

Collective comments from the Landcare NSW Biodiversity Reform Workshops



Landcare NSW Inc
PO Box 2069 Armidale NSW 2350

Many Hands, One Voice

Executive Summary

Landcare NSW, through the support of the NSW Environmental Trust delivered a series of eight workshops across NSW during the submission phase of the NSW Biodiversity Reforms. The workshops aimed to engage the Landcare community in the reforms process through showcasing Landcare biodiversity project outcomes, provision of information about the draft reforms from different sectors and identification of opportunities for Landcare members to participate in the reforms.

The workshops were attended by a total of 290 people. Participants included a mix of Landcarers, agency representatives, farmers, community and local government participation. An additional 157 participants were logged on for the OEH webinar, totalling 447 participants.

Landcare NSW provided a confidential submission to the reform process, focused on the opportunities identified by Landcare NSW to participate in and contribute to the reform process and simultaneously contribute to a sustainable long term funding platform for Landcare NSW.

Landcare NSW did not attempt to address or adopt a position on the specific and technical aspects of the proposed land management and conservation reforms, however Landcare NSW has encouraged Landcare groups and its individual members to provide their own submissions to the current consultation process, to ensure that the full range of views, as held by Landcarers, were represented.

Reflecting this approach, this report does not attempt to address the merits of the reforms, but instead provide a snap shot of the key issues and comments raised at more than one of the workshops. Throughout the workshops Landcarers also identified a number of omissions from the current process and opportunities to improve the reforms.

The biodiversity reforms are a complex suite of proposed changes to current legislation. It was noted that for many participants that the workshops were their first exposure to the reforms. While the www.landmanagement.nsw.gov.au website was circulated through the Landcare networks prior to the workshops most participants had not viewed it, and were searching for information.

Nonetheless, a number of consistent themes were raised during the workshops.

These included:

- the need to recognise and build on the efforts previously undertaken by Landcare and government agencies to improve the condition and extent of landscape biodiversity,
- the importance of utilising sub catchment and catchment planning models to maximise outcomes,
- that it is essential that biodiversity management incorporates an integrated education and extension component, and
- that resourcing should be aimed at utilising and increasing the capacity of existing networks such as Landcare and LLS rather than creating a new entity.

Landcare has long promoted that biodiversity and production are not exclusive but rather one supports the other and hope that the biodiversity reforms continue to support this message through legislation, information and on-ground outcomes.



Rob Dulhunty
Chair Landcare NSW Inc

Introduction & Overview

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The workshops were attended by a total of 290 people. Participants included a mix of Landcarers, agency representatives, farmers, community and local government participation. An additional 157 participants were logged on for the OEH webinar, totalling 447 participants.

Landcare operates via a collaborative model and encourages community participation to meet community needs, as such each workshop reflected the nature of each region. In some areas showcasing biodiversity projects was a higher priority than in others where details of the reforms took precedent.

In order to accommodate the differing needs of each region and to ensure consistency in the information presented Landcare NSW invited the following key organisations to participate in all workshops:

- Local Lands Services/OEH
- NSW Farmers
- Environmental Defenders Office or Nature Conservation Council

Each workshop provided information through a similar platform of short presentations by each organization followed by a panel of speakers where questions were taken from the floor. Feedback was collected through a range of methods including small group discussion, collective comments, questions and feedback sheets.

The Office of Environment and Heritage were invited and encouraged to speak about the reforms at all workshops however due to insufficient staff and resourcing they were unable to participate. Instead OEH provided an exclusive webinar for Landcare, a synthesis of the targeted workshop series presented across NSW. The webinar was appreciated and well received by Landcarers.

Participants were able to ask presenters questions, discuss collectively the reforms and a future role for Landcare and provide feedback through comments in both the workshop and via feedback sheets.

It was noted that for many participants this was their first exposure to the reforms. While the www.landmanagement.nsw.gov.au website was circulated through the Landcare networks prior to the workshops most participants had not viewed it, and were searching for information

These questions and the feedback received form the basis of this report. Rather than addressing the merits of the reforms this report provides a snap shot of the key issues and comments raised at **more than one** of the workshops. The most common issues raised by Landcarers have been collated and represented in Table 1, and expanded upon in the body of the report.

Landcarers also felt that there were a number of missed opportunities and omissions in the draft reforms. These have been collated and are provided for consideration by the reform process, as inclusion of these points may encourage greater support for the biodiversity reforms as a package.

Summary of the key issues raised

| Issue | | Workshop Location | | | | | | | |
|--|---|-------------------|---------------|-----------------|-------------------|------------------|------------------|-----------------|----------------|
| | | <i>Sydney</i> | <i>Orange</i> | <i>Narrabri</i> | <i>Glen Innes</i> | <i>Newcastle</i> | <i>Braidwood</i> | <i>Tarcutta</i> | <i>Grafton</i> |
| The Biodiversity Reform Process | | | | | | | | | |
| 1.1. | Planning and NRM laws lack of equity re mining and development and conservation laws, Federal and State laws | 1 | 1 | 2 | 1 | | 6 | 1 | |
| 1.2. | Lack of informed consultation | 1 | | 2 | 1 | 1 | 1 | 1 | 1 |
| Simplifying Land Management | | | | | | | | | |
| 2.1. | Loss of paddock/mature trees | 3 | 1 | | | 1 | 7 | 2 | |
| 2.2. | Lack of detail in maps/need ground truthing | | 1 | 3 | 5 | 2 | 6 | | |
| 2.3. | Connectivity between areas will be reduced | 1 | | 1 | 1 | 1 | 1 | 2 | |
| 2.4. | Codes of practice/self assessment - query details | 2 | 1 | 1 | 1 | | 5 | | |
| Implementation | | | | | | | | | |
| 3.1 | Responsibilities and Resourcing - BCT - another agency? | | | | 1 | | | | |
| 3.2 | No staff to implement new reforms | 4 | | | | | 7 | 2 | |
| 3.3 | Regulation/compliance unclear | 3 | | 3 | | | 5 | 2 | |
| Biodiversity Conservation Trust | | | | | | | | | |
| 4.1. | Investment Strategy <ul style="list-style-type: none"> Sub-catchment planning focus Stewardship payments Uncertainty re perpetuity | 2 | 2 | | | 2 | 1 | 2 | |
| 4.2 | Offsets <ul style="list-style-type: none"> Concerns and scepticism not "like for like" can be purchased | 6 | 1 | 1 | 2 | 5 | 6 | 2 | |
| 4.3 | The role of Landcare <ul style="list-style-type: none"> Strong support for a Landcare role Concerns regarding funding sources | | | | | 2 | 2 | 1 | |

Table 1: Frequency of key issues raised during the biodiversity reform workshops

Details of the issues raised

1. The Biodiversity Reform Process

1.1 Planning and Natural Resource Management Laws

During the workshops concern was repeatedly raised that there is an inconsistency between current NSW planning laws and laws proposed by the reforms. Initially, the reforms appear to promote development (through clearing) over biodiversity conservation. It was considered by many that this was contrary to the concept of Ecologically Sustainable Development (ESD). Secondly, biodiversity conservation laws are overruled by mining and potentially large developments. Thirdly, that there is a dichotomy of purpose between “Saving Our Species” programs and the new biodiversity reforms as reflected in the Biodiversity Conservation Bill (focus on threatened species and ecological communities), one supports a known threat to the other.

Landcarers were easily able to identify this disjuncture and felt that biodiversity reform should provide an opportunity to alleviate conflicts not pose more. The NSW government should internally review inconsistencies with the relevant NSW Planning, Threatened spp. and Federal EPBC Acts as well as undertake discussions with the Commonwealth.

1.2 Lack of informed consultation

A consistent theme throughout the workshops was that there had been a lack of community consultation regarding such a significant change in legislation (2 Bills). Some participants had to travel significant distances to attend “Information Stalls” where no presentations were made. Participants felt this undermined government and community partnerships and was an inadequate form of consultation.

Some participants expressed frustration during the workshops as they would have liked to hear more about the biodiversity components of the reforms but without OEH participation this was not possible. Participants agreed that the reforms were complex and included a large amount of material that was difficult for the layperson to digest. This was complicated further through the use of specific terminology.

Additionally, the reforms were portrayed as a “package” and in order to see all of the advantages the collective package needed to be reviewed. It is in this area that the community consultation fell short. The Landcare NSW workshops did their best to portray a balanced view of the reforms, but with such a complex reform and limited specialized staff available from agencies, the ability for the community to understand the bigger picture was restricted. This was further hampered by only partial disclosure of the detailed components of the reforms, including maps, codes of practice, the Biodiversity Investment Strategy, implementation procedures and compliance arrangements and responsibilities.

Landcare NSW recognises that it is difficult to provide well informed and equipped staff to present on these complex reforms especially with a “Cabinet in Confidence” process. However, as described previously the workshops were regionally focussed and provided an opportunity for regional OEH staff to develop networks with community members. In many cases, regional OEH staff are likely to be the initial contact point for the community. In a number of areas this was not possible and as such was a lost opportunity to establish these connections.

2. Simplifying land management

The biodiversity reform process announced a new approach to land management conservation in NSW, whereby the aim is to efficiently allow farmers to undertake legitimate land clearing and improve agricultural productivity. While there was overwhelming support to enable land management changes to be streamlined the land categories as described were of concern. The inability to verify “regulated land” without a map and the lack of detailed land management codes of practice undermined the intent of the reforms.

In the areas of NSW subject to the most development pressure, outer Sydney, Newcastle and the coastal strip, Landcarers felt that the reforms did not have biodiversity conservation as the primary goal.

“The emphasis of the reforms is upon reducing red tape, streamlining the development assessment process and then lastly and clearly not a priority biodiversity conservation. The reforms demonstrate that the objectives of biodiversity conservation are less important than facilitating development..... that is contrary to the principles of ESD”Sydney Workshop

2.1 Loss of paddock and mature trees

There was overwhelming consensus that the threat created by these reforms to paddock trees needs to be balanced to ensure that mature paddock trees cannot easily be cleared.

The Landcare movement has worked for nearly 30 years to conserve and rehabilitate isolated vegetation communities to further ensure the resilience of populations. Functional species population units are often found in islands of vegetation or mature trees. Thus the clearing of these areas is detrimental to the viability of vegetation populations and overall landscape resilience.

Landcarers were certain that these reforms would result in a net loss of paddock trees.

“ You can never match the biodiversity of old trees”... “there is no mention of the habitat value functions of paddock trees.” Orange Workshop

Some farmers were supportive of being able to clear paddock trees on their most productive land. Yet, fundamentally without maps it was impossible for participants to identify if their paddock trees were mapped as category 1 or 2 and therefore the likelihood of obtaining clearing permission. In addition the process for such approvals was unclear. It was also not clear how the economic cost of not clearing on highly productive land was to be assessed.

Landcarers identified that there was no education component for landholders to be able to draw on the research that highlighted the productivity benefits of paddock trees. This significant gap needs to be addressed as there is considerable material available. Complementing land management with good education is a foundation of Landcare.

2.2. Lack of detail regarding maps and the need for ground-truthing

There was collective frustration that farmers, Landcarers and the community could not clearly see how their property or properties that they have been working on would be mapped. While there was detailed information on how the mapping will be done, there was scepticism that there would be inconsistencies, outdated data used and simply wrong information used to produce these maps. Landcarers queried the fact that only the landowners could question the mapping.

*“Were there any provisions for ensuring that we don’t end up with huge areas cleared and equally huge areas of biodiversity offsets regionally or geographically remote from one another?”
Braidwood Workshop*

“Regrowth that has grown since 1990 can often be difficult to distinguish on satellite imagery from undisturbed vegetation, how is this issue going to be managed in defining regulated and unregulated areas?”.... Narrabri Workshop

Some Landcarers were concerned that the methodologies used to develop maps would not take into account transitional areas (areas of productive land moving from one enterprise to another or clearing regrowth) without ground-truthing. This did not appear in the reforms as a suggested methodology. A number of community members commented on the flaws of using remote sensing in terms of the inability to determine between different Australian native vegetation communities. Of particular concern was the reliance on native vegetation mapping from satellites which have proven useful in detecting woody and non-woody vegetation but poor in delineating between different vegetation communities.

Landcarers were also concerned that remote sensing may be able to determine vegetation growth, but it will not determine vegetation condition or the origin of re-vegetation projects. The requirement to monitor the condition of vegetation seems to be missing from the reforms and the incorporation of ground-truthing needs to be reviewed.

Additionally Landcarers feel that there is not enough information provided about public funded re-vegetation projects to ensure that previous government funding will not inadvertently limit opportunities regarding stewardship payments and private land conservation funding. There was obvious concern that those Landcarers who have re-vegetated areas utilising funding and their volunteer labour may be locked out of using their biodiversity assets as offsets OR negate stewardship payments. These concerns need to be addressed and made clearer in the reforms.

2.3 How will connectivity be encouraged?

Landcare groups across NSW have considerable experience and have developed expertise in biodiversity management. This expertise is supported through public funded scientific trails throughout NSW in areas such as managing remnants for biodiversity outcomes. Landcarers overwhelming support the concept of vegetation corridors and landscape connectivity. This is a fundamental principle of Landcare’s sub-catchment and cross property planning model. Landcarers have learnt that managing water courses and riparian areas has a resulting effect on weed management, that creating corridors for local fauna enhances species survival, genetic diversity and biodiversity. They also understand that feral animals, invasive weeds and threats to biodiversity are on-going management issues for farmers. Landcare’s approach has been to work collectively across property boundaries to identify, implement and manage vegetation corridors. With this level of understanding by the vast Landcare movement throughout NSW, creating reforms that undermine connectivity, enable clearing of vegetation islands/peninsulas, and simply ignore regional, cross catchment and cross property planning as initiatives to achieve good biodiversity outcomes are fundamentally flawed and do not take full advantage of Landcare’s past activities.

For over 25 years Landcare has been directing investment on the ground and has been developing partnerships with people throughout the State. Policy makers need to recognise that Landcare, Local Land Services and the previous Catchment Management Authorities have been working to achieve connectivity at a regional level for many years. This information must be incorporated into the selection and prioritisation of areas.

*“How will the Biodiversity Conservation Trust learn from 25 years of history of investment in vegetation and biodiversity and work at a landscape scale and work to leverage investment?”
....Glen Innes Workshop*

The reforms also seem to promote investment in High Conservation Value (HCV) areas, but the details surrounding connectivity is not clear. Additionally Landcarers noted that HCV areas did not generate as many credits as degraded land, weakening the new reforms focus on HCV.

“How will connectivity be encouraged, maintained and supported?” Tarcutta Workshop

“I am greatly concerned that connectivity between natural areas will be reduced, fragmentation and thereby loss of species will be increased.” Sydney Workshop

The issue of climate change has been given scant attention in the reforms. Points raised by Landcarers recognise that species will be impacted by climate change. Some populations are already degraded and the work of population reconstruction will be severely undermined if further clearing is enabled. Simply, loss of population genetic diversity undermines population resilience. The solution proposed in the reforms to encourage biodiversity through private land conservation may create additional problems. For example, funding for private land conservation may set up an exclusive market, negating the Landcare relationship within the community. This will limit long term biodiversity outcomes.

2.4 Land management codes of practice - self assessment

There was robust discussion about the land management codes. Participants were frustrated that the codes of practice had not been released in detail, thus nurturing the “death by a thousand cuts” concept at the local scale. It is impossible to consider the “whole package” of reforms, when the details are not available. Consistently parallels were drawn between the NSW reforms and the recently relaxed clearing laws in Queensland.

“How can we guarantee what happens in NSW is not the same as in QLD with a rise in greenhouse gas emissions and significant clearing?”....Braidwood Workshop

There were a number of views regarding the self-assessment codes, these included:

Aligning assessment with risk principle was generally supported, the higher the risk, the greater compliance and less reliance on self-assessment. Landcarers agreed that accurate reporting was critical for self-assessment to be workable. In the draft legislation, reporting on specific levels of clearing and ecosystem condition appears to be minimal, monitoring on condition should form part of governments’ responsibility with these reforms.

In the urban areas and coastal fringes self-assessment codes were not necessarily welcomed, unless they were supported by an education campaign, extension service or some form of compliance check off.

There were logistical issues identified in terms of using the codes for assessment, notably technology and internet access. To be able to self-assess you need to access the regulated map and associates codes of practice. In regional areas of NSW, internet speeds and access can be restricted and unreliable making self-assessment using downloadable maps problematic. This issue can also be self-perpetuating as individuals who have a lack of experience with technology are unlikely to readily adopt technology based resources. An additional concern is the unclear timeframe for NBN rollout.

“A commitment is needed from the NSW government to fund field officers to help farmers manage their land, not allow self-assessment that will unleash ignorant land clearing...”

“The new legislation will divide NSW by putting urban people and farmers against minority farmers who will not abide by legislation.....” Sydney Workshop

“The increase in self-management around land clearing will always increase land clearing at the expense of biodiversity”.... Newcastle Workshop

Landcarers highlighted that there are a lot of new landholders that may not be familiar with the aspects of land management. As more people from city and urban areas purchase blocks of land there may be a knowledge gap in areas such as weed identification, vegetation management etc, this may reduce the ability of individuals to use self-assessment codes correctly.

In general, self-assessment codes may be difficult for farmers to utilise especially in identifying some plant communities. While LLS discussed the provision of training to use the self-assessment codes there may be limited uptake of this training as some people may feel it is against self-interest. Self-assessment was queried in terms of its accuracy and equity in being a solid management tool for land clearing. This was also a strongly emotive topic for the community.

Landcarers were in support of the government’s commitment to support education and training regarding the use of the self-assessment codes. Education and training was repeatedly identified as an area that Landcare could partner with agencies to maximise the effectiveness and relevance of extension activities.

Clearing under the codes as described can occur periodically. Landcarers raised concerns regarding this as there may be no upper limit to incremental land clearing using the codes, this may lead to significant ecosystem loss.

“ Self-assessment of large areas of private land could devalue the revegetation efforts of landcare groups. The removal of small remnants are disastrous for much biodiversity”Braidwood Workshop

The Landcare community noted that for those farmers/landholders who wish to pursue clearing through the Biodiversity Assessment Method (BAM), then they would be required to use accredited experts at their own cost. This is a shift from current arrangements with PVP’s where LLS assesses the vegetation communities.

3. Implementation

There were a number of independent yet connected points raised during the workshops in regard to implementation. Points highlighted included; the need to acknowledge Landcare’s role and utilise existing frameworks rather than missing opportunities through bureaucracy, assessing the capacity of the existing agencies to implement (skills set and numbers) and the overall lack of detail regarding compliance responsibilities.

3.1. Responsibilities and Resourcing - Biodiversity Conservation Trust - another agency?

There were queries about the roles and responsibilities of the Biodiversity Conservation Trust - the creation of another agency or another level of bureaucracy was seen as a negative step that was not warranted. Numerous suggestions about resourcing LLS to undertake further jobs and utilising the large

and strong Landcare networks were recorded. It was feared that without detail regarding the structure of the Biodiversity Conservation Trust (BCT) and who would be undertaking compliance a new organization may evolve. While it is understood that the Biodiversity Conservation Trust will work with partners to manage its portfolio there was no understanding of the extent it will rely on partnership organisations.

A number of questions were recorded at the workshops....

“Will the BCT be working with LLS in its existing role?”

“Will LLS be provided with additional resources to assist with offset management and compliance?”

“There needs to be a skill set that is brought into LLS to do this work”

“What is the capacity of the existing NSW agencies for implementation – this is not clear in the new reforms”.

3.2 Specialised staffing

The workshops identified that LLS lacks staff, especially staff with community development skills. At present LLS staff are **limited** in their time to talk to individual farmers. The reforms concentrate on private land conservation on individual farms this is inconsistent with current LLS staff skills and organisation priorities. Working with the community requires a skill set of not only extension services but also people management. Building trust, rapport and confidence with the community takes considerable time this is a conflict with currently overstretched LLS staff priorities.

It is suggested that the reform team investigate the specific skills of extension staff required to achieve good biodiversity outcomes. The reform team should also consider the current lack of these skills within government agencies and the time that is required to develop these skills to achieve the most from their biodiversity initiatives.

“Landcare’s experience has established that achieving good biodiversity outcomes is about dealing with people”.....

“There is a strong Landcare role in helping deliver the Private Land Conservation component, however it is not resourced to do this now.”..... Tarcutta Workshop

It is clear that Landcare groups have considerable expertise in the interface between community, government and the environment. The desire for Landcare’s role to be acknowledged and potentially enhanced to support biodiversity outcomes was evident throughout the State.

3.3 Compliance

Despite the ethos of Landcare as a collaborative model, Landcarers were concerned about market driven solutions not reinforcing the biodiversity benefits for communities. The reforms seem to apply a business model in developing a biodiversity market that may limit long term outcomes as it does not create ownership of both problems and solutions. In this context Landcare groups were concerned that economic decisions may outweigh conservation and wanted to be assured that a compliance process would provide the structure around potential extremes.

“It appears that compliance is not defined or clarified this needs to happen and should consider all aspects of the reforms and the skills of agency implementation.”

In short Landcarers recognized that self-assessment may need some form of compliance support, this is not currently articulated in the draft reforms. The links between biodiversity certification and accredited assessors also needs to consider a compliance component.

“Who assesses the assessors?”

4. Biodiversity Conservation Trust

Landcarers immediately identified parallels between the Biodiversity Conservation Trust and their conservation work and required clarification of non-duplication of roles. Unfortunately, the details regarding the Biodiversity Conservation Trust were not elaborate enough to allay all concerns. Ultimately Landcarers of NSW would welcome opportunities to discuss the operational structure of the Biodiversity Conservation Trust and how they could collaborate through partnership arrangements. Landcarers were very vocal about further resourcing existing agencies and organisations to undertake additional roles as opposed to developing new agencies.

The following issues were raised at the workshops....

- The Biodiversity Conservation Investment strategy should build upon Landcare’s cross property and sub catchment planning initiatives.
- Overwhelming support expressed for stewardship payments, recognition of the biodiversity role of farmers plus the social benefits of farming however concern was raised over the market based inducement in an untried market.
- Offsets – Biodiversity credits, how they are calculated, options for conversion and payments and set-asides.

4.1 Investment Strategy

4.1.1 Biodiversity Conservation Investment Strategy – Landcare sub catchment planning focus

Landcare holds a collective view that working with natural geographic boundaries delivers better environmental outcomes. For over 25 years Landcare groups have formed as neighbouring properties tackle similar issues. These groups have pooled their resources and begun to look at the land from the catchment and sub catchment level. Years of previous governments investment has gone into property planning, sub catchment planning and catchment planning. In many cases these more detailed regional plans identify high conservation value areas, connectivity corridors, reflect where the local community see their priorities (social component) and outline the process to achieve implementation through Landcare groups plus avenues for both Commonwealth and State funding support. It is distressing to many Landcarers that this type of work is not mentioned nor is it valued in terms of the new reform arrangements.

Landcare NSW and Landcare group members have identified that this type of sub catchment planning should be the basis for the Biodiversity Conservation Investment Strategy. The reforms need to look at how to utilize cross catchment and sub catchment initiatives for improved biodiversity outcomes.

There were consistent concerns raised that:

"The biodiversity priorities would be set outside of Landcares work. If this is the result then Landcare nominating priorities may be at risk".... Tarcutta Workshop

"Has anyone thought to ask the 60,000 Landcarers if they will stay in Landcare and watch the government bring down a bill that will negate so many of their efforts or will they down tools...."
Braidwood Workshop

4.1.2 Stewardship payments

Both positive and negative comments were received regarding stewardship payments, these are discussed below.

Positives

Overall the initiative of the government in the provision of stewardship payments was warmly welcomed. These sections of the reforms are seen to deliver the following immediate benefits and opportunities:

- Stewardship payments could be seen as an alternate to clearing land for production
- Farmers are acknowledged for managing land for biodiversity as well as production
- An opportunity to further document research on the benefits of maintaining native vegetation on farm and maintaining or improving biodiversity
- Calculation of stewardships could be useful in providing the conservation value of land in farming, which is currently not well recognized by the financial sector/banks

...There is a lot of social benefit provided by Farmers so compensating them is a good way to incentivize farmers to protect biodiversity".... Sydney Workshop

Negatives

It is feared that the development of a trade in biodiversity will have an impact on the relationship between farmers, environmentalists and the broader community. The Biodiversity Conservation Trust appears to want to deliver through a market based instrument which will pitch individuals against one another. This puts group projects in jeopardy as they may not be as attractive to fund, therefore potentially having a major effect on landscape biodiversity outcomes. If there are biodiversity priorities selected outside of Landcares activities, then these biodiversity reforms could undermine the group Landcare process, forfeiting years of collaborative projects and on-ground outcomes. This will not be a good outcome for NSW.

There was a common concern that the new Biodiversity Conservation Trust would be investing in buying outputs. Landcare has proven that biodiversity investment through community based approaches where the community own the problems and identify the solutions at a regional landscape scale is a better government investment option as it will produce enduring outcomes. Fundamentally individual landholders are part of a community. Landcare NSW can provide examples of projects where the use of market based instruments pitted landholders against one another leading to poor long term outcomes. The new reforms seem to be market driven, and the benefits for communities are not clearly articulated.

“By adopting a collaborative approach the community trust is maintained and Landcare continues to be the hub of the relationship.”Orange Workshop

In general Landcarers expressed concern that \$240 million for private land conservation was inadequate compared to other areas of government spending.

“The proposed reforms swing the pendulum back too far, it does not recognize the clear links between biodiversity and production”.

The Landcare workshops also raised the point of transitional arrangements.

It was suggested that:

“A transitional approach to Private Land Conservation agreements may facilitate better uptake and better understanding from the community. “

Yet this was not discussed in the reforms, Landcarers know from experience, that a scale of approaches will be needed to suit our complex landscapes and communities.

4.1.3 Private Land Conservation in perpetuity

The faith of Landcarers *in perpetuity* biodiversity covenants was not strong. The issues of current conservation agreements and how they will transition to the new arrangements, was questioned.

“Will property owners with existing covenants be able to take these agreements across to the new arrangements at the same level”...

“Landcare could facilitate landholders to identify biodiversity value and then utilise the incentives to pursue conservation agreements...”Orange Workshop

4.2 Offsets

The concept of offsetting for biodiversity was vigorously discussed. There was no consensus about the use of offsetting as a major tool to manage biodiversity. In Landcare’s experience these mechanisms have been used before and have not resulted in long term biodiversity protection. The government needs to be aware of the scepticism of the community particularly in peri-urban areas where conservation offsets at a later time have been developed.

In all most all of the workshops the issue of *“Like for Like”* was raised. For offsets to be true it must be *Like for Like*. The flexibility of approach to offsets did not build confidence, the ability to look for offsets in other areas regardless of vegetation type and based upon BAM selection seemed inconsistent and would likely lead to offsets far removed from original areas. Additionally, if “developers” can pay into a fund for an offset then it is likely that the offsets will end up beyond the NSW great divide, offering little for development driven coastal, urban and peri-urban areas.

Offset comments included the following:

1. Offsets must be like for like
2. Offsets ratios need to be better explained and recalibrated to match biodiversity value – this doesn't seem to be the case
3. If no offset can be found then clearing should not go ahead
4. Offsets being purchased - weakens offsetting as a mechanism
5. Providing flexibility to look in other areas for offsets is poor science
6. Linking clearing to offsets on farm is a good initiative and it may deter some land clearing, however it must be backed by legislation and compliance
7. Offsets need to be supported by strong legislation so they cannot be further developed
8. Concern that there is an over reliance on offsets schemes with this new legislation, rather than offsets being used as a last resort. The new reforms should embrace opportunities/incentives to avoid, minimize, mitigate then offset clearing impacts

Some Landcarers focused on the fact that our native vegetation communities are varied and fractured.

"The reforms appeared not to take into account the ecological variance that underpins the vegetation communities, hence offsetting is farcical...." Coffs Harbour Workshop

Others felt that if offsetting is based on voluntary involvement by private landholders in a development driven region the economics would favour development at all times.

While there is general concern regarding the offsetting process, the level of detail provided in the consultation material did not allow Landcarers to weigh up the opportunity cost of opting for private land conservation and offsetting. The details of how offsetting relates to stewardship and set asides was unclear from the material presented. Landcarers were not able to achieve clarity on the differences between set asides and offsets and how these will be managed into the future.

*"Are set asides a gift from the farmer and how will set asides be managed and by whom?..."
Tarcutta Workshop*

The workshops highlighted the need for more clarity in how the set asides and offsets will be managed. The queries from participants ranged from how they will be managed, assessed and complied with. It appears that there are two sets of rules for 1. set asides and 2. offsets. This appeared to be a further complication not a simplification in land management.

4.3 A role for Landcare

4.3.1 Strong support for a Landcare role in offset management

While the offset calculation details, management and perpetuity were raised as issues by Landcarers in the current draft, there was enthusiasm for Landcare taking a proactive role in offset management at the regional level. Landcare groups articulated the following activities that they would like to partner with government in delivering locally.

- a. **Documentation/active research:** Landcare groups would welcome opportunities to demonstrate the benefits of biodiversity to farming systems. Analysis of investment in

regional areas by the Landcare networks resulting in documentation of local biodiversity values.

- b. **Education:** Landcare groups across all workshops identified an education role for Landcare in promoting the benefits of biodiversity to farm production. Landcare groups have strong, successful, well respected networks. Landcare activities are well attended and presented professionally. Landcare has a proven ability in engaging the community through their collaborative groups' model. Landcarers see biodiversity as a social issue requiring social change.
- c. **Active management "Offset sites":** Landcare groups have a consistently strong track record in managing land for biodiversity outcomes. Throughout NSW Landcare groups manage large areas of land for biodiversity. Their experience and track record marries well with the new reforms in terms of suitability and cost effectiveness. However, the linkage to community needs to be considered. It is important to create a form of local ownership for offset areas – this is increasingly difficult and complex on private land. Securing Landcare support potentially may augment community ownership providing the social linkages and facilitating the change required for good biodiversity outcomes.

4.3.2 Future funding for Landcare activities

Perhaps of most concern for Landcarers was the potential that Landcare groups who wanted to access NSW government funds under the new Act to undertake biodiversity restoration would be limited to funds from the Biodiversity Conservation Trust, and there were concerns re the ethics of utilising funds gained from the destruction of Biodiversity.

"The funds in this Trust are gained from destruction of biodiversity – posing ethical issues for Landcarers."

"I don't believe that Landcare should rely on funding from any offset schemes"....Newcastle Workshop

Suggestions by Landcarers to improve the reforms

Landcarers felt that there were a large number of missed opportunities and omissions in the draft reforms. With consideration and inclusion of these points there may be greater support for the biodiversity reforms as a package. The following outlines the main opportunities for the reforms and omissions (as mentioned in more than one workshop) as well as suggestions.

Opportunities

- a. Landcarers have a solid understanding that we have a fundamental right to preserve and enhance biodiversity and that it is still possible to increase biodiversity at low cost. There seems little acknowledgement, research or education of this approach supported through these reforms
- b. Using bigger machinery on farm doesn't make farms more efficient – this is indirectly implied through the equity code. Biodiversity makes farms more efficient/sustainable this needs to be further researched and marketed through the biodiversity reforms
- c. Environmental services do not appear to be well valued in these reforms. Australian farmers need to push harder for an environmental services competitive edge. There is opportunity for the reforms to further embrace environmental services and use this as a premium to assist in biodiversity conservation. There is no premium for farmers for environmental services, if stewardships payments are to be utilised then they should be at a premium as an environmental service and marketed in such a way
- d. Through demonstrating the value of biodiversity to farming systems in financial terms, the reforms may better meet community needs and expectations
- e. Landcare is a grass roots organization with considerable local knowledge and information to offer the community. Opportunities should be explored through these reforms to utilize not only Landcare's networks but its skills and experience so that Landcare can play a more active role in achieving biodiversity enhancement throughout the community
- f. There is merit in using the "bottom up approach" Landcare model where Landholders identify biodiversity values and have incentives to pursue conservation agreements
- g. There is a need to ensure the viability of land stewards not just farmers!
- h. Most farmers have long term management plans with biodiversity outcomes these need to be taken into consideration
- i. Biodiversity Commons locally may need to be further researched as a workable transition
- j. There will be a reduction in the categories of vulnerable, endangered, threatened spp., only critically endangered will have legislative protection. Biodiversity cannot be maintained when only critically endangered spp. habitat is given protection
- k. A systematic approach to controlled burning should be considered as part of biodiversity management
- l. Landcare groups could peer review landowner plans prior to the development of management agreements. They could assist in producing the plan, provide a management assessment and provide their advice to compliance authorities if management is poor
- m. Landcare groups could assist in the refinement of mapping to identify habitat corridors and identify offset areas in local regions

Omissions

- a. Cultural landscapes are not considered in the new reforms. Aboriginal cultural heritage policies, significant Aboriginal cultural landscapes and cultural practices are not discussed in the reforms
- b. Climate change and greenhouse gas emissions need to be better discussed in the reforms. Increased clearing has the potential to severely impact climate change
- c. Public education campaigns are required to ensure more landholders are aware of their responsibilities under this legislation
- d. Property planning needs to be mandatory before any clearing changes are proposed
- e. The current delivery through a business model will attract business farmers, not the broader farming families, this will limit outputs
- f. Under these reforms the investment in biodiversity improvement will be in farmlands what about other areas?
- g. While education is mentioned in the reform package – there needs to be more specific focus on education of the community to the value of biodiversity
- h. There was no mention of detrimental effects to air quality through increased clearing supported by these reforms
- i. Ongoing monitoring and publically available reports on the state of species decline should form part of the reform process
- j. The new reforms are based on financial implications. There is no mention of soils, seed collection and preservation. The previous Act provides better protection and should be retained or improved
- k. The issues of ‘farmer rights’ to clear land needs to be addressed. There is no right to harm biodiversity –the equity issue of biodiversity responsibility is important, the amount of funds in the new reforms is not enough to address this inequity