



A Community Legal Centre specialising
in public interest environmental law

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Towards a new State NRM Plan
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REVIEW OF STATE NRM PLAN

The Environmental Defender's Office (SA) Inc ("the EDO") welcomes the opportunity to make a submission with respect to the State Natural Resources Management Plan.

The EDO is a community legal centre specialising in public interest environmental law and has fourteen years experience in litigating environmental matters and participating in environmental law reform processes. EDO functions include legal advice and representation, law reform and policy work and community legal education. From time to time this advice, law and policy reform and community education work involves issues regarding the natural resource management issues.

Does the Plan address all "natural resources"?

Natural resources are defined as soil and water resources, geological features and landscapes, native vegetation, native animals and other native organisms and ecosystems¹. Whilst Goals 1-4 in the Plan broadly address issues relating to these natural resources, the resource condition targets do not address geological features and landscapes² and the new plan should do so.

Targets

The Plan sets out Resource Condition Targets³ which are described as aspirational targets. However, for the Plan to be effective the following needs addressing:

- actual targets are needed;

¹ s3 Natural Resources Management Act (SA) 2004

² p26 NRM Plan

³ *ibid* p26

- a starting point needs to be defined, that is, clear information is needed as to the current status of the natural resources and from this point a determination can be made as to whether or not the targets have been achieved;
- Table 2⁴ sets out the state and condition of South Australia's natural resources but it lacks the specificity needed to be in a position to determine if targets have been achieved.

The Resource Condition Targets are linked to Goals 1-4. Each goal has sub-goals which are termed strategies. The goals and strategies are too unspecific to enable complete and proper accountability.

The requirement for specificity is set out in section 74(3) of the Natural Resources Management Act (SA) 2004 where it provides that in connection with the objects of the Act, *"the State NRM Plan must—*

- (a) —
- (i) *assess the state and condition of the natural resources of the State; and*
 - (ii) *identify existing and future risks of damage to, or degradation of, the natural resources of the State; and*
 - (iii) *provide for monitoring and evaluating the state and condition of the natural resources of the State on an ongoing basis."*

Without targets and goals that provide for specific action, the obligation in section 74 cannot be achieved.

Further, the State Plan is premised on regional plans and water allocation plans being in place⁵. However, there are water allocation plans which have not been finalized, such as, the water allocation plan for the Eastern Mount Lofty Ranges which was due to be finalised in December 2008, but remains outstanding.

The Plan sets out the key risks⁶, but other risks require consideration, such as the availability of water and the impact of development such as that proposed in the Mt Barker region, the Gawler region and the region affected by proposed rail upgrade.

With respect to water, there should be a target ensuring that all the State's water resources are prescribed.

Enforcement

To be effective the Plan requires effective enforcement, but this is not provided for in the plan. It should be a part of the new Plan.

⁴ Ibid p19

⁵ Ibid p6 and see s75(4) Natural Resources Management Act

⁶ State NRM Plan p22

Funding

A critical element of success for the plan is satisfactory funding⁷; however, resourcing for landowners, boards, scientific research and enforcement remains an issue which needs addressing.

Environmental Defenders Office (SA) Inc

⁷ As acknowledged in p10 of the Plan