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Committee Secretary  
Senate Standing Committees on Environment and Communications  
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Dear Committee Secretary

I write to provide the NSW Government's submission into the Commonwealth's Environment and Communications References Committee's inquiry into Australia's faunal extinction crisis.

The NSW Government is committed to improving conservation outcomes for our native species. On 25 August 2017, the *Biodiversity Conservation Act 2016* commenced in NSW to enable sustainable land management and development. As part of these reforms, we have invested \$240 million over five years to 2020–21 and \$70 million each following year in a new land conservation program delivered by the NSW Biodiversity Conservation Trust.

As part of the land management reforms, we have also commenced the NSW Biodiversity Offset Scheme that requires proponents to consider how they will avoid, minimise and offset the impacts of proposed development on biodiversity.

The NSW Government has also invested \$100 million over five years through the Saving our Species program to secure our threatened plants and animals in the wild for the next 100 years.

Further detail on these reforms and how they are contributing to protecting important native species as well as other actions can be found in the attached submission. The attached submission

I look forward to continuing to work with the Commonwealth Government to ensure positive conservation outcomes for Australia's native fauna.

Yours sincerely

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Minister for the Environment  
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## NSW submission to Senate inquiry into faunal extinction

Australia has some of the world's most diverse ecosystems and is globally recognised as one of the planet's megadiverse regions, with a significant number of species occurring nowhere else on earth.

A concerted effort with strong vision and leadership is required to ensure as many of Australia's native species as possible continue to survive and thrive in the wild. This requires coordination across all levels of government as well as non-government and private organisations, communities, volunteers and individuals.

The NSW Government supports greater cooperation and collaboration with the Commonwealth and State and Territory governments to better protect our native fauna. To achieve this, the NSW Government supports the creation of opportunities to collate, store and share data relating to our native fauna and populations across the country and implement measures and initiatives to preserve our wildlife.

In particular, NSW supports the use of the latest scientific research and innovative methods and approaches to mitigate any population decline of our native fauna. Likewise, the Government remains committed to working across all levels of government, with research and other groups, the private sector and the community to develop and implement initiatives to protect and preserve Australia's native fauna.

### **1. Native fauna and measures to protect, preserve and enhance populations**

NSW is home to some of Australia's unique landscapes and unique species of fauna. A rich biodiversity is important for environmental resilience and for the continued intrinsic benefit to our communities.

In recognition of the importance of our natural fauna to our environment, the NSW Government has policies in place that are aimed and directed at preserving and enhancing our biodiversity.

Likewise, the NSW Government remains committed to working with the Commonwealth Government and other State and Territory Governments to ensure those species whose populations are in decline are appropriately protected for generations to come.

#### **Saving our Species**

The *NSW State of the Environment Report 2015* records 999 species in NSW listed as threatened. The NSW Government is working to address this through legislation and significant investment.

NSW addresses species level threats at priority sites primarily through the state-wide Saving Our Species (SoS) program. Launched in 2013, the program is investing a record \$100 million over five years to 2020-2021 to secure threatened plants and animals in the wild in NSW for the next 100 years. SoS continues to expand with more threatened species and ecological communities benefiting each year and by establishing ongoing partnerships to further SoS work into the future.

The SoS program allocates each listed threatened species to one of six 'management streams', based on its characteristics, our level of knowledge and imminent threats. The management streams are site managed species, iconic species, data deficient species, landscape managed species, partnership species and keep watch species.

Acknowledging finite resources, the program sets a clear management framework to prioritise investment to maximise conservation outcomes for threatened species. It applies a prioritisation methodology that considers the most effective actions, where those actions should be undertaken and who should take those actions.

Site managed and iconic species are the highest priority. Site-managed species have known threats to their viability and, if these are not managed effectively, their populations are expected to decline. Iconic species have a special importance to the community and there is an expectation they will be conserved. Greater investment per species has been allocated to iconic species in recognition of this status, such as the koala.

NSW considers a national implementation framework for threatened species conservation, similar to the SoS program would be beneficial for threatened native fauna across Australia. To be aligned, the framework would need to promote strategic investment in on-the-ground actions, with a focus on science, education and engagement, and partnering with local communities and private enterprise to deliver positive outcomes for threatened species.

### **Biodiversity reform**

In 2017, the NSW Government completed significant reform of its biodiversity conservation laws, following an extensive review by an independent panel. The *Biodiversity Conservation Act 2016 (BC Act)* the centrepiece of the reforms incorporates a landscape scale approach to conservation to complement the more traditional site or species approaches. This provides the NSW Government with a range of available responses to deliver coordinated conservation outcomes more effectively and efficiently.

The BC Act introduces a single framework that captures all developments likely to have a significant impact on biodiversity. Under the BC Act, all impacts of land use and development over a given threshold are assessed and managed through the Biodiversity Offsets Scheme. The scheme establishes a scientifically-based methodology and tools to identify and measure the potential impacts of activities on the natural environment, and take appropriate steps to avoid, minimise and offset those impacts.

Through the BC Act reforms, NSW introduced the concept of 'areas of outstanding biodiversity value' (AOBV). This new concept provides for the identification of areas of special importance that meet detailed scientific criteria. These areas are not limited to their value in protecting the sites where threatened species and ecological communities occur but can extend to include species diversity, connectivity and supporting migratory species. The new provisions also encourage conservation via stewardship and positive management of such areas.

#### **Area of outstanding biodiversity value – Little penguins and Wollemi Pines**

Areas of declared 'critical habitat' under the *Threatened Species Conservation Act 1995* (including Little Penguin and Wollemi Pine declared areas) have become the first AOBVs in NSW with the commencement of the BC Act. These areas will continue to be recognised and protected under the new conservation regime.

In time, it is expected that this list will grow as more sites are recognised as special areas that contain irreplaceable biodiversity values important to the whole of New South Wales, Australia or globally. Assessment of future sites will be by the application of robust scientific criteria. If confirmed, such sites would be considered as 'automatic priority' for conservation investment by the NSW Biodiversity Conservation Trust under its investment strategy.

On this basis, NSW supports efforts at the national level to provide a flexible, science-based landscape scale approach to protecting native fauna.

### **Reintroduction of threatened species**

The loss of biodiversity impacts on the integrity of ecosystems and their capacity to provide the critical functions that create stable, resilient and healthy environments. One project, in particular, to promote

the significant ecological benefits of biodiversity in NSW is a collaborative effort to reintroduce locally extinct mammal species into NSW National Parks and Wildlife Service (NPWS) reserves.

The project has identified more than 10 species for reintroduction based on scientific research showing that these mammals play a significant role in maintaining the health of ecosystems. These species include the Greater Bilby, Numbat, and Brush-tailed bettong.

The NSW Government has partnered with the Australian Wildlife Conservancy and the Wildlife Restoration and Management Partnership, led by the University of New South Wales, to deliver this project to reintroduce locally extinct mammal species into the Mallee Cliffs National Park, Sturt National Park and Pilliga Nature Reserve. \$40 million over 10 years has been committed to this scientific program. The NSW Government has been encouraged by this re-introduction program and supports the consideration, development and implementation of innovative and science-based initiatives to increase native fauna populations across the country, as well opportunities to partner with universities and other research organisations, environmental groups and local communities to develop and implement measures to improve outcomes for our native fauna species.

## 2. Working across Government in fauna and land management

Australia has international and domestic obligations under several international treaties and conventions in relation to conservation of threatened fauna. NSW contributes to the delivery of all of these obligations through our legislative framework, program delivery and reserve estate.

Australia also enforces strict international wildlife trade laws to protect and conserve Australian native wildlife and supports the efforts of other nations, through the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and associated frameworks. In NSW, the domestic trade of native species is regulated under the BC Act. Imports into, or exports from NSW, of a threatened species, protected animal or plant require a licence issued by NPWS.

In addition, NSW supports strong Commonwealth environment laws by providing protections for threatened fauna to ensure a comprehensive and complimentary policy framework across multiple levels of government.

Ongoing national approaches and coordination of effort is required to manage threatened species, to ensure timely, effective and efficient responses to state situations.

NSW also supports flexibility to address emerging and existing issues as they arise in connection with native fauna populations on a regional or state-wide basis such as, the Grey-headed Flying-fox, which is listed as a vulnerable species under the EPBC Act and is highly mobile.

Finding a balance between conserving flying-foxes and managing their impacts on human communities is increasingly difficult and it is important for the NSW Government to develop and implement appropriate and flexible measures to manage these complex situations at a local and regional level, especially where human communities are impacted.

### Management and conservation of flying-foxes

The NSW Government has taken a range of actions to both conserve and manage the species of flying fox that occur in NSW. Some of these initiatives include:

- \$1 million grants program for local councils to develop and implement flying-fox camp management plans.
- \$2.5 million to support Eurobodalla Shire Council's initial and ongoing management of a large flying-fox camp adjacent to the central business district of Batemans Bay.
- \$7.1 million to implement a commercial orchard netting subsidy program.
- \$5 million for a flying-fox habitat creation and restoration project with Local Government NSW.
- \$200,000 for a project to map potential flying-fox roost sites across NSW within 300 metres of sensitive sites such as schools, hospitals and residential areas that may result in conflict.
- The development of a draft code of practice for flying-fox camp management.
- Coordination of the National Flying-fox Monitoring Program in NSW in partnership with CSIRO, the Commonwealth and Queensland governments.
- Establishment of a NSW Flying-fox land managers' network.
- Foraging habitat restoration guidelines for long-distance pollinator species including flying-foxes.
- Development of a flying-fox roost habitat modelling project to assist camp managers to identify potential alternative flying-fox camps.
- Co-hosting of the Local Government Flying-fox Forum in October 2017 with Local Government NSW.

The NSW Government has a bilateral agreement with the Commonwealth Government relating to environmental assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The agreement allows the state to conduct environmental assessments on behalf of the Commonwealth, removing duplication including the need for a separate Commonwealth assessment.

The Commonwealth Government has published a Notice of Intent to amend the bilateral agreement with the NSW Government and the NSW Government is also seeking to have aspects of our recently introduced biodiversity framework recognised through the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), to provide continued efficiency and streamlining of impact assessment.

In regards to land management in NSW, various Government agencies work across Government to regulate, monitor and enforce activities on land. For example:

- Local Land Services (LLS) supports landholders to manage their land and ensure more productive farming methods and systems while responding to environmental risks, including providing approvals and support for private native forestry;
- The Office of Environment and Heritage (OEHL) has legislative responsibility for conservation and park management legislation and has a number of compliance tools available for its investigation and enforcement work in case of alleged illegal clearing; and
- The Environment and Protection Authority (EPA) regulates compliance and enforcement of private native forestry plans and Codes of Practice.

### Nature Reserve System

The National Reserve System is Australia's network of reserves, parks and protected areas that permanently protect our natural landscapes, native plants and animals. The objective of the scientific

framework that underpins the National Reserve System is to develop a system of protected areas that is comprehensive, adequate and representative.

NSW is working towards conserving the full range of habitats and ecosystems across the state. NSW's public reserve system provides a substantial network of protected areas such as national parks and flora reserves that conserve representative areas of habitats, species and landforms as well as protect areas of significant cultural heritage and provide opportunities for recreation and education.

The area of land currently reserved under the *National Parks and Wildlife Act 1974* is more than 7 million hectares, or around 9 per cent of NSW. The protected area network is supported in its nature conservation efforts by other lands, which improve connectivity across the landscape. This includes, state parks reserved for recreation and managed by various trusts under the *Crown Lands Act 1989*; natural areas administered by trusts under the Crown Lands Act; lands set aside for flora, habitat or water protection on state forests and Forest Management Zones in state forests; Local Land Services travelling stock reserves and private land managed for conservation under agreement with land owners and holders.

The Government also continues to work to improve the reserve system for threatened species through new conservation initiatives. For example, in May this year the Government released its NSW Koala Strategy, a whole-of-government strategy which commits \$44.7 million towards securing the future of koalas in the NSW wild. The strategy identified 24,000 hectares of public land that will be specifically managed to conserve known koala habitat and allocated \$20 million to buy prime habitat to add to the national parks system.

NSW recognises the importance of the National Reserve System to underpinning long-term conservation policies, as well as provide certainty and assurance that governments are planning and managing Australia's natural environment and heritage for current and future generations.

NSW supports the appropriate expansion of the national reserve system and looks forward to working cooperatively with the Commonwealth and other states and territories on implementing this.

In addition, the NSW Government proactively manages its reserve system and public land holdings and actively works with the private landholders to address threats to our native fauna such as introduced animal and plant species that pose some of the greatest threats to native plants and animals.

Protecting our biodiversity and economy, environment and community wellbeing from the negative impacts of pests is managed under the umbrella of the *Biosecurity Act 2015*. This is administered and enforced by the NSW Department of Primary Industries. Local Land Services works with landholders, industry and the community to support on-ground biosecurity action across public and private land. This includes development of 11 regional strategic pest animal management plans and 11 regional strategic weed management plans that set out the shared responsibilities for managing biosecurity risks in NSW. NPWS also has 14 publicly available regional pest management strategies, which guide pest management by NPWS in parks and reserves across NSW.

One of the core principles of the Biosecurity Act is that biosecurity is a shared responsibility, and the NSW Biosecurity Strategy notes the importance of 'Government, industry and the people of NSW working together to protect the economy, environment and community from the negative impacts of animal and plant pests, diseases and weeds for the benefit of the people of NSW.'

#### **Incorporation of traditional knowledge**

The need for Aboriginal community involvement in natural resource management and planning is also acknowledged. Over a number of years, the NSW Government has actively sought ways to incorporate traditional knowledge into its approach to conservation management.

The BC Act explicitly sets out that one of its purposes is to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation (Section 1.3 (c)).

A clear example of how NSW has approached this is the joint management agreements entered into by the NSW Government with Aboriginal communities to cooperatively manage and protect national parks and reserves. Under an Aboriginal joint management arrangement, NPWS and local Aboriginal people share responsibility for a park's management, helping to ensure the continuing practice of traditional contemporary culture and self-determination. There are 31 joint management agreements operating in NSW, with negotiations progressing for others.

Additionally, OEH has an embedded practice of working with Aboriginal communities, Traditional Owners, Land Councils and other custodial groups to manage cultural biodiversity, address on-ground threats to native fauna and implement targeted actions to saving threatened species in the wild. New opportunities to expand the use of traditional knowledge and management for fauna conservation are continuing to be explored.

On this basis, the NSW Government supports initiatives that engages with local indigenous communities and incorporates traditional knowledge and practices to better preserve our native fauna and wildlife.

### Private land conservation

With around 70 per cent of land in NSW held privately, conservation efforts on private land are an essential part of a successful conservation strategy.

The NSW Government's recognition of the importance of private land conservation is reflected in its recent commitment to invest more than \$240 million over five years in a comprehensive private land conservation program. This will be followed by \$70 million in ongoing annual funding, subject to performance reviews.

The program is managed by a specialist not-for-profit body, the NSW Biodiversity Conservation Trust (BCT). Among its other functions, the BCT invests these funds guided by a Biodiversity Conservation Investment Strategy that identifies priority areas and principles for investment.

The BCT works in partnership with landholders across NSW to encourage and support their conservation efforts. Successful landholders will receive ongoing conservation management payments in return for entering into binding conservation agreements and implementing conservation management actions.

Community response to this program has been encouraging and the NSW Government anticipates that it will be instrumental in increasing private land conservation in NSW. The BCT's first three conservation tenders, since opening programs in March 2018, have resulted in 34 conservation agreements worth \$32.5 million (for annual payments to landholders for the life of the agreements) covering more than 11,000 hectares in the Northern Inland, the Murray-Riverina, and the Central Tablelands.

The BCT also plays a key role in providing options to developers to meet an offset obligation. When developers choose to pay into the Biodiversity Conservation Fund to meet their offset obligations, the BCT will secure offsets by purchasing biodiversity credits on the market or funding biodiversity conservation actions.

Private land conservation is recognised as an integral component in our overall conservation effort. It also reinforces the fundamental tenet that the environment is everyone's responsibility. While the Government has an important role in providing a strong legal framework for the conservation and protection of the environment for people to access and enjoy, communities and individuals also have an increasingly important role to play, especially where their activities intersect with our natural spaces. Where private landholders are managing significant environmental assets, governments should consider opportunities to develop new mechanisms to collaborate and work with these landholders to further improve management of private land and benefits they are providing.

The Government is keen to ensure that this partnership with private landholders, and local communities, continues to be encouraged and supported, so that our native biodiversity remains

healthy, resilient and productive. We would welcome the opportunity to work with the Commonwealth to explore other ways to support landholders and enhance private land conservation outcomes.

### 3. Resourcing, Monitoring and Assessment of fauna

The SoS Program provides a targeted funding and resourcing approach for clear prioritisation of species based on a consistent measure of cost effective action and outcomes reporting. A key feature of SoS is its rigorous framework for monitoring, evaluation, refinement and reporting.

The program also aims to improve the effectiveness of threatened species management more generally by investing in targeted adaptive management and research projects, aimed at critical and broad-impacting threats (e.g. fire, feral predators and disease). Further refinement has occurred as the program has developed.

The NSW Government is in the process of establishing a new program for the collection, monitoring and assessment of the status and trends of biodiversity in NSW. The program will help assess how well biodiversity is managed in NSW and will complement other monitoring conducted through SoS and the Private Land Conservation program.

The Government is also focused on improving the way in which threatened fauna are monitored. For example, the introduction of passive infra-red cameras in recent years has improved the detection of many mammal species significantly. Through the NSW Koala Strategy, the NSW Government is building a statewide koala habitat information base in order to increase the knowledge of koalas and their habitat. All information collected about koalas will be publicly available through the NSW Government's Sharing and Enabling Environmental Data (SEED) portal.

The BCT also has a remit to establish monitoring programs to better measure how private land conservation initiatives help conserve biodiversity, inclusive of threatened fauna.

In addition, the NSW Government has signed a Memorandum of Understanding (MOU) with the Commonwealth Government and other State and Territory jurisdictions to implement a Common Assessment Method (CAM) for species and ecological communities. The CAM provides a consistent approach to the assessment and listing of nationally threatened species across Australian jurisdictions. It is based on the best practice standard developed by the IUCN, with amendments to suit the Australian context.

Under the MOU, information sharing and mutual recognition of assessments means that national assessments undertaken by one jurisdiction may be accepted by another. The Commonwealth Threatened Species Scientific Committee is predominantly responsible for listing and assessing species under the EPBC Act and will generally lead an assessment for a species that occurs in one or more State or Territory jurisdictions in Australia. In general, the NSW Threatened Species Scientific Committee will lead assessment for NSW endemic species or ecological communities.

The NSW Government is investing in citizen science to provide an enhanced approach to biodiversity monitoring and opportunities for the community to get involved. Citizen science has been demonstrated to have the capacity to augment and enhance traditional scientific research and monitoring by increasing spatial and temporal frequency, increasing geographic extent or temporal scale and reduce time and labour costs. Citizen scientists working online are helping speed up the processing of thousands of images captured by motion sensing cameras for WildCount, a long term fauna monitoring project.

The NSW Government collaborates operationally on regulation compliance matters when overlaps arise, for example matters involving threatened species or ecological communities that appear on both the Commonwealth and State lists, and shares expertise where appropriate. Decisions on how collaborative matters are progressed and which agency takes the lead may depend on various



considerations such as availability of resources and scale. Importantly, the NSW Government supports improved monitoring and regulation of our natural environment to better protect our natural fauna.

The NSW Government also considers there are opportunities to improve the collection, storage and sharing of data relating to the location and population of threatened native fauna species across Australian government jurisdictions and the NSW Government supports the development of a national database that governments, research organisations, the private sector and local communities can access and input information.

Importantly, the NSW Government will continue to seek opportunities to work collaboratively with governments, non-government and private organisations and communities to develop new and innovative ways to protect our native fauna and to achieve improved long-term environmental outcomes for our future generations.

On this basis, the NSW Government supports measures and policies to support our local fauna species and opportunities to implement measures at the national level.