

c/o Mr Adam Schutz
Native Vegetation Council
Department for Environment and Water
By email: nvc@sa.gov.au

6 December 2022

Dear Native Vegetation Council,

RE: Submission to the Review of Heritage Agreement Policy and Guidelines

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission to the South Australian Government's consultation on Heritage Agreement Policy and Guidelines.

Please note that ALCA is happy for this submission to be published in full.

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia. Our eleven members are (with those operating in SA in **bold**):

- **Australian Wildlife Conservancy**
- Biodiversity Conservation Trust NSW
- **Bush Heritage Australia**
- **Greening Australia**
- **Landcare Australia**
- **Nature Foundation**
- Queensland Trust for Nature
- South Endeavour Trust
- Tasmanian Land Conservancy
- **The Nature Conservancy Australia**
- Trust for Nature (Victoria)

ALCA member land conservation efforts have influenced over 3 million square kilometres with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$260 million. Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and funding and using nature-based solutions to tackle climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spill-over effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.

Summary

Heritage Agreements are the cornerstone of private land conservation in South Australia and provide critical protection for many of South Australia's native species.

As per the first key finding of ALCA's flagship 2019 report on South Australian private conservation, *A Natural Legacy: Revitalising private land conservation in South Australia for nature, people and thriving rural landscapes*¹:

"The Heritage Agreement Program is the SA Government's primary mechanism to establish private protected areas in South Australia, with significant benefits to wildlife conservation, landscape health and primary producers. The diversity of vegetation types represented in the Heritage Agreement program is vital for the survival of some species."

Further, Heritage Agreements have widespread community support, as identified in the Native Vegetation Branch's internal review, with *"more than 2800 landholders with Heritage Agreements"*². As per the second key finding of ALCA's report:

"There has been broad landholder uptake of Heritage Agreements... The program has attracted participation by a diverse range of landholders, including hundreds of primary producers. Collectively, these landholders are protecting more than 1.8 million hectares of wildlife habitat across South Australia (DEW 2019)."

Heritage Agreements also fulfil a critical function in providing the greatest certainty currently available to investors in private land conservation – whether private individuals, companies, environmental NGOs, philanthropists, or government – that their investments will be supported and provided with in-perpetuity protection.

Given recent concerns that conservation investments within South Australia's pastoral leasehold estate may be threatened and overturned, extending Heritage Agreements into the pastoral estate is particularly important – and a key priority – for the private land conservation sector. This needs to occur alongside reforms to *Pastoral Land Management and Conservation Act 1989* that remove any potential ambiguity regarding the legislative basis for conservation in that pastoral estate, and ALCA has welcomed the commitments by the South Australian government to resolve any ambiguity.

The review of Heritage Agreements also offers a key opportunity to drive sizeable philanthropic investment into South Australian land conservation. Overseas philanthropy, and particularly large philanthropic investments from the United States, are seeking additional protection for investment in land conservation, specifically, protections from mining exploration and operations currently unavailable within most Australian jurisdictions. The Queensland Government has recognised this opportunity and has created Special Wildlife Reserves³ which provide in-perpetuity statutory protection from mining, grazing and logging, and is already beginning to reap the dividends of additional investment. Using a targeted and strategic approach, South Australia can also leverage the opportunity of the Special Wildlife Reserve model, especially (although not necessarily only) where mining exploration permits may effectively be in hibernation and therefore can commercially be more easily extinguished.

The other key challenge facing the sustainability of managing Heritage Agreements for biodiversity outcomes is, of course, funding. Other State jurisdictions have approached the ongoing sustainable funding challenge by capitalising funds that have scale, longevity, and provide reassurance and certainty of ongoing support for Heritage Agreement landholders.

Whilst the South Australian government budget is inevitably more modest than that of many other Australian states, a modest fund that is managed for sustainable returns for ongoing financial support to Heritage Agreement landholders would provide a stronger long-term approach than the current model of funding with its uncertain long-term future.

¹ See: <https://alca.org.au/a-natural-legacy-revitalising-private-land-conservation-in-south-australia-for-nature-people-and-thriving-rural-landscapes/>

² See: p1, <https://yoursay.sa.gov.au/81018/widgets/386072/documents/244264>

³ See: <https://www.qld.gov.au/environment/parks/protected-areas/private/special-wildlife-reserves>

It should also be noted that the other recommendations from ALCA's 2019 report that more broadly relate to South Australian private land conservation remain highly relevant, namely: supporting practical cooperation between landholders; enhancing conservation management and monitoring; and encouraging integration of conservation and primary production.

Recommendations

General recommendations:

1. The continued focus of Heritage Agreements should be upon in-perpetuity protection and encumbrance on title.
2. The South Australian Government should provide adequate and sustained, reliable funding to landowners of Heritage Agreements to ensure that the biodiversity is adequately managed and maintained.
3. Voluntary private landholder contributions to the management of Heritage Agreements – both in terms of private funding, and in-kind contributions – should be recognised, valued, and highlighted. Even where there may be a lack of access to sustained Government funding, the value of Heritage Agreements to biodiversity conservation is still formidable and should not pose a barrier to Agreements being progressed.
4. The South Australian Government should capitalise a fund – or significantly bolster the Native Vegetation Fund – such that sustainable returns on that fund provide sufficient ongoing support for the management of South Australia's Heritage Agreements. Models from other jurisdictions that could be adopted (or drawn upon) include the Biodiversity Conservation Trust in New South Wales and Trust For Nature in Victoria, both of which are statutory entities.
5. Until a serious fund for the management of Heritage Agreements is established, there should be ongoing programmatic budget appropriations to support Heritage Agreement landowners (i.e. ongoing funding for the Revitalising Private Conservation Program or its replacement).
6. Heritage Agreements should be permitted upon pastoral leases and, as far as is practicable, such Agreements managed under the ordinary processes for establishing and managing Heritage Agreements.
7. The South Australian Government should consider developing an enhanced Heritage Agreement that is commensurate to the Queensland Government's Special Wildlife Reserves⁴; namely, a Heritage Agreement available in special circumstances that can prevent mining and petroleum exploration and operations. International philanthropists in conservation – especially significant philanthropic foundations in the United States – increasingly require this level of protection to catalyse serious investment or co-investment. The creation and targeted deployment of Special Wildlife Reserves (or their equivalent) would enable the South Australian Government and/or NGO nature conservancies to leverage that significant investment.
8. The Native Vegetation Council and the Department should actively work with local governments and the community to expand South Australia's register of Heritage Agreements, including land owned by local governments.
9. Lessons and recommendations from ALCA's flagship 2019 report, '*A Natural Legacy: Revitalising private land conservation in South Australia for nature, people and thriving rural landscapes*'⁵ remain relevant to the conception of Heritage Agreements and South Australian private land conservation more broadly.

⁴ See: <https://www.qld.gov.au/environment/parks/protected-areas/private/special-wildlife-reserves>

⁵ Also as above; see: <https://alca.org.au/a-natural-legacy-revitalising-private-land-conservation-in-south-australia-for-nature-people-and-thriving-rural-landscapes/>

Regarding the draft Heritage Agreement Policy:

10. When determining if a Heritage Agreement should be approved, the section on nominated area sizes on page 2 should be edited as follows [**additions in bold**]:

1. *The area nominated is:*

a. *a minimum of 1 ha if it contains rare or threatened vegetation communities, plants, animals or associated habitats.*

b. *a minimum of 3 ha if it contains common vegetation types.*

c. of any size where it abuts an existing Heritage Agreement or other protected area (such as a reserve under the National Parks and Wildlife Act); and/or where it has been nominated by a Government department, body or authority, including local or Federal government.

11. The section on land that has been revegetated (page 3) should be edited as follows [**additions in bold, deletions in strikeout**]:

With regards to land that has been revegetated, the NVC will assess if:

...

2. *The revegetation has been established, **where appropriate**, from locally sourced seeds or specimens. The NVC will permit plants established from seed or cuttings sourced from **appropriate drier** climates relative to the area being revegetated to enable the plants to be resilient to climate change, ~~but they should still be from within the same general geographic region~~. **The NVC may choose to refer to appropriate climate change modelling when making any assessment.***

12. The section on varying and terminating a Heritage Agreement (page 4 and 5) should be edited as follows [**additions in bold**]:

In considering an application to vary or terminate an agreement, the NVC will assess if the absence or variation of the Heritage Agreement will:

...

3. Substantively and negatively compromise the reputation or integrity of Heritage Agreements within the South Australian community.

Regarding the draft Guidelines for Applications for Financial Assistance:

13. Clarity should be provided on whether these Guidelines apply for programmatic or grant funding rounds (i.e. solicited applications for financial assistance, such as may be expected under the next iteration of the Revitalising Private Conservation in South Australia Program) or whether the Guidelines only apply to unsolicited applications.

14. Noting that section 24(1) of the Act refers to other assistance (i.e. non-financial assistance) that may be sought by application to the Native Vegetation Council, it would be useful to have a brief summary of potential non-financial assistance measures currently available from the Council for Heritage Agreement landowners.

15. The section on “NVC CONSIDERATION” (page 3) should be edited to explicitly align with page 2 of the Heritage Agreement Policy and be edited as follows [**additions in bold**]:

- ***If the proposal provides for connectivity within the landscape and for the movement of native animals.***

16. A suggested draft template for an Application for Assistance should be provided as an addendum within the Guidelines document; this will be particularly important in helping to manage unsolicited applications.

Thank you again for the opportunity to contribute to the South Australian Government's review of Heritage Agreements Policy and Guidelines.

ALCA and its members look forward to ongoing engagement with the South Australian Government to ensure that Heritage Agreements, Policy, and Guidelines continue to optimise outcomes for biodiversity in the public interest of South Australians.

Australian Land Conservation Alliance