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Monday 15 October 2018

Re: Managing our landscapes: conversations for change (repeal of the Natural Resources Management Act 2004 and replacement with Landscape South Australia Bill)

Dear Ms Hirst,

The Nature Conservation Society of South Australia (NCSSA) appreciates the opportunity to provide a submission to the 'Managing our landscapes: conversations for change' reform process, entailing the repeal of Natural Resources Management (NRM) Act 2004 and replacement with the Landscape South Australia Bill. Since 1962, the NCSSA has been a strong advocate for the protection of native vegetation and biodiversity in South Australia with particular attention being paid to nationally and state listed threatened plants, animals and ecological communities and the management of protected areas.

In summary, our response to the Discussion Paper for this reform is:

- We strongly support the aim of this reform to achieve 'vibrant biodiversity' as a key component of healthy, integrated landscape management. To achieve this, we believe it will be necessary to:
 - Retain the protection of biodiversity as an object in the new Act, and to specify a duty of care for biodiversity;
 - In addition to soil, water and pest plants and animals, specifically include biodiversity as an asset to be planned for and monitored by the new Landscape Boards, and therefore retained as a target for investment in its own right,
 - Integrate the new Act with other pieces of relevant environment-related legislation, particularly with land-use planning under the *Planning and Development Act 2016* but also the *National Parks and Wildlife Act 1972* and the *Native Vegetation Act 1991*, and
 - Include provisions for specifically encouraging and rewarding good landscape management and innovative stewardship in relation to biodiversity as a part of integrated landscape management.
- We strongly support the proposal for landscape scale restoration projects to be enabled through the new Bill, funded from a state-wide Landscape Priorities Fund,
- We support the establishment of a Grassroots Grants Program as a means to support greater community participation in integrated landscape management,

- We support the focus of this reform on ensuring that the new Landscape Boards enable collaborative planning that facilitates the delivery of services through partnerships between key stakeholders including local community groups, landholders, state and local government and non-government organisations. We suggest that there is scope for the Community/Conservation Action Planning process (or similar, using Open Standards for Conservation) to be more widely used by the new Boards, as it would assist in establishing shared community visions for integrated landscape management as well as establish relationships that would support the outsourcing of on-ground works,
- Similarly, we suggest the increased use of formal agreements, such as Memoranda of Understanding, between the new Landscape Boards and various key stakeholders in the region would enable stronger partnerships to be established,
- We support the establishment of Green Adelaide, and suggest it could establish itself as a world leader in the emerging field of Biodiversity Sensitive Urban Design, and
- We support simplified landscape planning, provided transition arrangements are in place for planning that has been undertaken to date and that future planning is at an appropriate temporal and spatial scale and we strongly support efforts to improve monitoring of program/project activities to ensure they are achieving the desired outcomes and are value for money.

Please refer to the following pages for our specific comments. If you would like to clarify or discuss any of the points raised please contact me on (08) 7127 4633 or via email at julia.peacock@ncssa.asn.au.

Yours sincerely,

A handwritten signature in blue ink that reads "Julia Peacock". The signature is written in a cursive style and is set against a light yellow rectangular background.

Julia Peacock
Nature Advocate

NCSSA comments on 'Managing our landscapes: conversations for change' Discussion Paper

Overall comments

NCSSA has long standing, strong working relationships with a number of the NRM Boards established under the current NRM Act. For example:

- NCSSA is a stakeholder in the Mid-North and Southern Yorke Peninsula Community Action Planning groups supported by the Northern and Yorke Board, undertaking collaborative, landscape-scale planning for biodiversity conservation as well as soil and water resource management in these sub-regions. We have also been engaged by the Northern and Yorke Board to develop a monitoring framework and establish Bushland Condition Monitoring sites to assess the condition of native vegetation in the region and monitor the impact of management actions undertaken by landholders.
- NCSSA oversees the long-term monitoring of woodlands birds in the Mount Lofty Ranges, which is supported by the Adelaide Mount Lofty Ranges (AMLR) Board. This program was instigated in 1999 by Professor Hugh Possingham of the University of Queensland, and is unique in that it is high quality scientific research undertaken by local experts who conduct the surveys and therefore help ensure the program is cost-effective. Worryingly, the data are showing that over the past decade some birds are becoming less common including the Superb Fairy-wren, Scarlet Robin, Eastern Spinebill and other small birds that eat insects and need healthy woodland understorey to thrive. Conversely, larger generalist bird species more suited to fragmented and modified landscapes, such as the Little Raven and Laughing Kookaburra, have been increasing.
- NCSSA is a partner of WildEyre, a landscape scale conservation program involving individuals and local, regional and national groups who are working together to restore and conserve the unique and diverse ecosystems within central northwest Eyre Peninsula. The program is being undertaken together with the Eyre Peninsula NRM Board and a range of other partners.

We believe that managing specifically for biodiversity, alongside other landscape priorities such as improving soil condition and ensuring water conservation, is a fundamental component of effective integrated landscape management.

The current NRM Act has enabled us to develop the partnerships needed to deliver the outcomes described above, and therefore to contribute to the successful management of South Australia's precious and unique natural resources, and we see this reform process as an opportunity to extend on this solid foundation.

In addition to targeted pest plant and animal control (which is a key component of many biodiversity conservation programs), we would also like to see the new Act continuing, and extending support for, the following types of integrated land management activities:

- the strategic revegetation of landscapes, particularly in areas where they have been heavily cleared, for both productive and biodiversity benefits, including through collaborative, landscape-scale restoration projects,
- targeted use of fencing, for example to protect remnant vegetation where needed and to prevent the erosion of waterways,
- expanding on the planting of the next generation of paddock trees, both for shelter and as habitat, and
- rewilding, involving re-introducing locally extinct native species in key areas to restart natural processes.

In order to achieve this, we believe it will be necessary to retain the protection of biodiversity as an object in the new Act, as well as to specifically enshrine duty of care provisions in relation to biodiversity more clearly, as per the suggestions in Appendix 1.

Further, in addition to soil, water and pest plants and animals, the new Act should specifically include biodiversity as an asset to be planned for and monitored by the new Landscape Boards, and therefore retained as a target for investment in its own right.

To achieve maximum benefit, the new Act should also be integrated with other relevant environment-related legislation, including:

- land-use planning under the *Planning and Development Act 2016*, so that plans made under the new Act are consistent with (or complementary to) land-use planning,
- reference to the schedules of endangered, vulnerable and rare species maintained under the *National Parks and Wildlife Act 1972* which identify species of particular conservation concern, and
- require planning that identifies landscape restoration requirements in the region, for example areas that if restored would better connect protected areas in the region, that could then guide investment, for example from Significant Environmental Benefits Grants collected under the *Native Vegetation Act 1991*.

We also suggest the new Act include provisions for specifically encouraging and rewarding good landscape management and innovative stewardship in relation to biodiversity as a part of integrated landscape management. This could be in the form of stewardship payments to landholders who modify their land management practices to support biodiversity, for example by reducing stocking rates at times where native species are flowering in order to allow the next generation of plants to set seed.

Another important aspect of the reforms will also be improvements to monitoring, in order to be able to evaluate the impact of the investment made by the community in the management of our landscapes, ensuring it is effective and that results can be used to inform future efforts.

We note that a challenge of the reformed system may be defining a “landscape”, since its precise definition will vary according to the spatial and temporal context. Effort may need to be directed to ensure a shared understanding between stakeholders of the concept before planning and action is undertaken.

We offer the following comments against the questions in the ‘Managing our landscapes: conversations for change’ Discussion Paper:

Question 1: What is most important to you in managing natural resources?

The sustainable use of our natural resources is most important, particularly managing them in a manner consistent with the principle of intergenerational equity, so that future generations can also be supported by and benefit from healthy soils, water and a stable climate. It is essential that an ecologically based systems approach be taken in managing natural resources. This is because an understanding of the links between the various components of the landscape (water, soil, agricultural practises, native vegetation and fauna, climate, humans etc) is required to attain self-sustaining management to maximise benefits for all ecological components.

We strongly concur with the statement in the Discussion Paper that “landscapes that contain **healthy biodiversity** underpin sustainable agriculture and make local production and farming more productive and profitable” (emphasis added).

Managing our natural resources with a view to adapting to, and where possible mitigating, the likely impacts of climate change is also of key importance.

Question 2: What do you think is working well about how we manage natural resources?

We believe having a specific levy dedicated to natural resource management is a strength that should be maintained, and that the expertise of dedicated personnel, collaborative partnerships and goodwill that has been generated by the current arrangements should be carried through into the reformed system, wherever possible.

We support the objects in section 7 of the current NRM Act for the protection of biological diversity and the adherence to the principle of ecologically sustainable development.

We also believe that the current planning framework comprising an overarching state-wide NRM Plan and specific Regional Plans that identify priorities and targets for their achievement is working well.

Question 3: What do you think should be changed about how we manage natural resources?

We believe there is opportunity to place a greater emphasis on biodiversity conservation as part of this reformed system for integrated landscape management. We also support the focus of this reform on ensuring that the new Landscape Boards enable collaborative planning that facilitates the delivery of services through partnerships between key stakeholders including local community groups, landholders, state and local government and non-government organisations.

Question 4: How do you think we can best enable landscape scale restoration projects?

We strongly support landscape scale restoration projects as a priority action under the reformed Act.

Landscape scale restoration projects, which involve multiple partners, seek multiple outcomes (social and economic/agricultural production, as well as environmental) and endure over multiple years, are an effective way of supporting conservation, particularly in light of likely climate change impacts.

There are a number of successful examples of such programs already operating, or in the planning stages, in South Australia and beyond, including:

- WildEyre, a landscape scale conservation program working to restore and conserve the unique and diverse ecosystems within central northwest Eyre Peninsula SA (www.wildeyre.com.au),
- Habitat 141, a long term initiative to protect, restore and reconnect the iconic landscapes that straddle the SA and Victorian borders to the NSW rangelands (www.habitat141.org.au),
- Bounceback, a landscape scale conservation program that aims to protect and restore the semi-arid environments of the Flinders, Olary and Gawler Ranges in the South Australian Arid Lands NRM region (www.naturalresources.sa.gov.au/aridlands/plants-and-animals/native-plants-and-animals/bounceback), and
- Gondwana Link, working to achieve 1000 km of continuous habitat, from the dry woodlands of the interior to the tall wet forests of the far south-west corner of WA (www.gondwanalink.org).

Landscape scale restoration projects could be best enabled by the new Act firstly by supporting the use of **Community (or Conservation) Action Planning** (CAP, or an equivalent process, as per regional preference, based on Open Standards for Conservation¹), where this has not yet been pursued. CAP is a widely used conservation planning tool developed by The Nature Conservancy that involves identification of environmental features of interest, their current condition and the desired condition, as well as threats and their causes, and is used to develop strategies to abate threats, maintain or restore condition, implement action and monitor outcomes to feed into the next cycle of planning and activity.

Where such planning has not yet been undertaken, it would be a suitable method for systematically identifying the community's aspirations for the landscape, and for exploring alternative options regarding how desired ecological and social outcomes can be achieved. It would help to integrate local, Traditional and scientific knowledges in building shared visions, as well as engendering trust between participants, resulting in long-term planning and action, as well monitoring to measure impact and make adjustments as needed.

¹ <http://cmp-openstandards.org/>

Where this type of planning has already taken place, and/or where landscape scale restoration projects are already underway, the best way they could be further enabled is through adequate, stable funding, which we address against Question 13.

Question 5: How do you think we can better recognise and promote Aboriginal peoples' land, water, economic and cultural interests?

NCSSA strongly supports the recognition of Aboriginal people's interests as being central to successful landscape management in South Australia. Over 6 million hectares of land within South Australia's terrestrial protected area reserve system (around 6%) is currently managed as Indigenous Protected Areas by Traditional Owners, who protect their land's plants, animals and cultural sites. This includes Australia's first Indigenous Protected Area, Nantawarrina that adjoins the Vulkathunha Gammon Ranges National Park. There are also an increasing number of National Parks and reserves with Co-Management Agreements that enable co-management arrangements between the Minister for Environment and the relevant Aboriginal groups.

We defer to the representative bodies of First Nations peoples and Co-Management Boards to provide advice and specific guidance on how the promotion of Aboriginal people's interests can be better achieved.

Question 6: How can Landscape Boards best facilitate the management of natural resources by their communities?

We support the focus of this reform on ensuring that the new Landscape Boards enable collaborative planning that facilitates the delivery of services through partnerships between key stakeholders including local community groups, landholders, state and local government and non-government organisations.

One way that Landscape Boards could better facilitate the management of natural resources by their communities would be to enter into formal agreements, such as **Memoranda of Understanding**, with interested parties. NCSSA has such an arrangement with the current Northern and Yorke Board, and this has facilitated our participation in both decision-making processes as well as service delivery, and therefore has led to better outcomes, for example in terms of resource condition monitoring in the region.

As mentioned above, the CAP processes is one method for establishing the shared visions, as well as supporting the collaborative working arrangements, that could also underpin the outsourcing of service delivery, where appropriate.

We note that this part of the Discussion Paper refers to the Boards "continuing to partner to facilitate funded delivery of natural resource management services on behalf of the Australian Government, such as through the National Landcare Program". We suggest that including biodiversity as a specific target for investment in the new Act, in addition to soils, water and pest plant and animal management, would enable greater access to such programs.

Question 7: What do you think is the best approach for electing the three community members to the Landscape Board in each region?

Whilst we do not advocate for any particular methodology for the election of Board members, we note that there is a risk that elections could become populist, and that they could be administratively costly. NCSSA supports an approach to determining Board membership that results in the final make-up reflecting a mixed cross-section of the community and relevant skills/knowledge base.

Question 8: How could Green Adelaide help to make Adelaide a more ecologically vibrant city?

NCSSA supports the creation of Green Adelaide, with a particular focus on urban ecology and in supporting Adelaide residents to live more sustainably. We suggest that the 5th focus listed in the Discussion Paper could be

expanded to “Fauna and flora in the city”, as there are many unique flora species and assemblages that remain, including native grasslands within the Parklands. The 7th focus could be expanded to “Nature education and wellbeing” since connecting residents with nature confers a range of mental and physical health benefits.

There is an opportunity for Green Adelaide to pioneer Biodiversity Sensitive Urban Design, which is an emerging field of thinking and research that seeks to incorporate existing ecological knowledge into a framework that can be used by land-use planners (see Garrad et al. 2018 and Parris et al. 2018) and landscape architects. Unlike Water Sensitive Urban Design, which is relatively well-established as a modern land-use design principle, Biodiversity Sensitive Urban Design is in the early stages of development, and Green Adelaide has the opportunity to establish itself as a world leader in this field by experimenting with novel approaches to supporting biodiversity in the city, measuring their impact and sharing these findings.

The remit of Green Adelaide should also reflect that the Mount Lofty Ranges (and Kangaroo Island) are recognised as one of 15 biodiversity hotspots in Australia², and therefore particular attention must be paid to development planning and land use in order to protect these biodiversity values.

Question 9: How can regional planning be streamlined?

NCSSA recognises the challenges involved with developing a plan to guide the management of natural resources across large regions, particularly given the complexity and range of issues that are important to the large number and wide range of stakeholders involved.

Broadly, we support the simplification of both the planning process and the plans themselves, and for a manageable number of priorities to be identified in each plan. We don’t advocate for a particular method for achieving this, other than to include biodiversity as an asset to be planned for, together with other landscape priorities. We do, however, recommend that the Landscape Plans build on the foundation of achievements made through existing Regional NRM Plans and advocate for transition arrangements to be put in place, given the considerable effort and time that has been spent on planning under the current arrangements.

Question 11: How do we best measure and report outcomes from managing natural resources?

NCSSA strongly supports measuring and reporting on outcomes from investments in natural resource management using accepted robust methods & standards. For example, under the current arrangements, we have assisted with determining the condition of native vegetation through our Bushland Condition Monitoring (BCM) in various regions, and we support long-term monitoring of birds in the Mount Lofty Ranges. Similarly, WildEyre implemented a Revegetation Performance Monitoring Framework by assessing performance against Society for Ecological Restoration Australasia (SERA) national restoration standards. We therefore advocate for a rigorous and transparent monitoring and reporting framework for each region that demonstrates how project management activities/programs are addressing identified priorities and targets within the NRM/Landscape Plans.

At the same time, we acknowledge that it can be difficult to explicitly demonstrate change in natural resources as a result of management actions, and that outputs (such as number of kilometres of fencing or number of people participating) can be easier to measure than outcomes (the improvement in the condition of native vegetation that resulted from fencing it or changes in behaviour that resulted from that participation). We acknowledge the work that the current Boards have undertaken to measure and report on investments, including the Eyre Peninsula Monitoring, Evaluation, Reporting and Improvement Framework and the progress reports produced by the Adelaide Mount Lofty Ranges Board³.

² <http://www.environment.gov.au/biodiversity/conservation/hotspots/national-biodiversity-hotspots#hotspot7>

³ <https://www.naturalresources.sa.gov.au/adelaidemtloftyranges/about-us/our-regions-progress#Report%20cards>

One way of improving measuring and reporting on outcomes would be to require information to be collected in a way such that it could feed into larger information gathering and monitoring processes and therefore allow for meaningful aggregation. For example, it may be appropriate to require the new Boards to collect information in a format that could be:

- used to feed into updates or improvements on the “trend and condition report cards” recently released by the Department for Environment and Water⁴, which we believe are a step in the right direction however we suggest that the information they are based on needs to be updated more regularly,
- used for 5-yearly State of the Environment reporting, and
- fed into national reporting under the “Environmental Economic Accounting: A common national approach strategy and action plan”⁵.

In the international context, consideration could be given to how reporting could support measuring progress toward the United Nations Sustainable Development Goals, or even a Sustainable Wellbeing Index which is a more integrated, overarching measure (Costanza et al. 2016).

Question 12: How important is it to have more consistency in the way land and water levies are raised across the state?

NCSSA supports a levy system that is transparent, accountable and fair, and agrees with the Discussion Paper that levies should primarily deliver public benefit. We also support the current system that allows for an annual CPI increase for regional land-based and water-based NRM levies and investment by industry and other resource users to support delivery of priorities. We strongly recommend that the system of natural resource management should be underpinned by investment directly from the State budget in addition to these levies.

Question 13: How can we best fund high priority landscape scale projects?

As noted under question 4, we strongly support landscape scale restoration projects as a priority action under the reformed Act. There are several existing projects that are currently seeking ongoing support to maintain the achievements made to date and, as mentioned earlier, in areas where no projects currently exist, potential projects could be enabled through greater use of Community/Conservation Action Planning (or a similar process, adapted for regional conditions) to identify priorities.

We strongly recommend that a robust and transparent framework for assessing the feasibility and merit of potential projects is developed to identify those of ‘high priority’ based on a range of principles, including:

- their scientific robustness, level of local community support and integration of Traditional knowledge
- the benefit to natural resource assets and likelihood of achieving multiple outcomes (e.g. environmental, social and economic via improved production), and
- potential to monitor the project to identify successes and failures, so that other parties may learn from the project

To fund these projects, a competitive grants process could be established, but a key to its success would be awarding **long term grants** (5 years or more), a timeframe that would enable early successes to be detected. At a minimum, and if required by the particular set of circumstances of the applicants, each grant should support the salary for **one key individual**, embedded in and trusted by community, who can act as an anchor point for the project. It should also include sufficient budget for **one component** of the overall project to ensure a base level of on-ground action. This grant could then act as seed-funding, a basis for attracting other funding to the project, for

⁴ <https://data.environment.sa.gov.au/Trend-and-condition-reports/Pages/default.aspx>

⁵ <http://www.environment.gov.au/science/environmental-economic-accounting/publications/environmental-economic-accounting-strategy>

example from the Significant Environmental Benefit fund, federal funding programs, and/or the philanthropic sector.

NCSSA believes the application process should be fully open and transparent, and that given it is supported by public funds, the Minister for the Environment should make the final decision regarding what projects are funded. Boards may or may not be involved directly in the project (unlike the NRM Fund, where they were required to be a partner). Advice on what to fund should be sought from an appropriately resourced cross-sector advisory body, and the decision of what to fund should be fully merit based rather than a “one project per region” approach.

Question 14: How important is it to coordinate efforts to manage our natural resources across regions? How could this best be achieved?

NCSSA believes it is extremely important to co-ordinate natural resource management efforts across regions. This is particularly true where pest plants and animals cross regional borders, and where similar landscape types are shared across regions, and is already being done in some areas for example control of feral Goats across the SA Arid Lands, Northern and Yorke and SA Murray Darling Basin NRM Regions. The State NRM Plan, and the now disbanded NRM Council, provided a degree of higher-level co-ordination which will still be required in the new system. As mentioned above, we suggest that an appropriately resourced cross-sector advisory body be created under the new Act, with a remit to provide State and cross regional co-ordination, as well as providing advice on expenditure from the Landscape Priorities Fund, as mentioned in our response to Question 13.

Question 15: How could a Grassroots Grants program best work?

We support the establishment of a Grassroots Grants program to support volunteer, community and not-for-profit groups. In terms of its operation, we would suggest a simple, short application processes with a level of reporting and acquittal that is commensurate with the funds being made available. Whilst support for on-ground environmental work is always needed, we suggest there is a lack of programs to support the basic operational costs of small groups and the regional coordination of project activities, such as those relating to threatened flora management. There is also an ongoing and significant void in terms of support for advocacy on environmental issues both at State and National levels that assist in achieving better outcomes for natural resource management. We therefore suggest the guidelines for this program be open enough to support the full range of ways that the community wishes to engage in landscape management, whether that be through direct or indirect action.

Question 16: What are the highest priority ways we could improve pest plant and animal control?

In deciding on priorities for pest and plant animal control under the new Act, the environment must be considered equally to agricultural or other impacts (e.g. trade, health, amenity).

NCSSA suggests that strategic, evidence-based interventions should be the basis of pest plant and animal control. Effort should be targeted firstly toward preventing incursions of new pest species, and then responding to reports of pests in the early stages of establishment, as this is the most efficient use of resources. For already established pests, effort should reflect an asset protection approach (i.e. what are we trying to protect and why?), use a scientific risk assessment of the pest species' likely impact and be based on an understanding of the ecology of the system. Where action is deemed necessary and feasible, it should be sustained long enough to be effective and co-ordinated at a meaningful scale.

As mentioned under Question 14, there is scope for the new Act to include mechanisms specifically for co-ordination between landholders in undertaking pest plant and animal control, since co-ordination is often key to effective control.

Question 17: Are there any minor amendments that could be made in this Bill to current water management processes? & Question 18: What more substantial water reform do you believe should be looked at as part of subsequent reform processes?

NCSSA believes the requirement to ensure adequate environmental watering should be strengthened in water management processes. This could include a requirement to establish a Sustainable Diversion Limit, based on the best available science, for all prescribed water courses. As the driest state in the driest continent on earth, South Australia faces significant challenges in the management of limited water resources and ensuring the long-term protection and management of our precious wetlands but particularly those with national and international conservation significance such as the Great Artesian Basin Mound Springs, Coongie Lakes and the Coorong, Lower Lakes and Murray Mouth.

Question 19: What should be included in the new legislation to enable more effective management of our soils, pest plants and animals?

NCSSA advocates for management and monitoring to be best practice, undertaken based on the available scientific evidence and utilising an integrated, adaptive management approach. Literature documenting the success, failure or unexpected outcomes/learnings of a wide range of integrated land management activities is currently available and should be reviewed prior to projects being undertaken.

Question 20: What should be included in the new legislation to enable better stewardship of our landscapes?

We concur that stewardship activities, such as the protection of native vegetation and in particular areas that provide habitat for nationally and state listed threatened species should be enabled by the new Act, in addition to revegetation, rewilding and fencing to protect important remnants and critical habitat. As mentioned earlier in this submission, we believe the best way to achieve this would be to retain the protection and conservation of biodiversity as a specific object of the Act, and to specifically enshrine duty of care provisions in relation to biodiversity more clearly, as per suggestions in Appendix 1.

Further, the new Act should build on and expand existing stewardship arrangements that have been funded through the Australian Government and Regional NRM Boards. As mentioned earlier, it should also specifically include biodiversity as an asset that must be planned for by the new Landscape Boards, and therefore retained as a specific target for investment in its own right.

As mentioned earlier, we also suggest the new Act include provisions for specifically encouraging and rewarding good landscape management and innovative stewardship in relation to biodiversity as a part of integrated landscape management, which could be in the form of stewardship payments to landholders who modify their practices to support biodiversity, for example by reducing stocking rates at times where native species are flowering in order to allow the next generation of plants to set seed.

Question 21: How do you think the new legislation can best enable effective compliance arrangements?

NCSSA supports compliance that is risk-based, strategic and targeted however contend that adequate resourcing and training of suitably skilled compliance officers continues to be a limiting factor. Anecdotally, we understand that Authorised Officers have not always been able to access properties where they believe Declared Animals or pest plants are present since they can require the assistance of police if property owners refuse them entry, and such activity may not be a priority for police.

We also believe the community should be more empowered with respect to compliance and suggest that provisions similar to those in Part 18 of the *Planning, Development and Infrastructure Act 2016* be included, including the right of anyone to seek enforcement of the new Act.

References

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Appendix 1

In drafting the new Act, NCSSA supports the EDO recommendations of broadening the criteria in section 9 (2) of the current Act for interpreting the duty of care provision to include protection of biodiversity, as set out below:

- a) the need to act responsibly in relation to the management of natural resources, **including the protection of biodiversity**, and the potential impact of a failure to comply with the relevant duty; and
- b) any environmental, social, economic or practical implications, **including the current state of matters pertaining to biodiversity**, any relevant assessment of costs and benefits associated with a particular course of action, the financial implications of various measures or options, and the current state of technical and scientific knowledge; and
- c) any degrees of risk that may be involved **including risk to the environment and the state of biodiversity**; and
- d) the nature, extent and duration of any harm, **including harm to biodiversity**; and
- e) the extent to which a person is responsible for the management of the natural resources; and
- f) the significance of the natural resources, including in relation to the environment **and its biodiversity** and to the economy of the State (if relevant); and
- g) the extent to which an act or activity may have a cumulative effect on any natural resources **and the environment including a loss of biodiversity**; and...