



New Deal

For Nature



NEW DEAL FOR NATURE

Nature is in crisis. Over the last 200 years our natural heritage has been in dramatic decline with over 100 plant and animal species now extinct¹. There are currently over 989 species of plants and animals threatened with extinction in New South Wales².

Land clearing and habitat loss is the single biggest cause of species loss in NSW^{3,4}. Protecting habitat and controlling land clearing is essential if further losses of biodiversity and the services that healthy ecosystems provide are to be avoided.

The benefits of retaining and restoring healthy landscapes extend far beyond impacts for wildlife. The over-clearing of land is unequivocally connected to increasing drought, erosion and salinisation of the land, which pose significant risks to industries such as agriculture. Preventing further clearing will also help us to store carbon in the landscape and meet our national emission reduction targets.

The NSW Government is now re-writing our conservation laws. We need a new generation of laws that bring nature back from the brink and leave our natural heritage in a better state for the future.

NSW can't afford a wasted opportunity, we need a New Deal for Nature.

Our organisations are committed to enhancing outcomes for nature in NSW. We have identified 10 essential components of a new *Biodiversity Conservation Act* and encourage the NSW Government to act with courage and introduce world-class laws that will restore and enhance our precious living world and deliver a New Deal for Nature.



Feathertail glider © Anne Miehs

NATIVE VEGETATION BENEFITS

Retaining native vegetation is vital for restoring the health of our land and the industries that rely on it such as agriculture.

Local Land Services identifies many agricultural benefits from maintaining remnant vegetation⁵, including:

- Lowering livestock mortality rates by providing access to shade and shelter;
- Prevention of erosion by stabilising the soil and sheltering it from rain and wind;
- Preventing soil salinisation;
- Holding runoff water in the landscape and reducing flood risk;
- Encouraging local rainfall and helping to guard against severe drought; and
- Reducing pests by providing habitat for predators.

The existing *Native Vegetation Act* (NVA) has been effective at maintaining remnant bushland. On average the rate of agricultural clearing has declined by 68 per cent since the introduction of the NVA. As a result, WWF-Australia⁶ estimates an additional 116,000 native animals like the koala and squirrel glider are alive each year.

10 ESSENTIAL COMPONENTS OF A NEW DEAL FOR NATURE

1. Legislate a clear commitment to improving outcomes for nature
2. Create a level playing field for all development
3. Ensure important habitat is off limits to development
4. Strengthen biodiversity offsetting rules
5. Invest in reliable and timely vegetation mapping
6. Close the loopholes that allow under-the-radar clearing
7. Ensure clear requirements for regional planning
8. Invest in private land conservation
9. Ensure there is rigorous monitoring, compliance and enforcement
10. Provide sufficient resources to do the job properly

ABOUT US

This report is prepared by the Nature Conservation Council of NSW, WWF-Australia, National Parks Association of NSW, Humane Society International, The Wilderness Society, Total Environment Centre and Colong Foundation for Wilderness.

We are committed to protecting nature in NSW and are actively encouraging the NSW Government to take bold but necessary action to restore our natural landscapes for people and wildlife.

www.nature.org.au/NewDealForNature



1. LEGISLATE A CLEAR COMMITMENT TO IMPROVING OUTCOMES FOR NATURE

In order to halt the decline in biodiversity there must be a clear commitment to improve environmental outcomes. The NSW Government has committed to “enhance the State’s biodiversity for the benefit of current and future generations”⁷. In order to meet this commitment, it must be enshrined in law.

The NSW Government must commit to meeting the target set out in the Convention on Biological Diversity which states “By 2020, the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained.”

RECOMMENDATION

Ensure that the objects and provisions of the Biodiversity Conservation Act commit to maintain and enhance environmental outcomes, and achieve our international biodiversity commitments.



Koala © Mark Higgins

KOALA

Every country has its icons. For us, the koala holds a special place in our culture. The uniquely Australian marsupial is a drawcard for visitors from across the globe. Just as we couldn’t imagine the United States without grizzly bears or China without pandas, our state would lose a sense of identity without koalas.

Yet if current trends continue, koalas may vanish from much of New South Wales.

Their numbers have reduced by more than a third over the last twenty years alone. The primary cause is the destruction of their habitat – the forests and woodlands of our great state.

With koalas and their habitat at serious risk, we simply cannot afford to miss an opportunity to deliver a new deal for nature.

Our state is at a juncture and it will be wildlife like the koala that will pay the price if we make the wrong choice.

2. CREATE A LEVEL PLAYING FIELD FOR ALL DEVELOPMENT

We must take a holistic approach to land management which enhances environmental outcomes. Unless the *Biodiversity Conservation Act* applies to all development habitat will continue to be destroyed for resource projects, residential development and agricultural clearing.

The uniform application of a scientifically robust assessment framework must apply to all clearing applications and deliver a clear commitment to maintain and enhance environmental outcomes.

RECOMMENDATION

Adopt a robust methodology that applies to all development that only permits clearing if it maintains or enhances environmental outcomes.



3. ENSURE IMPORTANT HABITAT IS OFF LIMITS TO DEVELOPMENT

Important wildlife habitat, especially habitat critical to recovery of threatened species, endangered ecological communities and wilderness areas must be permanently protected from clearing, degradation and conversion. With close to 1000 plants and animal species at risk of extinction in NSW we cannot afford to continue to destroy important sites for biodiversity. Allowing continued destruction of such areas cannot be consistent with the purposes of the Act to maintain and enhance environmental outcomes.

Clear identification of these sites is vital for landholders and biodiversity outcomes alike. They must not be allowed to be cleared, degraded or converted.

RECOMMENDATION

Protect high conservation and biodiversity value areas from clearing and other destructive or degrading land uses in perpetuity by identifying these areas and legislating their protection.



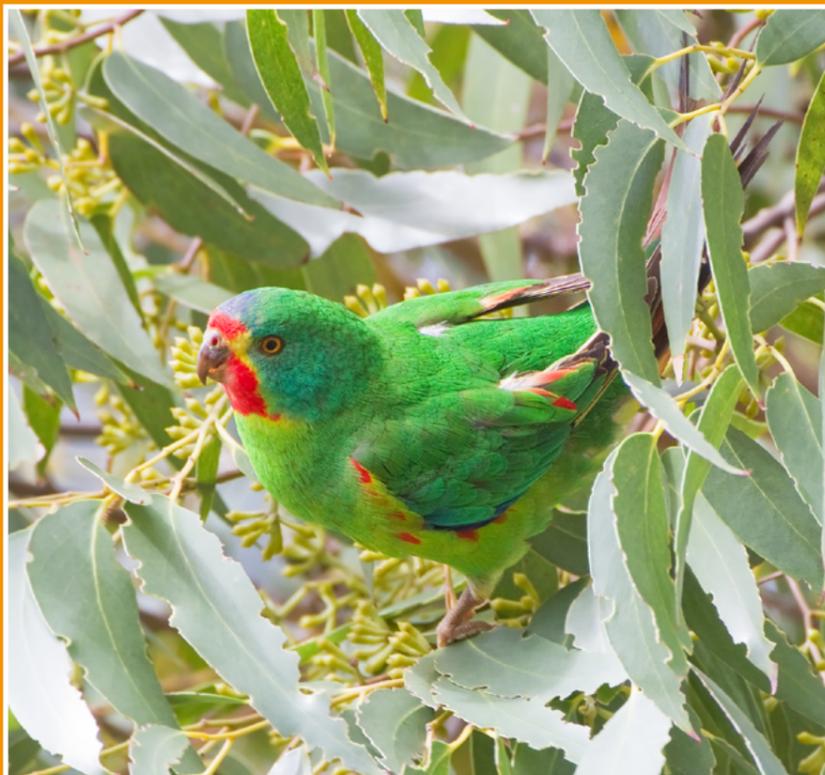
4. STRENGTHEN BIODIVERSITY OFFSETTING RULES

Biodiversity offsetting allows developers to clear an area of land in exchange for restoring another area of land. Existing offsetting arrangements under the Offsets Policy for Major Projects in NSW fail to meet international standards and will result in a net loss of biodiversity.

Offsetting must be used as an absolute last resort for essential development, provide permanent protection for the land identified as an offset, ensure that offset land meets the same habitat criteria as the land being cleared, and deliver suitable buffer areas or multipliers to account for the risk of the offset failing.

RECOMMENDATION

All biodiversity offsetting under the *Biodiversity Conservation Act* must meet the conditions set out in box A.



The swift parrot is endangered yet unless biodiversity offsetting rules are strengthened its habitat will continue to be destroyed, credit: JJ Harrison

BOX A: BIODIVERSITY OFFSETTING

All offsetting under the new *Biodiversity Conservation Act* must be consistent with the following key principles:

1. Biodiversity offsets must only be used as a last resort, after consideration of alternatives to avoid, minimise or mitigate impacts;
2. Offsets must be based on sound ecological studies and principles, including 'like for like';
3. Legislation and policy should set clear limits on the use of offsets, including 'red flags';
4. Indirect offsets must be strictly limited;
5. Offsetting must achieve benefits in perpetuity;
6. Offsets must be based on principles of net gain;
7. Offsets must be "additional; and
8. Offset arrangements must be legally enforceable.

5. INVEST IN RELIABLE AND TIMELY VEGETATION MAPPING

Comprehensive mapping of natural ecosystems and critical habitat for threatened and near-threatened species, across the entire state is essential. It must be completed before the new legislation come into effect and account for the impacts of climate change.

Current mapping is inadequate and important habitat is at risk of being lost due to mapping errors. On-ground assessment is vital to complement mapping to ensure the mapping data is accurate. Existing mapping trials in NSW have had accuracies as low as 18 per cent meaning we risk losing significant biodiversity and wilderness unless mapping is improved.

RECOMMENDATION

Secure an initial significant investment to ensure accurate mapping, and legislate a requirement for on-ground assessment for development applications.



The range of the spotted tail quoll has greatly reduced as its habitat has been destroyed and fragmented, credit: WWF-Canon - Fedy Mercay

6. CLOSE THE LOOPHOLES THAT ALLOW UNDER-THE-RADAR CLEARING

Small-scale exempt or code-based clearing can add up to significant biodiversity impacts and lead to 'death by a thousand cuts'. It is vital that agricultural activities that do not require assessment prior to clearing are strictly limited in terms of scale, and ecological impact. In particular no habitats for threatened species or ecosystems should have any exemption of any kind. All land clearing activities, including major projects, must meet the same requirements to maintain and enhance biodiversity, and all clearing should be monitored so that biodiversity outcomes can be measured.

RECOMMENDATION

Only genuinely low biodiversity impact activities should be allowed without a full biodiversity assessment, the use of self-assessable codes should be limited, and there must be mechanisms in place for monitoring and enforcement of exempt and code-based activities.



The squirrel glider is vulnerable to extinction. Without old trees with hollows to build its nest the squirrel glider is in trouble, credit: Shannon Plummer



The impacts of climate change are already being felt across NSW, connectivity of healthy landscapes will be increasingly important, credit: Hugh Nicholson

7. ENSURE CLEAR REQUIREMENTS FOR REGIONAL PLANNING

In order to achieve positive environmental outcomes there must be a statutory framework for strategic planning with mandatory requirements for biodiversity objectives, and priorities and targets, to be included in strategic plans.

Without a commitment from all levels of Government to maintain and enhance environmental outcomes we will continue to see a decline in our natural environment and a degradation of the landscape.

RECOMMENDATION

Ensure the *Biodiversity Conservation Act* provides a legislative framework for effective regional planning with mandatory requirements to include biodiversity recovery objectives and targets.



8. INVEST IN PRIVATE LAND CONSERVATION

Private landholders play a vital role in conserving our natural heritage. Over two million hectares of NSW is protected by 1,165 private conservation and wildlife refuge agreements. A significant investment is required to encourage additional private conservation agreements and to support those with existing agreements to better protect the biodiversity values on their properties.

RECOMMENDATION

Commit \$75 million per year to increase the amount of land in private conservation agreements and to support landholders to invest in conservation outcomes.



9. ENSURE THERE IS RIGOROUS MONITORING, COMPLIANCE AND ENFORCEMENT

Rigorous monitoring, compliance and enforcement will be a crucial component of the *Biodiversity Conservation Act* if it is to meet its objectives. Environmental accounts must be regularly published and include native vegetation, soil, water, biodiversity and carbon emission data tracked against the objectives of the Act to maintain and enhance environmental outcomes.

The framework for penalties and civil enforcement should be brought in to line with pollution and planning laws.

RECOMMENDATION

Require robust environmental accounts and stronger penalties in keeping with pollution and planning laws, and ensure the rights of community members to bring court action.



Gang-gang cockatoos are vulnerable to extinction as they rely on a diversity of connected habitats, credit: Julian Robinson



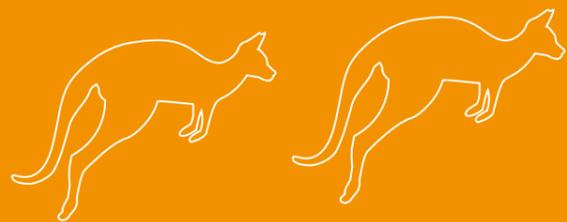
Protecting nature benefits more than simply our wildlife, access to a healthy environment is vital for our wellbeing, credit: Tourism Australia

10. PROVIDE SUFFICIENT RESOURCES TO DO THE JOB PROPERLY

The success or failure of the new *Biodiversity Conservation Act* will rely on significant upfront funding and a long-term commitment to ongoing resourcing. The accurate keeping of environmental accounts will provide the community with the confidence that resourcing the restoration and enhancement of environmental outcomes is a worthy investment for our state.

RECOMMENDATION

Guarantee a five year funding plan with adequate resources to implement the legislation effectively, including funding for Local Land Services, local councils and the Office of Environment and Heritage.

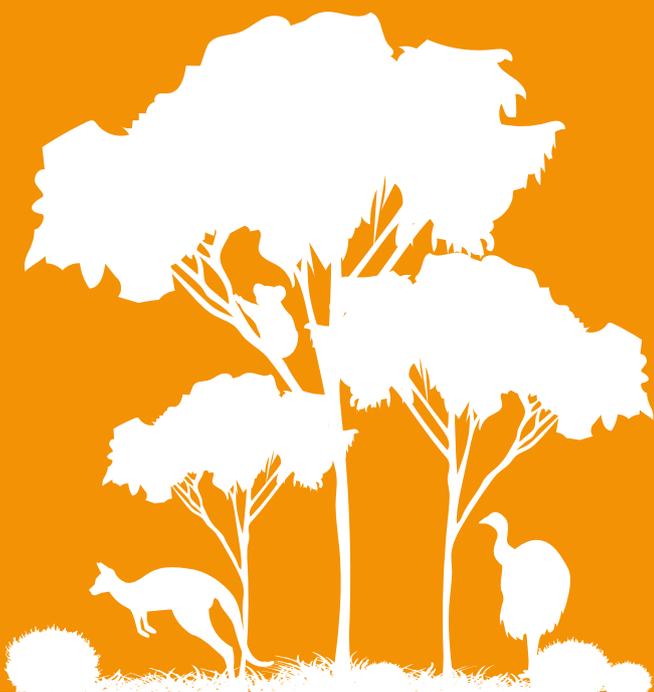


IT'S TIME FOR
A NEW DEAL FOR NATURE
Nature.org.au/NewDealForNature



1. OEH (2014a). Saving NSW threatened species webpage, www.environment.nsw.gov.au/threatenedspecies
 2. EPA (2012) *NSW State of the Environment Report 2012*, Environmental Protection Authority, Sydney.
 3. Coutts-Smith, A.J. & Downey, P.O. (2006) *Impact of Weeds on Threatened Biodiversity in NSW*, Technical Series no.11, CRC for Australian Weed Management, Adelaide.
 4. EPA (2006) *NSW State of the Environment Report 2006*, Environmental Protection Authority, Sydney.

5 Local Land Services (2015) *Native Vegetation*, available at: <http://northwest.lls.nsw.gov.au/land-and-water/native-vegetation>. Accessed 9 September, 2015.
 6 WWF-Australia (2015) *NSW wildlife at risk if Native Vegetation Act is repealed*, available at: http://awsassets.wwf.org.au/downloads/fl017_native_wildlife_at_risk_9apr15.pdf Accessed 4 September, 2015.
 7. NSW Farming: Investing Locally, Connecting Globally – Memorandum of Understanding, 25 March 2015, available at: https://d3n8a8pro7vhnmx.cloudfront.net/nationaltest/pages/458/attachments/original/1427316697/Memorandum_of_Understanding.pdf?1427316697 Accessed 9 September, 2015.



IT'S TIME FOR A NEW DEAL FOR NATURE

Nature.org.au/NewDealForNature

