



## **Red Hill Bush Regenerators Inc Response to the Review of the ACT Nature Conservation Act 1980**

### **1. Introduction:**

The Australian Capital Territory Red Hill Bush Regenerators Group (RHR) is a registered Parkcare organisation formed in 1989 with the objective of restoring the original native bushland environment of the Red Hill Nature Park in Canberra. It has 34 active volunteer members who collectively devote over 400 hours per year to:

1. developing awareness in the community of the value of local native vegetation and wildlife in the Red Hill Reserve;
2. promoting the conservation, regeneration, planting, maintenance, and protection of the native and remnant vegetation of the Red Hill Reserve; and
3. restoring and improving the condition of degraded land within the reserve through measures including revegetation.

RHR is very conscious that Red Hill supports one of the largest remaining remnants of endangered Yellow Box - Blakely's Red Gum grassy woodland in Australia. It is also an important recreational facility to the residents of Canberra as well as providing a uniquely Australian backdrop to the national Parliament House. RHR is also conscious that once lost, this unique resource can never be replaced.

Accordingly, the RHR works tirelessly to maintain the integrity of this important remnant in the face of constant threats from introduced plants and animals. In addition, the Group has had to devote an increasing amount of valuable time and effort to defending the Reserve against a constant stream of threats from commercial development as well as inconsiderate and poorly executed activity by utilities such as ACTEW and Telstra.

### **2. RHR Comments on Discussion Paper**

While the conservation of the ACT's natural resources requires robust and comprehensive legislation supported by an adequate enforcement capacity, RHR would like to see further emphasis being given to informing Canberra residents about what they can and cannot do in our reserves and parklands and what they should do and whom they should contact should they view or suspect activity prejudicial to those reserves and parklands. This approach should not only make ranger activities more effective and timely in preventing and/or minimising damage but also and in expediting the repair of any resulting damage.

## *2.1 Legislative Status of Nature Reserve System*

RHR is concerned that, despite appearances to the contrary, the legislative status of the current network of reserves provides an inadequate level of protection for the ecosystems contained in those reserves. The protection of the reserves should not depend on groups such as RHR to defend their integrity from threats associated with continuing pressure from commercial development and a range of uses that are incompatible with the maintenance of their unique ecological values. In our view it is essential that the reserve system is supported by unambiguous, robust and comprehensive legislation, a single management body that has responsibility for the network of reserves in the ACT and an adequately resourced Park Ranger Service.

## *2.2 No-net-loss of significant biodiversity values (Page 19 of Discussion Paper)*

RHR supports the application of no-net-loss principles (and associated concepts of offsets and biobanking) in considering potentially harmful impacts on native vegetation but only as a last resort in areas of low conservation value. In our view the wide-scale adoption of this concept (and related concepts such as biobanking) in areas of high conservation has an unacceptable level of risk. The main risk is that the wide-scale adoption of this approach will create an approach and culture that has a focus on determining and/or negotiating the minimum acceptable level of offset rather than avoiding the unwanted activity. In this situation it is inevitable that important areas of native vegetation (in terms of their species composition and/or connectivity) are undervalued and that the proposed offset values are overstated and/or are not realised.

## *4. Managing the urban-bushland edge (Page 22 of Discussion Paper)*

It is essential that the rules covering the placement of non-native plants as well as the construction of unauthorised structures in nature reserves make it perfectly clear that:

1. The dumping of vegetative waste containing viable non-native plants in a nature reserve is an offence;
2. The construction or placement of unauthorised structures as well as any encroachment into nature reserves is prohibited;
3. Owners of properties bordering on nature reserves (such as private residences and golf courses) have a specific and particular responsibility to manage their non-native vegetation in a manner that does not promote the spread on invasive species (such as periwinkle, ivy, exotic pines, blackberries and exotic grasses etc) into Canberra reserves; and
4. Persons or corporations responsible for any of these offenses will be liable for a range of fines/penalties as well as the cost of any remedial action considered appropriate.

*Part 2 of the Act – the conservator and flora and fauna committee*

*S8.1.2 Land management*

As indicated above, RHR feels it is essential that the reserve system is supported by unambiguous, robust and comprehensive legislation and a single management body that has responsibility for the network of reserves in the ACT. In this regard we support such amendments as necessary to the NC Act to give Parks and Conservation (TAMS) the clear role and mandate to manage Canberra's parklands and reserves. This would include the responsibility for establishing, monitoring and enforcing management plans. Should TAMS be given these roles we would expect that its performance would be subjected to periodic, independent, external audits to create a strong compliance culture and ensure a satisfactory level of performance.

*S8.1.3 Powers and delegations*

In regards to the question of the role of the Conservator, RHR supports the general principle that a Conservator should have expanded powers to recover the costs of recovery and restoration of illegal activities or encroachment. This power presumes adequate resources will be made available to be able to discover such activities and their perpetrators. However, we note the issue of financing/resourcing such functions does not appear to be addressed in the NC Act or the Discussion Paper.

*2.3 Section 15. Part 8 of the Act—reserved areas Page 44 of the Discussion Paper*

*S15.1.1 Unauthorised vehicle use*

RHR encourages the early establishment of an effective and enforceable regime of restrictions on unauthorised vehicles on reserved land. While ignorance of the legislation is not a defence, unfortunately, the absence of adequate legislative powers, informative signage and enforcement resources combine to create a situation where there are few effective controls on the use of motorised and non-motorised vehicles in ACT reserves. These circumstances result in poor environmental outcomes and can contribute to the source of growing conflict between walkers and non-motorised vehicle users.

The absence of clearly defined and adequately maintained walking tracks exacerbates this situation.

Accordingly RHR proposes that the NC Act is amended to:

1. include provisions similar to those under S36 and S37 of the Road Transport (General) Act 1999 that deem the owner of a vehicle to be responsible for offences resulting from the vehicle being driven by a person other than the owner; and

2. The introduction of amendments to the NC Act that clarify those circumstances in which non-motorised vehicles can operate in reserves. For example, that a non-motorised vehicle may or may not be permitted to operate on roads, tracks and paths within the reserved land which are signposted accordingly.

Amending the NC Act will however be effective only if complementary measures are taken by the ACT Government, including:

1. The installation and maintenance of clear signage at strategic locations indicating where non-motorised vehicles can operate and the responsibilities of the operators of these vehicles;
2. The establishment and maintenance of a defined network of walking tracks in Canberra's nature reserves, and clearly marking those where cycling may or may not be permitted;
3. The provision of funding for sufficient dedicated ranger resources to be provided to undertake an adequate education and enforcement effort; and
4. The adoption of publicity and educational measures to ensure that off-road cyclists understand their rights and responsibilities through a cyclists code of conduct

#### *S15.1.2 Hunting in reserved areas*

RHR agrees that, while the current legislation has significant and generally adequate powers to control illegal hunting on reserved land, the addition of an amendment which prohibits the act of hunting without a licence should also be specifically listed as an offence.

#### *S15.1.3 Taking animals and plants into reserved areas*

RHR would encourage the adoption of legislation clarifying the circumstances in which pet owners can take pets onto reserved land and their responsibilities. Legislation should also specify that pet owners are responsible for their pets (including cats) should they stray into nature reserves.

Legislation should be supported by the adoption of an application form specified in the NC Act, and by appropriate, strategically located signage and ranger resources.

#### *S15.1.4 Commercial and non commercial concessions*

RHR would support the provision of clauses in the NC Act that would clarify and regulate private and/or community organisation use of reserved land. The adoption of a licence fee system should be included in the NC Act, which could be designed to manage the demand for such activities and recover the public costs incurred in managing and controlling these activities and restoring any damage resulting from the activity.

#### *S15.1.5 Restoration in reserved areas including wilderness*

RHR continues to be highly concerned that the conservation values of the Red Hill Nature Reserve have been progressively degraded by excavation, construction and vehicular traffic associated with a range of "sanctioned" activities undertaken by utility corporations such as Telstra and ACTEW. In general these corporations have displayed a blatant disregard for the impact there activities are having in the Reserve.

Accordingly, RHR is firmly of the view that the amendment of NC Act to specify the requirement of a restoration plan and/or performance based bond is long overdue.

#### *S15.1.7 Clearing and damaging native vegetation in reserved areas*

RHR is of the view that thresholds should be determined based on the implications of the activity rather than simplistic criteria such as the area cleared. For example, actions undermining threatened or endangered communities and/or associated environments should be subject to the most severe judgement. Similarly activities that have non-reversible or longer term impacts should be treated more seriously than those circumstances where the damage is capable of restoration in the short/medium term.

Red Hill Regenerators

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