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Review of the Nature Conservation Act 2014

Submission by Friends of Mount Majura ParkCare Group

A. General assessment

The Nature Conservation Act 2014 (NCA) has failed to arrest the decline of biodiversity and to prevent the destruction and degradation of endangered ecological communities in the ACT.

“It is remarkable, and suggests a high yearly rate of new incursions, that 126 weeds new to the ACT have been recognised on the CNM (Canberra Nature Map) platform, which has been operating for 10 years.”

Michael Mulvaney

This quotation by one of the founders of Canberra Nature Map (CNM) is indicative of the many failures of the Nature Conservation Act 2014 (NCA) to adequately protect the natural environment of the ACT over the past 10 years. A full report can be found in the CNM Newsletter for June 2024 [here](#).

Many of the critical findings of the Henry et al Independent Review of the [NSW Biodiversity Conservation Act 2016](#) apply equally to the NCA. The NCA is unable to achieve its objectives. Weeds are rife, habitat is being fragmented and lost, wildfires devastated a huge area, and other legislation is limiting its effectiveness.

At least in NSW there was an independent review instead of a largely in-house review of the NCA. The timeframe for considered contributions from concerned citizens to contribute to the review is far too short. Data is very limited for many aspects of the situation. (The paper by M. Mulvaney based on CNM data is a rare exception.)

The NCA is supposed to cover all the ACT yet the urban areas have been put under control of TCCS, and not under the Minister for the Environment. This has really poor consequences in that the priorities of TCCS are not aligned with conservation. The connectivity vital for native species is not fostered. The blue – green network is only recently begun to be seen as important in the Connecting Nature Connecting People initiative, but much, much more needs to be done in this area. TCCS in its annual report hardly mentions nature at all.

Other cities such as Melbourne have programs which focus on local native species for urban plantings. TCCS has MIS25 which, apart from the grass section and water plants, has a very low representation of local native species. Instead it promotes exotic species such as Callery Pear, a known invasive species. MIS25 dated Jan 2022 lists more than 60 introduced trees not suited to natural areas as being recommended for planting in Canberra.

Invasive species are a key threatening process for conservation of native biodiversity yet other recent legislation such as The Urban Forest Act 2023 has resulted in the prohibition of removal of invasive trees on public urban land. TCCS policy is as follows:

"Due to the imperative nature of growing and retaining the tree canopy cover across Canberra, in line with targets set out in Canberra's Living Infrastructure Plan and the Urban Forest Strategy, our operations teams do not remove healthy trees, irrespective of their status as a pest plant. If identified pest species are seen to be in decline or have died, removals take place, and these species are not actively replanted by our teams."

Below is a map of Antill Street in Watson/Hackett surveyed in May 2024. All the red marks are invasive plants or groups of plants. Chilean Needle Grass is also present as it is in most mowed areas now, spread by the mowing contractors, but it was not mapped at this time. This area is part of the Blue-Green Network, but it has many declared pest and other invasive tree species such as Nettle Trees, Desert Ashes, Cootamundra Wattles, Tree of Heaven, Privets, and invasive shrubs, etc. No doubt many other urban areas are similar, thanks to the policies and practices of TCCS.

In the Urban Open Space Land Management Plan – Draft, Ecological and Environmental Values are "Low / not usually catered for" in most types of urban open spaces, whereas many of these should be targets for planting local native species to improve connectivity for the conservation of all wildlife.



Invasive Species in red in Antill Street, Watson/Hackett in May 2024 from FieldMaps with CNM.

The Biosecurity Act 2023 also interacts with the NCA. Although the Biosecurity Team do an important job in tracking down and removing new incursions of priority species, aided by reported sightings on CNM, they have been hampered by the current listing of Pest Plants Declaration 2015 which includes many plants which are prohibited from sale in the ACT but not required to be removed or suppressed. The new Biosecurity Act includes a general biosecurity duty, like what is in force in NSW. This will require the development of guidelines as the knowledge of what is a pest or invasive species is not widespread in the population. Even the land managers of the urban public lands are apparently ignorant of the invasive potential of the plants on their recommendation list (MIS25). If the new Biosecurity Act was in force 10 years ago, when TCCS knew or ought to have known that Callery Pear is an invasive species, they would have been in breach of the Act when they used it in street plantings adjacent to Nature Reserves.

B. Specific comments addressing Discussion Paper Topics:

General

- (1) The Act shows very little acknowledgement of the role of volunteers and of the need to integrate their work with government land managers. For instance, the key stakeholder consultation in 2023 apparently did not involve conservation volunteers, at least not ParkCare (Patch) Convenors.
- (2) There is a need to review contradictions between different conservation acts and strategies (e.g. Tree Protection Act, Nature Conservation Strategy (NC Strategy) etc).

RE: Nature Conservation Act compliance and enforcement:

- (1) There is too little ranger presence in Canberra Nature Park (CNP) reserves, in particular during times of heavy recreational use;
- (2) Parks and Conservation Services (P&CS) does little to educate the public on the appropriate use of nature reserves and there is practically no enforcement of rules, such as garden waste dumping, dogs on leash and other illegal behavior (Bush on the Boundary problems).

RE: The ACT's reserve system:

There is a need to make it obligatory and provide adequate funding for well-consulted and regularly reviewed conservation management & operational plans for each individual CNP reserve, that include goals and milestones that allow the adequacy and the effectiveness of management actions to be measured.

RE: Environmental Offsets:

- (1) Offsets should be the last resort and it would therefore be important to identify all areas with current or restorable ecological values and quarantine them from development.
- (2) The Nature Conservation ACT should force new developments in the context of urban densification to be restricted to areas which are practically un-restorable (or at prohibitive cost), such as surface car parks, Thoroughbred Park, Golf Clubs etc).

RE: The Conservator and the Nature Conservation Strategy:

Strengthen the power and the independence of the Conservator by making the position independent of the Chief Planner and at the level of Deputy Director General.

RE: Landscape-scale Conservation and Connectivity:

- (1) It is important to identify all areas with current or restorable ecological values and quarantine them from development.
- (2) The Nature Conservation ACT should force new developments in the context of urban densification to be restricted to areas which are practically un-restorable (or at prohibitive cost), such as surface car parks, Thoroughbred Park, Golf Clubs etc).