

Protected Areas on Private Land: Shaping the Future of the Park System in Australia

Greg Leaman, Director of National Parks and Wildlife, Department of Environment, Water and Natural Resources, GPO Box 1047, Adelaide, South Australia, 5001, Australia; greg.leaman@sa.gov.au

Clare Nicolson, Principal Policy Officer, Department of Environment, Water and Natural Resources, GPO Box 1047, Adelaide, South Australia, 5001, Australia; clare.nicolson@sa.gov.au

Introduction

PROTECTED AREAS ON PRIVATE LAND MAKE A SIGNIFICANT CONTRIBUTION to conservation efforts. They contribute to broader protected area systems and are vital for establishing biodiversity corridors, ecological networks, and buffer zones as part of a landscape-scale approach to conservation. Acknowledging this contribution, South Australia is exploring a range of innovative measures to facilitate the further establishment of protected areas on private land. These measures aim to ensure that private protected areas are formally recognized in legislation, and meet agreed National Reserve System criteria, including protection in perpetuity.

This paper provides a brief overview of the current status of private land conservation in Australia, and describes South Australia's protected area system, and two strategic frameworks that will help shape its growth. It discusses current work underway in South Australia to develop an innovative legislative framework for establishing protected areas on private land that will put the state at the forefront of private protected area management in Australia.

Private land conservation in Australia

All Australian states and territories are increasingly recognizing the importance and value of engaging private landholders in conservation efforts to help build the National Reserve System¹, and achieve landscape-scale conservation goals. There are currently two mechanisms for private land conservation in Australia. Conservation covenants are voluntary agreements between the landholder and the government to manage land for conservation outcomes. These are legally binding agreements that are registered on the land title. Over the last decade, more than 2,000 landholders have placed conservation covenants on parts of their properties, with more than half

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of these occurring in South Australia. The other mechanism for private land conservation is a voluntary, non-binding agreement, such as a sanctuary, that recognizes the intent of landowners to manage their land for conservation outcomes.

The Australian government is investing significant funds to establish private protected areas as part of its commitment to building the National Reserve System. It has done this by either providing funds to help buy land for new conservation reserves that are then privately managed for long term nature conservation, or by supporting covenanting organizations to help landholders establish perpetual conservation covenants on their land. In recent years, with funding assistance from the Australian and South Australian governments, a number of pastoral leases have been purchased by non-government organizations in the north of the state (Figure 1). The large size of these former sheep or cattle-grazing properties, from 63,000 to 420,000 ha, has made a significant contribution to the National Reserve System, particularly by protecting ecosystems that are under-represented.

The South Australian context

South Australia covers approximately 98 million ha. It has a population of around 1.65 million people, or eight percent of the Australian population. More than 70 percent of South Australians live in the state capital, Adelaide.

South Australia covers some of the most arid parts of Australia and is often referred to as “the driest state in the driest inhabited continent.” Over 80 percent of the state receives an average annual rainfall of less than 250 mm. Major land uses are sheep and cattle grazing in the rangelands, conservation and natural environments (including protected areas, Aboriginal lands, and defense land), and dryland agriculture and horticulture.

While around 86 percent of South Australia is covered in native vegetation, the majority of

Figure 1. Witchelina, a 420,000 hectare protected area on private land in the north of South Australia, owned and managed by the Nature Foundation SA.



the native vegetation occurs in the rangelands and Aboriginal lands. Habitat conversion for agriculture has left only around 29 percent of native vegetation in the agricultural regions of the state. South Australia's terrestrial protected area system¹ conserves most of the remaining native vegetation in the agricultural regions, and large areas of native vegetation in the rangelands. South Australia also has a marine park network covering 44 percent of the state controlled waters.

The South Australian terrestrial protected area system

South Australia's protected area system forms part of the National Reserve System, which represents the collective efforts of all state and territory jurisdictions, the Australian government, non-government organizations, and Aboriginal land owners. The Interim Biogeographic Regionalisation for Australia² provides a planning framework for the National Reserve System. This divides Australia into 85 bioregions, 403 subregions, and then regional ecosystems, which number in the thousands. The National Reserve System's goal is to develop and effectively manage a comprehensive, adequate, and representative system of protected areas that conserves as many regional ecosystems as possible.

South Australia's system of terrestrial protected areas (Figure 2) covers 28 million ha, or more than 28 percent of the state, and comprises public, private, and Aboriginal-owned lands. Around 19 percent of the state's protected area system occurs on public land. This comprises 403 reserves (as of February, 2013) protected under the South Australian National Parks and Wildlife Act 1972, including 19 national parks and reserves that are co-managed with traditional Aboriginal owners. It also includes reserves protected under the Wilderness Protection Act 1992, Crown Land Management Act 2009, and Forestry Act 1950. The protected area system continues to grow through strategic acquisitions.

The state's public protected areas are complemented by an extensive system of private protected areas, encompassing nine million ha, or around 9.2 percent of the state. Private protected areas are held by private landholders and non-government organizations with an interest in conservation. These lands are afforded protection through formal Heritage Agreements under the Native Vegetation Act 1991, or as sanctuaries under the National Parks and Wildlife Act. The South Australian Government has provided considerable financial assistance to non-government conservation organizations to purchase land for private protected areas, and continues to work with those organizations with regard to their management.

South Australia's protected areas have been established largely opportunistically over the last 120 years. Despite the extensive protected area system already in place, a number of regional ecosystems are still under represented. Development of the national bioregional framework has allowed a more strategic approach over the last two decades. However, further work is required to establish a fully comprehensive, adequate and representative system.

Strategic frameworks

In 2002, the South Australian Government became the first in Australia to adopt a landscape-scale approach to conservation and incorporate the concept, termed NatureLinks, into policy and planning frameworks. The government committed to the development of a system of interconnected core protected areas, each surrounded and linked by lands managed under conservation objectives. Five broad habitat corridors were identified and incorporated into the South Australian NatureLinks Strategy (Figure 3). NatureLinks³ provides the overarching framework for government agencies, conservation organizations, landholders, and local communities to work together to restore and manage landscapes and seascapes within the five biodiversity corridors.

South Australia's protected area strategy, *Conserving Nature*,⁴ recognizes that it will require efforts beyond, but supported by, government to establish a fully comprehensive, adequate, and

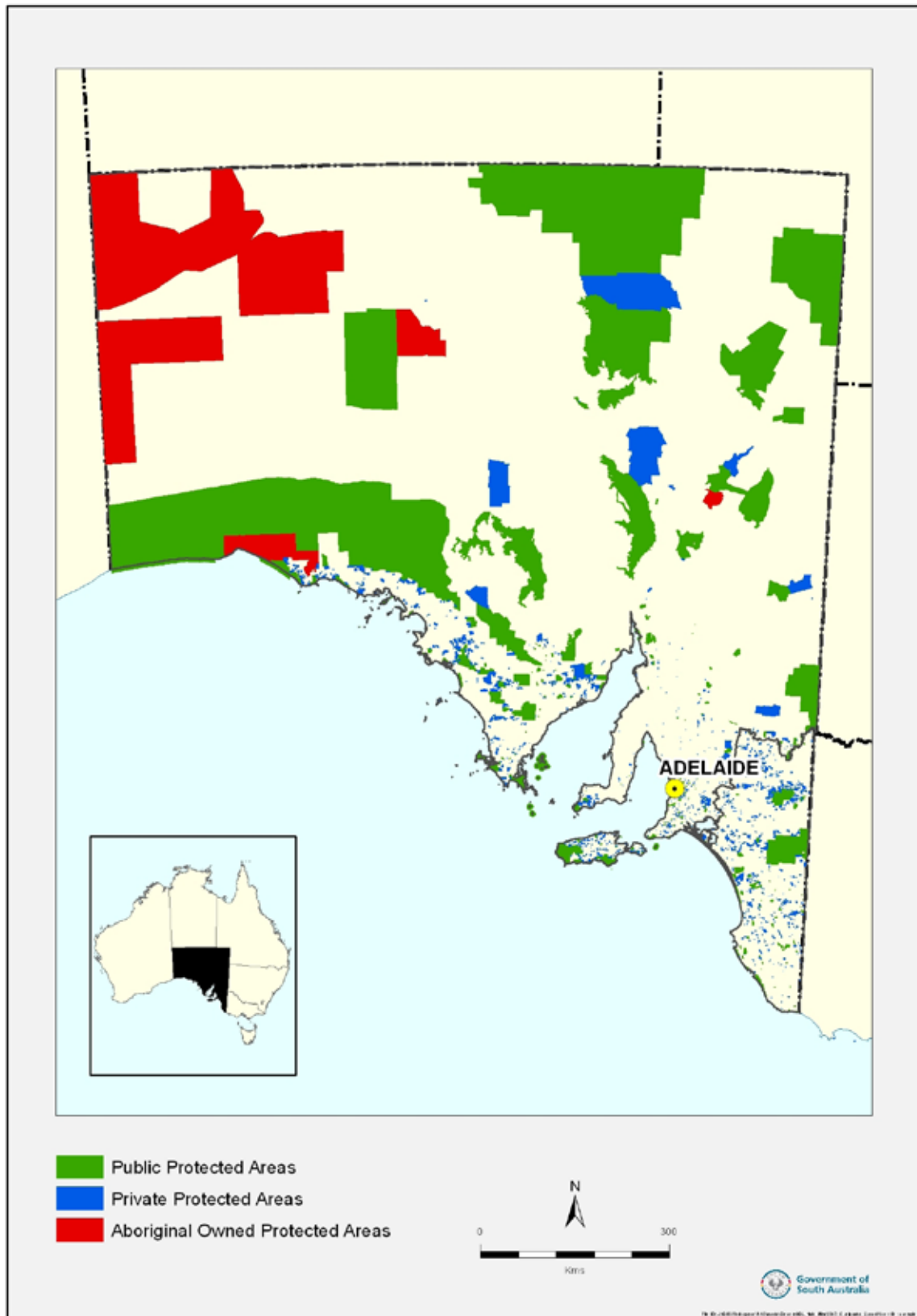


Figure 2. South Australia's protected area system.

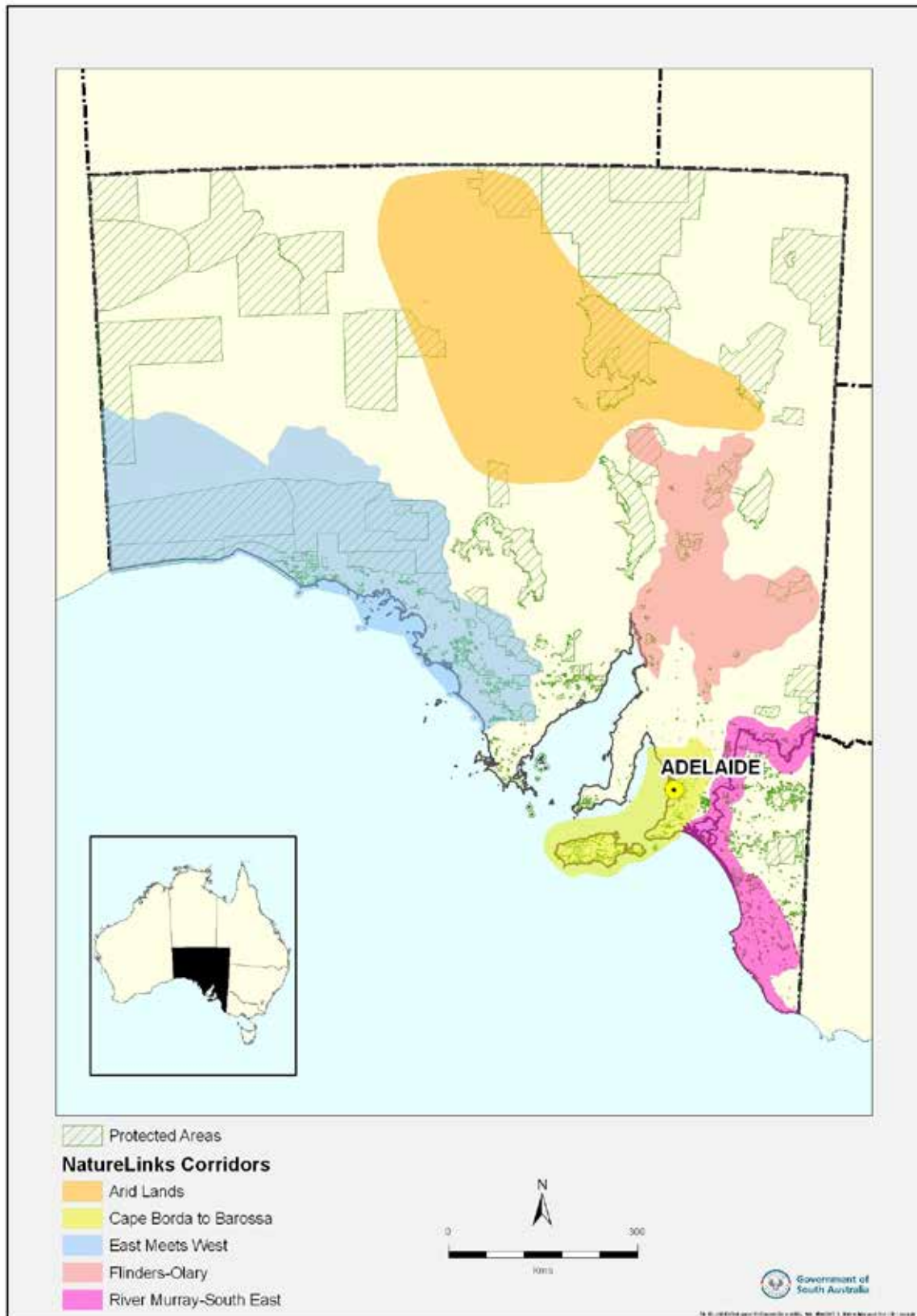


Figure 3. South Australia's NatureLinks corridors.

representative protected area system. The strategy articulates a framework for establishing protected areas on public, private and Aboriginal lands, including a priority to establish protected areas that will increase habitat connectivity across the landscape in accordance with NatureLinks principles.

A new framework for protected areas on private lands

In 2010, South Australia began developing a framework to provide a range of mechanisms for establishing and managing protected areas on private lands. The main objective was to make it easier for private landholders and conservation organizations to achieve their own conservation goals, while also making an effective formal contribution to the long-term protection of the state's biodiversity. This work culminated in the release of a draft framework for protected areas on private land for stakeholder consultation in 2011.⁵ The framework includes two previously existing mechanisms (sanctuaries and heritage agreements) and proposes two new mechanisms.

Sanctuaries

There are currently 84 sanctuaries in South Australia. The largest is the Arkaroola Protection Area (under the Arkaroola Protection Act 2012) in the northern Flinders Ranges, which covers around 60,000 ha. Sanctuaries are established under the National Parks and Wildlife Act as non-binding agreements that recognize the intent of the landowner to manage the land for conservation outcomes. They are not established in perpetuity, and management activity is undertaken on a voluntary basis.

Sanctuaries provide a simple, obligation-free mechanism for landowners to manage their land for conservation outcomes. Many sanctuary owners progress to entering into heritage agreements. Feedback on the draft framework indicated strong support for retaining this mechanism as a valuable, entry level point into conservation on private land.

Heritage agreements

In 1980 South Australia became one of the first jurisdictions in Australia to establish a statutory conservation covenant mechanism to enable private landowners to enter in Heritage Agreements with the government to conserve and restore native vegetation on their land. There are currently over 1,500 heritage agreements in South Australia established under the Native Vegetation Act. These cover 643,000 ha of private freehold and leasehold land. Heritage agreements are registered on the land title, and remain in place when ownership is transferred. They have a focus on the conservation of native vegetation, rather than the broader protection and management of conservation values. Although not the original intent, heritage agreements fulfill National Reserve System establishment criteria, and make a valuable contribution to the National Reserve System in South Australia. Consultation on the draft framework indicated strong support for retaining heritage agreements as a valuable mechanism for ensuring long term protection of native vegetation on private land.

Updated heritage agreements

One of the proposed new mechanisms is to create an updated form of heritage agreement. This would extend the existing focus on native vegetation to include broader conservation of natural and cultural values. The new agreements would require that landowners manage consistently with, and report according to, National Reserve System standards and requirements. Feedback through the consultation process indicated support for updated heritage agreements. Stakeholders considered they would be a useful addition to the suite of mechanisms available for private land protection, particularly for landowners wanting to take a broader approach to conservation.

Private reserves

The second, and perhaps more controversial, proposed mechanism is to amend the National Parks and Wildlife Act to allow the establishment of national parks and conservation parks on private freehold and leasehold lands. Existing governance and management arrangements within the Act could be adapted to accommodate protected areas over privately owned or leased lands. To establish a park under the Act on private freehold land, the landowner would enter into an agreement with the Minister, the park would be declared and a notation would be included on the land title. Leased land, such as a pastoral lease, where the landholder does not hold underlying title would require an agreement with the Minister responsible for the National Parks and Wildlife Act and the establishment of a new form of conservation lease over the land.

Under the proposed model, national parks and conservation parks on private land would remain under the control and management of the landholder in accordance with a management plan prepared by the owner and approved by the Minister. While there was strong support for the underlying concept during public consultation, the idea of privately owned and managed “national parks” and “conservation parks” was a step too far for some. There were concerns by some non government organizations that the terminology may create confusion between their efforts and those of government, and this may affect their support and funding bases. Other stakeholders considered that national parks and conservation parks are viewed as community assets and should therefore be managed by government. Following stakeholder feedback, current thinking is to amend the proposal to maintain the underlying concept but move away from the terms “national park” and “conservation park.” The term “private reserve” seems to have broader acceptance and is being considered as an alternative.

Issues

In addition to the concerns raised around the nomenclature of private reserves, there were two other issues worth highlighting. The first related to public access. There were concerns, particularly in relation to the proposed private “national parks” and “conservation parks”, that there would be public expectations of visitor access and recreation opportunities. It was recognized that while some landholders may wish to offer such opportunities and benefit from them, others would prefer to avoid public access for a number of reasons including privacy, management control and potential liability. Consequently, all four mechanisms will place management decisions, such as whether to allow visitor access, solely at the discretion of the landholder and manager.

Access for mineral and petroleum exploration and extraction was the other key issue. In South Australia, mining access is regulated under mining legislation. Provisions exist to allow controlled mining access to parts of the public reserve system and this decision is made at the time of park proclamation. Private freehold and leasehold land is, however, generally available for mining access. It is proposed that a similar process would be followed for private “national parks” and “conservation parks,” where the decision on whether to continue mining access would be determined at the time that the reserve was proclaimed. A regulatory process would be developed in consultation with the landowner and stakeholders to ensure that exploration and mining on private protected areas is managed sustainably and does not compromise conservation values and objectives. Both of these issues will require further consideration in developing the concept of a “private reserve.”

Conclusion

South Australia has an extensive public protected area system, and has made considerable progress in facilitating and encouraging the establishment and management of protected areas outside the public system. In doing so, the state has shown a willingness to embrace and develop new

forms of governance. Arrangements are already in place for covenanting private conservation areas and co-managing Aboriginal-owned parks. The state government has also provided considerable support to private landholders to purchase land for private protected areas and continues to support management of those areas.

Further work is underway to develop an innovative framework for establishing protected areas on private lands that will strengthen conservation outcomes and provide more opportunities for private landholders to pursue conservation objectives. The extensive consultation undertaken to date has significantly benefited the process.

There is considerable value in facilitating and encouraging private protected areas to continue building the protected area system. This will not only improve conservation outcomes but will also maximize the many other benefits that protected areas provide across the broader landscape. Work is now underway to finalize the framework and develop the required legislative amendments for consideration by government.

Endnotes

1. Department of the Environment, Water, Heritage and the Arts, *Australia's Strategy for the National Reserve System 2009-2030* (Canberra: Commonwealth of Australia, 2009), 60–61.
2. Department of Sustainability, Environment, Water, Population and Communities, "Australia's Bioregions (IBRA)," accessed 4 February 2013, www.environment.gov.au/topics/land/national-reserve-system/science-maps-and-data/australias-bioregions-ibra.
3. Department of Environment and Natural Resources, "NatureLinks," accessed 1 March 2013, www.environment.sa.gov.au/naturelinks/index.html.
4. Department of Environment and Natural Resources, *South Australia's Protected Area Strategy Conserving Nature: A strategy for establishing a system of protected areas in South Australia 2012–2020* (Adelaide: Government of South Australia, 2012).
5. Department of Environment and Natural Resources, *Protected Areas on Private Land Discussion Paper 2011: Options for Supporting Landowners to Establish Core Areas for Conserving Nature* (Adelaide: Government of South Australia, 2011).