



Biodiversity Legislation Review
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4th September 2014

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Submission to the Biodiversity Legislation Review

Landcare NSW is the peak body for the landcare community in NSW. Landcare NSW is made up of representatives from the volunteer groups and networks (Landcare, Bushcare, Coastcare, Rivercare, and others) across the state. Landcare NSW works to facilitate the efforts of landcare on the ground by advocating for recognition and support, by supporting groups to improve their capacity and by working with state level partners such as government agencies, producer groups and Local Land Services.

Landcare NSW appreciates the opportunity to provide the following input to the Independent Biodiversity Legislation Review as part of its role in supporting these groups and networks.

Landcare groups and networks are actively conserving and restoring biodiversity on farms, in bushland remnants on public lands and on the coast. Landcare groups and networks are doing this by forming networks, by providing fora to share ideas, by providing information to Landcarers and by implementing and coordinating onground habitat restoration and expansion projects. This work contributes to biodiversity in NSW through improved knowledge, and through community support for the protection of important areas and through Landcare's extensive on ground restoration activities.

Landcare groups and networks are aware of the condition and trends in terms of biodiversity and are actively working with their communities, all three tiers of government as well as a range of other partners to make a difference.

Yours Faithfully,

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Attachment: Submission to the Biodiversity Legislation Review

Prepared on behalf of LNSW by Chris Scott
Council Member Landcare NSW

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Overarching Issues

- Landcare represents the view that communities should be resourced and empowered to be involved in local actions to address environment and natural resource management issues. To address biodiversity conservation and restoration, supporting local involvement in planning, decision making and actions can increase knowledge of the benefits provided by biodiversity and ownership of actions and outcomes. This local engagement works through frameworks that promote and resource farm, sub-catchment and regional planning, that promote covenanting and stewardship payments and have the intent to inform, educate and engage rather than to regulate.
- Landcare groups and networks are working with landholders to increase productivity and sustainability through promoting soil health and practices such as managed grazing. The benefits to production of healthy landscapes beyond the farm boundaries is also emphasised. Landholders embrace the concept of biodiversity in soils as well as the broader landscape as a benefit both to their bottom line and to the sustainability of the landscape their farm is located within. To engage the broader community it is important that biodiversity beyond charismatic mega fauna is recognised and the connections made to environmental services such as productive soils, pollination, pest predation and clean water.
- Given the declining state of biodiversity in NSW, consideration should be given to, not only protecting existing habitat, done in consultation with the communities where this occurs, but also increasing restoration actions. The best response to threatened species is not only protecting where they currently exist, but the restoration of further habitat areas to mitigate risk of isolated populations.
- This review of the legislative framework for the protection of biodiversity should be driven by providing greater awareness of the benefits to our community from its protection and greater efficacy of protection and restoration actions, not only by a desire for less regulation.

Theme 1: Objects and principles for biodiversity conservation

The NSW 2012 State of the Environment Report¹ (NSW SoE 2012) documents the ongoing pressure on native flora and fauna with thirty five additional species listed as threatened since 2009. The number of threatened species, communities and populations is increasing and 59% of terrestrial mammals in NSW are now identified and threatened. NSW SoE 2012 finds;

“A general pattern of decline in biodiversity over the longer term is evident...”.

The Australia State of the Environment Report 2011 (Australia SoE 2011), Biodiversity Chapter ‘Key Findings’² states;

“Despite promising investment by all jurisdictions in addressing the main pressures on biodiversity, pressures are not being substantially reduced, nor is the decline in biodiversity being arrested or reversed” and that;

“Human activities have the potential to further reduce genetic, species and ecosystem biodiversity, which will seriously affect the delivery of environmental benefits to Australians and reduce our quality of life”.

Clearly biodiversity is being impacted by human activities and although threatening activities such as land clearing are moderating over recent years the legacy effects of such activities are continuing (Australia SoE 2011).

- High level aspirational goals are important to communicate a commitment and to provide inspiration. However, given the continuing extinctions under current frameworks they are not enough. Targets that are Specific, Measurable, Achievable, Realistic and Time-bound (SMART) are required to drive actions, to measure success and to feed into a cycle of adaptive management.
- The objects of the Acts under review are still valid although some duplication is evident. Landcare generally would favour engagement, education and cooperation above regulation. It is important therefore that funds and resources be available for these aspects of the Acts in question. Landcare groups and networks are embedded in communities with broad partnerships across urban and rural landholders as well as all tiers of government and producer groups, providing a ready audience for initiatives that promote, enhance or restore biodiversity.

Theme 2: Conservation action

Landcare works with landholders and the community to protect and regenerate biodiversity through education, by sourcing funding for stewardship and regeneration works, by facilitating partnerships for cross boundary and multi-tenure action, through promoting farm and sub-catchment planning and through coordinating and implementing conservation and farming-practice-change projects - see Chapter 19 *Landcare: linking Australia’s landscapes by linking its land managers in Fitzsimons et al (2013), Linking Australia’s Landscapes: lessons and opportunities from large-scale conservation networks, CSIRO Publishing.*

¹ http://www.epa.nsw.gov.au/soe/soe2012/chapter5/chp_5.1.htm#5.1.8

² <http://www.environment.gov.au/science/soe/2011-report/8-biodiversity/key-findings#key-findings>

- Please note the multi partnership Landcare NSW project ‘Communities in Landscapes’ for an example of the success of these approaches. See: http://sydney.edu.au/agriculture/documents/2011/reports/Ampt_CiL_BM_CombinedReportSept2011DRAFT.pdf and: <http://www.nrm.gov.au/about/caring/report-card/2009-10/pubs/2009-10-outcome-sheets/sfp-increase-landscape-scale.pdf>
- Landcare in NSW promotes the idea that production and biodiversity management is not an either/or question. Private land conservation is also recognised as an important addition to our reserve system to reverse Australia’s history of extinctions. There is a range of opportunities for landholders to become involved; from improving management practices and having , non-binding agreements such as ‘Land for Wildlife’ to the application of ‘Conservation Agreements’ that are permanently registered on the property title. All need to be continued and resources for the establishment, maintenance and monitoring of these sites made available. Stewardship payments, tax deductions and rate relief would all make managing biodiversity on their property more attractive to landholders.

Theme 3: Conservation in land use planning

Given the ongoing nature of extinctions, habitat loss and fragmentation across our continent, current planning processes need to be improved. Land use planning needs to be the first line defence for protection of biodiversity.

- Critical areas should be identified through the best science and placed off limits to development.
- Regional and local communities should be involved in identifying landscapes of value for protection.
- Private land conservation should be recognised as a valuable public good and remunerated.

Theme 4: Conservation in development approval processes

Biodiversity offsets are a common instrument in facilitating development in sensitive areas. Rural landholders have access to offsets through the Native Vegetation Act. It is however important to note that a considerable amount of the vegetation clearing in NSW is driven by non-agricultural development.

- All biodiversity offsets should employ the same assessment methodology.
- An assessment methodology should be objective and replicable with controls for operator error.
- Offsets should be strictly like for like and offsets within the same landscape as the development should be sought.
- Any offsets process should allow for the development to not proceed if a suitable offset site is not available.
- Records of offset sites should be kept by one agency and be available to the public. Records should include mapping to show the location and extent of offsets.

Theme 5: Wildlife management

Wildlife management has many aspects – and improved knowledge amongst the community is crucial in ensuring the varied and complex issues are understood.

Some specific response to questions in this section of the issues paper which are relevant to landcare groups include:

Biodiversity depends on an ecosystem approach which includes weed control and feral animal control but also appropriate fire regimes and management practices that provide habitat and connections. Landcare groups and networks improve biodiversity, through awareness raising, forming partnerships and with onground works with landholders and the community. Issues like wild dogs are best managed with input from community groups through coordinated action across large areas and through broad partnerships.

- Programs like Catchment Action NSW and the Environmental Trust are important sources of funding for the range of activities being undertaken to address feral species in NSW.
- Networks that can coordinate action to target species in a strategic manner are critical to successful control, and support is required to ensure their ongoing operation and effectiveness
- Most environmental weeds are garden escapes and most are exotic to Australia. Biosecurity measures to limit the possibility of importing additional problems is critical. Liaison with the Australian Government in this area is clearly desirable.

Theme 6: Information provisions

Landcare NSW works to empower local groups and networks to take action on the issues identified as important locally. The success of this depends, among other things, on locally relevant information being available to inform the setting of priorities and plans for action. Communities and landholders are well placed to collect information and data to contribute to research, planning and monitoring e.g. Water Watch, Birds Atlas and the Atlas of Living Australia.

- The idea of ‘citizen science’ should be developed and deployed in biodiversity management. Citizen science uses those living and working on the landscape to collect data to inform research and planning and for monitoring trends. The proliferation of smart phones and the development of appropriate ‘apps’ make this very effective and low cost.
- Government agencies can make data sets available to the community through the internet.
- The listing of species as threatened or endangered does not, by itself, save it from extinction, although the listing is important. Recovery actions once a species is listed are expensive and often not successful. A species cannot recover if its habitat is lost. The most cost effective actions to protect individual species and general biodiversity are the ‘upstream’ actions; those aimed at preventing habitat loss in the first place. Upstream actions in this context are; land use planning, development controls, education and awareness raising, engagement and private land conservation.
- There may be some duplication between NSW and Australian Government threatened species listings. However, given the level of biodiversity loss across the country, any

rationalisation should be driven by more effective protection rather than the desire for less regulation.

- Species are threatened or go extinct because of habitat degradation or loss. The identification of critical habitat should be part of land use planning. Although as all species depend upon their chosen habitat, all habitat could be seen as critical.
- Data describing the condition, the management and the extent of private conservation could provide a better picture of biodiversity management across the state. As well as the formalised processes such as Conservation Agreements etc. there are many landholders who are managing areas of their properties to enhance biodiversity by their own initiative. Recognition of these efforts and promotion of the positive outcomes may encourage others to become involved.