



NSW Bird Atlassers Inc

*A group monitoring birds in New South
Wales*

Postal Address: PO Box 1127, ORANGE NSW 2800

SUBMISSION TO INDEPENDENT BIODIVERSITY LEGISLATION PANEL ISSUE PAPER AUGUST 2014

BIODIVERSITY LEGISLATION REVIEW

To:

Office of Environment & Heritage
on behalf of the Independent Biodiversity Legislation Review Panel
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SYDNEY SOUTH NSW 1232
biodiversity.legislationreview@environment.nsw.gov.au

2nd September 2014

On behalf of:

NSW Bird Atlassers
31 Kearneys Drive
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ORANGE NSW 2800

Dear Review Panel

Thank you for the opportunity to make a submission to the Independent Biodiversity Legislation Review Panel Issue Paper.

This submission is similar to one sent on behalf of Daroo Orange Urban Landcare Group but nevertheless does not take away from its sincerity. Time allowed was inadequate!

NSW Bird Atlassers recently published an Atlas of the Birds of New South Wales. The atlas contains the results of many years of atlassing the birds of NSW by a dedicated and authoritative group of bird experts; it shows the current conservation status of these birds.

NSW Bird Atlassers are particularly concerned for the decline of biodiversity in New South Wales. The Issue Paper defines biodiversity as being vital in supporting life on Earth. It goes on to say that biodiversity provides important economic benefits and is also a defining feature of our heritage.

NSW Bird Atlassers considers these two points the most important in the government's ability to legislate for preventing the decline of biodiversity in New South Wales.

Native Vegetation Planning

The SEPP 46 legislation appears to be the most controversial as far as retention of native vegetation is concerned.

Theme 1: Objects and principles for biodiversity conservation

1. There should definitely be an aspirational goal for biodiversity conservation.

Theme 2: Conservation action

1. The current system is not sufficiently effective in encouraging landowners to generate public benefits from their land. Do they understand the value of what they could conserve and are they conserving anything for public benefits? What are the rewards of environmental stewardship? To the NSW Bird Atlassers the answers are no to both the posed questions. This has shown us that the answer must lie in another style of education, beginning at university level. It is too late to wait for the kindergarten age group to be old enough to have an influence in conservation of biodiversity. As far as clearing of vegetation on private land the current regulations seem powerless in preventing the over-clearance of cropping lands, where the opportunity should be to present a method such as alley farming in non-marginal lands where machinery can still be operated but strips of vegetation can regenerate between those trees still standing in a paddock. As for our natural heritage it is disappearing too fast.

A change of mindset through education is needed so that 'nature's plants and animals' are appreciated as 'an intrinsic part of our land and culture'. Incrementally this heritage is being whittled away too often because the existing legislation is unable to stop it. My old home property in the north west is an example where some standing timber had been left in a 500 acre paddock that was cleared for cropping some years ago. In April 2014 those remaining trees had been felled and burned.

Conclusion

What should be the rewards of environmental stewardship?

Is reward an appropriate word? It must be a payment for 'sustaining environmental services on private land'. So many opportunities have been missed since the wholesale clearing of north and western lands following the collapse of the merino market. A simple system of **'a woodlot on every farm' will help to** counteract this appalling loss to biodiversity, birds, insects, micro-organisms, entire ecosystems, contributing to "improving and maintaining" environmental outcomes.

Theme 3. Conservation in land use planning

1. To remain effective at ensuring biodiversity values are identified early and properly considered the current arrangements will need to be certain that protected lands remain so. For example if Crown Lands are handed over to local government there is no protection left as local governments will almost certainly sell as much crown

- land as possible without any consideration of the need to conserve biodiversity.
2. Current arrangements for delivering strategic outcomes for biodiversity and enhancing ecosystem services can be improved by levying landowners for the ecosystem services provided. To avoid such a levy landowners can provide their own ecosystem services by retaining some native vegetation, and if none remaining then a restoration program should be instigated.
 3. Monitoring will be effective if the landowner is able to do this task themselves. Education is imperative for this to be effective, an evaluation of ecosystem services provided may be recompensed if thought appropriate.

Theme 4: Conservation in development approval processes

1. Biodiversity offsets are a forward thinking innovation but the ability of an offset to protect and improve similar biodiversity elsewhere is limited due firstly, to there being no similar vegetation available and secondly, although considered to be similar, in reality the offset is so different as to be unsuitable for the biodiversity it is supposed to accommodate. Too often the offset is difficult to access for example, resulting in monitoring or enhancement not being carried out. Developments should be reassessed if negative impacts on native vegetation and fauna cannot be minimised or are not consistent with goal 22 of the NSW 2021 - Protect our natural environment.
2. It may be difficult to administer a single, integrated approach to the approval of all forms of development because of the diversity of landscapes, however a consistent framework that is applied transparently will be vital in maintaining established offsetting principles. NSW Bird Atlassers does not concur with the *Draft NSW Biodiversity Offsets Policy for Major Projects*. All offsets need to be protected in perpetuity.
- 3.
4. The EP&A Act requires strengthening as the regulatory system does not adequately protect listed threatened species, populations and ecological communities. An addition to the Act will require consent authorities to refuse consent to developments should there be any unacceptable impacts envisaged. The regulatory system can specifically protect these entities by development of recovery plans and critical habitat identification for these entities.
- 5.
6. Lost opportunities for development may have occurred. However it may be possible that the outcomes to biodiversity have outweighed the gains envisaged. The Precautionary Principle applied has proven to be an excellent bulwark.
7. Some impacts that cannot be offset occur when there is no offset available to adequately duplicate the biodiversity that would be lost. Approval systems are not strong enough to adequately address such instances as there are avenues for appeal which can override current approval systems.
- 8.
9. Self-regulatory codes of practice or accreditation schemes can be used only if there is adequate education of the self-regulator.

Theme 5: Wildlife management

1. (b) Feral animals and weeds are a constant threat to biodiversity. Such threats can only be abated with increased employment and improved methods of control. Allowing amateur hunters into State Forests and National Parks in the hope of reducing feral animal numbers cannot replace results obtained by professional personnel with specific knowledge of feral animal control. Funding needs to be increased.

2. The NPW Act and the supporting policy framework does not legislate for culling of free-living animals either privately or in reserved areas, when overpopulation or insufficient feed causes animals to starve to death. This is not a sustainable strategy; it is not tolerated with domestic animals, nor should it be with wild animals. The public tolerates the former, better education/communication will do the same for the latter.

Theme 6: Information provisions

1. It would be a giant step forward should a monetary value be placed on the intrinsic value of biodiversity. Such value would be included in any valuation of private property and public assets. Loss of biodiversity would automatically lead to devaluation and be an incentive for retention of biodiversity, in whatever form, scattered or remnant vegetation, paddock trees, protection of watercourses etc.
2. Government would take responsibility for collection of data, the type, quality and frequency to be determined, which again requires adequate funding. Stewardship or remuneration can be initiated to protect these assets, with information readily accessible.
3. ditto
4. The effectiveness of the threatened species listing process, which includes key threatening processes, will benefit by follow-up study for the latter on ways to lessen the threats and make recommendations. Although listing automatically triggers blanket restrictions on actions that will impact the listed entity or its habitat, recommended programmes for abatement may not be available.
- 5.
- 6.
7. Identification of critical habitat is an effective tool for conservation of biodiversity. It is vital for the survival of many species and the conservation of nature. Bird habitats are disappearing and more species are becoming threatened. Such decline can be addressed through Biodiversity Legislation, which as we have indicated, will be achieved through strengthening of the current Acts and Conservation laws.

It has been a real challenge to address your Issues Paper and we thank you again for the opportunity to comment. The writer regrets that enough time was not allowed to address it more thoroughly.

Yours sincerely

Jane Paul

Conservation Officer
New South Wales Bird Atlasers



Their Address
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Dear (Their Name)

Thank you for your
We believe that
In the interests of

Yours (etc)

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Your Appointment
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