

Anonymous User just submitted the survey 'Biodiversity Legislation Review Questionnaire' with the responses below.

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[REDACTED]

Theme 1: Objects and principles for biodiversity conservation

Check box to view and respond to questions

Should there be an aspirational goal for biodiversity conservation?

It has been well established that there has been a substantial decline in biodiversity and that the rate of decline is cause for major concern. It seems clear that there should be an aspirational goal for biodiversity that encompasses the concept of an overall gain in biodiversity, i.e. the requirement for 'no net loss OR a net gain' is not sufficient - a net gain should be the primary goal

Given available evidence about the value and state of the environment, are the existing legislative objects still valid? Do the current objects align with international and national frameworks, agreements, laws, obligations? If not, what objects are required?

I consider most of the objects remain valid but some aspects of the legislation require strengthening, or the background framework needs to be improved. For instance, a Section 5A Assessment required for assessing the significance of impact on a threatened species currently includes sections relating to 'Critical Habitat,' threat abatement plans and recovery plans but in most instances, such documents/plans, particularly in relation to the former two, are not developed. I would suggest the assessment process needs to be revised and updated to reflect current approaches and requirements in threatened species conservation. Under the Native Vegetation Act, the wording of object b) seems contradictory - broadscale clearing per se cannot improve or maintain environmental values

To what extent are the current objects being met?

I think the objects are being met to a certain extent but I consider aspects such as Object f) of the TSC Act, Object e) of the NVA and Object c) of the NCT Act are not achieving a high level of effectiveness across the general population, which in turn can limit the extent of success in meeting other objects

Could the objects of the current laws be simplified and integrated? If so, how?

I think simplification and integration of the current laws needs to be approached with extreme caution - there is a danger in simplification leading to inadequate coverage or even omission of some components of the existing provisions.

Theme 2: Conservation action

Check box to view and respond to questions

Is the current system effective in encouraging landowners to generate public benefits from their land and rewarding them as environmental stewards? Or are current mechanisms too focused on requiring private landowners to protect ecosystem services and biodiversity at their own cost?

I do not think the current system is sufficiently effective and much more needs to be done. Coming from a rural background myself, I know that rural landowners typically struggle to generate sufficient income for themselves and do not have the resources to protect biodiversity and ecosystem services as much as they might like. Cattle prices for instance, (in terms of returns to the producer) currently are on a par with prices 30 and 40 years ago, but all costs to the producer have increased considerably, as well as all the hidden costs with increased requirements for documentation, compliance with regulations etc.

Are there elements of the current system for private land conservation that raise impediments (for example, binding nature of agreements and potential loss of production) for individuals who want to manage their land for conservation? If so what are they? What incentives might be effective, efficient and equitable in promoting biodiversity conservation on private land?

Impediments certainly include: the binding nature of agreements, generating insecurity with long term outcomes for the landowner; potential loss of production that will not necessarily be compensated for adequately; potential ongoing and unforeseen costs in management of areas; potential issues with neighbours adjoining conservation areas (increases in feral pests/weeds etc); establishment costs as for BioBanking credits, with no guarantee of returns. Incentives - could still be a range of options but a simple payment scheme per hectare, with perhaps tiers of payment according to the level of management required (new planting/ extensive weed management/occasional weed management etc) could be appealing. Generally, the more red tape involved, the less incentive.

What should be the role of organisations and bodies, such as the Nature Conservation Trust, in facilitating and managing private land conservation through mechanisms such as conservation and biobanking agreements?

An overarching organisation to manage these types of agreements seems highly desirable - assisting with the dissemination of information to landowners and stakeholders, co-ordinating the processes, maintaining a database on the agreements and progress of biodiversity enhancement measures

How should the government determine priorities for its investment in biodiversity conservation while enabling and encouraging others (e.g. community groups) to contribute to their own biodiversity conservation priorities?

Complex issue - insufficient time left (late submission) to comment meaningfully

How can the effectiveness of conservation programs be monitored and evaluated?

1) Well defined desired outcomes established prior to commencement 2) Maintenance of effective communications with stakeholders throughout programme 3) Integration of adaptive management 4) Central database of programmes and integration of resources to monitor outcomes

How should any tradeoffs be assessed?

No comment

To what extent is the system forward looking or dealing with legacy impacts?

No Comment

To what extent does current practice (rather than the legislation) determine outcomes?

No Comment

Theme 3: Conservation in land use planning

No Answer

How effective are current arrangements at ensuring biodiversity values are identified early and properly considered in strategic planning systems? How can they be improved?

No Answer

How effective are current arrangements for delivering strategic outcomes for biodiversity and enhancing ecosystem services? How can they be improved?

No Answer

How should the effectiveness of strategic planning approaches be monitored and evaluated?

No Answer

Theme 4: Conservation in development approval processes

Check box to view and respond to questions

To what extent has the current framework created inconsistent assessment processes, environmental standards, offset practices and duplicative rules? What can be done to harmonise processes?

There are numerous inconsistencies between assessment processes and also in the standards considered acceptable, even within a government organisation. Harmonising the process is certainly desirable but there is an inherent danger of course that this could also lead to oversimplification, which then could result in a loss in effectiveness in biodiversity conservation.

Can we have a single, integrated approach to the approval of all forms of development, including agricultural development, that is proportionate to the risks involved? If yes, should one methodology (or a harmonised methodology) be used to assess all impacts? Does a need remain for some differences in assessment approaches?

I don't think there can be one comprehensive and effective approach to the approval process. A range of factors must be taken into account, including the complexity of the proposed development and the proportion of risks to biodiversity that are involved.

What are the advantages and disadvantages of the different biodiversity assessment methodologies? Are the rules transparent and consistent? Is the way data is used to underpin decisions transparent? Do the assessment methodologies appropriately accommodate social and economic values?

BioBanking methodology has limitations in the extent of habitat data collected

Does the regulatory system adequately protect listed threatened species, populations and ecological communities? Is there utility in specifically protecting these entities through the regulatory system?

The regulatory system has the capacity to protect threatened species/communities/populations, albeit with some revisions and strengthening of wording desirable in some cases, but the regulatory process must be administered robustly for the overall outcomes to be effective. Monitoring of outcomes adequately by government authorities has been sadly lacking in many instances.

Are there other models (international or Australian) that regulate activities impacting on biodiversity that may be relevant to NSW?

Yes - the European approach to bat conservation for instance

Are there other models (international or Australian) that regulate activities impacting on biodiversity that may be relevant to NSW?

No Answer

To what extent has the current regulatory system resulted in lost development opportunities and/or prevented innovative land management practices?

No Comment

Some impacts cannot be offset. What are they? Are these appropriately addressed in approval systems? What is the relevance of social and economic benefits of projects in considering these impacts?

It is evident that there are some attributes that are irreplaceable and/or very poorly represented that should not be subject to offset measures. Although the value of such attributes may be recognised, or at least acknowledged to some extent, the social and economic factors often tend to be given more weight in the final assessment process, such as where major road construction works are proposed. If the biodiversity value is given a higher

priority, this can be perceived at a community level as nature versus humans - we need to bring our perception back to the recognition of us as part of biodiversity, not a separate entity.

How can offsets be more strategically located?

Offsets definitely need to be co-ordinated with local and regional strategic planning, but the local context needs to be considered more thoroughly as well. Removing biodiversity values at a local level further alienates communities from biodiversity values per se.

Are there areas currently regulated that would be better left to self-regulatory codes of practice or accreditation schemes?

No Comment

Theme 5: Wildlife management

No Answer

Have the threats to biodiversity posed by: (a) people taking animals and plants from the wild, (b) feral animals and weeds, and (c) illegally imported species, been effectively managed?

No Answer

Has the NPW Act and the supporting policy framework led to a positive change in the welfare of native animals (captive and free-living)? What role if any should the government have in ensuring the welfare of individual native animals – particularly where there are already stand-alone welfare laws such as the Prevention of Cruelty to Animals Act 1979?

No Answer

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No Answer

Are the provisions for marine mammals effective?

No Answer

Is the current framework for wildlife licensing, offences and defences, including those applying to threatened species, easily understood? Is the current licensing system too complex? How can it be improved and simplified to focus on conservation outcomes?

No Answer

Is there currently appropriate regulation for the sustainable use and trade of wildlife?

No Answer

Theme 6: Information provisions

No Answer

What information should be generated about the different kinds of value (for example, monetary and intrinsic value) of biodiversity and other natural assets in NSW?

No Answer

What type, quality and frequency of data should be collected about biodiversity? Who should be responsible for such a system?

No Answer

Is current data about biodiversity highly credible and readily accessible? If not, how can quality and access be improved?

No Answer

How effective is the threatened species listing process (including the listing of key threatening processes) in guiding subsequent conservation action?

No Answer

Should threatened species listing decisions be decoupled from decisions on conservation actions (including recovery planning) and regulatory processes?

No Answer

To what extent, if any, does having national and state lists of threatened species cause confusion, regulatory burden or duplication of conservation effort? How could national and state lists be rationalised?

No Answer

To what extent is the identification of critical habitat an effective tool for biodiversity conservation? Should we list critical habitat for more species where relevant and useful?

No Answer

Should private conservation data be collected and if so how?

No Answer

Other comments

Sorry - very sketchy submission but very late awareness of process owing to sickness and family wedding etc