



NSW Biodiversity law reforms

Analysis of the proposed changes

30 May 2016



What is proposed?

Biodiversity Conservation Bill - This will replace the: Threatened Species Conservation Act, Nature Conservation Trust Act, and parts of the National Parks & Wildlife Act

Local land Services Amendment Bill - This will replace the: Native Vegetation Act 2003, Native Vegetation Regulation 2005 and the Environmental Outcomes Assessment Methodology

Self assessable land clearing codes

Biodiversity Assessment Method – A single tool to assess impacts

Land use map – This identifies excluded, regulated and unregulated land

Priority Investment Strategy and Funding package

Continued Saving our Species Approach to threatened species

Risk based licensing for wildlife interactions

Structure - 5 themes

1. Native vegetation – rationale for repeal?
2. Offsets and ESD
3. Private land conservation and the money
4. Saving our species?
5. Equity



Regent Honeyeater Source: Birdlife Australia

1. Native vegetation – rationale for repeal?

- What has the current Native Vegetation Act achieved?
- What is proposed?
- Implications for biodiversity?



Native Vegetation Regulatory Map



-  Category 1
-  Category 2
-  Excluded land

2. Offsets and ESD

“The reforms will facilitate ecologically sustainable development”

NSW Government



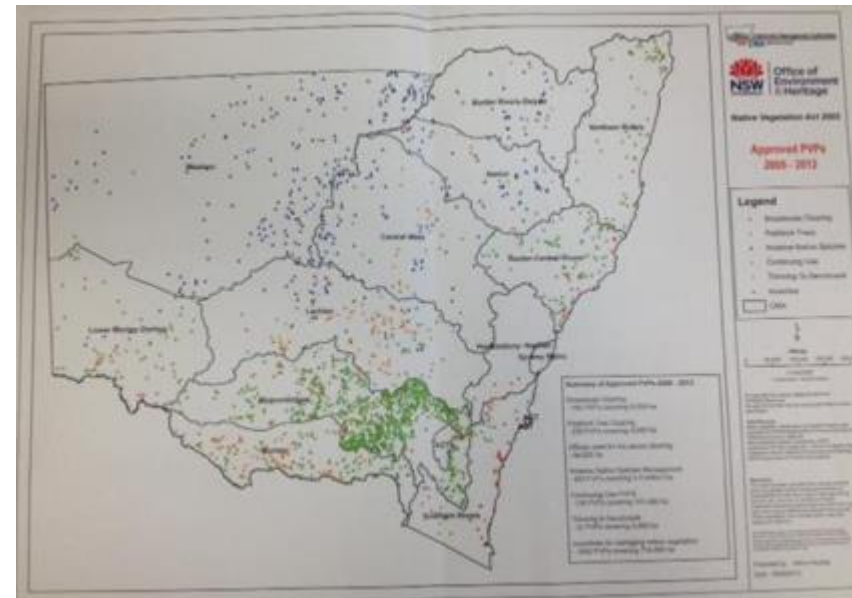
Image: Warkworth Coal Mine by John Krey

Principles of ecologically sustainable development

- **The precautionary principle** — that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- **Inter-generational equity** — that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- **Conservation of biological diversity and ecological integrity** — that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- **Improved valuation, pricing and incentive mechanisms** — that environmental factors should be included in the valuation of assets and services, such as: (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

3. Private land conservation and the money

- 3 proposed categories:
 - Biodiversity Stewardship Agreement
 - Biodiversity Conservation Agreement
 - Wildlife refuge



4. Saving our species?

- Threatened species provisions vs clearing provisions
- Serious and irreversible impacts?
- Urban biodiversity



Photo: Sue Walker



Image: Birdlife Australia Chris Tzaros

5. Equity?

- Farmers versus miners/urban developers
- Stewards versus offset providers
- Special treatment for major projects
- Intergenerational equity?



Image: Maules Creek Coal Mine in the Leard State Forest by Philip Spark

Conclusion – Missed opportunity?

10 things that biodiversity law reform should do:

- Be designed to prevent extinction
- Apply a “maintain or improve” standard to *all* development
- Address key threats such as land clearing and climate change
- Establish a NSW Environment Commission
- Mandate the use of leading practice scientific assessment tools
- Invest in private land conservation (gets a tick for this one)
- Clearly require comprehensive data, monitoring, reporting on condition and trends (environmental accounts)
- Limit indirect offsetting
- Commit to compliance and enforcement
- Properly resource regional NRM bodies to work with landholders, have expertise to do assessments and make NRM plans that relate to clear targets.

Next steps

- Submissions due **28th June**
- More info at:

www.landmanagement.nsw.gov.au/

www.edonsw.org.au/biodiversity_legislation_review

