Submission on proposed “Biodiversity Act”

Local Flora Society
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[redacted]

The Local Flora Society is an informal association of people who work to conserve, manage and restore native flora in their local area. We support the view that global biodiversity can only be maintained if people everywhere take responsibility for the flora of their own locality. Most of our members live in the Mt Barker district but the underlying philosophy of the group is globally applicable.

On the Environment Department website, we are invited to comment on the discussion paper which presents a general proposal to develop a Biodiversity Act for SA. The discussion paper does not present any detail but makes statements that are generally uncontroversial. We trust that the drafting of the bill will be done with the best scientific and practical advice available. We hope that its primary aim will be to ensure the conservation and good management of the tapestry of vegetation communities over the SA landscape rather than to facilitate the biologically untenable concept of “sustainable growth”. We will await the development of a draft bill but make some general comments in order to assist with its development.

It is implied in the discussion paper that a Biodiversity Act will replace existing legislation relating to the natural environment. If this is the case then it is essential that information be provided which details:

- The existing legislation which is to be repealed.
- The perceived deficiencies in the existing legislation that necessitates that it be repealed.
- How the new act will overcome these deficiencies.

The discussion paper provides no definition of “biodiversity”. It is important that the new act will work to protect, restore and manage all levels of biodiversity, namely; vegetation communities, the species they contain, and the genetic diversity of species across their natural range. The definition should be clear, and aimed at fulfilling our responsibility to maintain our part of the global tapestry of life. Any definition that reduces biodiversity to a crude species count at a locality, or limits its scope to endangered species, would not be helpful. We are concerned too that flora will be considered as no more than habitat for animals and therefore thought of as being easy to replace with “revegetation”. We are encouraged that the discussion paper seems to agree that “significant environmental benefit” offsetting is a flawed concept. The first priority should always be the conservation and management of the flora that naturally occurs in a given area. We are concerned that without a clear definition of biodiversity, local flora will continue to be lost to development and negligent management, and areas reserved for nature conservation will increasingly be seen as recreation opportunities.

In drafting the legislation, no term should be given a legal definition which is counter to accepted dictionary definitions. An example of what to avoid occurs in the legislation that claims to protect urban trees in Adelaide. In this legislation the word “significant” is defined solely on the basis of

stem circumference. The legislation has the perverse outcome of only providing a degree of protection to remnant native trees in the metropolitan area if they are big. A particular concern in the context of a proposed biodiversity act is that concepts of “sustainability” and “resilience” will be used in such a way to discount the value of degraded and fragmented local remnants as these areas are often dismissed as unsustainable or not resilient. Similarly, we would like the proposed act to avoid trendy concepts such as “rewilding”, “novel ecosystems” and “exotic biodiversity” which would further discount the value of local vegetation remnants.

We like the concept of a duty of care towards the natural environment and we hope that this can be converted into legislation in a way that makes a difference. For decades now in SA it has been illegal to clear native flora without permission but habitat loss and degradation has continued to occur. If the new act closes loopholes that have allowed this habitat loss to continue then we will be very happy.

Our comments on the proposal to draft a biodiversity act are grouped under several headings:

- The state government reserve system
- The local government reserve system
- The private reserve system
- Land-use planning
- Ecological management practitioners and the role of First Nations

Our comments presented here are brief as it is not yet clear that there are any proposals to comment on. We would welcome the opportunity to be involved in more detailed discussions as the provisions of the proposed act are being formulated. We hope that a forum of interested people will be arranged when there are some definite proposals to consider.

The State Government Reserve System needs to be strengthened and adequately resourced. The 30% target is good but it must be applied to each district as well as to the state as a whole. In districts that are highly developed for agriculture and residential use and where native vegetation is highly fragmented and degraded, there must be the ability to arrive at creative solutions to protect native flora and to facilitate the formation of conservation reserves. Ways of compensating land owners for the extinguishment of development rights on areas of native vegetation should be explored so that private land in areas of high land values can be incorporated into the reserve system.

The system has been very poorly resourced for decades and the focus has been on visitor management and recreation facilitation rather than on the management of weeds, pests, and vegetation: this management has been largely left mostly to volunteers. Resourcing and staffing must be adequate to properly train, support, and supervise volunteers and to manage all the other tasks required to keep the parks and reserves in good condition. High impact recreational activities, particularly horse riding, rock climbing, and mountain bike riding, should be prohibited in conservation reserves and policed accordingly. Suitable areas of very degraded land or cleared land should be acquired and developed for recreation, with recreation users recruited to undertake the required vegetation development and management of the site. Recreational users should make good any damage done to land in which their activity is permitted. EG – horse riders should pick up manure and bike riders should repair erosion damage.

The local government reserve system. Local councils have many smaller reserves under their care and control. These include recreation reserves, stone reserves, water reserves, unmade road reserves, road verges, and cemeteries. Local councils must be given the legal responsibility to manage these reserves for the conservation of the flora of their district. Councils must be assisted to employ the well-trained field staff needed to do this. Councils with a low rate base could work together and, if required, receive assistance from the state government. With the repealing of the Animal and Plant Control Act and the disbanding of local animal and plant control boards, local councils generally no longer have land management issues on their agenda and therefore have become increasingly ignorant of weed management. In the Mt Barker district we are witnessing an explosion of, inter alia, *Pentaschistis*, Scabious, and *Juncus acutus*, with *Prunus* developing dense smothering thickets in some areas. It seems that weed issues like this are of little interest to most local councils who seem to assume that the responsibility for weed management rests with the Landscape Boards. It would be helpful if Landscape Boards had boundaries that coincided with council boundaries and worked closely with local councils.

Local council responsibility for their biodiversity could start with a legal requirement to produce a biodiversity action plan for their district. This would include:

- Existing flora and fauna in the district; remnant original trees, remnant vegetation remnants, species present, weeds, pests, and feral animals.
- Priorities for management.
- Priorities for restoration work and the methods and approaches to apply.
- In highly developed areas - details of rescue and propagation of relict individual specimens, sites suitable for regenerating local vegetation communities, suitable seed sources, etc.
- Protection of relict local trees in highly developed areas. (Discontinue the present regulations that value urban trees according only to size).
- Ensuring that all “revegetation” uses the flora of the locality and has sufficient genetic diversity to act as a future seed source. As an example of what not to do, the urbanising areas of Mt Barker are planted with landscapes that look somewhat like the local native flora but aren’t. At the same time, the remnant native flora in the urbanising areas is ignored. The Burnside Council on the other hand developed a biodiversity action plan more than 25 years ago and has many restored areas of local flora that have actual conservation value and are no threat to nearby remnant flora.
- Work practices to be applied to council reserves and roadsides.

The private reserve system. We support the existing Heritage Agreement Scheme and would like more proactivity to identify land that should be heritage listed and to negotiate with land-holders to achieve a conservation outcome whether it be a heritage agreement or incorporation into the state or local government reserve system. All conservation land managers should have access to on-site advice and training in aspects of land management applicable to their property. A system could also be developed to ensure the continued custodianship of the heritage agreement property beyond the time of the present owner.

Land-use planning. A change in the way we do development control is required so that residential land does not continue to be “released” on the edges of cities and towns. Hard boundaries need to be defined and surrounded by a low fire-fuel buffer at least 100m wide. These boundary reserves will be developed to become high quality native grassland or very open grassy woodland, managed

substantially by fire. The ability to develop and manage reserves such as this will require a level of knowledge and skill not yet employed in local councils.

Hard urban boundaries will not only prevent the encroachment of development into areas of natural habitat but will also serve to protect agricultural land on the margins of residential areas and will provide protection of residential areas from fire.

Planning regulations must also allow for the rearrangement of allotment boundaries to enable dwellings to be built on cleared and serviceable land rather than scattered through bushland areas. Planning laws should also allow for the creation of a new allotment provided that the whole of the new allotment will be protected under a heritage agreement. A system of transferable development rights should also be considered as a method of equitably removing development rights from areas of native vegetation and transferring them to areas designated for development.

Ecological management practitioners and the role of First Nations. All remnant native vegetation requires the management of skilled practitioners particularly where native vegetation is highly fragmented and highly degraded. There is a pressing requirement for many more people who have good botanical training and have skills in ecological restoration and management to be employed in all levels of government to effectively manage the reserve system, other government land and to provide the required services to private land-holders. There needs to high quality training available at many regional locations and there needs to be collaboration with First Nations people in the implementation of training. The existing Aboriginal Ranger programs needs to be extended so that the management of their country can be a major and meaningful form of employment for First Nations people throughout the state. To support this there needs to be a research institute for ecological restoration and management. This institute needs to collect, understand and acknowledge aboriginal knowledge and to incorporate the other practices that are required to deal with recent land management issues, particularly weeds, feral animals, and habitat fragmentation. Research is needed into many aspects of vegetation management including:

- Practices for restoring highly degraded, weed infested areas of remnant native flora. Bushcare methods based on the Bradley Method are not practicable in these situations.
- Practices for restoring or establishing low fire-fuel load grassland buffers to residential areas.
- Determining fire regimes and burning practices that work best for the maintenance low fire-fuel native grasslands and grassy wooodlands.
- The development of protocols for small scale burning that are applicable for council field workers and private vegetation managers.
- The response of local species to different fire regimes.

There needs to be an emphasis on good botanical training for all leaders of field work teams and volunteer groups. Without this, weeds will go unrecognised and become chronic at a site or in a district, or the presence of locally rare native species will go unrecognised. No land can be properly managed without a thorough knowledge of what is growing on it.