



NSW Biodiversity laws

ACCEL Environmental Law Year in Review

Rachel Walmsley
Policy & Law Reform Director, EDO NSW
Sydney, February 2017

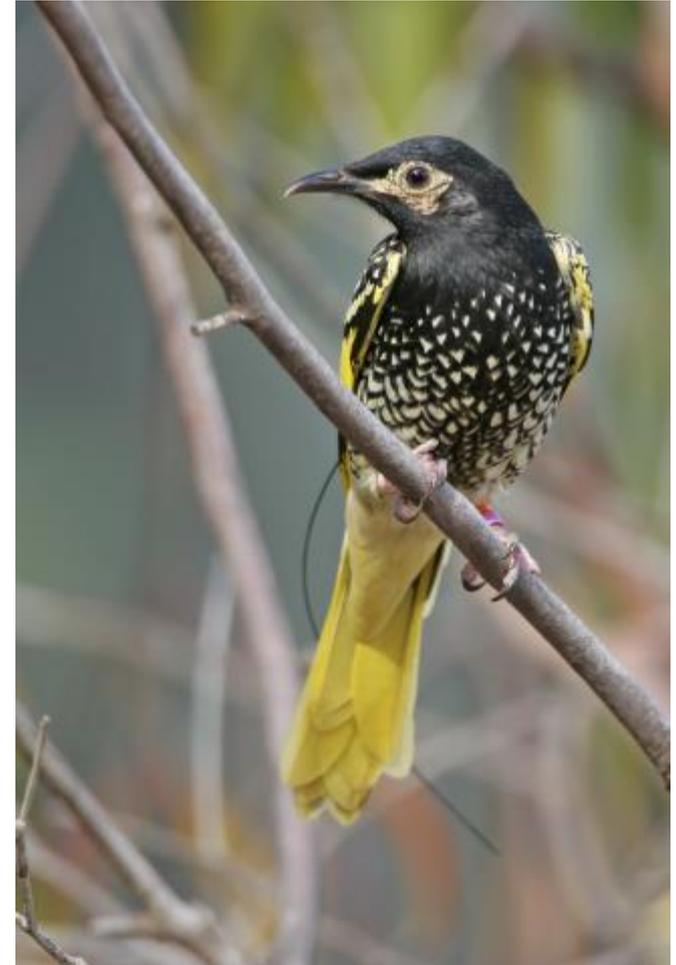


Key elements of the new package

- **Biodiversity Conservation Act** - replaces the: Threatened Species Conservation Act, Nature Conservation Trust Act, and parts of the National Parks & Wildlife Act
- **Local land Services Act Amendments** - replaces 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**
- **Saving our Species Approach to threatened species**
- **Risk based licensing for wildlife interactions**

Structure - 5 themes

1. Saving our species?
2. Native vegetation: deregulation and self-regulation
3. Private land conservation and equity
4. Offsets and ecologically sustainable development (ESD)
5. Missed opportunities



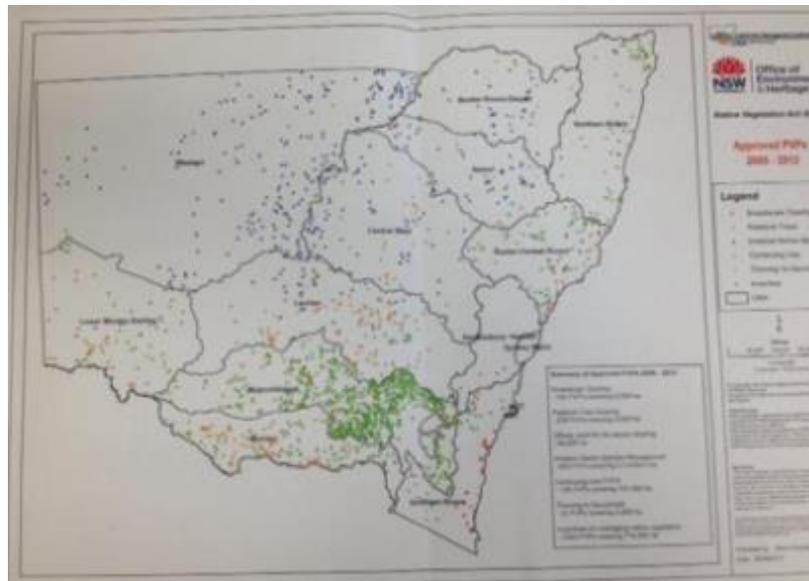
2. Native vegetation: Deregulation/self-regulation

- Local Land Services Amendment Bill 2016 will replace the Native Vegetation Conservation Act 2003.
- Self assessable codes
- Expanded 'allowable activities'
- Access to offsets, and self-determined 'set aside' areas
- No mandatory assessment of clearing impacts on soil, water or salinity
- Land use map – identifies excluded, regulated & unregulated land
- No ban on broadscale clearing



3. Private stewardship and equity

- Three new agreement categories:
 - Biodiversity Stewardship Agreement
 - Biodiversity Conservation Agreement (offset sites)
 - Wildlife Refuge Agreement
- Farmers versus miners/urban developers
- Stewards versus offset providers
- Special treatment for major projects
- Intergenerational equity?



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

4. Flexibility and offsetting in NSW

“The reforms will facilitate ecologically sustainable development”

NSW Government



Image: Warkworth Coal Mine by John Krey

5. 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 long-term private land conservation
- Clearly require comprehensive data, monitoring, reporting on condition and trends (environmental accounts)
- Limit indirect offsetting
- Commit to well-resourced 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

- Supporting regulations, codes, SEPP and biodiversity assessment methodology are currently being drafted
- New laws are due to commence mid-year.
- More info at: www.edonsw.org.au/biodiversity_legislation_review or email rachel.walmsley@edonsw.org.au

Thank you.

