



Stand Up for Nature Alliance

The path to a nature positive NSW

September 2023

INTRODUCTION

The people of NSW are privileged to live on Country brimming with an extraordinary abundance of life. We pay our respect to First Nations custodians, who managed this intricate web for tens of thousands of years and continue to defend their precious land from the ongoing destruction of colonialism.

The Stand Up for Nature Alliance is a coalition of leading environmental advocates across NSW. We recognise the intrinsic value of nature and our responsibility to protect it to ensure our health, happiness and the survival of our planet.

We acknowledge the frank admission by the NSW Government that we are failing in this responsibility – the ability of NSW land to support a diversity of life has declined by nearly 70% since colonisation in 1788,¹ a decline which will accelerate at an alarming pace as the climate heats.²

We are proposing urgent changes the NSW Government must take to reverse this decline in the context of rapidly increasing loss of biodiversity on land and in the water, and news around the world about the impacts of climate change is becoming ever more alarming.



A moment of opportunity

We welcome the NSW Government's recognition that the accelerating loss of flora and fauna under current laws and regulations impacts the health, well-being and identity of the NSW community, and is causing devastating harm to the rich cultural heritage of First Nations peoples.³ The destruction occurring has an impact on food production, water quality and carbon emissions. We welcome the Government's commitment to turning that around, alongside landholders, and protecting biodiversity in this state.

The recently released reviews of the state's land management framework and impending changes to national nature laws present a welcome moment of opportunity for the NSW Government to take important steps towards a nature positive NSW.

We must meet and exceed 30 by 30

Effective nature positive legislation for NSW will explicitly work toward and mandate the goal of protecting at least 30 per cent (%) of lands and waters by 2030. This must include each bioregion of terrestrial and inland, marine and coastal waters (as no take zones), especially areas of particular importance for biodiversity and ecosystem functions and services. Restoring a further 30% of degraded terrestrial, inland water, coastal and marine systems by 2030 is an essential element of this commitment.

To achieve 30 by 30, land management in NSW must change. There are two key actions the NSW government must take to arrest the rampant destruction of nature in NSW.

Firstly

The government must act fast to amend the 2016 land and biodiversity management and conservation laws that have triggered runaway habitat destruction; one of the biggest threats to ecosystems in⁵the state. These reforms have not only failed in their stated intention to conserve biodiversity, but dramatically accelerated habitat loss across the state. Experts have estimated a loss of 50 million trees a year. We cannot account for, or make up for, that loss in biodiversity value, created over thousands of years, and our ecosystems continue to decline.⁶

Secondly

The government must fix our broken biodiversity offsetting scheme. We need to establish 'red lines' that ensure areas of critical biodiversity and habitat can no longer be destroyed and endangered species stop becoming extinct.

This report goes further, presenting a 10-step plan for a nature positive NSW. Our priorities traverse the land and waters of NSW in an essential reset. Without decisive action, we risk a future where the experience of Country brimming with life is a thing of the past.

The NSW government is invited to take up the opportunity to turn the table on the ecological crisis we are facing, to enrich biodiversity, store carbon, purify water, clean the air, and create a more resilient community in the face of the unfolding climate crisis.

10 URGENT ACTIONS

TO MAKE A DIFFERENCE

- 01** Protect forests and native vegetation by ending habitat destruction; run away land clearing and industrial native forest logging.
- 02** Fix the biodiversity offsetting scheme.
- 03** Incorporate, fund and facilitate First Nations knowledge into care for Country and the return of land to First Nations custodians; progress the initiative to transfer title of all NSW Protected Areas to First Nations Peoples.
- 04** Work with landholders and lead the way in restorative land management with public funding, partnerships and support.
- 05** Strengthen biodiversity protection initiatives and programs, including Save Our Species and Areas of Outstanding Biodiversity Value, and proactively protect wildlife from threatening processes and after natural disasters.
- 06** Bring all species protection under biodiversity law, including marine species.
- 07** Publicly release and maintain data and monitoring that provides a comprehensive picture of native vegetation across NSW, proposed projects, 'offsets', and the cumulative impacts of clearing on species and ecological communities.
- 08** Create a new National Parks Establishment Plan which incorporates both marine and terrestrial protected areas.
- 09** Embed a response to the impacts of climate change in all planning and development decision-making processes.
- 10** Deliver a whole-of-government Nature Positive Plan for NSW.

THE DETAILS



01

Protect forests and native vegetation by ending habitat destruction; runaway land clearing and industrial native forest logging.

End runaway land clearing

The purpose of legislation regulating land clearing and biodiversity conservation must be to protect and restore biodiversity and bring an end to deforestation in NSW.

Part 5A of the *Local Land Services Act* (LLS Act) fails this test. The existing Native Vegetation Code is an inappropriate regulatory tool for managing impacts on biodiversity in rural areas. It permits a completely unsustainable amount of clearing

without any robust environmental assessment or approval requirements. The scope of allowable activities provisions and the Code are too broad and open to misuse. The Native Vegetation Panel is a failed experiment.

Safeguards for native vegetation must be strengthened to curb excessive clearing. All threatened ecological communities, not just critically endangered ecological communities, are unique communities of species at very high risk of extinction. They are not suitable for Code-based clearing.

The best approach, consistent with the Government's commitments to reign in excessive land clearing, would be to abandon self assessment and Code-based clearing, and reinstate robust environmental assessment and oversight for all land clearing proposals (other than genuinely low impact activities).

There are no other scenarios in which a citizen of NSW can simply give themselves regulatory approval for land use change and development. This absurd exemption for landholders must be removed as a matter of urgency.

Repealing Part 5A of the LLS Act and creating laws with the statutory objective of halting and reversing the loss of forests and woodlands could align NSW with international commitments such as the Glasgow Leaders' Declaration on Forests and Land Use.

In the absence of this, other more specific changes to the framework will go some way to slow the crisis of habitat destruction.

In particular, the Government must:

- Exclude Code-based clearing from areas of all vulnerable and endangered ecological communities, as well as critically endangered ecological communities, by expanding Category 2 - sensitive regulated land to include a broader range of sensitive and high conservation value areas.
- Prohibit unassessed clearing from the entire coastal zone, steep and erodible areas, travelling stock reserves and all small holdings.
- Remove Part 5 Equity and Part 6 Farm Plan of the Code in their entirety.
- Prohibit all Code-based clearing of koala habitat and complete koala habitat mapping against a broader definition of koala habitat.
- Protect nominated Areas of Outstanding Biodiversity Value (AOBVs).
- Require assessments for Code-based set asides and permissions. Any necessary clearing need to be assessed on a landscape scale, considering other protected areas for the best possible connectivity and conservation outcomes.
- Strengthen the power of decision makers to refuse to issue Code-compliant certificates and ensure 'excessive or broadscale clearing' is an objective standard, supported by evidence-based criteria and guidelines. Authorities must be provided with appropriate resources for monitoring and enforcement.

Other regulatory frameworks can also lead to excessive clearing. For example, the Rural Boundary Clearing Code and 10/50 Vegetation Clearing Code of Practice, made under the Rural Fires Act 1997.

These policies pose a serious threat to nature by potentially allowing thousands of hectares of wildlife habitat to be cleared without independent assessment or monitoring of the ecological impacts. The 25m clearing Code in particular was not recommended by the NSW Bushfire Inquiry and does not reduce fire risk in extreme fire conditions. It is not justified by science or by recent experience.

The Rural Boundary Clearing Code and 10/50 Vegetation Clearing Code should be withdrawn in favour of evidence-based bushfire mitigation strategies.

End industrial native forest logging

The cumulative impacts of habitat destruction and industrial native forest logging are making NSW a laggard, the worst jurisdiction in Australia, at protecting and restoring trees.

Industrial native forest logging on public land in NSW should end. The timber and fibre sector should instead be based upon plantations, and recycled wood and fibre, while existing plantations be prioritised for highest and best use domestically (as opposed to exporting woodchips or burning for energy).



Reviews of the Biodiversity Conservation Act and Coastal Integrated Forestry Operations Approvals, the application of forthcoming National Environmental Standards to Regional Forest Agreement areas, the creation of the Great Koala National Park and pending court decisions on forestry, all provide opportunities to commit to ending industrial native forest logging.

Recommendations

In particular, the Government should:

- Commit to completing the phase out of logging of public native forests as soon as possible.
- In the interim, protect the habitat of threatened species, such as Koalas and Greater Gliders, from logging while the process to end logging is consulted on and implemented.
- Require Coastal Integrated Forestry Operations Approvals to:
 - protect unburnt forests that provide wildlife refugia following the 2019-20 bushfires,
 - support regeneration of forests burnt at moderate-to-extreme severity during the 2019-20 bushfires,
 - protect feed and habitat tree species of threatened species,
 - maintain the carbon storage potential of high-carbon forests, and
 - mandate effective pre-logging surveys for threatened species.
- Set an ambitious carbon abatement target for the land sector to include in the state's climate action plan, particularly to underpin a science-based 2035 economy-wide emissions abatement target.
- Develop a system of environmental economic accounts for forests and woodlands to quantify the economic value of their natural capital (e.g., carbon storage, water production, erosion control, local weather amelioration) and include their natural capital values in the state's financial accounts.
- Transfer the 1.9 million hectares of public native forests to First Nations or the NSW National Parks and Wildlife Service for protection and restoration, including through rapidly establishing a world-class Great Koala National Park (GKNP). It is essential that the timeline be hastened for the GKNP, as Forestry Corporation is actively targeting critical koala habitat areas.

Fix the biodiversity offsetting scheme

Biodiversity offsetting is, fundamentally, nature negative. Offsets do not repair nature and they do not result in 'biodiversity gains' because they destroy at least as much as they protect. Over time, offsetting frameworks have evolved to focus on facilitating development, moving away from best practice, with little regard to whether genuine environmental outcomes are being delivered.⁸

The NSW offsetting system has delivered a market mechanism that enables project approval to be granted in almost every situation. Biodiversity has become a cost of doing business, not a decisive factor in whether a proposal should be permitted or refused.

To solve the extinction crisis, we must stop habitat destruction at its source, not continue to allow it by permitting offsets to act as 'compensation'.

A working land management and planning system is one that puts a stop to unsustainable projects.

If a biodiversity offsetting scheme is to persist in NSW, anything less than internationally agreed best practice is unacceptable.

We cannot protect our state's biodiversity without 'red lines' beyond which approval will be refused.

Biodiversity legislation should include a provision that describes situations where the presumption is of assumed refusal; a 'red line' that excludes all development. This must apply to individual projects, state significant developments, state significant infrastructure, and regional plans.

Biodiversity laws should prohibit development, and therefore access to offsets in:

- all protected areas including AOBVs,
- lands subject to stewardship agreements and existing offset areas,
- where any threatened species or ecological community is found,
- situations that disrupt the integrity of, or connectivity between, protected areas and areas subject to conservation agreements,
- situations that would result in the local, regional or outright extinction, and
- climate refugia.
- nationally and internationally important wetlands and riparian corridors



Part of successfully implementing development 'red lines' will be publicly available mapping that shows areas where the loss of any biodiversity is prohibited.

NSW needs to lead the way

NSW needs to lead the way in offsetting standards by:

- 01** Legislation and policy must set clear limits on the use of offsets.
- 02** Biodiversity offsets must only be used as a last resort, after genuine consideration of alternatives to avoid, minimise or mitigate impacts.
- 03** Offsets must be based on genuine like-for-like principles.
- 04** Offsets must be designed to improve biodiversity outcomes.
- 05** Time lags in securing offsets and gains should be avoided, including a requirement that credits are shown to be available before habitat is removed. For example, growing a forest in the future is not an acceptable offset. Mine site rehabilitation in the future is not an acceptable offset.
- 06** Indirect offsets must be avoided or strictly limited – money in lieu of actual offsets is always unacceptable.
- 07** Discounting and exemptions must not be permitted.
- 08** Offsetting must achieve benefits in perpetuity and there must be an avenue for reporting inappropriate use of offsets.
- 09** Offsets must be additional.
- 10** Offset arrangements must be transparent and legally enforceable.
- 11** Offset frameworks must include monitoring and reporting requirements to track whether gains and improvements are being delivered.
- 12** Offset frameworks should build mechanisms responding to climate change and sudden events.

These reforms are substantial, however purely economic and electoral imperatives can no longer supersede the preservation of nature.⁹ Our governments must develop the ability to reflect this in laws and regulations and take responsibility for explaining this to the community, the vast majority of whom want to see more done to protect the environment.¹⁰

 The case for giving primacy to environmental repair is inescapable. Our future depends upon it. 

- KEN HENRY, INDEPENDENT REVIEW OF THE BIODIVERSITY CONSERVATION ACT 2016



03

Incorporate, fund and facilitate First Nations knowledge into care for Country and the return of land to First Nations custodians

'Country' is the term often used by Aboriginal and Torres Strait Islander peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about lore, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity.

As a nation, we are learning over and over again of the loss and destruction caused directly by colonial intervention in First Nations practices and the need for a return to First Nations-led caring for Country.

Nature laws and policies in NSW must effectively integrate Aboriginal ecological knowledge. But more than that, we must provide dedicated funding pathways for Country owned and managed by First Nations Peoples to be cared for.

The previous NSW Government announced an initiative to transfer title of all NSW Protected Areas to First Nations Peoples, subject to lease back and joint management arrangements. This policy should be adopted by the new Government, implemented in consultation with First Nations communities and come with adequate funding for effective care of Country.

Lead the way in restorative land management through partnerships and investment

Most threatened species and ecosystems are found on privately held land. Strong regulation to protect threatened species and ecosystem must be a priority. However, we also need support systems for landholders who are protecting nature and helping threatened species. Reversing the extinction crisis requires both.

Historical, extractive economic imperatives can no longer outweigh the increasing need to preserve our life support systems. At present, there is insufficient incentive and a lack of support to encourage uptake of private land conservation agreements with the NSW Government. The process is complex, onerous and the requirements of establishing and managing a site can be prohibitive.

The financial incentive to use land for purposes other than conservation is often greater. In urban areas, when protecting nature is not rewarded, development will always be more economically attractive than conservation. Potential conservation sites in rural areas are being lost to short term opportunities in private native forestry (PNF).

Land holders must be supported to establish private protected areas that build a Comprehensive, Adequate and Representative (CAR) network of areas of high conservation value that are protected and restored.

Funding for stewardship agreements should be increased to compete with PNF and other land use change incentives and must account for required management activities such as fencing and access tracks. More resourcing is needed from the NSW Government to actively approach landholders and guide them through the process of establishing private protected areas.

The work of revaluing nature and biodiversity must be done alongside landholders and developers, using relevant and legitimate incentives and effective communication. Effective laws respond to the regulatory context of land managers and developers; the regulation of land should match its environmental status and value. The principle that landholders have responsibilities to maintain the biodiversity and environmental values of their land must be clear, positive and contain opportunity.

The government should lead the way with public funding to support landholders to protect and restore biodiversity rather than relying on private investment.¹¹

Private land conservation cannot be considered a substitute for adequate Government investment in nature or the development of a network of CAR protected areas.

Government-led scaling up of private land conservation and First Nations land management are the simplest and most

effective ways for environmental stewardship to contribute to genuine environmental outcomes.

Substantial additional funding to landholders who protect and regrow native ecosystems including forests and woodland could be supplemented by private investment. Market-based stewardship mechanisms (both carbon and natural capital markets) present both an opportunity and a risk.

On the one hand, market-based mechanisms could drive an increased uptake in environmental stewardship by providing additional pathways for landholders to benefit from setting aside land for carbon sequestration or conservation, and by providing access to new, private investment where government funds may be limited.

On the other hand, there are significant concerns about the integrity of market-based mechanisms and their ability to deliver genuine environmental outcomes.

Emerging carbon and biodiversity markets may do some of the work of revaluing

nature as they evolve and expand in scope, but they cannot be the answer. It is vital that markets designed to deliver positive biodiversity outcomes are managed separately to offset markets which, at best, are designed to maintain the status quo for nature.

An effective regulatory framework has an eye to international nature positive developments. Land use regulation must acknowledge and provide pathways that support responsible and deforestation-free supply chains. Major value chains and export markets are increasingly requiring supply chains to demonstrate food and fibre commodities are free of risk and harm to forests. This is occurring independently of regulatory frameworks in agricultural producing and exporting countries such as Australia in response to global pressure from consumers and civil society groups, the transformation of commodity and finance markets, and the worsening of the climate crises.

NSW land managers should be given options to engage with emerging opportunities.



05

Strengthen biodiversity protection initiatives and programs to protect wildlife

Areas of Outstanding Biodiversity Value (AOBVs) can be an important tool for government. AOBV classification has not yet lived up to its intended purpose. However, AOBV classification has the potential to effectively protect threatened species habitat, wildlife corridors, climate refugia and World Heritage areas with changes to a few settings.

The AOBV program cannot be effective as an opt-in only program. The NSW Government should proactively enter discussions with landholders on properties that contain land that may qualify as an AOBV to classify and protect that land. All AOBVs ought to be adequately funded for maintenance and protection and be totally off-limits from harm – including from mining interests.

Programs such as Save Our Species (SOS) must be made sufficiently robust to stop extinctions, and sufficiently enforceable and resourced to restore ecosystems and stop inappropriate projects.

A stronger SOS program will:

- impose duties on project proponents and decision makers to act consistently with SOS conservation priorities.
- declare SOS sites (outside National Parks and reserves) as AOBVs and fund them for protection.
- invest conservation efforts in biodiversity at particularly high risk of climate change impacts.

Connectivity across habitats is of increasing importance as the climate changes and extreme weather events become more common. Projects, resource exploration and extraction that divide ecosystems must stop. Much bushland has already become fragmented due to roads and clearing for housing and infrastructure. An increased focus on wildlife corridors is critical to enable the safe movement of species.

Important changes to planning rules include:

- Subjecting the same high-quality assessment and approval standards to all projects; no exceptions for state significant development, state significant infrastructure or regional conservation plans.
- Assessing any project's impacts extending beyond the footprint of a given application by including cumulative impact and landscape scale environmental impact assessments in project applications.
- Identifying, protecting and creating wildlife corridors, including in regional planning processes.
- Assessing the impact of climate change on species and ecological communities that are subject to environmental impact assessments.

Protecting specific populations of species has long been recognised as an important way to protect isolated species and ecological communities, a fundamental component of biological diversity. NSW laws should:

- Include strengthened provisional listings and the resources to respond to those listings.
- Enable the listing of specific populations to safeguard species following a major event such as a natural disaster.¹²
- Require a comprehensive listing of threats to biodiversity in NSW that enables proactive, precautionary and urgent strategies that reduce the impacts of threats and avoid loss.
- Ensure projects do not exacerbate key threatening processes.

The humane and ethical treatment of wildlife, including all bird species and dingoes, is a basic expectation. Provisions that switch off BC Act clauses preventing harm to wildlife must be replaced with requirements to ensure humane treatment of wildlife during any activity that puts wildlife at risk.



06

Bring all threatened species under biodiversity conservation law

The legislative distinction between terrestrial and marine biodiversity is problematic. The retention of statutory powers for the conservation of marine biodiversity in the Fisheries Management Act (FM Act) assumes an organisation with a focus on 'resource management' - Fisheries NSW – can adequately ensure biodiversity conservation.

There is an inherent conflict of interest in laws that are written to achieve both biodiversity conservation and 'resource management' outcomes. We are seeing vast destruction and ballooning numbers of species becoming threatened and endangered in public native forests managed for wood supply.¹³

The same can be said for native vegetation management in the LLS Act, which has overseen broadscale habitat destruction become a leading threat to the environment in our state. The absence of any declared marine threatened ecological communities under the *Fisheries Management Act* (FM Act) also demonstrates the failure of this approach.

Key mechanisms of the BC Act such as the Biodiversity Conservation Program, AOBVs and the Serious and Irreversible Impacts trigger do not feature in the FM Act, leaving marine species even more vulnerable than their terrestrial counterparts.

The Biodiversity Conservation Act should include all biodiversity (marine, freshwater, terrestrial, and all other organisms including algae, fungi and invertebrates). This approach would be consistent with the Convention on Biological Diversity¹⁴ and with the Australian federal jurisdiction, Victoria, Queensland and Tasmania, which all have a single framework for listing and conserving terrestrial and marine biodiversity.

It is essential that any NSW biodiversity conservation legislation has strong objectives that go beyond protecting what's left. *Victoria's Flora and Fauna Guarantee Act 1998* provides a good example. The Objectives of this Act 'guarantee that all taxa of Victoria's flora and fauna, other than tax specified in the Excluded List, can persist and improve in the wild and retain their capacity to adapt to environmental change'.



07

Publicly release and maintain data and monitoring that provides a comprehensive picture of native vegetation across NSW

Access to information is one of three environmental community rights recognised by the United Nations Rio Declaration, to which Australia is a signatory.¹⁶ Accordingly, a core principle of land management and biodiversity conservation must be public access to data with integrity, and transparency of process.

A good system of monitoring would provide a comprehensive picture of the cumulative impact of clearing, and its impact on species and ecological communities. Publicly available information would monitor any potential ‘stacking’ of clearing actions on individual landholdings.

In 2019, the Natural Resources Commission advised that as a priority, the NSW Government should develop processes to report up to date data on unexplained clearing every six months, review the drivers behind high rates of unexplained clearing and implement measures to address any issues. Progress on these recommendations is unclear, although the recommendations were supported by the then-government. Unexplained clearing remains at more than half of all recorded h.

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To provide integrity to future reforms, we recommend the NSW Government urgently:

- Prioritise the completion and release of highly accurate, locally applicable, statewide vegetation mapping showing all map categories including Category 1 (exempt land) and Category 2 (regulated land), and includes the broader range of sensitive and high value conservation areas, forestry layers for native forests and plantations and species study layers.
- Put in place mechanisms to ensure that any newly listed critically endangered ecological communities are mapped as category 2 sensitive regulated land without delay.
- Invest in land carbon mapping.
- Provide publicly available interactive spatial analysis layers to the Statewide Landcover and Tree Study (SLATS) reports.
- Create a register which allows the public, and the authorities, to understand where development sites and stewardship agreements are in place, where clearing has been authorised, and where it may be unexplained.
- Implement the recommendations of the parliamentary inquiry into the integrity of the NSW biodiversity offsets scheme, and the Independent Review of the Biodiversity Conservation Act 2016 (the Henry Review). which include guidance on the ecological outcomes of biodiversity stewardship agreements. The Inquiry recommended making publicly available information about stewardship agreements and their outcomes, which credits or offset sites have been used to offset which developments, all offset obligations transferred to the Biodiversity Conservation Trust, and for all major projects, including any discounting.¹⁸ The Henry review recommends a single spatial tool providing data in one location that can support nature positive outcomes.

Create a new National Parks Establishment Plan and incorporate both marine and terrestrial areas

The protection of natural areas through a CAR reserve system has long been recognised as critical for maintaining the state's biodiversity and ecological integrity on land and in the ocean. To this end, a National Parks Establishment Plan (NPEP) provides a guide and targets for growing the NSW's national parks system. NSW needs a new NPEP that incorporates both terrestrial and marine protected areas. The NSW Government must protect 14 million hectares of land beyond the existing 7 million-hectare parks estate to reach the High Ambition Target of protecting 30% of every bioregion in the state by 2030.

An NPEP establishes plans for new reserves, increasing the existing reserve size, and fine-tuning boundaries. Ultimately, a new NPEP should be a key tool in tackling biodiversity decline with the aim of zero extinctions to protect NSW's most rare and vulnerable wildlife and habitats.

An NPEP will describe how the government will deliver on the CAR goal and adhere to connectivity principles. The plan should show the full extent of areas currently subject to other compliant effective area-based conservation measures (OECMs) agreements, such as Biodiversity Conservation Trust agreements. It is not the purpose of the establishment plan to drive the creation of such agreements, however they form a critical part of the context within which priorities for protected areas will be set.

The plan should cover the transfer of state forests to the conservation estate, Indigenous Protected Areas and hand back of land to First Nations. A new NPEP is an opportunity to ensure Areas of Outstanding Biodiversity Values are protected and funded.

The creation of a new NPEP is also an opportunity to officially scrap the flawed Mainland Marine Park Draft Management Plan, which was withdrawn by previous Minister for Environment James Griffin, and to start afresh for marine park planning. The shelved Draft Management Plan broke away from using the CAR goal to guide marine protected area planning to the resource-based, Threat and Risk Assessment (TAR). This model is not based on best-practice science. A new NPEP can, at a minimum, return to the CAR model and ensure IUCN categories I, II and III for Marine Protected Areas are under the same principles as their terrestrial counterparts.

To ensure adequate delivery of the plan, the marine parks team must be moved from the Department of Primary Industries into the Department of Environment.

Embed climate change in all planning and project decision-making processes.

To protect biodiversity and the NSW community from the worst impacts of climate change and to meet the targets of no more than 1.5 degrees warming, NSW must better integrate climate change considerations into planning decisions. For example, by requiring Climate Impact Statements for major projects, and providing guidance for decision makers on how to assess whether a project will have unacceptable climate impacts.

A thoughtful approach to renewable energy infrastructure

In most cases, action on climate change supports biodiversity goals. However, as the renewable energy transition gathers pace, we must coherently manage conflicting objectives. Renewable energy zones are seeing large areas of land cleared for new green energy facilities and transmission, and communities are grappling with the challenges of the transition. A sensitive, consultative and strategic approach must be taken to ensure energy projects are developed in areas of the lowest biodiversity values, along with a hierarchy for decision-making focussing on avoidance of high value sites on public and private land and in the marine environment.

Research suggests that with appropriate policy and regulatory controls, we can continue to pursue the crucial climate intervention of transitioning our energy systems and protect areas that are rich in biodiversity.¹⁹ Standards and guidance have been developed to support projects to avoid and minimise nature impacts, including mitigating impacts on biodiversity such as migratory birds, and maximising renewable potential.²⁰

Constructive new biodiversity laws and approval pathways will pay heed to the work being done in this space.



Deliver a whole of government commitment to biodiversity

Our response to the biodiversity crisis should, at least, match our response to the climate crisis and biodiversity legislation should set a clear goal of facilitating the recovery of nature. NSW needs a Nature Positive Plan setting out a whole-of-government approach to responding to the biodiversity and extinction crises for both the marine and terrestrial environment. This would have a different role to the Biodiversity Conservation Investment Strategy (which guides the Biodiversity Conservation Trust), and the Biodiversity Conservation Program (which is aimed specifically at species conservation and recovery). It would set state-wide goals for conservation, restoration and recovery.

Biodiversity has a big role to play in the NSW net zero targets, and government agencies should be working collaboratively to identify and prioritise projects that achieve shared objectives.

We welcome the recommendation in the Henry Review for a Nature Positive Strategy that will incorporate traditional Aboriginal culture and knowledge and improve access to data, monitoring and evaluation. The focus of the Strategy must be on reversing biodiversity loss, restoring threatened ecosystems and building resilience in a changing climate.

We encourage the government to heed the warnings in the Henry Review by giving primacy to biodiversity conservation and restoration across Government and ensuring our laws and decision makers give first order importance to nature. A challenging, but necessary step-change if our children are to enjoy the NSW we are so privileged to inhabit.

As part of a whole-of-government Nature Positive Plan, NSW Treasury should undertake a dependency analysis of the NSW economy, to quantify and help us understand how tightly our economic prosperity is tied to the state of our environment.

Policy objectives should align with other national and international commitments.

The land and biodiversity management framework as it stands is inconsistent with global agreements and targets regarding the importance of protecting forests and other vegetation, to conserve important ecosystems and places, to reverse biodiversity loss, to sequester land carbon and to support climate action.

All reform must reflect our nation's commitments, including:

- The 2020 Leaders Pledge for Nature which commits signatories to reverse biodiversity loss by 2030.
- The 2021 Declaration on Forests and Land Use, which pledges signatories to stop deforestation by 2030.
- The 2022 Kunming-Montreal Global Biodiversity Framework.
- The Ramsar Convention on Wetlands and bilateral migratory bird treaties.

The goals of 30 by 30 requires serious investment in evidence-based and strategic connectivity, protection and restoration. The government must apply the principle of CAR to protected area planning to deliver on this target. Applying the CAR principle would ensure that missing or under-represented bioregions benefit from protection, such as for the Hawkesbury Shelf and Two Fold Bay Shelf in NSW's marine environment.

To achieve 30 by 30, rules must curb broadscale clearing, and policy and incentives must proactively target strategically located holdings and corridors with a high potential to deliver landscape scale biodiversity outcomes through in-perpetuity private land conservation agreements, and purchases for protection.

If Australia and NSW are to meet and exceed the 30 by 30 commitment, it is likely that 'Other Effective Land based Conservation Measures' (OECMs) will be required to meet that goal. OECMs must be of a high standard and they must be transparent, accountable, and subject to auditing. They must complement, rather than replace, a CAR network of formally protected areas. Importantly, the Commonwealth has commenced a review of standards for OECMs in Australia, providing opportunity for reform and application.

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Stand Up for Nature Alliance

Image: Max Philips

