Welcome

Sustain. Invest. Protect.

A new approach to land management and biodiversity conservation in NSW

NSW GOVERNMENT

Agenda

Time	Agenda item	
2:30 – 2:40	Welcome	Brian Elton, Elton Consulting Rob Dulhunty, Landcare NSW
2:40 – 2:50	Native plants and animals Private land conservation	Paul Elton, OEH
2:50 – 3:05	Q&A	Brian Elton
3:05 – 3:20	Ecologically sustainable development • The NSW Biodiversity Offset Scheme • Implementing the offset scheme through the planning system	Paul Elton, OEH
3:20 – 3:35	Q&A	Brian Elton
3:35 – 3:55	Land management • Native vegetation regulatory map • Land management	Jeremy Black, OEH Kristian Holz, DPI
3:55 – 4:20	Q&A	Brian Elton
4:20	Next steps	Brian Elton

Timeline

We are here

✓ Commencement of Biodiversity Legislation Review	✓ Recommendations	✓ Drafting legislation	Exposure Bills on exhibition	Introduce Bills to Parliament
June 2014 An independent panel appointed to conduct a comprehensive review	**December 2014** The independent panel releases its final report with 43 recommendations	**March 2015** Government announces support for the 43 recommendations, begins drafting legislation, and consults with targeted stakeholders	**May/June 2016** Public and stakeholder consultation on draft legislation.	**End 2016** Following feedback, final legislation drafted and introduced to Parliament

Native plants and animals

Parts 2, 3 and 4 of the Biodiversity Conservation Bill 2016

NSW GOVERNMENT

Identifying and conserving threatened species

- Adopting a modern approach to identifying, listing and protecting threatened plants and animals
- Changes to reflect international best practice
- Delivering a more strategic listing process
- Aligning State and Commonwealth lists
- Continuing to make it illegal to harm threatened plants or animals or their habitat
- Contemporary compliance and enforcement tools

Saving our Species

- Legislative support for the *Saving our Species* program
- Government will invest an additional $100 million over the next five years
- A prioritisation framework will be used to secure as many threatened species as possible

Managing human-wildlife interactions

- New approach to managing human-wildlife interactions ensures regulation focuses on activities that pose the highest risk

Risk	Regulation
low	exempt, no licence required
moderate	authorised by a code of practice, no licence required
high	continue to require a biodiversity conservation licence; or are prohibited

Managing human-wildlife interactions

- OEH will consult with stakeholders on developing codes of practice and proposals to list exempt activities
- Codes are proposed to be statutory documents and will be the basis for enforcement
- OEH will provide information to help guide compliance with Codes
- Marine fauna will continue to be protected

Regulating wildlife rehabilitation providers

- The Bill provides for accreditation of providers of wildlife rehabilitation services
- Government will work with interested parties in designing the scheme

Under a risk based approach wildlife rehabilitation will continue to be regulated. An accreditation model is proposed to support wildlife rehabilitation services that are reliable, represent good practice and are cost effective.

Areas of outstanding biodiversity value

- Areas of Outstanding Biodiversity Value = special areas containing irreplaceable biodiversity values important to the whole of NSW, Australia or globally
- Identified using robust scientific criteria
- Public will be consulted on all AOBV proposals

Conserving areas of outstanding biodiversity value

- AOBVs a priority for private land conservation investment
- Offence to damage the biodiversity values of an AOBV without approval

Private Land Conservation

Parts 5, 6 and 10 of the Biodiversity Conservation Bill 2016

NSW GOVERNMENT

A new approach to private land conservation

- The government has announced unprecedented investment in private land conservation
  - $240 million investment over five years
  - $70 million in annual ongoing funding, subject to program performance reviews
- This record investment recognises the importance of private, voluntary conservation efforts
- A new framework to deliver initiatives and incentives to landholders who want to protect and manage biodiversity

The Biodiversity Conservation Trust

- The Biodiversity Conservation Trust will have two key roles:
  - enhancing private land conservation
  - expanding the NSW biodiversity offsets scheme
- The Trust will be:
  - a body corporate established under the Biodiversity Conservation Act
  - managed by a Board appointed by the Minister for the Environment
  - not-for-profit

BCT statutory objective

protect and enhance biodiversity

The Biodiversity Conservation Trust

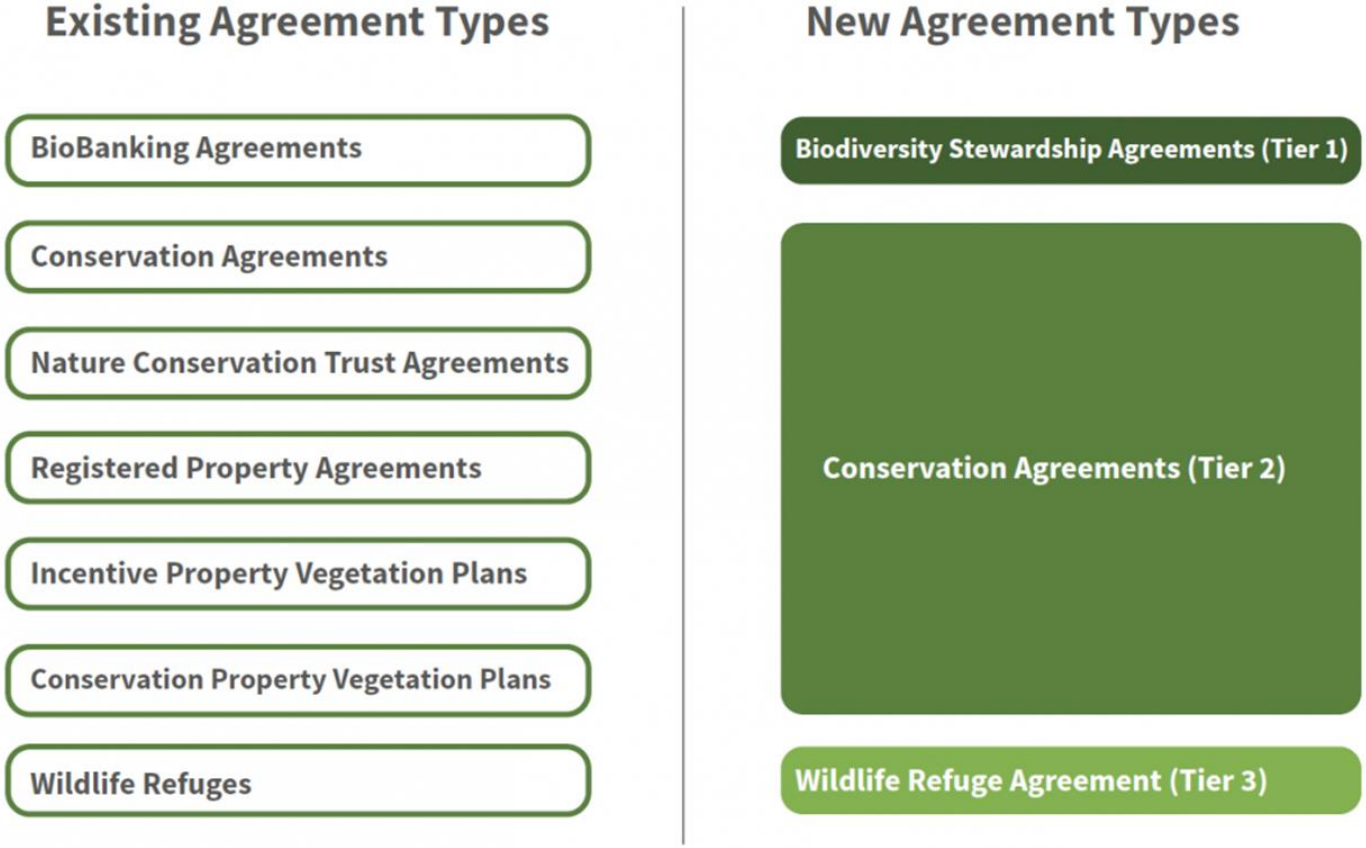
The Trust will deliver the new PLC program:

- Work with landholders to establish conservation agreements on their properties
- Use the funds provided by government to provide stewardship payments and in-kind support for management actions
- Administer private land conservation agreements

Prioritising investment

- A *Biodiversity Conservation Investment Strategy* will be developed to guide investment by the Biodiversity Conservation Trust
- The strategy will prioritise areas that:
  - are of high conservation value
  - contain key habitats, threatened species and vegetation communities that are not well represented in the public reserve system
  - provide important links to isolated areas of native vegetation
- The strategy may guide investment by other bodies, e.g. LLS, local councils, Commonwealth Government and philanthropists
- OEH will consult closely with stakeholders in developing the strategy

A simplified system of landholder agreements



Landholder agreements

Biodiversity stewardship agreements (tier 1)

- Permanently protect a site for conservation with ongoing management and secure funding
- Used to secure offset sites or government investment in private land conservation
- Site assessed by accredited assessor using the BAM
- Site generates “biodiversity credits” representing gain in biodiversity from protection and management
- Landowners receive annual management payments and upfront market payment

Landholder agreements

Conservation Agreements (tier 2)

- Permanent or time-bound agreements registered on title
- Typically used for higher conservation value land
- Supported by financial assistance that reflect agreed management actions

Wildlife refuges (tier 3)

- Similar in scope to the existing system
- Entry-level agreements with less restrictions
- Support simple and effective land management

Q&A

Native plants and animals

Private land conservation

NSW biodiversity offsets scheme

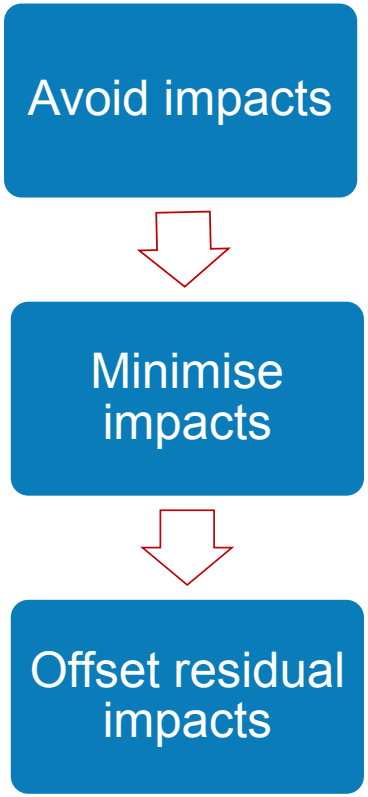
A new approach to assessing and offsetting biodiversity impacts of development

Parts 6 and 8 of the Biodiversity Conservation Bill 2016

NSW GOVERNMENT

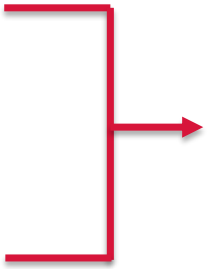
A new biodiversity offset scheme

- A new, legislated biodiversity offsets scheme, expanded beyond major projects to other kinds of development with potentially significant impacts on biodiversity
- The scheme is underpinned by the avoid, minimise and offset hierarchy
- Proponents should first avoid and minimise biodiversity impacts, then offset residual impacts



Biodiversity Assessment Method

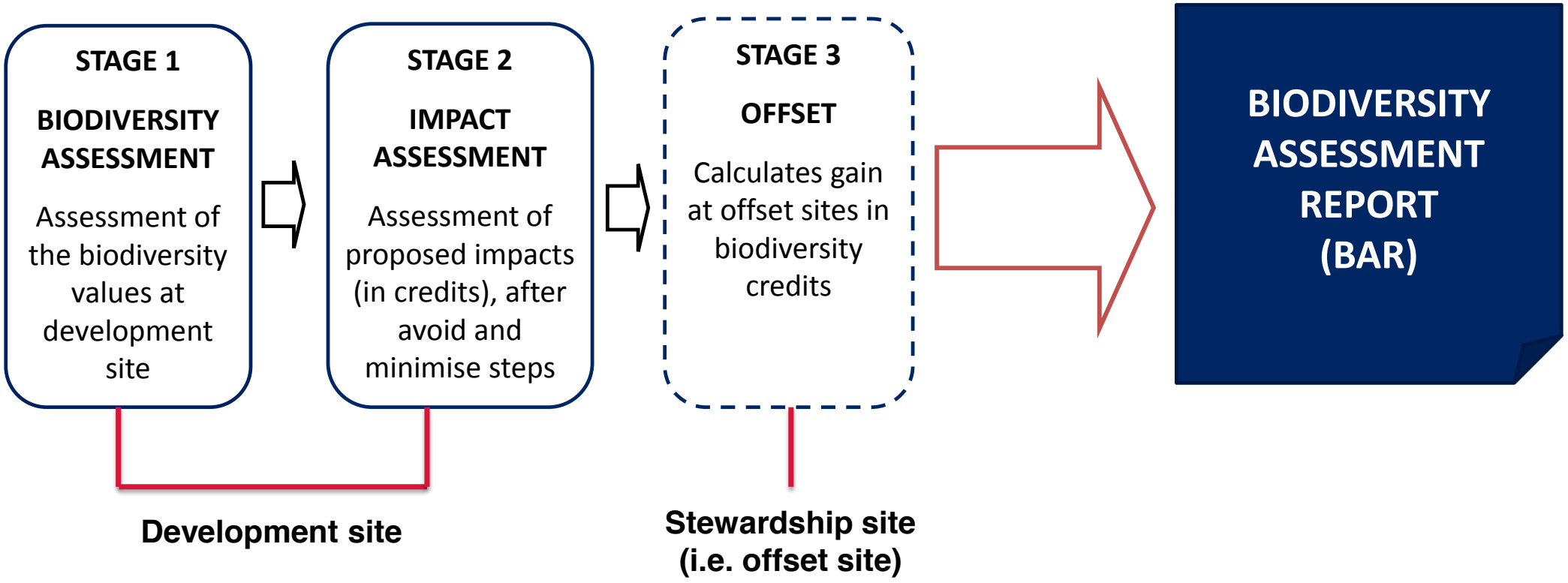
- A consistent, transparent and scientifically robust approach to assess impacts of development on biodiversity and calculate offsets
- Replaces multiple methods with a new consistent method:
  - 7 part test and species impact statement
  - Offset policy for major projects method
  - BioBanking method
  - Biodiversity certification method
  - EOAM under Native Vegetation Act



BAM

- Assesses biodiversity impacts at development sites and gain at offset site and calculates these in ‘biodiversity credits’
- Will determine an offset requirement in credits

Applying the BAM



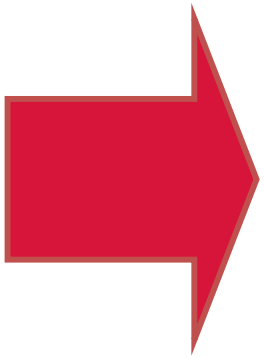
Serious and irreversible impacts

- Serious and irreversible impacts recognise that some impacts are unacceptable and should not be permitted for certain types of development
- Criteria for serious and irreversible impacts will be set out in the BC Regulation
- The focus is on preventing species and communities from going extinct
- The biodiversity assessment report (BAR) will identify potential serious and irreversible impacts

Biodiversity assessment report

CONTENTS OF BAR

- How proponent will avoid and minimise impacts
- Offset requirement: number and type of biodiversity credits
- Information about potential serious and irreversible impacts
- Other biodiversity related impacts



Provided to consent authority with DA

Meeting an offset obligation

RETIRE CREDITS

from the market or from own stewardship site

OR

PAYMENT TO BCT

convert credits to money using offset payments calculator

OR

FUND BIODIVERSITY CONSERVATION ACTIONS

in limited circumstances

Governed by the offset rules to be set out in the regulation

Payment to BCT

A Biodiversity Conservation Fund will be established to accept payments for offsets

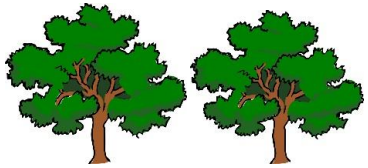
Proponent has offset (credit) obligation

Offsets payments calculator

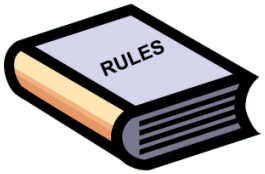
Credits → $

Proponent pays BCT

BCT helps landowners set up stewardship sites



BCT buys and retires credits in line with offset rules



Biodiversity certification

- The biodiversity certification scheme will be expanded to encourage biodiversity to be considered at the early stages of planning for land use change
- Proposals will be assessed using the BAM to standardise the approach with ordinary development assessment
- There will be incentives to encourage councils to undertake strategic biodiversity certification, where good social, economic and environmental gains can be achieved
- This may include access to loans, administered by BCT, to assist councils to undertake strategic biodiversity certification

Implementing the biodiversity offset scheme through the planning system

Part 7 of the Biodiversity Conservation Bill 2016

When will the offset scheme apply?

- **Part 4 development (non SSD)** - the offset scheme will apply to development that is *likely to significantly affect threatened species*
- **Major projects (SSD and SSI)** - the offset scheme will apply automatically to major projects (SSD and SSI), unless OEH and DPE determine that the development isn't likely to have impacts assessed by the BAM
- **Part 5** – the offset scheme is not currently proposed to apply to Part 5 activities

Significant effect on threatened species

- There will be a new criteria for determining whether development is likely to significantly affect threatened species, which will sit in the BC Act
- Development is likely to significantly affect threatened species if it:
  - exceeds the BAM threshold or
  - meets the test of significance

BAM threshold

- The BAM threshold will have two objective components:
  - Area of vegetation clearing (area threshold) **or**
  - Presence of a sensitive value (sensitive values map)

Species impact statement requirement

- Proponents must submit an ‘SIS’ if development is likely to significantly affect threatened species
- The intention is that a BAR will be the SIS for any impact assessed by the BAM (most biodiversity impacts)
- For any impact not covered by the BAM other elements of an SIS may also need to be provided
- OEH concurrence will generally be ‘deemed’ to have been given where a BAR is submitted and the offset obligation is included in the conditions of consent

Consent or approval authority role

- Consider the BAR as part of assessing the project

Part 4 development (non SSD)

- Determine if the development has serious and irreversible impacts, based on criteria in the Regulation. If it has, consent must be refused
- If consent is to be granted, conditions of consent must require the offset obligation in the BAR. Can reduce that offset requirement, but must publish reasons

MAJOR PROJECTS (SSD and SSI)

- Determine if the project has serious and irreversible impacts, based on criteria in the Regulation. If it has, must consider these impacts in determining consent or approval
- Determine whether conditions of consent or approval should require an offset, taking into account the BAR and other considerations

Relationship with other reform elements

The scheme will also apply to *development that does not need consent* in certain circumstances:

Native vegetation management system

- BAM and offset scheme will apply to clearing that cannot be undertaken as an allowable activity or code based clearing under the LLS Act
- Approval will be required under the LLS Act

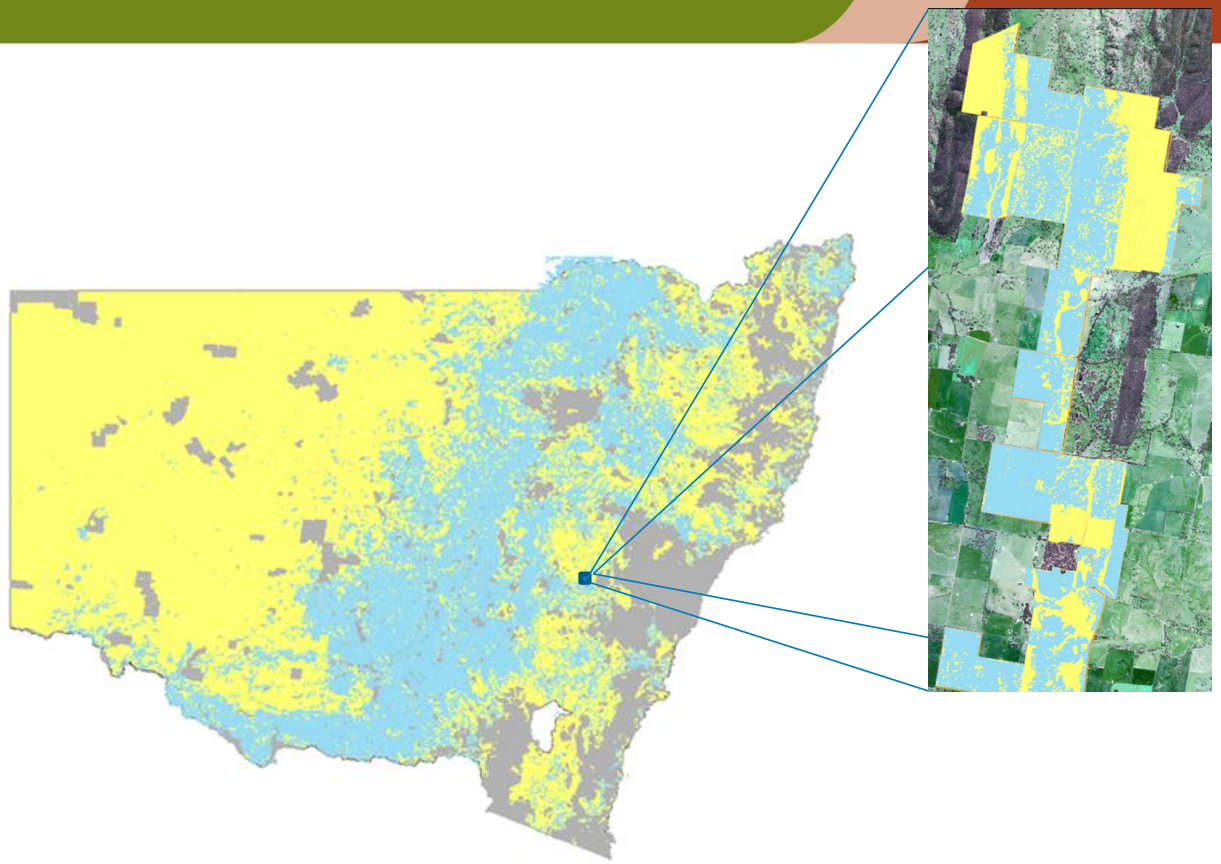
Clearing in urban areas SEPP

- The government is proposing to introduce a new SEPP to regulate clearing that does not require consent in certain zones
- This SEPP will require that the BAM and offset scheme will apply to clearing above the BAM threshold

Q&A

NSW biodiversity offsets scheme

Native Vegetation Regulatory Map



NSW GOVERNMENT

Native Vegetation Regulatory Map Categories

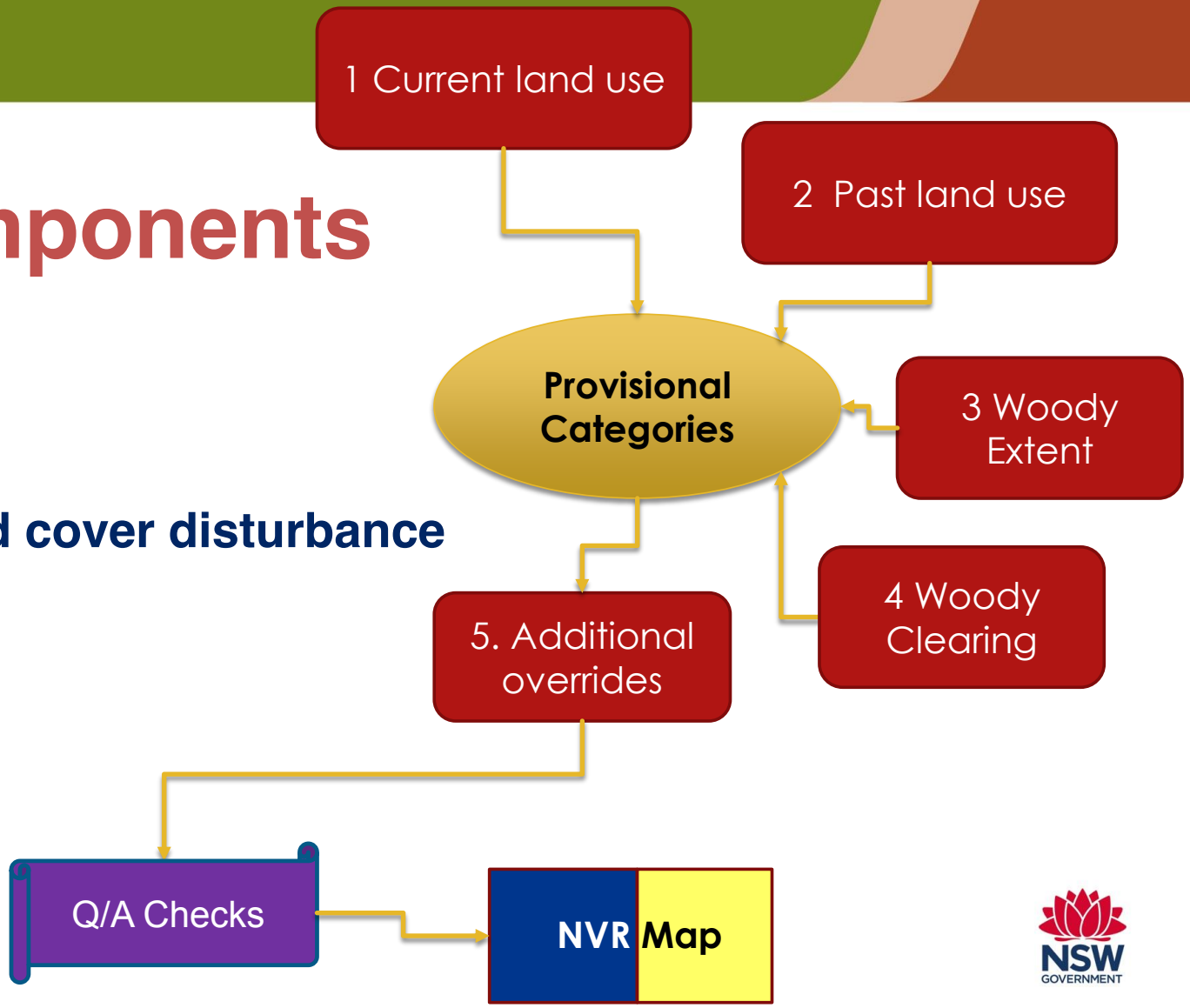
EXCLUDED LAND (Grey)
- where clearing regulations under Part 5A of LLS Act do not apply (s60A)

CATEGORY 1 (Blue) - **EXEMPT LAND**
- where clearing of vegetation is not regulated under Part 5A of LLS Act (s60G)

CATEGORY 2 (Yellow) – **REGULATED LAND**
- where clearing of vegetation is regulated under Part 5A of LLS Act (s60H)
- Includes **Vulnerable Regulated Land** where clearing regulation is extended to dead or non-native vegetation (ss60E, 60H)

Five Major Components

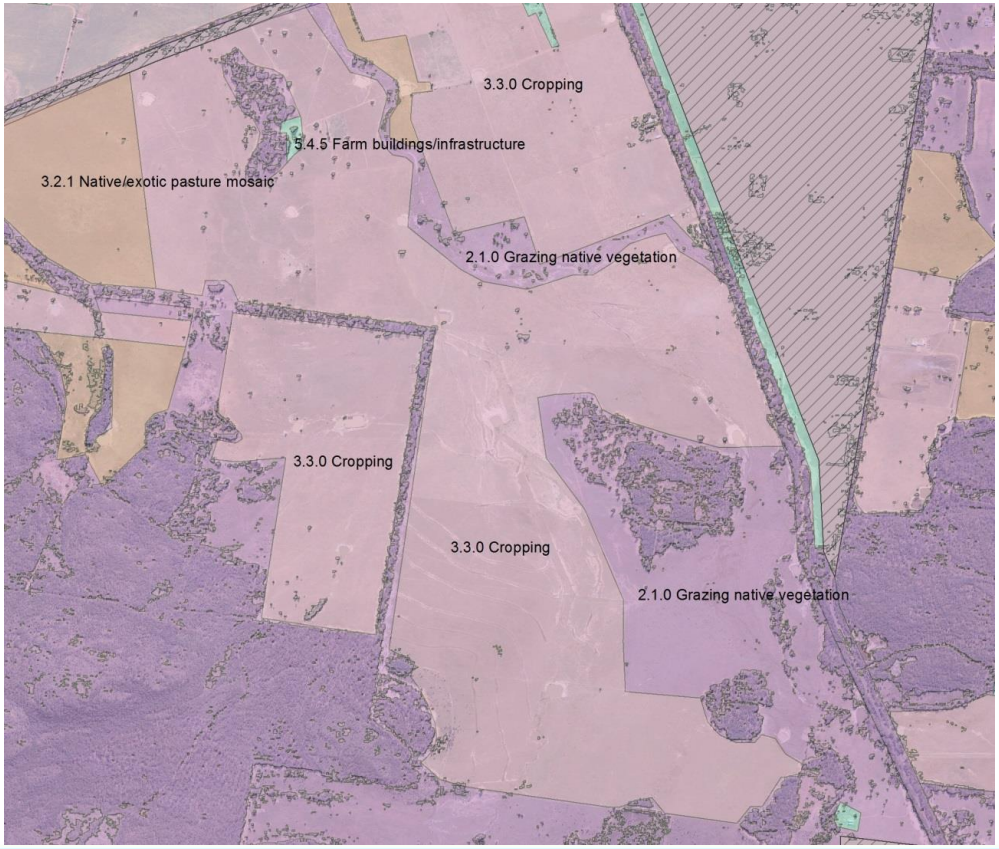
1. Contemporary land use
2. Historic land use and ground cover disturbance
3. Woody vegetation cover
4. Woody clearing history
5. Additional overrides

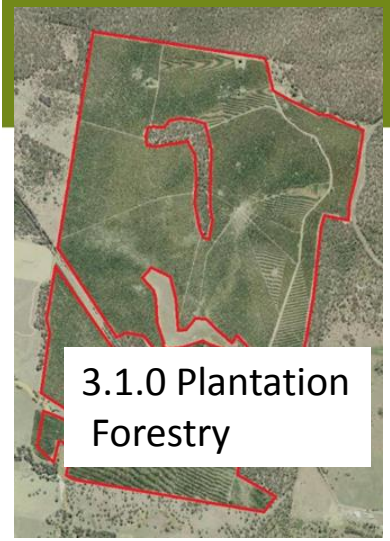


NSW GOVERNMENT

Component 1 – Contemporary land use

- Agricultural land use provides a strong indicator of where native vegetation has changed
- Image interpreters use visual signatures in recent aerial or satellite imagery to identify the current land use



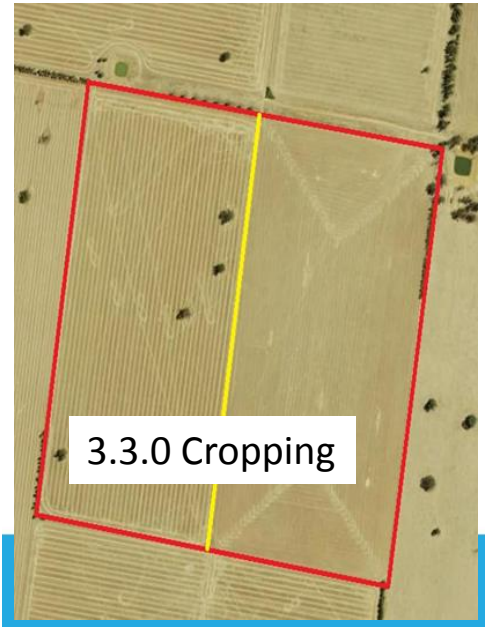


3.1.0 Plantation Forestry

3.4.0 Perennial Horticulture

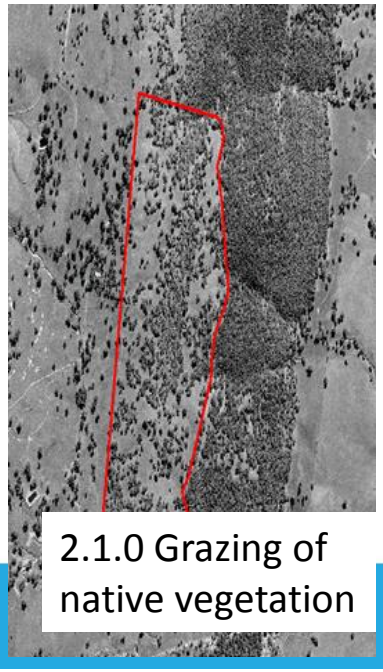
4.3.0 Irrigated Cropping

3.2.5 Sown Pastures



3.3.0 Cropping

4.2.0 Grazing irrigated modified pastures

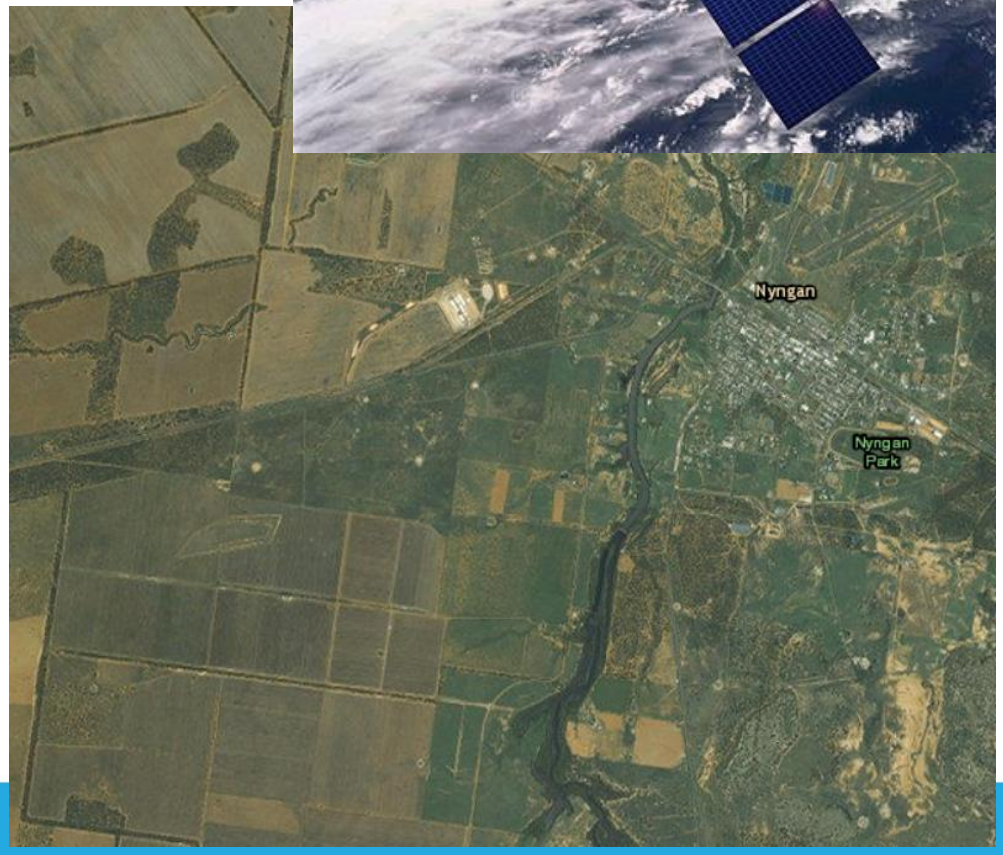


2.1.0 Grazing of native vegetation

3.2.0 Grazing of modified Pastures

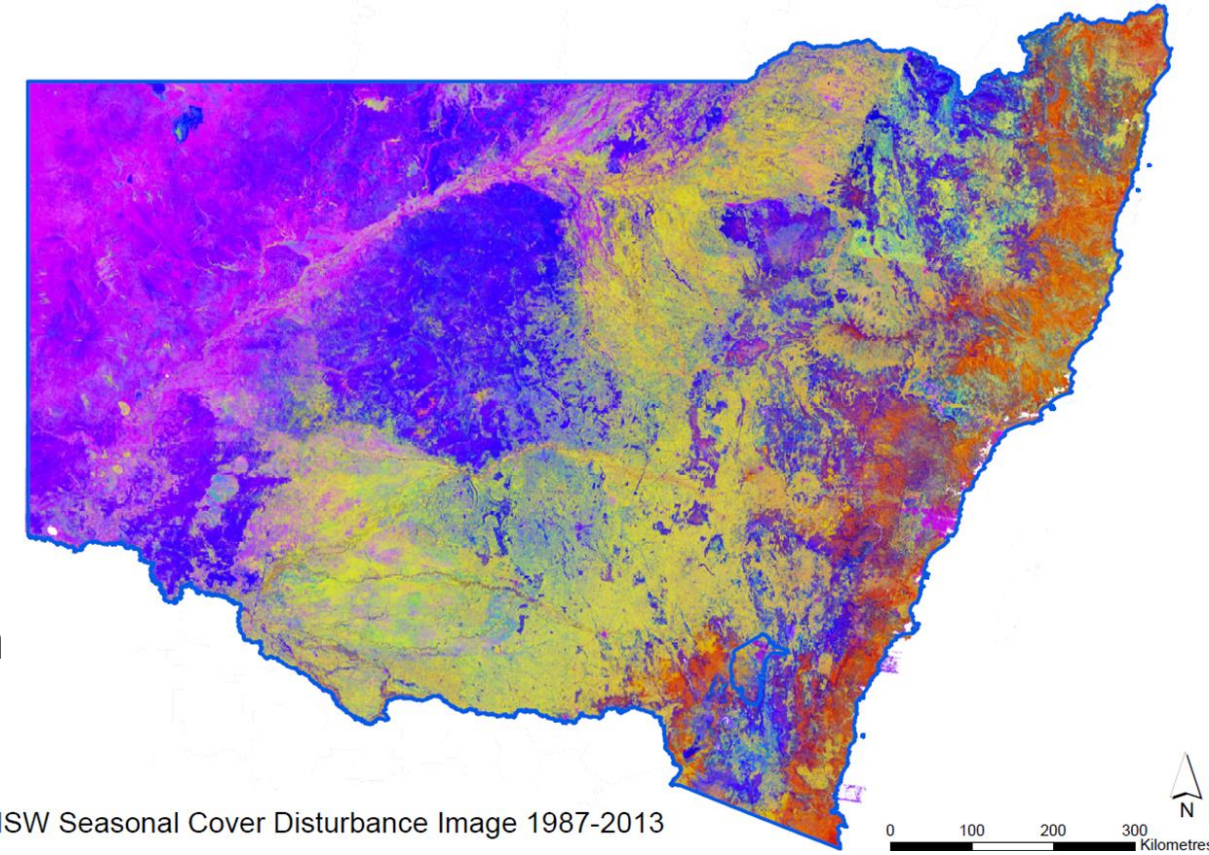
Component 2 - Historic land use and ground cover disturbance

- Low impact or episodic land use may not be visually distinct in current imagery.
- Manually reviewing the thousands of satellite or aerial imagery since 1990 for every part of NSW would take decades.
- Needed a smarter way of finding where vegetation change has occurred since 1990 especially groundcover.



Seasonal Cover Disturbance Image

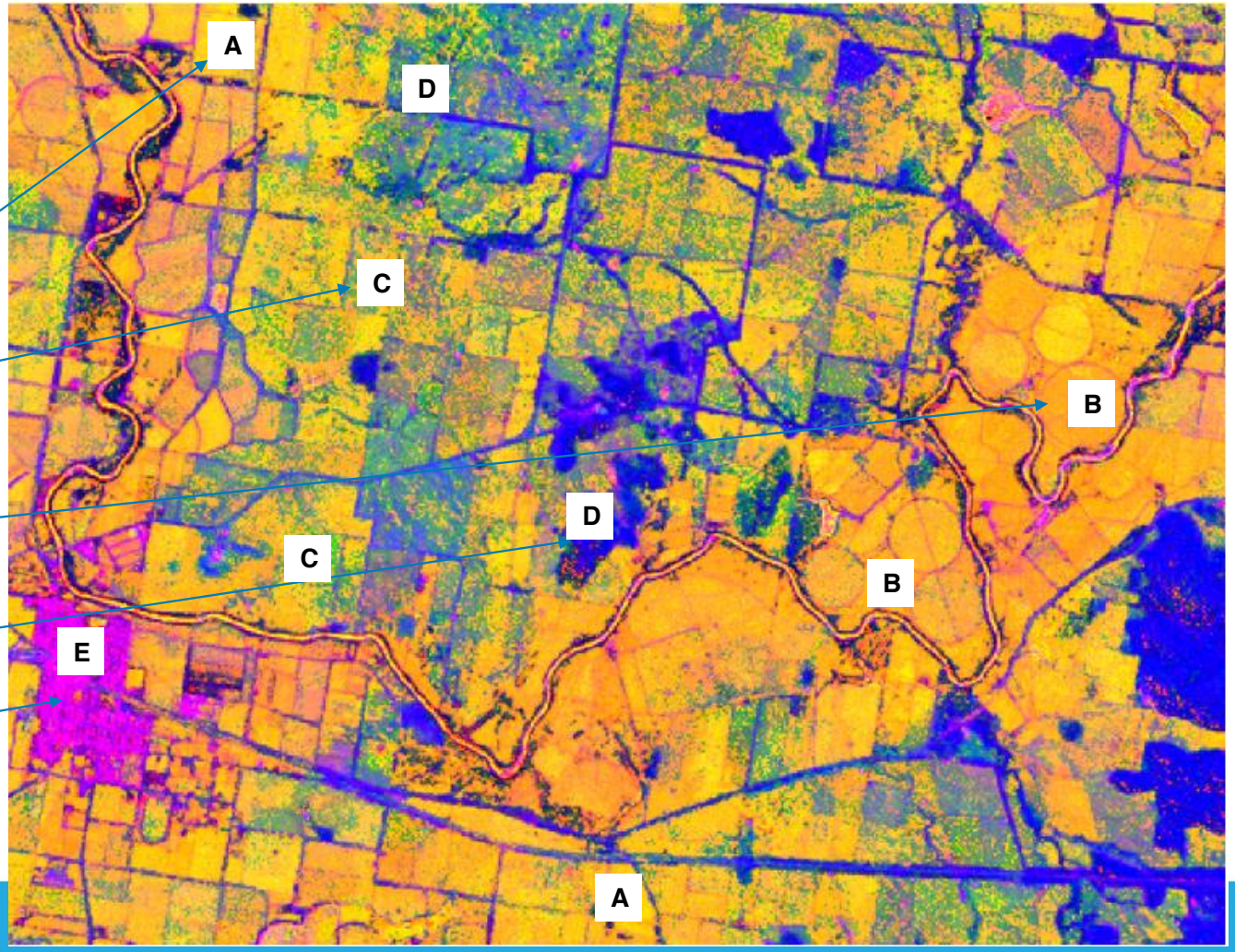
- Completely new product for NSW
  - developed specifically for the reforms
- Uses entire archive of LANDSAT
  - every scene captured for NSW since 1988
- Uses changes in the relative proportion of vegetation cover and its greenness across seasons
- Innovative use of a long sequence imagery dataset



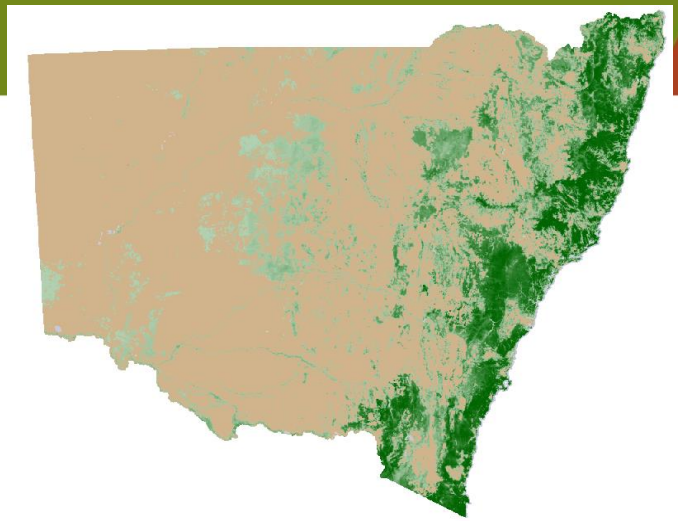
NSW Seasonal Cover Disturbance Image 1987-2013

Seasonal Cover Disturbance Image

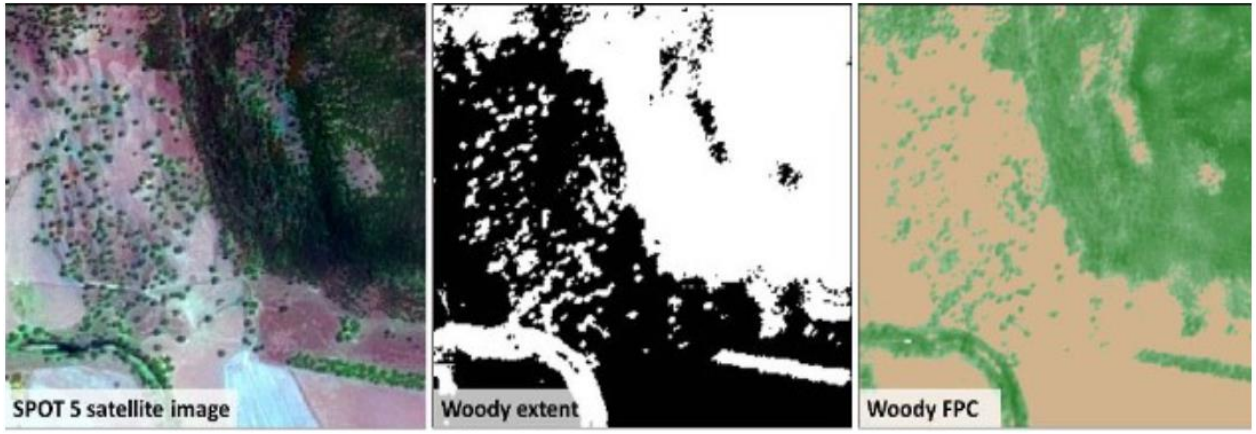
- Yellow (A) – typically crop or improved pasture
- Yellow/green (C) - sometimes crop but requires additional confirmation by API specialist
- Orange/red (B) – typically crop, improved pasture or woody vegetation
- Dark blue (D) - is usually native pasture or woody vegetation or a combination of both.
- Pink and purple (E) - is often associated with urban, industrial and rangeland areas



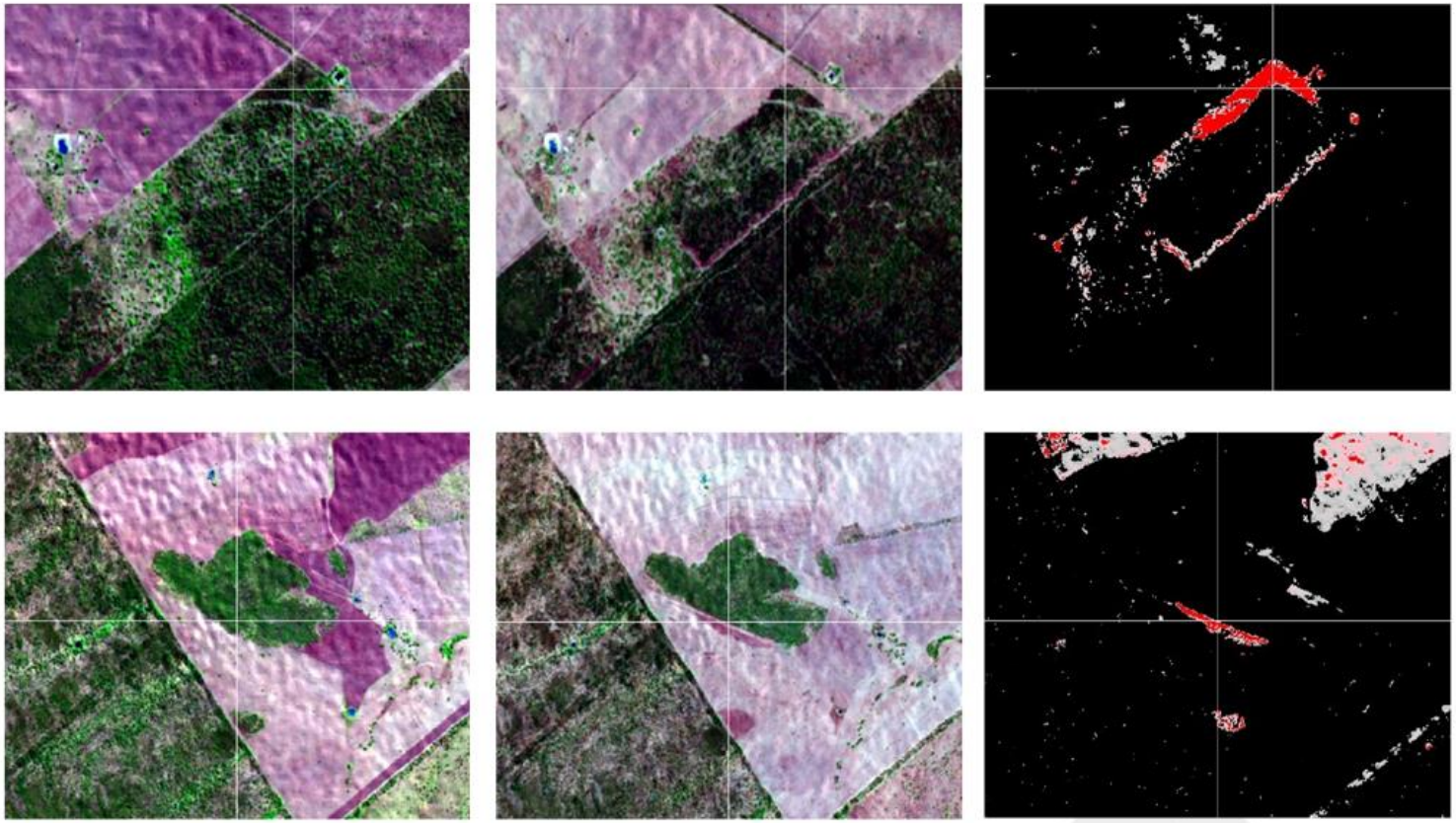
Component 3 - Woody Vegetation Cover



- Defines woody vegetation extent as at June 2013
- Produced from SPOT5 satellite - 5x5m pixels
- Trees over 2 metres high
- Includes large paddock trees



Component 4 - Woody Clearing history



Pre event scene | Post event scene | Change index

- Annual State Land and Tree Cover monitoring program (SLATS)
- Landsat based 1990-2009
- Since 2009 has used SPOT5 imagery
- Likely reason for clearing is assigned to grid cells (pixels)
- Lawful clearing becomes Category 1 – Exempt land
- Known approvals and notifications will be checked against most recent available imagery

Component 5 – Additional requirements

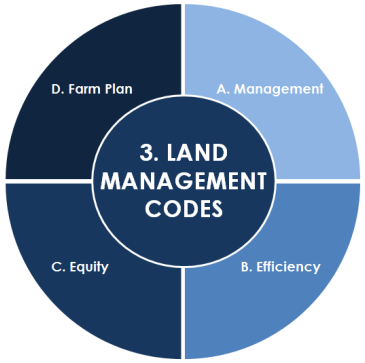
Rural land that has clearing restrictions or approvals through other mechanisms (LLS Act ss60G and 60H)

- Proven unlawful clearing and/or remediation orders
- Vulnerable (regulated) land
  - Steep and highly erodible land
  - Riparian (within 20 m bed or banks)
- Designated areas for offsets & conservation agreements
- Property Vegetation Plans
- Public funded vegetation establishment
- State Environmental Plan Policies
  - Littoral Rainforest SEPP26
  - Coastal Wetlands SEPP14
  - Koala Habitat SEPP44 (core habitat)
- RAMSAR wetlands
- Mapped Critically Endangered Ecological Communities and Plants
- DPI Mapped mangroves or saltmarsh
- Biocertification

Simplifying Land Management

1. NATIVE VEGETATION REGULATORY MAP

2. ALLOWABLE ACTIVITIES



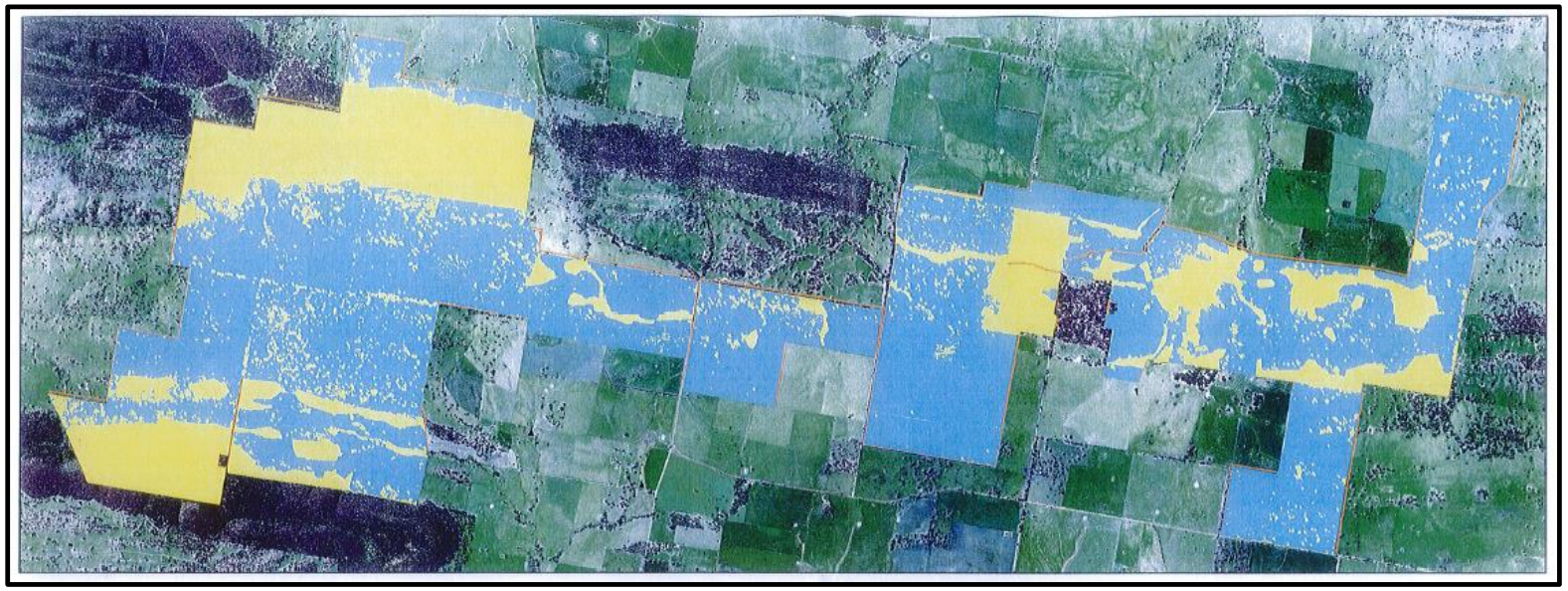
4. LLS CLEARING APPROVAL

LOCAL LAND SERVICES LAND MANAGEMENT FRAMEWORK

Sustain. Invest. Protect.

1

Native Vegetation Regulatory Map



BLUE = UNREGULATED LAND

YELLOW = REGULATED LAND

2

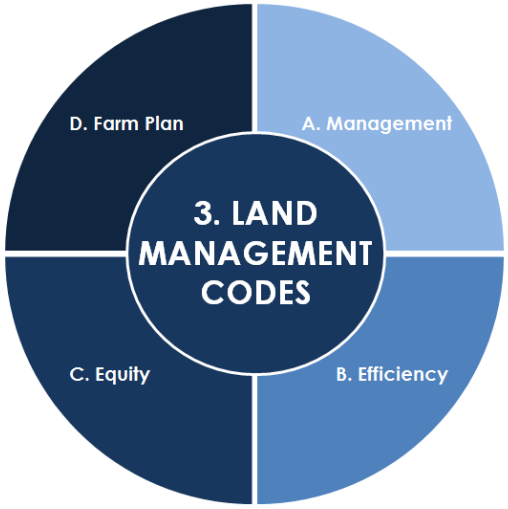
Allowable Activities

Incidental clearing for routine rural land management

General	• Timber harvesting, firebreaks, sustainable grazing
Linear infrastructure	• Fences, roads, irrigation channels
Fixed Point Infrastructure	• Dams, sheds, stockyards, windmills

3

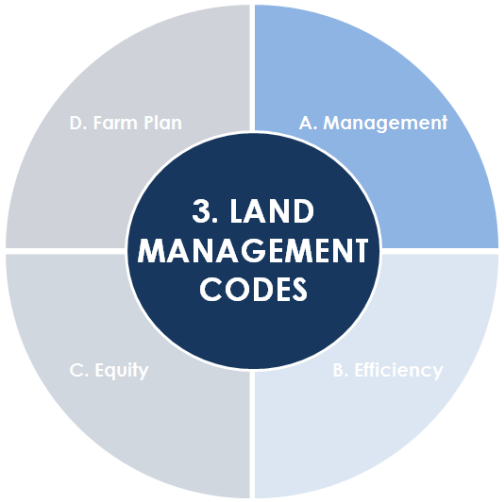
Land Management Codes



- Flexible, scalable framework allowing more efficient and productive use land
- Notification / certification and self-assessment
- Set-aside requirements
- Protections for threatened communities

3A

Management Codes

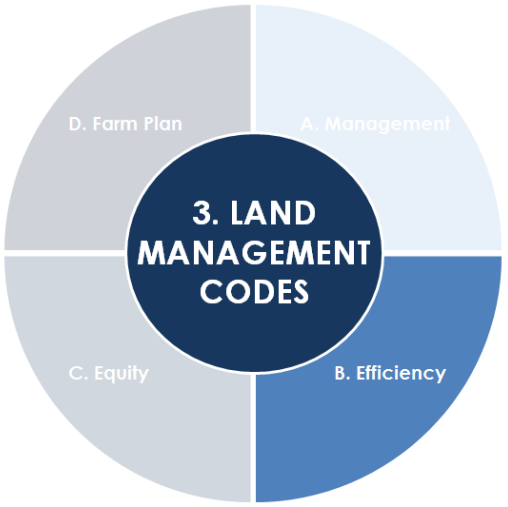


Low risk, low impact day-to-day management of native vegetation

- Thinning vegetation – lower densities
- Managing invasive native species – more species, more regional specificity
- Harvesting vegetation for stock fodder

3B

Efficiency Codes



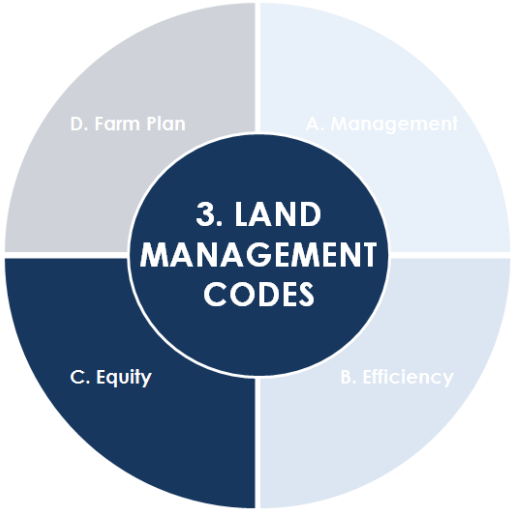
Clearing vegetation to enable more productive existing agricultural activities

1. **Cropping** – paddock trees, islands and peninsulas in cultivation
2. **Grazing** – removing woody vegetation to promote ground cover including regrowth in pastures
3. **System** – small areas to enable easier management and movement of stock and equipment

Restricted to two percent of yellow land (aggregate)

3C

Equity Code

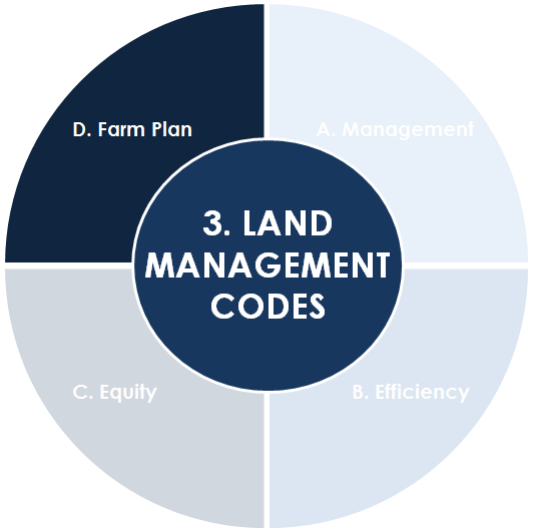


Allows landowners more choice in how they manage their land, in exchange for managing land for biodiversity

- Lower set-aside ratio for properties with more yellow-mapped land
- Rate cap – generally 25% of maximum permitted clearing in any three years

3D

Farm Plan Code



Allows yellow land to be cleared in exchange for revegetating blue land

- Up to 25% of unencumbered yellow land may be ‘redistributed’
- Rewards landholders for revegetating previously cleared land

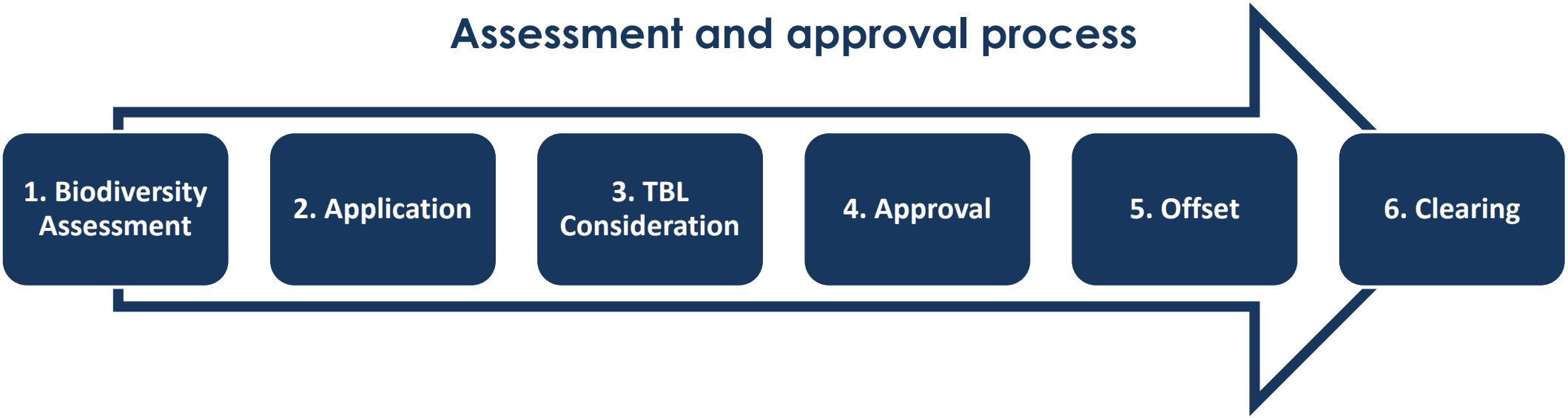
4

LLS Biodiversity Assessment

Triple bottom line assessment of clearing applications with biodiversity offsets

- Reflects to planning system DA, where consent not required for intended land use

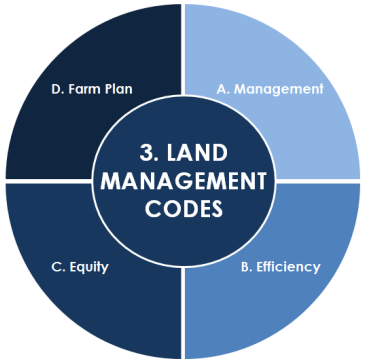
Assessment and approval process



Simplifying Land Management

1. NATIVE VEGETATION REGULATORY MAP

2. ALLOWABLE ACTIVITIES



4. LLS CLEARING APPROVAL

LOCAL LAND SERVICES LAND MANAGEMENT FRAMEWORK

Sustain. Invest. Protect.

Q & A

Sustain. Invest. Protect.

A new approach to land management and biodiversity conservation in NSW

NSW GOVERNMENT

Next Steps - Have your Say

You are invited to submit your feedback on the proposed biodiversity conservation reform package.

https://www.landmanagement.nsw.gov.au/have-your-say/

- Draft Biodiversity Conservation Bill
- Draft Local Land Services Amendment Bill

The submission guides provide detailed information for members of the public to provide constructive feedback. The guides contain specific consultation questions that can help to inform the development of the reforms.

- Simplifying Land Management submission guide
- Native Vegetation Regulatory Map submission guide
- Ecologically Sustainable Development submission guide
- Protecting Native Plants and Animals submission guide
- Private Land Conservation submission guide

The public consultation period ends on 28 June 2016 at 5pm.

Thank you

Sustain. Invest. Protect.

A new approach to land management and biodiversity conservation in NSW

NSW GOVERNMENT