



Conservation Council SA

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Resources

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RE: Protected Areas on Private Lands.

Dear Elspeth

As the peak conservation body for South Australia, the Conservation Council of South Australia (Conservation Council SA) welcomes the opportunity to comment on the *Protected Areas on Private Land Discussion Paper*.

Conservation Council SA is an independent, non-profit and strictly non-party political organization representing over 50 of South Australia's environment and conservation organizations and their 60,000 supporters.

Conservation Council SA developed, in 2009, a comprehensive view of environment policy in "South Australia in a Changing Climate: A Blueprint for a Sustainable Future" (<http://www.conservationsa.org.au/blueprint.html>) This document sets out, at a strategic level, policy positions in six key environmental areas. Conservation Council SA's Blueprint (on page 24) explicitly refers to the importance of protected areas in determining future biodiversity outcomes and argues for greater investment in extending and managing protected areas.

Conservation Council SA understands the practical financial constraints that the Government faces in extending its system of government-owned and managed protected areas. Conservation Council SA is therefore strongly supportive of the initiative to assist landowners to establish and manage protected areas on private land. Conservation Council SA also considers that there are positive benefits to introducing the private sector into managing protected areas: by increasing the extent and type of conservation stakeholders, there will be a stronger constituency arguing for broader biodiversity conservation.

There are five major points that Conservation Council SA wishes to make in addition to detailed responses to the Discussion Points in the Paper (see Attachment):

- **The need for support and assistance to private landowners.** If a system of private protected areas is to be successful, the Government needs to have in place a system of technical support, advice and guidance to assist landowners in accessing land purchase funds from the Commonwealth, obtaining grants, developing management plans, dealing with issues and problems (including non-compliance), managing visitors and providing

coordination across landowners (e.g. for issues of landscape-scale conservation such as feral animal control). This would involve a **substantial** uplift in the resources presently available to support owners of land held for conservation purposes. In this context, Conservation Council SA notes that the present system of support for Heritage Agreements is not well-funded and would be concerned if the Government believed that an extension of the protected area system such as proposed in this document could be implemented without adequate funding for advice, support and coordination.

- **Planning for the future of pastoral land.** Conservation Council SA understands that the likely impact of climate change on pastoral land in the State is such that traditional pastoral activities will become much less viable – perhaps even within 25 to 30 years. Conservation Council SA is concerned that over this period, this pastoral land may become very degraded through pastoralists not reducing stocking rates as fast as rainfall reduces. Conservation Council SA is also concerned about the future management of this land once pastoralism ceases to be viable. Who will manage it and on what financial basis? Conservation Council SA strongly supports the development of actively-managed privately-owned land used for protected areas, as one of the elements of a solution. However, more thought needs to go into systematically engaging with the stakeholders and planning for a viable, biodiverse future on these lands, where there is a risk of desertification. A broad protected area – partly government-owned and partly privately-owned over much of the pastoral land – is a possible future.
- **The role of mining in South Australia's pastoral lands.** Conservation Council SA is concerned about the impact that the intensification of mining and exploration activities have on much of South Australia's landscape - most of which lies beyond Goyder's line. Exploration, in particular, can do considerable unintentional damage to these fragile landscapes. Conservation Council SA understands that payments can be made under the *Native Vegetation Act 1991* as a form of compensation or offset. Acknowledging some significant efforts by mining companies in conservation activities, Conservation Council SA believes that there should be mechanisms under which there is much greater accountability for long-term impacts on land by mining interests. Given the likely substantial presence of miners over the longer-term in pastoral areas in particular, Conservation Council SA recommends that there should be positive engagement with them, with the view that they could contribute in a major way to the goal of protected areas on private and public lands – particularly as they will become much more numerous than those involved in pastoral activities.
- **Mining on private protected areas.** Conservation Council SA understands that the use of IUCN criteria in classifying parks means that mining should be excluded from higher-ranked protected areas. That effectively means that mining should be excluded from privately-owned conservation areas such as proposed in the discussion paper. Conservation Council SA considers that allowing mining would also substantially diminish the incentive for a private owner to take up the conservation role: why invest in conservation if miners can undo much of the investment? If, however, mining is to occur on certain classes of privately-owned protected areas, Conservation Council SA considers that any mining decisions should not just be made by the relevant

Ministers but should also involve the landowner and, ideally, include a public consultation process.

- **Non-compliance.** In the current system of largely publicly-owned protected areas, the issue of non-compliance of a landowner with the expectations of management of those areas rarely arises. However, introducing private ownership into the mix raises the practical consideration of what to do if a private landowner does not comply with the expectations associated with the level of protection. For example, does the landowner have to return any public funding (e.g. National Reserve System funding) associated with the purchase of the protected area? What if the land is no longer owned by the person or body who originally acquired the protected area? Should the land be “downgraded” in status from a National Park, for example, and require Parliamentary assent to do so? What mix of assistance and advice is required to ensure that non-compliance issues can be worked through rather than any punitive action taken? None of these questions should be taken as preventing the option of privately-owned protected areas from proceeding – however they need to be addressed.

I am happy to meet with you to discuss these points in more detail if that would assist this important initiative.

Yours sincerely,



Tim Kelly
Chief Executive

Cc Minister for Environment and Conservation

Chief Executive, Department of Environment and Natural Resources

Executive Director, Policy, Department of Environment and Natural Resources

ATTACHMENT: Additional Responses to Discussion Points

Discussion Point 1: Mechanisms for Establishing Protected Areas on Private Land

- a. Yes
- b. Yes
- c. On the land title, to ensure that there is a permanent record of the designation.
- d. The Update Heritage Agreement appears to be a desirable mechanism. However, it is unclear what would motivate landowners to seek out an Updated Heritage Agreement over an existing Heritage Agreement.
- e. There would be clear benefits to the usage of a National Park or Conservation Park designation over a suitable parcel of land in terms of the status of that land. However, the department would need to be able to provide sufficient technical support and guidance to assist in developing a management plan and ensuring compliance.
- f. The designation of *Sanctuary* may convey to the community a higher degree of protection than is actually the case. It appears to be of limited value in terms of long-term protection. However, there is probably no major reason to dispense with this option. If the opportunity arises, a change in terminology to reflect more correctly the level of actual protection may be appropriate.
- g. Yes.
- h. No. If this could be done simply by agreement, it may undermine confidence in the protection afforded more generally to reserves under the *National Parks and Wildlife Act 1972*.

Discussion Point 2: Private Protected Areas on Pastoral Leases

- a. Given that climate change will over time make pastoral properties less viable for traditional cattle and sheep grazing, every encouragement should be given for pastoralists to explore non-pastoral activities and to pursue conservation outcomes. The use of a Heritage Agreement or equivalent to achieve these goals should be encouraged.
- b. Holders of pastoral leases held for conservation purposes may need to generate income through non-pastoral means. These should be provided for unless they conflict with conservation outcomes.
- c. Creation of a National Park or Conservation Park implies an intention for permanent protection for conservation purposes over the parcel of land. There appears to be a lack of congruence between this notion of permanence and the more temporary nature of a leasehold tenure. The issues of tenure, the extent of oversight by the Pastoral Board, and the ability of a lessee to obtain non-government funding to support conservation over a non-permanent tenure require more discussion.

Discussion Point 3: Additional Criteria

- a. Supported
- b. Ongoing management is at the heart of whether a system of protected areas on private lands will actually work. It is obviously difficult to foresee much past

the current holder of a parcel of land. However, Conservation Council SA is of the view that adequate technical support, advice and guidance from the department is a key element underpinning the success of such a scheme.

Discussion Point 4: Exploration and Mining

- a. The creation of a system of privately owned protected areas would have a greater chance of success if the landowner were involved in the decision-making process. Several of the steps outlined in the proposed processes appear to exclude or substantially limit the involvement of the landowner. If this is not changed, Conservation Council SA anticipates that the lack of involvement will act as a disincentive to creation of protected areas on private land, particularly for larger parcels of land most likely to be impacted by mining activities - such as pastoral leases.
- b. As for a.

Discussion Point 5: Management Plans

- a. Firstly, Conservation Council SA believes that the management plan process should have a strong Government involvement and resourcing given the objectives for which the park are being established link to Government-determined priorities and strategies, the need for a consultation process with the community and the legal nature of the formal process for adoption of management plans. Secondly, Conservation Council SA believes that the management plans should be relatively brief and high-level.
- b. As for a.
- c. As outlined in 3.b above Conservation Council SA believes that ongoing Government support for a system of protected areas on private lands is an essential component of the success of such a scheme. That includes support at the time of change of land ownership (to ensure that a new owner understands the implications of the designation of the land parcel) and at times of non-compliance.
- d. Plans should be high-level and clearly state the values for which the park has been established.
- e. Supported.

Discussion Point 6: Incentives

- a. All of the incentives listed would be of value. Conservation Council SA recognizes however that the Government does not have the funding capability to provide for all of these adequately. The most important one if a system of conservation areas is to be successful is for the Government to have in place a system of **technical support, advice and guidance** to assist landowners in accessing land purchase funds from the Commonwealth, obtaining grants, developing management plans, dealing with issues and problems (including non-compliance) and providing coordination across landowners (e.g. for issues of landscape-scale conservation, such as feral animal control). This would involve a **substantial** uplift in the resources presently available to landowners of land held for conservation purposes.

Secondly, recognition of the commitment of the landowners is crucial. Two suggestions are made as examples: landowners to be given the ability to name the conservation properties in some way; and formal acknowledgement to be given by the Minister for Environment and Conservation at least on an annual basis. This could take the form of participation in an annual lecture/seminar series, recognition through recording of names in Parliamentary proceedings, ministerial presence at incorporation of parks etc.

Discussion Point 7: Disincentives

- a. Conservation Council SA has not conducted a survey of or met with a focus group of existing holders of Heritage Agreements but believes that this would be a useful exercise for the department to undertake in understanding the disincentives to participation in protecting areas on private lands. However, Conservation Council SA understands that it is important that owners of land held for conservation purposes wish to feel valued and supported in what they do. Refer also to 6.a above.