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Q1

First name

Connie

Q2

Last name

Mort

Q3

Email

[redacted]

Q4 **Yes**

Can we contact you about your submission (if needed)?

Q5 **Yes**

Can we add your email to our mailing list for occasional updates on this topic?

Q6 **I am representing an industry body.**

What best describes you?

Q7 **Statewide NSW**

What best describes your main regional interest?

Q8

Your submission may be published. If you do not want your personal details or responses published, please tell us here.

I agree to have my submission published with my name.

Q9

What do you consider is the most significant action(s) we can undertake to protect and restore biodiversity and ecosystem function on private lands?

NSW Farmers supports that the Natural Resources Commission (NRC) approaches the stated review aims of 'consideration of the protection and restoration of biodiversity on private land along with enhancing value and support of landholders' through a balanced and evidence-based assessment of the performance of the Local Land Services Act (LLS Act) Part 5a and Schedules 5A and 5B.

Inherent to the evidence-based approach would be a recognition that the LLS Amendment Act and the Biodiversity Conservation Act (BC Act), along with the associated funding set aside for the Threatened Species and Biodiversity Conservation Trust (BCT) were all designed to be taken as a holistic approach to increasing landholder productivity and reducing the decline in biodiversity loss. The Acts were never intended to be stand-alone solutions to arrest the decline in biodiversity, rather that site scale changes that increased productivity through technological advantages and targeted land use, were to be balanced by increased landholder participation in active conservation and also with Government investment in conservation agreements. It will be important then not to individually critique performance of Acts, rather to review how they are working together as instructed and make evidence-based conclusions on those criteria.
The very nature of these interactions and the obvious need to allow time for the resultant impacts of the adoption and implementation of these changes also needs to be of consideration when taking an evidence-based assessment of progress of the intersection of these reforms. It is unfortunate that LLS stripped its land management team of the scientific analysis component that was tasked with tracking land management and the resultant biodiversity gains from set asides and engagement with the BCT. This was also a critical component in evaluating outcomes from active and adaptive management of set aside areas, while recognising weather and other intervening events.

In addition to the framework within which to assess the evidence, is the narrative of the Second Reading speeches introducing the two reform Bills, where it was made clear the reforms were to be viewed holistically as a risk-based approach to incentivise landholders to increase their productivity while making locally informed decisions around biodiversity improvements. This review must adhere to these basic principles of the reforms when evaluating the performance of the agencies involved, the landholder participation and the recommendations from the Byron and Henry reviews.

The recent reviews of the LLS Act and BC Act at a five-year period are not sufficient in time to create meaningful trends in behavioural changes of landholders to and in assessing the positive ecosystem changes that were a goal of the reforms. Ignoring these interactions and time frames will not produce an accurate evidence-based assessment and all facets of the review should be viewed through these lenses.

The Acts and the funding of the BCT and Threatened Species are designed to recognise that site scale loss of biodiversity that improves productivity can be balanced with actions and funding that enhance or restore biodiversity in the same bioregion. Those are the stated aims of the dual reforms and commensurate funding, and that cannot be ignored when looking at biodiversity on private land.

The approach then should not be protection and restoration at the cost of productivity but rather using the Land Management Code(s) (LMC), landholder knowledge, and the funding set aside to achieve ecologically sustainable development at a site scale. This view has not been enacted by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) where since the commencement of the Act it has been removed from seeking jointly beneficial outcomes with landholders. A mindset of 'any biodiversity loss is a negative outcome' flies in the face of their charter to seek outcomes that benefit both harnessing landholder knowledge through cooperation and recognition of productivity opportunities and using the LMC and funding to maximise environmental outcomes from these opportunities. This is key approach to remedy the lack of realisation of environmental outcomes on private land.

The 'Review of Biodiversity Legislation in NSW' in 2014 led by Dr Byron stated: "We are not aware of anywhere in the world where long-term conservation of historical, cultural or biophysical resources has been successfully achieved solely through exerting the coercive powers of government. Educational, suasive and incentive measures are invariably an important part of successful regimes

we believe that these mechanisms should be used more in NSW. Without such measures, there is a strong probability of perverse outcomes." NSW Farmers agrees with this and that the approach as advocated in the Henry review of increased regulation and a hierarchy of legislative change will only alienate private landholders and reduce productivity and environmental outcomes.

There is also an increasing awareness and requirements on primary producers to meet standards that are extraneous to legislative obligations in the areas of emissions, carbon retention, deforestation, biodiversity and groundcover measurement. Market access, pricing and commodity sustainability frameworks are all factors now being considered in dealing with natural capital and biodiversity on farm, and to continue to seek increased regulatory obligations on landholders is blindly ignoring this. Any assessment of how to make changes must then include an understanding and evaluation of these forces at play on private rural land and how they interact with the goals of biodiversity quality and gains. There is currently very little government support for recognising the management of land to meet these new criteria of Environment, Social and Governance (ESG) or management of land to sequester carbon through soil management or woody vegetation. Taking the Henry approach of requiring retention of biodiversity, blind to the operational changes now being made, will further undermine the connection between government environmental agencies and goals and landholders.

It is also suggested to further the constructive gains in biodiversity on private land that there is investment in the scientific evaluation of viability of ecosystems. As is demonstrated in the declaration of widespread critically endangered ecological communities (CEEC), without also accurately mapping the viable communities, there is huge loss of productivity on rural land, often unnecessary, as the determinations are not mapped accurately, ground-truthed or have sufficient thresholds of constitution.

Q10

How can we further improve soil, water and vegetation management to protect and restore biodiversity while delivering sustainable economic outcomes?

As mentioned above, the management of soil and water and vegetation is important, and stifling the ability to manage land by ill thought-out regulation is detrimental to the overall outcomes on farms.
Successful farms are sustainable, and profitable production relies on sustainable soils and water use. Operational decisions on farming land do need the flexibility to manage land for soil health and water retention, and a realistic approach to the issues of invasive species management, regrowth management and level of acceptable soil disturbance when managing weeds and pastures needs to be explored further. Current restrictions do not achieve improved environmental outcomes and hamper land management.

Q11

What do you consider is the most effective way to further support and enable landholders to deliver sustainable land management and production outcomes?

As earlier stated, aligning emissions and carbon goals, ESG and sustainability actions and requirements with ecosystem care and development to create achievable land management operations is a significant gap in how government view the role of assisting or governing rural land management. This is leading to duplication, increased red tape and confusion on the opportunities to increase productive use of land and to meet environmental improvements. There are significant ecosystem gains in how landholders are adapting to the new sustainability requirements, however these are not being recognised, and with additional restrictions on land use, opportunities are not going to be taken up in conservation and restoration.

There remains a tension between DCCEEW and landholders on the use of private land for food and fibre production, and as a way to increase biodiversity overall. It would greatly assist if thought was invested in ecologically sustainable development (ESD) and intergenerational equity not being treated as principles to be used against use of productive farming land, but as recognising the value of food security, viable country communities and the contribution rural land does make to society, the environment and the economy.

Significant land management improvements have been achieved and continue, and the aligning of biodiversity retention and improvement goals with effective pest and weed control across land tenures - reducing wasted labour and expense on land management and having timely intervention to prevent losses will see improvements in productivity and environmental outcomes.

Finally, the role of the DCCEEW in opposing land management that leads to production should be examined and a functional capability created with LLS. There is significant knowledge in both agencies that could further the knowledge of land management options for landholders that is not being passed on. We must not be subject to the same failed legislative outcomes as identified in the Review of Biodiversity Legislation in NSW in 2014 by the Independent Biodiversity Legislation Review Panel and yet again be adversely impacted by over regulation which resulted in more than a generation of perverse environmental outcomes and catastrophic impacts to our rural farming communities.

Q12

Respondent skipped this question

Is there any other information about this topic you would like to share with us?
