

**TIMBER NSW**

21 June 2017

Land Management and Biodiversity Conservation Reforms  
Office of Environment and Heritage  
PO Box A290  
Sydney South NSW 1232

Dear Sir/Madam,

**Re: Submission on Private Land Conservation**

This submission has been prepared by Timber NSW in accordance with the Private Land Conservation Submission Guide - Part 2- Biodiversity Conservation Regulation and supporting products.

**1. Accountability of the Biodiversity Conservation Trust**

The NSW government's financial commitment of \$240 million over five years and \$70 million per year thereafter (subject to a performance review) to private land is unprecedented in terms of its size and scope. To ensure due oversight of the expenditure of taxpayer funds the Biodiversity Conservation Trust must be held to the highest possible business planning and accounting standards.

Timber NSW submits that the information proposed to be included in the BC Regulations falls well short of what is needed. The Regulations which guide the development of the Business Plan must include a requirement for key performance indicators and outcome based targets. Only with such guidance will the Trust achieve its legislated purpose.

The biggest risk for the Trust will be in the start-up phase when there is intense political pressure for it to sign up as many landholders as possible. This environment is a recipe for making poor choices that will lead to poor conservation outcomes. Under an environment where 'doing the deal' is paramount; investment will be directed to the wrong properties and in the wrong landholders. When the NSW government embarked on a plantation establishment program in the early 1990s (following the signing of the Regional Forest Agreements) there was intense political pressure to get trees in the ground. This result was a program that directed tens of millions of dollars into establishing trees in the wrong places. The best safeguard to avoid a repeat of this scenario will be for the Trust to set very modest targets in the first three years.

The Business Plan must be much more than the identification, assessment and reclassification of land. The regulations should require the Business Plan to be focused on the delivery of improved on-ground management. An important consideration will be the apportionment of on-ground investment toward the mitigation of key threats to biodiversity, namely pests, weeds and wildfire.

It is not acceptable for the Trust merely to account for where the money is spent. The Business Plan must set out how the effectiveness and efficiency of its on-ground investments will be monitored and measured.

Timber NSW submits that it is essential that the goals detailed in the Business Plan include a commitment to tracking expenditure against measureable biodiversity performance indicators. In particular, the Business Plan must address how the performance of its investment will be assessed in terms of promoting environmental health, productivity and resilience for the greater well-being of the community. Further, the Business Plan must include realistic short term, medium term and long term performance targets.

The Business Plan should require all agreements to be periodically audited against the same criteria that were originally assessed on (e.g. BAM) by another independent assessor (not the original) to ensure the values are maintained or improved. It's not good enough to pay for an agreement and then assume that it has achieved its goals – short, medium and long term. Payment for the delivery of agreement services need to be on an annual basis upfront payments minimised. This will avoid a scenario where the landholder pockets the money and on-sells their property, with a recurring maintenance obligation, to an unsuspecting buyer.

It would be advisable to review the Business Plans of privately-run biodiversity conservation trusts that have a proven conservation track record. These entities are appropriate models, as every dollar they spend will have been carefully accounted for and their success is directly dependent on the biodiversity outcomes they deliver.

Lastly, the Business Plan should require that all expenditure is publicly accounted for to highest practicable level and made available in a timely, user friendly manner.

## **2. Registers of private land conservation agreements**

Land conservation agreement holders are to be funded by public monies and as such the way that these monies are allocated and spent must be transparent and well accounted for.

The register of private land conservation agreements should be expanded to include expenditure allocation and performance information for each agreement.

As a minimum, the register should include:

- A list of the ground activities to which the investment is being directed
- The land's biodiversity assessment score
- Annual expenditure allocated to those activities
- Total expenditure to date allocated to those activities
- Total expenditure to date per hectare allocated to those activities
- The results of periodic audit (e.g. the land's biodiversity assessment score after it is independently reassessed every five years).

The register should allow the financial comparison of different agreements and include financial summaries (totals and averages by activity type and region).

Much public money has been invested in the past on environmental projects with poor accountability and poor transparency. By publishing this additional data all parties (the Trust and the Agreement holders) will be held to account and incentivised to deliver value for money.

**3. Upgrading to a new agreement**

No comment.

**4. Further details for Biodiversity Stewardship Agreements**

No comment.

**5. Administrative matters for Biodiversity Stewardship Agreements**

No comment.

**6. Land eligible to be a Biodiversity Stewardship Agreement**

The draft BC Regulation should recognise that many landholders seek to manage their land for both production and conservation purposes.

Land on a property should not be excluded from a Biodiversity Stewardship Agreement simply because others parts of the same property and being managed for a different purpose. In the interest of consistency, Forestry Corporation should apply to have all their non-harvest areas funded under BSAs.

**7. Streamlining the process to make minor variations to a Biodiversity Stewardship Agreement**

No comment.

**8. Splitting of ownership**

No comment.

**9. Reimbursement associated with mining**

No comment.

**10. Financial incentives available for new private land conservation agreements****a. Biodiversity Stewardship Agreements**

For Biodiversity Stewardship Agreements and conservation agreements to be made in-perpetuity there must be an assumption that biodiversity values remain static and site specific. This is simply untrue.

The natural environment is a dynamic living system whose values are constantly changing through cycles of renewal, growth and decline.

It is unwise to think that we can preserve environmental values like we do the historic artefacts in our museums. We also submit that it is unwise to believe that the approach to biodiversity conservation that we have today in NSW will qualify as best practice forever into the future.

Offering landholders in-perpetuity agreements is a grave mistake as they risk becoming a financial and administrative burden on future generations should they fail to deliver on their original purpose.

**b. Conservation Agreements**

Providing Local council rate relief for conservation agreement holders is not supported by Timber NSW on grounds of equity and fairness. Local Councils will

need to make up the difference, so in effect it will simply shift the burden from one rate payer to another.

**c. Wildlife Refuge Agreements**

No comment.

**11. Proposed transitional arrangements**

No comment.

**12. Biobanking Agreements**

No comment.

**13. Other private land conservation agreements**

No comment.

Thank you for the opportunity to make comment.



Maree McCaskill  
**General Manager**