

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

Name

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[REDACTED]

Theme 1: Objects and principles for biodiversity conservation

No Answer

Should there be an aspirational goal for biodiversity conservation?

No Answer

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?

No Answer

To what extent are the current objects being met?

No Answer

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

No Answer

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?

The current system for private land conservation can be improved to provide flexibility and efficiencies in processes. For example, The Biobanking Scheme has great potential for offsetting impacts to biodiversity. However, given the current low availability of biobanking sites, more needs to be done to expand the scheme and provide incentives to landowners. In Sydney Water's experience, it's been difficult to find 'like for like', justify the expense of purchasing land, and financing the ongoing management and maintenance of the land. Sydney Water has also entered into a Voluntary Conservation Agreement under the National Parks and Wildlife Act 1974. This binds us to manage the ecological values of the land in

perpetuity at our own expense. We also manage large parcels of riparian land in a variety of urban densities within Sydney. These areas are often the last remnants of terrestrial native vegetation communities within the urbanised context. They also are essential to waterway health and aquatic biodiversity. The current system is unclear in how it interfaces with other legislation and regulatory frameworks (such as planning legislation). This can result in a situation where riparian land is performing conflicting multiple functions including flood conveyance, corridor for underground services, public amenity and recreation, heritage management as well as a biodiversity refuge (insitu and corridors).

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?

In Sydney Water's experience, the current system for private land conservation has afforded some impediments (for example, the binding nature of agreements in perpetuity). As indicated in Question 1 above, Sydney Water has entered into a Voluntary Conservation Agreement (VCA) under the National Parks and Wildlife Act 1974. This binds us to manage the ecological values of the land in perpetuity at our own expense. Subsequent legislation introducing new market based schemes such as the Biobanking Scheme have provided financial incentives for biodiversity conservation (under the Threatened Species Conservation Act 1995), which are not available due to the binding nature of the original VCA. Therefore, the impediments in the current system do not allow proponents to change to more contemporary forms of biodiversity conservation as they become available through newly enacted legislation and reforms. We also manage large parcels of riparian land in a variety of urban densities within Sydney. These areas are often the last remnants of terrestrial native vegetation communities within the urbanised context. They also are essential to waterway health and aquatic biodiversity. The current system is unclear in how it interacts with other legislation and regulatory frameworks (such as planning legislation). This can result in a situation where riparian land is performing conflicting multiple functions including flood conveyance, corridor for underground services, public amenity and recreation, heritage management as well as a biodiversity refuge (insitu and corridors).

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?

No Answer

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?

No Answer

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

No Answer

How should any tradeoffs be assessed?

No Answer

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

No Answer

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

No Answer

Theme 3: Conservation in land use planning

Check box to view and respond to questions

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

Early identification of biodiversity values and biodiversity certification during the strategic planning phase has proved useful for Sydney Water in the growth centres. The certification process provides greater certainty for proposed activities. However, the assessments are generally high level only and due to the large assessment areas there is potential for some biodiversity values to be missed. Sydney Water has identified threatened species in biodiversity certification areas that may not have been identified in the strategic assessment. The information can also become out of date (for instance the original assessment for the north west growth centre was completed in 2006). The ongoing effectiveness of this approach needs to be carefully considered so that biodiversity values are not overlooked.

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

In Sydney Water's experience, managing urban waterways and riparian land has its challenges. The current arrangements for delivering strategic outcomes for biodiversity and enhancing ecosystem services is particularly challenging in Sydney's urban context. Urban waterways and riparian land are aspects of biodiversity that require a clearer regulatory framework. Current arrangements and related regulatory frameworks have resulted in a situation where riparian land is performing conflicting multiple functions including flood conveyance, corridor for underground services, public amenity and recreation, heritage management as well as a biodiversity refuge (insitu and corridors). Currently these urban ecosystem services are not well recognised in land use planning policy in NSW. Significant further work is required to identify and/or propose new biodiversity outcomes that harness a restorative ethic within a socio ecological frame. This should include a recognition that common native species/communities that are not afforded a threatened status may yet have significant value to urban communities. For example, Superb Wren populations at Glebe or Australian Bass in Western Sydney creeks.

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?

In Sydney Water's experience, the current framework has created inconsistencies in offset requirements and assessment processes, as explained below. Offset requirements on major projects can be out of proportion to the impacts. Recently, Sydney Water obtained a modification to the Minister's approval for the North West Growth Centre (Modification to Water Related Services for Stage One Precinct #4). The modification involved removal of an area of 0.2ha of Shale Sandstone Transition Forest. The vegetation was of poor quality (weed infested) however during the consultation process, OEH required Sydney Water to offset this area. If this work had been an activity under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act), it is unlikely that the assessment would have concluded that offsets were necessary. Given the ongoing costs associated with maintaining offsets, it is important that a straightforward policy be developed and consistently applied. Offsets requirements should consider the biodiversity values of the impacted area including the condition of the vegetation and the significance of impact. Currently, there are duplicate assessment processes under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the Threatened Species Conservation Act 1995 (TSC Act), however this duplication should be removed by the proposed bilateral agreements. Sydney Water has also experienced difficulties with the biodiversity certification areas where linear infrastructure crosses the boundaries between certified and non-certified areas. This presents practical difficulties with contractors, where impacts to separate areas within the same vegetation community have different assessment and protection requirements. Where possible, linear infrastructure requirements and impacts should also be considered at the strategic stage. Sydney Water supports the need for a framework that harmonises processes and addresses these inconsistencies and duplicate assessment processes.

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?

Sydney Water supports a single, consistent approach as it will provide greater certainty to about the level of assessment required. The methodology should be flexible so that it can be adapted to both small and larger projects and the associated risk of impacts to biodiversity. It is noted that the Native Vegetation Act 2003 generally does not apply to a Sydney Water activities carried out under Part 5 of the EP&A Act (under clause 25(g)). Therefore the assessment methodology under this Act is not relevant to Sydney Water, however we support maintaining this clause under this Act as it provides efficiencies in processes.

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?

No Answer

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?

In Sydney Water's experience, the regulatory system is adequate in protecting listed threatened species, populations and ecological communities and provides sufficient incentive to protect biodiversity values in most cases. Sydney Water's approach is to avoid impacts on threatened species, populations and ecological communities wherever possible, for example through re-routing infrastructure or underboring vegetation. Given this, there is value in continuing to protect threatened species, populations and ecological communities through regulation.

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

No Answer

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No Answer

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

No Answer

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?

No Answer

How can offsets be more strategically located?

No Answer

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

No Answer

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

Check box to view and respond to questions

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?

Sydney Water supports consistency in profiles/descriptions of threatened species common to both the EPBC Act and TSC Act as it would avoid confusion and duplicate assessments. Greater collaboration is required between the national and state governments to ensure consistent listings.

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

Sydney Water recognises the need for a clearer statutory framework for biodiversity that provides flexibility and efficiencies in processes especially in meeting competing legislative demands for the provision of essential public infrastructure. Thank you for the opportunity to comment.