



friends of the
pinnacle

Convenor	Vaughn Cox
Phone	6255 1095
Email	fotpin@internode.on.net
Web	www.fotpin.org.au

Senior Manager – Natural Environment and
Resource Management, DECCEW
GPO BOX 158
CANBERRA ACT 2601

Dear Sir/Madam

Please accept this submission to the review of the *Nature Conservation Act 1980*.

The Friends of the Pinnacle (fotpin) is a local, community-based conservation group committed to protecting and enhancing The Pinnacle Nature Reserve. The Reserve, covering some 126ha, is located on the upper slopes of the Lower Molonglo Valley between the suburb of Hawker and William Hovell, Coulter and Springvale Drives.

Our group is comprised of Belconnen residents, with most drawn from the suburbs of Weetangera and Hawker. We are looking to develop and implement threat abatement strategies and a restoration plan for the Reserve and its environs. We have an interest in management of the Lower Molonglo Valley as it relates to connectivity and resilient ecosystem function needed to achieve our ecological goals for the Reserve.

We recognise that governments have been unable to resource reserve management to a standard that many in our community desire, and so our response has been - as our group and its capacity have grown - to take an increasingly active role. It is unlikely government funding priorities will change substantively, and so we see the need for joint, collaborative governance approaches to reserve management, that actively empowers and engages our talented and resourceful community to protect and enhance our local component of the Canberra Nature Park.

I must emphasise that we only speak in respect of our aspirations for The Pinnacle Nature Reserve and the governance, planning and management changes needed to facilitate our goals. We believe enforcement and compliance activity must continue to rest with Government, although there is scope for more reliable outcomes in that regard which may include a more recognised role for community to report unauthorised activity.

Yours sincerely

Vaughn Cox

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Fotpin submission on review of the *Nature Conservation Act 1980*

1. Context

Fotpin's initial focus has been developing and implementing our Community Weed Management Plan (http://fotpin.org.au/docs/CWMP_Pinnacle_2010.pdf) and, as part of that Plan, conducting a series of highly detailed scientific trials testing treatments to increase native ground-layer species (http://fotpin.org.au/ngrp/ngrp_description_sep-10_b.pdf). We also have an active interest in land and water conservation, the impacts of herbivores (kangaroos and rabbits) and fire hazard management on and adjacent to the Reserve.

You will see from our website the early signs of what will become an evidence-based and adaptive planning and management system to protect and restore the Reserve. We are tracking our efforts with a view to continuous improvement and better targeting our efforts (http://fotpin.org.au/weeds/weed_effort.html).

Fotpin has existed formally for less than a year. Our experience with the application of conservation legislation at the Reserve is limited to such issues as access by equestrians and BMX riders, erosion and weed control and transboundary issues such as rabbit control.

We have not taken the opportunity to review relevant sections of the *Canberra Nature Park Plan of Management* to consider where and how its implementation has fallen short of what it aspired to achieve, or reviewed the Act's provision for their suitability and how the two relate and facilitate the other's goals. As I mentioned above, this is instead an outline of possible regulatory reforms that would help an active community group such as fotpin to make a positive and enduring contribution to nature conservation.

2. General observations

Perhaps not so directly applicable to our activities, or obvious barriers to achieving our goals, fotpin can see the need more broadly for better management and governance systems in nature conservation. Our group's local experience does not lend itself to detailed comments here, but we would encourage any amendments to the Act that:

- a) **integrates delivery of policy, program and regulatory functions.** The likelihood of delivering cost-effective, transparent and adaptive nature conservation policy, management planning, works and compliance functions would be enhanced by locating those under the same legislative, agency and outcome reporting framework. It would, for example, be more appropriate for Plans of Management to be prepared under nature conservation legislation and to ensure those plans have primacy over structure plans.

Fragmenting related functions across Ministers and Departments is an unnecessary and avoidable risk to achieving desired nature conservation outcomes. A convincing case needs to be made for maintaining the institutional separation of interdependent functions.

Further, there is currently no capacity to transparently balance fire risk management actions on-reserve with actions in adjacent urban areas. If this risk was managed through an integrated planning, policy and regulatory framework - with all land uses taking a practical level of responsibility for hazard mitigation - high conservation value areas such as The Pinnacle would be more likely to be spared from ecologically destructive burning regimes.

- b) **provides ecosystem-based management goals, objectives and strategies.** The Act should set out a logical policy hierarchy of goals, objectives and strategies that guides managers and decision-makers, and reflects contemporary policy settings and practice. The Act should seek to protect biological diversity and ecosystem function at appropriate scales, respond strategically and tactically to threatening processes, and ensure compliance monitoring and enforcement actions are risk based, not tenure based.

The above is proposed not just for good administration of the Act, but as an important model for the community to follow. A clear statement of the goals, principles and practices underpinning nature conservation are likely to facilitate more consistent, equitable and desirable outcomes.

- c) **prohibits and controls invasive organisms.** We believe the Conservator must have the legislative and human resource capacity to prevent the spread of highly invasive species. Invasive species are a major threat to biodiversity, evidenced by the decline of native plants and animals from grassy box woodlands heavily infested with exotic plants, the decline of freshwater fish and frogs in the face of introduced predators such as Gambusia and trout, and the national decline of small and medium sized mammals due to introduced predators.

Most critical is preventing the arrival of invasive species, a strategy regarded as the most cost effective and reliable means of preventing their impacts. The Conservator must have powers to remove potential threats in the ACT before they escape, especially invasive garden plants, exotic fish and some other pets. The Conservator needs the powers and resources to discover which species pose substantial threats to native ecosystems, to ban their importation and to remove extremely invasive plants in Canberra gardens.

3. What we need from the Act to help achieve our goals.

We believe there are four key reforms needed to the Act to facilitate our efforts.

- d) **landscape and property planning.** The Pinnacle Nature Reserve is located in the upper slopes of the Lower Molonglo Valley. It is part of that landscape, and so enduring, on-reserve outcomes are inextricably linked to land use and land management patterns and practices, and biodiversity outcomes, across that landscape.

For that reason landscape scale management planning is needed so that tangible outcomes at The Pinnacle are based on ecological, scientific and land use realities of the landscape of which it is part. Such a plan need not be exhaustive, but as a minimum should set out the key biodiversity features and ecological corridors, the

nature and location of threatening processes, and goals, objectives and strategies for integrated property planning.

The landscape scale “nature plan” will need to inform all land use and resource management activities (e.g. fire planning), have statutory standing, and primacy over planning instruments operating at that scale to ensure reliable landscape scale outcomes. Such a planning process would facilitate management for connectivity, enhanced and resilient ecosystem function and underscore sympathetic land management across tenures.

A “nature plan” would be translated into on-ground management outcomes and actions through property plans, whether for weed, pest, erosion or fire management, or in restoration activity. A property plan could be flexible in its scope and extent, with minimum requirements set in the “nature plan” or associated regulations.

The *Canberra Nature Park Plan of Management* is strategic and subject to infrequent review. One consequence of this is that the Plan is unable to respond to rapidly changing community values, expectations and opportunities. Neither can it give practical, situation specific guidance to on-ground priorities and actions in a complex social and environmental landscape, or to ensure effective governance, monitoring, reporting and evaluation systems. The various action plans seek to give direction for land managers, but they too are strategic. There is therefore a large management planning gap that needs to be addressed at a scale that is meaningful for statutory managers and the community they increasingly rely on.

- e) **third party preparation of approved management plans.** Fotpin considers formal, documented management planning to be a key feature to any adaptive management program.

Through good planning the relevant science and management principles and practices are set out, there is opportunity for transparency and consultation on proposed goals, strategies and actions, and a roadmap can be agreed for achieving the plan’s objectives and performance targets. Without these elements there is limited scope for active adaptive management and continuous improvement, and context for informing and engaging new community partners.

There is no evidence that Governments will substantively increasing their investment in conservation planning at The Pinnacle. With this in mind, fotpin plans to take up the challenge of preparing threat abatement and restoration plans so as to guide fotpin and Government activities, to engage new partners, to explain and justify investment proposals to Government and the private sector, to inform management policy, and to safeguard park-care knowledge.

To give certainty to all parties we would like to see the Act allow third parties, such as our group, to be able to prepare management plans. This would give us confidence that where those plans are prepared to a suitable standard, both in content and process, those plans may be endorsed by the ACT Government.

- f) **joint management arrangements.** Fotpin is comprised of motivated, capable and well resourced members of our local community, with a strong interest in the conservation, restoration and sustainable use of The Pinnacle.

Our group is already making a considerable contribution to weed and rabbit control, we are now developing a shrub planting program in consultation with the Parks and Conservation Service and Greening Australia, and we are undertaking a \$50,000 experimental native grass restoration project entirely staffed by unpaid members of our community.

Our group has the capacity to achieve a great deal. We believe that in response to this level of effort and commitment there should be scope for establishing formal, joint management arrangements between the ACT Government and our group. This need not be an administrative burden, but rather present as a "safety-net" for our community's role, based on a partnership approach with Government to ensure better integration of our respective programs. To give certainty, this should be facilitated by legislative reforms under the Act.

There may be other benefits to empowering local communities in this way. Allowing community groups to formally co-manage a reserve will raise the group's profile as well as its programs, and may leverage greater involvement by individuals, service organisations and local business in reserve management. These empowered local groups would be an appropriate pre-condition for setting local levees for nature reserve management.

- g) **capacity to monitor and enforce compliance.** We believe a major disincentive for community-based conservation work is environmental vandalism or gross disregard for park use rules, undermining the work of the group. We have seen this in the case of BMX riders, equestrians, abuse of wildlife and the collection of firewood. Some activity on site has been serious and very upsetting and disheartening for members of our group.

We know that a permanent ranger presence at the reserve is unlikely, and so many unauthorised acts will continue to occur undetected. This means the Act needs to include penalties that are a more reliable disincentive for such acts. We understand that at present if a person is found constructing a BMX track on the reserve rangers can only require that person to leave the site. If this is the case, then it is entirely unsatisfactory. Here a ranger should be able to take more effective action, such as serving an appealable infringement or works notice, depending on the severity of the offence.