Boards and Committees
of the NSW National Parks and Wildlife Service

National Parks and Wildlife Advisory Council

Dr Neil Byron
Chair, Biodiversity Legislation Review Panel
PO Box A290
SYDNEY SOUTH NSW 1232

Dear Mr Byron

Thank you for the recent discussion with your panel with respect to their review of biodiversity legislation in NSW. The National Parks and Wildlife Advisory Council recently met and considered your issues paper. In response, the Council determined to make a submission for your consideration.

The National Parks and Wildlife Advisory Council comprises of members with a wide range of experience, qualifications and expertise and advises the Minister for the Environment on a range of topics, particularly those relating to the operation and management of parks and reserves.

The Advisory Council provides the attached brief comments on the Draft NSW Biosecurity Strategy and looks forward to commenting on the interim panel report when available.

Yours sincerely,

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Chair
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The views expressed in this letter are those of the National Parks and Wildlife Advisory Council and do not represent the views of NPWS

NSW National Parks and Wildlife Advisory Council submission to the NSW Independent Biodiversity Legislation Review Panel in response to the Issues Paper June 2014

General Comments

1. Future legislation should focus on conserving those aspects of biodiversity that are valued by society, along with their biophysical underpinnings.

2. Special attention should be given to how Aboriginal people relate to, experience and value biodiversity as a result of their cultural connections, and as the original custodians and traditional owners of all land, water and seas in NSW. In line with Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples regarding self-determination, Aboriginal people must be the sole determiners of Aboriginal culture heritage, which includes recognising and respecting traditional owners.

3. Due consideration should also be given to recent historical cultural links to nature.

4. This perspective requires recognising that people experience and value many different aspects of biodiversity. For example, people value:
    - *species*, including a diversity of species, common species, iconic and useful species, as well as rare and threatened species
    - places with *healthy ecosystems*, typically patches of bush, but including gardens, parks, crops, pastures, road verges, streams, rivers, wetlands and the oceans. Taking a tenure neutral approach, an aspiration for ensuring healthy ecosystems could apply to almost all public and private lands in NSW, barring paved areas and buildings
    - the *amount of biodiversity* in an area or the naturalness of a landscape; more is not necessarily better, but the amount does matter enormously to people. This is demonstrated by where they choose to live, the gardens they create, their choice of holiday locations and their desire to bring nature indoors in pots, pictures, screensavers and furniture.

The second two dimensions of biodiversity are emphasised as they are experienced and valued in their own right and not just because they are also important for maintaining a diversity of species, indeed these other values may be more important to society than the diversity of species in NSW.

5. While the term *biodiversity* is widely used in the interested general community synonymously with *nature*, it is sometimes used technically to refer specifically to constituent biotic elements at the exclusion of the places where they occur. For that reason the terms *nature conservation* and *natural heritage* that more explicitly include places, features and process as well as the biotic elements associated with them may better reflect how society experiences and values nature, and may be preferable to the terms *biodiversity* or *biological diversity*.

6. Given the multiple dimensions of biodiversity that are valued, it is not effective to use one single dimension as a surrogate for others in planning, especially in quantitative prioritisation.

7. The network of permanent protected areas, implemented with the CAR principles (Comprehensive, Adequate and Representative) is a central pillar of society's stewardship of biodiversity, but it is not adequate on its own.

8. The network of protected areas is demonstrably effective at preventing losses to societal values associated with species, ecosystems and landscapes; however it would be more effective if it were better resourced.

9. Large scale ecological changes are likely under anticipated levels of climate change: species are expected to move, ecological communities will come and go, the types of ecosystems found at particular places will change, and the nature of landscapes will change across the state. Some valued aspects of biodiversity will be lost, some will be maintained and others will be gained. It will be important in future biodiversity management to acknowledge that much ecological change will be inevitable, but that ecological change *per se* does not equate to loss of value, especially in national parks.

10. To remain effective, the objectives of biodiversity management will need to be framed to allow for ecological change at a scale and rate commensurable with climate change, separating those aspects of species, ecosystems and landscapes that are likely to change from those that might persist, and focussing management effort on the latter. For example, minimising extinctions, but not maintain populations at the current locations; maintaining diverse and healthy ecosystems, but not seeking to maintain the type of ecosystems currently found at each location; and maintaining the amount of biodiversity, but not the current types of biodiversity in landscapes.

11. Conservation efforts notwithstanding, significant ecological losses should be expected with increasing climate change, including extinction of many species. To be effective with limited resources it will be important to ensure efforts to minimise some types of losses (e.g. species extinctions) do not inadvertently divert resources away from activities that protect other aspects of values such as healthy ecosystems and amounts of biodiversity in landscapes.

12. This is especially important if quantitative metrics are used in prioritisations, incentive schemes and offset programs. Metrics based on species composition and ecosystem types alone will directly lead to losses of values such as those associated with the presence of healthy ecosystems and areas of bush in close proximity to people (including the young people and the elderly), which may be more important to society than a marginal contribution to protecting species diversity.

Response to specific questions

Theme 1

Q1. An aspirational goal for biodiversity conservation is supported.

Q2. The general intent of the current objectives of the relevant legislation remain valid. They could be clarified to emphasise the multiple aspects of biodiversity that are valued by society, for example adding explicit emphasis on the direct value to society from all ecosystems (natural and modified) being healthy and the amounts of nature in landscapes, as opposed to ecosystems and landscapes just being valued as habitat for species.

Theme 2

Saving our Species is highlighted in the paper as an important program. It should be noted that this is a new and untested approach to conservation, the large ecological changes anticipated from climate change and other pressures over coming decades could have significant impacts on the effectiveness of efforts to manage selected individual species, and the program only addresses a subset of one dimension of biodiversity that is valued by society.

Q4. Choice of priorities should be based on an understanding of the multitude of ways in which society values many different aspects of biodiversity (not just species); this may necessitate multiple mechanisms for setting priorities. Choice of priorities should also be robust to significant future ecological change (and multiple trajectories of change) affecting the multiple values aspects of biodiversity.

Q6. Trade-offs should give consideration to societal preferences and anticipated future ecological changes.

Q7. The current system does not cope with the magnitude of current pressures on biodiversity, nor does it take account of widespread and significant ecological change in future decades as a result of climate change.

Theme 3

Current arrangements are not effective at identifying and protecting the multiple ways society values biodiversity. In particular, while the presence of species and types of ecosystems are readily and systematically identified, societal values associated with the presence of areas of nature close to people (including the young and elderly) are not well recognised.

Q2. Arrangements could be improved by explicitly recognising that ecosystem services are derived from the presence of a diversity of and particular species, from the presence of healthy and particular types of ecosystems (both natural and modified [garden and parks]), and from the amounts of nature in the landscapes in which people live, work and visit.

Theme 4

Q3. Since values and threats are context specific, it may be appropriate to assess biodiversity with different levels of intensity in different circumstances. This could be done in a hierarchical manner that maintains a focus on assessing a range of aspects of biodiversity that are valued by society such as species, ecosystems and landscapes.

Q7. Offsets almost always result in some net loss, as place-based biodiversity values—values associated with the bush at the place being developed—cannot be substituted. The social cost of the loss of proximity to natural areas and biodiversity in urban areas should be considered in assessments.

Theme 5

Q1. It is important to recognise that many different aspects of biodiversity are valued by society, and that single measures of biodiversity or value can never adequately capture how biodiversity contributes to the wellbeing of society. Quantifying and placing a monetary value on single or a few aspects of biodiversity creates biases in any decisions based on those analyses; the presence of value metrics for select aspects has the potential to lead to the diversion of resources away from other biodiversity values that may be harder to quantify or are taken for granted.

Biodiversity data is expensive to collect and is never free from systematic biases. The real and marginal value to decision making of detailed knowledge should be assessed before considerable expense is committed to its collection. For example, the desire for state-wide analysis and prioritisation assumes that cost-effective investment opportunities are unevenly distributed across the state, that biased data can robustly identify good opportunities, and that regional and local allocation processes are unable to identify priorities that are most important and can be effectively managed.