

# Independent review of the EPBC Act

Additional comments on  
regional and national planning

Submission by the  
Invasive Species Council

September 2020

## Document details

Invasive Species Council. 2020. Independent review of the EPBC Act. Additional comments on regional and national planning. A submission by the Invasive Species Council. September 2020.

## About the Invasive Species Council

The Invasive Species Council was formed in 2002 to advocate for stronger laws, policies and programs to keep Australian biodiversity safe from weeds, feral animals, exotic pathogens and other invaders. It is a not-for-profit charitable organisation with over 3000 supporters, funded predominantly by donations from supporters and philanthropic organisations.

## Intellectual property rights

© Invasive Species Council 2020

Unless otherwise noted, copyright and any other intellectual property rights in this publication are owned by the Invasive Species Council.



All material in this publication is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License. Creative Commons Attribution 4.0 International Licence is a standard form licence agreement that allows you to copy, redistribute, remix, transmit and adapt this publication provided you attribute the work, you do not use it commercially and you distribute your contribution under this creative commons licence. The licence terms are available from <https://creativecommons.org/licenses/by-nc-sa/4.0/>.

## Inquiries

Invasive Species Council

Address: PO Box 96, Katoomba NSW 2780, Australia

ABN: 27 101 522 829

Web: [invasives.org.au](http://invasives.org.au)

Email: [isc@invasives.org.au](mailto:isc@invasives.org.au)

# Contents

<b>Introduction .....</b>	<b>3</b>
<b>National planning standards.....</b>	<b>3</b>
<b>Strategic national plan priorities.....</b>	<b>3</b>
<b>Bioregional (landscape) planning.....</b>	<b>6</b>
Competing land uses .....	6
Rule setting and trade-offs.....	7
A focus on prevention and early action .....	7

## Introduction

We endorse the overall architecture for planning proposed in the interim report, but strongly recommend that national threat abatement plans should be a prominent element and that regional recovery plans should be renamed to highlight their threat abatement focus:

- Strategic national plans
- National threat abatement plans
- Regional recovery and threat abatement plans
- Bioregional (landscape) plans

Here, we make some brief comments on a few planning aspects (additional to comments we have already made in our two submissions, which were mainly focused on national threat abatement planning). There is much more that should be said about planning, but there has been insufficient opportunity to engage with the review on this important issue.

## National planning standards

We think it is important to set national environmental standards for planning, including regional plans and national threat abatement plans. These should be focused on specifying environmental outcomes, best practice processes for planning and the elements of effective plans. Australia is awash in dud plans – those that seem good on paper but fail to drive change – so we need a detailed critical assessment of planning processes to provide an evidence base for the development of effective environmental standards for planning. We support the draft standards proposed by Brendan Wintle and others as a good starting point but their development needs a lot more consultation and consideration.

## Strategic national plan priorities

The roundtable on 2 September was asked two questions on national planning:

- What priorities should be the focus for nationally coordinated action?
- How should these plans interact with other processes – like regional planning activities, investment, or other related national frameworks (e.g. biosecurity)

The interim report proposes that strategic national plans be prepared for pervasive issues that require national coordination. A very high priority for national planning must be threat prevention and abatement. All high-level threat groupings (key threatening processes such as invasive species, habitat destruction, harmful fire regimes or subsets of these threats) should be the focus of national plans that at a minimum set out the framework for abatement (eg policy changes, abatement plans, stewardship programs), abatement priorities, abatement targets and monitoring and reporting requirements. The planning focus would need to be specific to each KTP. For example, as shown in Figure 1, for invasive species we suggest a strategic planning focus on (1) prevention and (2) threat abatement (which may be usefully focused on broad categories of invasive species such as pathogens, predatory vertebrates, herbivorous vertebrates, weeds, marine invaders, freshwater habitat invaders). One important focus of a strategic national planning process for invasive species would be to identify priorities for threat-specific abatement plans, either individual invasive species such as feral cats and chytrid fungus or grouped species such as invasive fish. Abatement plans are

particularly important for invasive species threats requiring national collaboration to develop or apply more-effective control options.

The proposed focus as outlined in Figure 1 differs from the focus of existing national strategies for invasive species, such as the national weed strategy. The existing strategies provide sound principles, strategies and priorities, but lack imperatives for implementation. They do not qualify as adequate substitutes for strategic national plans under the EPBC Act.

The interim report identified that the Commonwealth government was retreating to transactions, rather than 'leading' strategically in the national interest. The costs of this lack of leadership are clear in the many growing threats that could have been prevented or contained – for example, the spread of highly flammable pasture grasses that are hazardous for life and property in rural areas as well as biodiversity, and the rapidly growing impacts of feral deer on agriculture and biodiversity due to their protection for hunters. Progress on threat abatement will be weak and patchy unless the Australian Government is willing to drive change in the face of indifference or unwillingness by one or more state or territory governments.

**Figure 1:** Plans and initiatives for preventing and abating invasive species threats



## Bioregional (landscape) planning

The interim report proposes that bioregional plans would have two main purposes:

- support the management of threats at the right scale
- set clear rules to facilitate and manage competing land uses

We support the proposal for regional planning. It makes sense to use existing regional structures (eg NRM organisations) for implementation of national threat prevention and abatement priorities where these organisations have a good track record of project delivery. But we recommend flexible arrangements to enable other groups (such as Indigenous organisations and conservation bodies) to develop regional plans for accreditation as long as they meet the national environmental standards for planning, including accountability measures. We also question the feasibility of regional bodies being the ones to ‘set the rules’ (discussed below).

### Competing land uses

The interim report proposes that:

*Bioregional plans would set the clear rules to manage competing land uses to support regulatory streamlining. They would identify areas where development may be of lower or higher risk to the environment, including those areas where development assessment and approval is not required.*

The authorities for rule setting to resolve land use conflicts are clear at local, state and national levels (for elected governments) but not at the regional level. We support regional planning as a process for strongly ‘informing’ rule setting by governments and agree it is important to meaningfully involve regional communities in rule-setting processes but do not think it is feasible for rules to be set by regional bodies, particularly when there is conflict about those rules.

Planning processes are vital for resolving competing land uses, including at a bioregional level. However, given the variety of competing land uses, it is important to specify which are appropriately the focus of regional planning and which are more appropriately the focus of national or state laws, policies, planning or land management programs. The one land-use focus for regional planning proposed in the interim report is identifying ‘areas where development may be of lower or higher risk to the environment’. But ‘development’ is a narrow subset of land uses and threats likely to impact MNES. Examples of land uses and practices mostly not considered development that exacerbate key threatening processes (not just threats listed as such) include the following:

KTP	Examples of land uses likely to exacerbate KTPs
Invasive species	Planting of invasive pasture plants such as buffel grass Planting of invasive plants for cropping, eg giant reed as a biofuel Use of feral goats as a resource
Harmful fire regimes	Hazard reduction burning harmful to biodiversity Forestry practices that increase fire risk
Adverse hydrological regimes	Increased water harvesting & storage as a response to drought Irrigation development in northern Australia
Land clearing	Agricultural expansion or intensification Urban development
Grazing	Overgrazing during droughts Grazing intensification facilitated by installation of new water points

It is important to consider which threats can realistically and best be addressed through bioregional planning (not just development) and to specify the other planning processes and law and policy processes by which some of these threats would be more effectively prevented and abated. Scenario testing is vital for designing an effective threat abatement system.

## Rule setting and trade-offs

Resolving land use competition and conflicts inevitably involves trade-offs. One of the major reasons Australia has failed to develop sustainably and is losing biodiversity is our deficient systems for acknowledging, understanding and managing trade-offs:

*Trade-offs are not always explicit, and can be hidden, intentionally ignored or downplayed. This means that institutions, incentive structures, political processes and social narratives can deliberately mask and hide trade-offs from decision-making processes. Narratives that emphasise win-win solutions are often more socially, psychologically and politically attractive.<sup>1</sup>*

It's not clear how the proposed regional plans can enable the decision-making required to grapple with hard choices of trade-offs. Much planning is predicated on the delusion that win-wins are the norm. A randomly selected example of a statutory regional plan that fails to consider trade-offs is the North West Regional Plan, a statutory plan under Queensland's Sustainable Planning Act, which is a wonderful wish-list of seemingly happy sustainable regional living that segregates land uses into sectors as if there were no overlapping realities. (Roles and responsibilities for implementation get five sentences, indicating low expectations.) Contrary examples – of plans that do grapple with difficult trade-offs – are harder to find. One exemplar is the South East Queensland Forests Agreement negotiated by the timber industry, conservation groups and the Queensland Government. While the Murray Darling Basin Plan is imperfect, the planning process demonstrates the resolve and focus needed to address embedded conflict.

If regional planning is to be effective, trade-offs and the hard choices involved must 'be assessed, discussed, and debated in an honest and sober way'.<sup>2</sup> We strongly endorse the following planning standard 6.1(ii) proposed by Wintle and others ('complex systems approach'):

*A suite of plan options are developed for comparison against environmental, social, economic and cultural objectives and to allow explicit analysis of trade-offs between these.*

## A focus on prevention and early action

*Regional plans would take into account cumulative impacts, key threats and build environmental resilience in a changing climate by addressing cumulative risks at the landscape scale.*

In addition to cumulative impacts, regional and national plans should also be focused on threat prevention and containment (not just avoidance of impacts in particular developments). Horizon scanning (eg to identify potential new land use trends) and risk assessments should be applied to identify potential and emerging threats. In the draft standards proposed by Brendan Wintle and others, we recommend that threat prevention be a focus in addition to threat abatement (eg in the proposed standards 5.2 and 3.2). Regional threat and risk assessments will need to take a national

---

<sup>1</sup> Franks and Gusenbauer (2019) Agriculture, nature conservation or both? Managing trade-offs and synergies in sub-Saharan Africa

<sup>2</sup> McShane et al. (2011) Hard choices: Making trade-offs between biodiversity conservation and human wellbeing. *Biological Conservation* 144(3) 966–972



perspective – a minor weed risk in one region, for example, could become a major threat in another region. A national perspective is also needed to address cumulative impacts – particularly for species and ecological communities that cross regional boundaries.