



Environmental Defenders Office

16 December 2019

Director, Parks Planning and Policy
Environment, Planning and Sustainable Development Directorate
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CANBERRA ACT 2601

By Email: epsddcomms@act.gov.au

Dear Director,

Canberra Nature Park – Draft Reserve Management Plan 2019

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

- Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.
- Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.
- Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

The ACT is home to important grasslands, woodlands and forests that are rich ecosystems with many species of regional and national conservation significance. The EDO regularly assists community groups and individuals seeking to protect these ecosystems and therefore welcomes the opportunity to contribute to the Canberra Nature Park Draft Reserve Management Plan (*2019 Draft Park Plan*) and offer recommendations arising from our experiences particularly given it's broad span, consisting of 37 nature reserves and 11,000 hectares.

I note that the current draft *2019 Draft Park Plan* replaces the *Canberra Nature Park Management Plan 1999 (1999 Park Plan)*. It is hoped that in the future, the *2019 Draft Park Plan* will be reviewed more frequently than the 10 year review requirement in the *Nature Conservation Act 2014 (ACT)*, so as to allow for a dynamic response to our changing climate, and the impacts of urban expansion on ACT's vulnerable biodiversity.

In addition, whilst the *Review of the Canberra Nature Park Management Plan 1999 (the 1999 Review)* is a useful document in comparing the *1999 Park Plan* with the *2019 Draft Park Plan*, it would benefit from a critical analysis of the outcomes of the *1999 Park Plan*, so as to ensure

that the *2019 Draft Park Plan* incorporates the learnings from an evaluative process. For instance, it is noted that since the finalization of the *1999 Park Plan*, 7 nature reserves have been added to the Canberra Nature Park. This is an excellent development. However, it is an important know whether expansion of Canberra Nature Park was an objective of the *1999 Park Plan* and whether this objective was sufficiently met. If this was not an objective and incidental to planning and conservation in the ACT, what were the criteria or the circumstances that led to these 7 nature reserves being added to Canberra Nature Park? And should there be a similar objective in the *2019 Draft Park Plan*?

Schedule 3 of the *Planning and Development Act 2007* outlines the management objects for a nature reserve as:

- 1) To conserve the natural environment
- 2) To provide for public use of the area for recreation, education and research.

Where there is an inconsistency between the application of the objectives, then the second objective is subject to the first.¹

Section 176(b) of the *Nature Conservation Act* states that a draft reserve management plan describes how the planning and development management objectives for the reserve are to be implemented or promoted in the reserve.

In comparing the *2019 Draft Park Plan* with the *1999 Park Plan* and in light of current and future environmental issues likely to impact on Canberra's various ecosystems, we draw your attention to the following concerns.

How do the objectives, goals and actions interrelate, and how do you measure success?

The objectives, policies and actions in the *2019 Draft Park Plan* require greater clarification, particularly with respect to interlinkages, with a view to establishing firm, clear, measurable targets and outcomes.

As set out above, the management objective for a nature reserve is to conserve the natural environment. In order to achieve this object, goals need to be specific, measurable, attainable, relevant and time-based. Actions need to be developed, that clearly link to the specific goals they set out to achieve. The *2019 Draft Park Plan* is confusing in parts given the abundance of objectives, and the lack of clarity as to which objectives have been developed to meet which goals, and which actions have been developed to meet which objectives.

To be clear, the *2019 Draft Park Plan* contains 7 long term goals that reflect the statutory objectives set out in the legislation. Key outcomes are linked to each of these goals. In each of the chapters following (e.g. plants and animals, land and water, Aboriginal connection to country), new objectives are listed (not linked to specific goals) and actions are listed, though it is unclear what actions relate to which objectives. Without clarity of overarching goals, objectives, actions, it is actually quite difficult to monitor and evaluate what is being achieved through the plan. The structure of the plan on page 8 of the *2019 Draft Reserve Plan* does not assist in clarification.

The overarching concern is that there is an abundance of objectives but no clear plan to address them. The failure to link actions with clear objectives, and that objective and actions are quite vague, mean that it is quite difficult to see how these actions will met desired objectives. For instance, in section 2.6 *Plants and animals: management objectives and*

¹ *2019 Draft Park Plan*, 11.

actions, the first action listed is to “prepare management guidelines, as required for threatened and significant ecological communities, plants and animals”. It is unclear as to what objective this seeks, to address, and how it will actually meet the objective. The questions that naturally arise are:

- Specifically which objective does this action seek to address?
- What will management guidelines seek to achieve?
- How will success be measured here?
- How do management guidelines relate to action plans for each of these species in the *Nature Conservation Act*?
- Impacts of encroaching development have a high impact on the resilience and incidence of threatened species – how is this addressed here?

Without clear outcomes that can be monitored and evaluated, it is difficult to see how the plan will achieve its objectives.

Biodiversity Benchmarks

The *2019 Draft Park Plan* identifies Canberra Nature Park’s role in protecting critically endangered ecological communities and threatened species. It contains:

- 10% critically endangered Natural Temperate Grassland
- 33% critically endangered Yellow-Box-Red Gum Grassy Woodland
- 7 threatened plant species
- 5 threatened grassland fauna species
- 15 threatened woodland bird species
- More than 100 rare and uncommon plants.

Canberra Nature Park is thus significant in its role as habitat for threatened biodiversity and in its role in creating and maintaining conservation corridors.

A clear feature of the *2019 Draft Park Plan* needs to be the creation of biodiversity benchmarks or targets that contain a baseline of existing threatened fauna and flora and their status monitored periodically. This is imperative, given the list of threatened species was revised earlier this year to include 6 listed critically endangered species, 25 species of flora and fauna at high risk of extinction in the wild in the future (they are “critically endangered” or “endangered”) and 52 species of flora and fauna on the threatened species list (consisting of “vulnerable”, “endangered” and “critically endangered” - an increase from 35).

Without specific targets to improve habitat for species and clear actions to meet those targets, species will continue to be impacted and their numbers will continue to decline.

Zoning and access

The *2019 Draft Park Plan* has noted 2 suggested management zones: Zone 1 Core Conservation, consisting of areas of high conservation values, sensitive to disturbance; and, Zone 2 Conservation and Landscape: areas more robust to disturbance. The management approaches vary according to the zones. Canberra Nature Park consists of areas marked Zone 1 and Zone 2 in similar proportions. A large range of infrastructure activities are proposed to be permitted within Zone 2 areas, whereas similar activities are “not preferred” in Zone 1. Zone 2 is noted as being more “resilient” and thus better able to deal with proposed infrastructure. This zoning approach varies from that which was set out in the *1999 Park Plan*. The former plan included 4 zones, consisting of multiple use, intensive recreation and tourism, facilities and urban edge buffer. Each zone was managed as per the uses identified in the relevant table, and agencies and parties were to work cooperatively with respect to boundary

management. It is suggested that further explanation be provided in the *2019 Draft Park Plan* for the change in zoning between the two Plans and what improvements the new zoning categories will seek to address.

In the *2019 Draft Park Plan*, Table 6.2 contains policies for the location of infrastructure in defined management zones. Infrastructure varies from management buildings/structures to campgrounds, utility infrastructure to recreation facilities. Each of these suggested pieces of infrastructure attracts different environmental impacts. Recognising that the overall objective of nature reserves in the ACT is conservation, it is suggested that activities in Zone 1 are amended from “not preferred” to “not permitted”, particularly those activities that are likely to have a greater impact on a sensitive ecosystem. With respect to Zone 2, it is suggested that activities are largely categorized as “not preferred”, particularly where it is likely that future activities will degrade the values of the nature reserve and will be inconsistent with the overall object to conserve the natural environment. It is noted that a number of these activities are subject to identification “in a recreation and tourism strategy”. Without seeing such a strategy it is difficult to provide a more nuanced approach.

Impact of urban infrastructure and development

The Review stated that a strength of the *1999 Park Plan* was the identification of urban infrastructure and development as a key threat to Canberra Nature Park. Additionally, the Review featured a Zone Overlay analysis including ‘Zone 4: Urban Edge Buffer’, reflecting the key threat of urban infrastructure and development and accounted for it in its spatial planning. Related management objectives included the minimization of impacts on adjoining land uses on Canberra Nature Park, and of Canberra Nature Park on adjoining land uses and ensuring that new suburbs and other edge developments are planned and constructed to provide for future management and that the values of the Canberra Nature Park are not degraded by further fragmentation and loss of edge buffers.

Whilst the *1999 Park Plan* did not contain ‘policies to guide future infrastructure development away from high value and sensitive areas’, the *2019 Draft Park Plan* does not recognize urban infrastructure and development as a key threat at all. Instead, the *2019 Draft Park Plan* fails to acknowledge the impact of development and urban infrastructure to Canberra Nature Park and does not identify it as a threat to plants and animals.

Edge effects are biologically significant at distances up to 300m (Beier, 2018); edge effects will modify crucial aspects of the environment in the region, such as the micro climate, water regime, and predation levels (Hobbs, 1992); and, the mortality of large trees increases at distances of up to 100m from the forest edge (Feeley & Rehm, 2014). Development has a known impact on biodiversity and the quality of nature reserves, through the introduction of invasive weeds, predators, through light and noise pollution. It impacts on landscape connectivity and disrupts the maintenance of fragile ecosystems and threatened flora and fauna habitats.

The inclusion and acknowledgement of the significant impacts of current and future urban development, threats from current urban infrastructure, and the impacts of the urban edge needs to be included in the final reserve management plan along with strategies to address this. The ACT Parks and Conservation Service have a role to play in protecting Canberra Nature Park from urban edge effects and this should be acknowledged accordingly. Ensuring that Canberra Nature Park is not degraded by further fragmentation is a notable omission and one that needs to be addressed if the *2019 Draft Park Plan* is to adequately address its primary objective – to conserve the natural environment.

Ensuring Aboriginal engagement

The *2019 Draft Park Plan*'s emphasis on Aboriginal connection to country is noted and the processes which ensure recognition of Aboriginal culture, protection and conservation of Aboriginal heritage places and objects and the ongoing connection by Aboriginal people to their Country is welcome. In order to be effective, the *2019 Draft Park Plan* must utilise specific language to ensure there is an ongoing, empowering plan to actively and meaningfully engage with Traditional Custodians in decision making and management of the land.

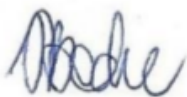
The *2019 Draft Park Plan* recognises Aboriginal connection to country and outlines actions to strengthen connection through management and conservation. However, the actions do not seem to reflect the objectives (and vice versa). For example, one objective outlined on page 59 is that "A healthy country Traditional Custodian council is established to guide management of Canberra Nature Park". The objective doesn't elaborate on the terms of reference of such a council, it's constitution, etc. Indeed, there is no corresponding action to constitute such a council (on page 60), nor any mention of the council in any of the actions. It is vital to ensure that Aboriginal people are meaningfully and actively engaged in the management of their land. This chapter needs to be expanded to adequately reflect clear objectives, actions and clear, measurable goals to evaluate.

Funding and resources

The *2019 Draft Park Plan* is significant in the geographical area it covers and the habitats and ecosystems it encompasses. The *2019 Draft Park Plan* cites adaptive management as the overarching framework which will guide how Canberra Nature Park is managed and funding is an important consideration in adaptive management. The *2019 Draft Park Plan* provides limited to no information on funding. It is essential that there is adequate funding available to ensure that it's objectives are realized. The *2019 Draft Park Plan* should ideally outline a current budget, anticipated funding, rough estimates of how this will be divided, and the likelihood of the nature of this funding continuing into the future.

Should you have any questions on the above, please do not hesitate to contact Stephanie Booker on (02) 6243 3460 or stephanie.booker@edo.org.au.

Yours faithfully,



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Environmental Defenders Office