Planning in South Australia

South Australian Natural Resources Management Plans

The State NRM plan identifies a 50-year vision for natural resources management in South Australia and sets out policies, milestones and strategies to achieve that vision. The plan fits within an extensive policy framework of international, national, state, regional and local policies, legislation, agreements and strategies. The vision of the State NRM Plan is as follows:

Vision: South Australia, a capable and prosperous community managing natural resources for a good quality of life within the capacity of our environment for the long term.

The plan is based on a set of guiding principles that aim to clarify the thinking and intent behind successful and sustainable natural resources management. It charts key directions for natural resources management under the following four main goals:

Goal 1: Landscape scale management that maintains healthy natural systems and is adaptive to climate change.

Goal 2: Prosperous communities and industries using and managing natural resources within ecologically sustainable limits.

Goal 3: Communities, government and industries with the capability, commitment and connections to manage natural resources in an integrated way.

Goal 4: Integrated management of biological threats to minimise risk to natural systems, communities and industry.

Regional Natural Resources Management *(*NRM) Plans are developed pursuant to the *Natural Resources Management Act 2004* (SA) and are based on a whole-of-region approach: they address significant NRM issues incorporating social, environmental and economic aspects. A regional NRM Plan includes a ten year strategic plan for the region; and contains information on the condition of natural resources and issues related to their use, management and conservation at regional and local level.

More information is available on http://www.nrm.sa.gov.au/

South Australian Planning Strategy

The Planning Strategy provides direction from the State Government on land use and development in South Australia over the medium term (a period of 10-15 years).

The Planning Strategy currently comprises five volumes:

- The Planning Strategy for Metropolitan Adelaide
- The Planning Strategy for the Outer Metropolitan Adelaide Region
- The Planning Strategy for Regional SA
- The Yorke Peninsula Regional Land Use Framework
- The Greater Mount Gambier Master Plan

The Planning Strategy supports the development of regional areas of the State through sound and responsive planning that encourages and facilitates development based upon land use that balances development and conservation.

The Planning Strategy guides land uses through local councils in development plans pursuant to the *Development Act 1993* (SA). The Strategy provides regional guidance on using land in a way that balances economic, social and environmental factors and integrate resources and catchment management with land use planning.

Regional Land Use Frameworks aim to develop a coordinated and integrated vision for land use and development across an entire region, and identify the planning priorities necessary to achieve the vision.

South Australian Planning Reforms

The key areas of planning reforms announced in the *Better Planning Better Future*: *Planning Reforms 2008* are:

- strategy as a growth driver,
- streamlined development assessment,
- an overhaul of land supply management, to provide certainty of land supply for residential and commercial –industrial land,
- better institutional arrangements.

Under the reforms, the Government will set aside high-value agricultural and conservation lands to ensure they are protected properly and ensure the broader liveability and lifestyle demands of citizens are met.

More information is available on:

http://www.planning.sa.gov.au/go/planningreform2008

Attachment D: Assessment of Mining and Petroleum Proposals

The South Australian Government conducts a rigorous assessment of the social, environmental, cultural and economic impacts of all mining, petroleum and geothermal proposals in South Australia. Proponents are required to satisfy the relevant South Australian authorities that all State legislative requirements will be met and that they are able to address and minimise any environmental risks that are associated with the proposal.

Assessment of Mining Proposals

South Australia recognises that the Australian Government has responsibilities when proposals may involve matters of national environmental significance. South Australian Government agencies with responsibilities for mining matters have worked collaboratively and cooperatively with Australian Government agencies, in order to provide clarity in assessment and regulation of mining proposals.

In order to provide this clarity, both jurisdictions have jointly developed guidelines on a case-by-case basis for developing assessment documents for the purposes of both jurisdictions. This has allowed proponents to develop a single set of assessment documents that satisfy the requirements of both jurisdictions.

Although each jurisdiction then conducts an assessment of the documentation, efforts have been made to ensure that assessments are conducted in parallel and that each jurisdiction follows the same schedule for assessment. This has been found to be particularly important when consulting with the community on proposals.

Where appropriate, South Australia ensures that all tenements are subject to conditions that reflect the requirements of Australian Government legislation and that regulatory documents and processes address Australian Government requirements. South Australia recognises that the Australian Government has both the right and the duty to assess and regulate certain activities and does not seek to act as an agent of the Australian Government by taking these actions. Rather, South Australia wishes to ensure that its regulatory regime is consistent with Australian Government requirements and hence eliminate the duplication of regulatory and compliance effort.

To date, assessment of mineral related processes has been conducted on a case by case basis as there have been few such assessments required.

As the level of mining activity in South Australia, especially uranium mining, is expected to increase, discussions will continue on streamlining assessment processes.

Assessments of Petroleum Proposals

In offshore petroleum exploration, the South Australian Minister for Mineral Resources Development is the Designated Authority for the *Offshore Petroleum Act 2006* (previously the *Petroleum (Submerged Lands) Act 1967*). There are stringent requirements under this act for environmental management. Referrals to the EPBC Act are regularly done by exploration proponents. Substantive work has been done over many years to finalise a strategic assessment for exploratory activities relative to the EPBC Act. In addition, there has been extensive work done to prepare a revised set of guidelines for managing the interaction between seismic exploration and whales (EPBC Act Policy Statement 2.1). Both these instruments have been the subject of a large amount of scientific input and community and industry engagement. Even so, there appears to be a reluctance to put faith in these documents as a basis of approval, with many proposals, particularly recently, being subject to additional requirements in referral decisions under the EPBC Act. There appears to be no additional scientific rationale for these additional requirements compared to the

scientific knowledge that went into Policy Statement 2.1 or the strategic review. Such an approach precipitates a substantial sovereign risk to explorers, and is a significant impediment in a global market that is already highly competitive.

Furthermore, it was considered more important that the focus of streamlining efforts be the development of a bilateral agreement under Section 45 of the EPBC Act between the Australian Government and the South Australian Government that accredited the assessment processes under South Australia's *Development Act 1993*. This bilateral agreement was signed by the Australian Government in March 2008 and by South Australia in July 2008. A similar bilateral approach should be considered for the *Offshore Petroleum Act 2006*.