



Office of
Environment
& Heritage

Biodiversity Legislation Review

Submissions Report

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Summary

This report provides a summary and analysis of the submissions received in response to the Independent Biodiversity Legislation Review Panel Issues Paper. The total number of submissions received was 1069, which includes 395 submissions and 674 form letters. Of the 395 submissions received, 288 were from individuals, 59 from non-government organisations, 36 from government agencies, local councils, and advisory bodies, and 12 from industry groups.

Many submissions responded to the six key themes and questions identified in the issues paper. About one-third of submissions made general comments in relation to the authors' particular areas of interest or expertise.

A vast number of submissions supported an aspirational goal for biodiversity conservation. Several submissions suggested that such a goal should be supported by clear, measurable and achievable targets and underpinned by the principles of ecologically sustainable development. Many suggestions were provided for principles for new legislation, including a focus on a triple bottom line, a commitment to the 'improve or maintain' standard, and better recognition of ecosystem services.

Some submissions remarked that more could be done to expand existing private land conservation mechanisms to achieve biodiversity outcomes, particularly increasing the potential for environmental offsetting. There was support for strategic planning of investment in private land conservation.

Submissions expressed a diversity of views on the current arrangements for delivering strategic outcomes for biodiversity, the effectiveness of current strategic planning approaches, self-regulation and discretionary decision-making. There was very strong support for better integrating biodiversity conservation legislation with the planning system. Of the submissions that commented on land-use planning, all supported a regional approach rather than a site-specific approach, and many voiced support for decision-making being devolved to the regional and local levels.

Many respondents recommended retaining or strengthening the current provisions for biodiversity conservation in development approvals. There was considerable support for having one biodiversity impact and offsetting assessment method for all forms of development. A large number of respondents supported providing some form of reward or incentive to landowners for biodiversity conservation, citing that landowners, in particular, lost development opportunities under the current system.

About one-quarter of submissions commented on wildlife management, with many reporting that the wildlife management legislation needs to be improved. Suggestions included more stringent assessment and oversight of applications and licences, greater enforcement, and improved funding for wildlife groups.

Many submissions commented on what data is needed, who should collect the data, and the accuracy and credibility of current data. A large number of submissions supported the independence of the Scientific Committee in making its determinations and in the current listing process.

Introduction

In June 2014, the NSW Government appointed an independent panel to review the laws, policies and programs that manage, conserve and regulate native vegetation, threatened species and wildlife in NSW. The scope of the review covers the *Native Vegetation Act 2003*, the *Threatened Species Conservation Act 1995* and the *Nature Conservation Trust Act 2001*, plus parts of the *National Parks and Wildlife Act 1974*.

As part of the review, the panel released an issues paper for public consultation from 6 August to 5 September 2014. Written submissions were invited from all interested parties on the issues identified in the paper, as well as on any other issues relevant to the review. The issues identified in the paper fell across the following six themes:

1. objects and principles for biodiversity conservation
2. conservation action
3. conservation in land-use planning
4. conservation in development approval processes
5. wildlife management
6. information provisions.

This report summarises and analyses the submissions received in response to the issues paper. It illustrates the diversity of views expressed, without judgement about the accuracy or otherwise of the comments made in the submissions.

This report has been prepared by the Office of Environment and Heritage (OEH) on behalf of the panel. It does not present the findings and recommendations that the panel will make to Government.

Recording of submissions

Receipt of submissions

Submissions were received by mail or email or on the online submission form. All submissions were assessed as to whether they were an individual submission or were identical form letters. Individual submissions were allocated an identification number and scanned into an electronic database. Submissions that included an email address were emailed a letter of acknowledgement. In some instances, individuals provided a second submission that included additional information to support their first submission. For the purposes of the counting, multiple submissions from the same individual or group were treated as a single submission. However, all individual content was considered in the analysis.

Some respondents registered an interest in receiving more information but did not provide any comments. These respondents were each allocated an identification number and entered into the database but were not included in the submission numbers and analysis.

Submissions were accepted until close of business on 5 September 2014. Late submissions were accepted if an extension had been granted.

Form letters

Identical submissions received from multiple respondents were deemed to constitute form letters. All form letters of the same type were treated as single submissions for the purpose of the analysis. The number of form letters and the number of respondents submitting each type of form letter are acknowledged in the report. Where form letters were accompanied by additional comments, these variations were noted and considered in the analysis.

Publication of submissions

Individual submissions have been published on the OEH website. At the request of the individual or organisation, some submissions have not been made available. These submissions have been identified as anonymous or confidential on the website. In some instances, the panel has decided not to publish parts of a submission if it contains personal information or inappropriate material.

Respondents' profiles

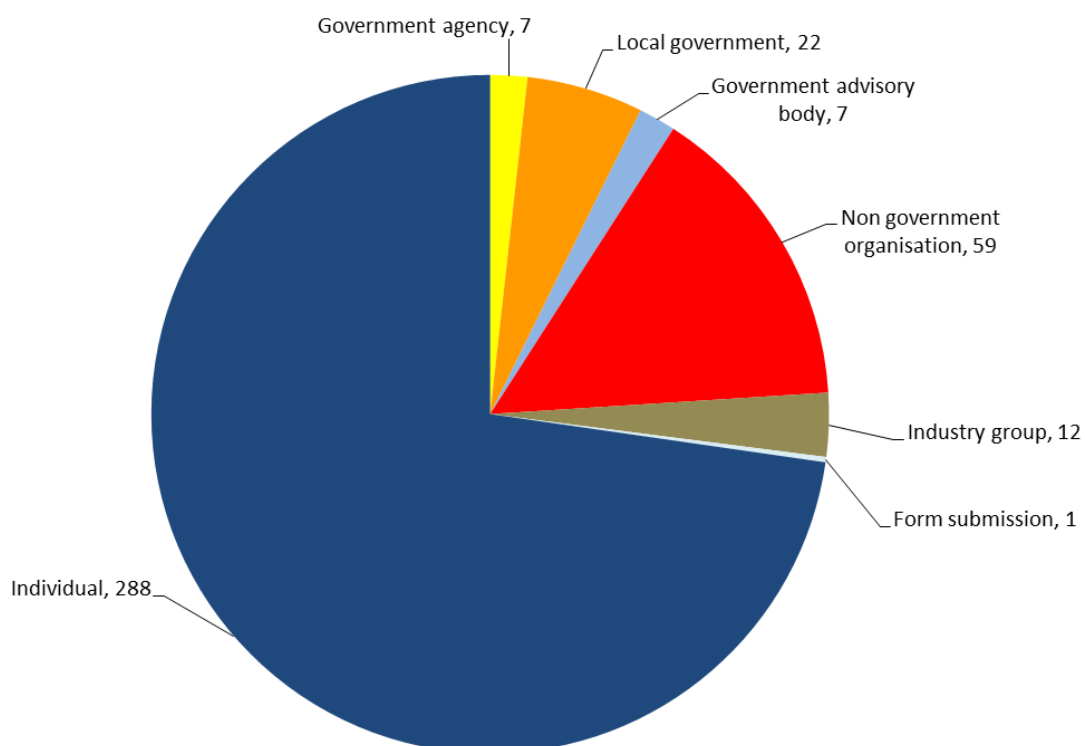
A total of 1069 submissions were received (see Table 1). This included 674 form letters based on text disseminated by the Nature Conservation Council of NSW. All form letters of the same type were treated as a single submission for the purpose of the analysis. The total number of submissions analysed was 396 (395 submissions and one form submission).

Table 1. Numbers and sources of submissions received

Submission type	No. of submissions
Individuals	288
Form letters	674
Groups	107
Total	1069

The overwhelming majority of submissions were from individuals and families, including 92 from identified landowners, 18 from environmental professionals (e.g. environmental/ecological consultants), and 5 from individual academics and tertiary institutions. Group submissions came from a range of stakeholders, including industry, government and non-government organisations (see Figure 1). Of the 59 submissions received from non-government organisations, 56 were provided by conservation and environmental community groups.

Figure 1. Number of submissions by sector



Summary and analysis of submissions

This section summarises and analyses the submissions received in response to the issues paper.

Many submissions responded to the six key themes and questions asked in the issues paper. About a third of submissions made general comments in relation to the authors' particular area of interest or expertise.

Some submissions raised issues that do not fall within the scope of the review, for example issues relating to the *Rural Fires Act 1997*, the *Fisheries Management Act 1994*, and management of parks. These issues are not dealt with in this report.

For analysis purposes, all comments in the submissions have been allocated to the six key themes (see page 2).

For each key theme, a brief outline of the questions from the issues paper is provided in the shaded boxes. This is followed by a brief summary accompanied by a more detailed table.

The tables have three columns:

- Column 1: 'Comment theme' shows stakeholder comments grouped by subject.
- Column 2: 'Sample submission comments' quotes examples of the sentiments expressed in submissions. The number in parentheses after each quote is the number of the submission from which the quote was taken.
- Column 3: 'Similar submissions' displays the individual numbers of each of the submissions that expressed views similar to those in the ones quoted in column 2.

Theme 1: Objects and principles for biodiversity conservation

This theme sought to determine the appropriateness of existing legislative objectives and principles. Respondents were asked to consider a variety of factors that might influence modernised and integrated biodiversity laws, including national and international obligations, laws and agreements, scientific evidence around the existing state of biodiversity in NSW, the role of biodiversity laws, and the nature and extent of existing biodiversity conservation practice.

Most feedback on the current legislative objectives was that they remained valid, although there were reports of conflicting and confusing objectives in some cases. A small number of submissions argued that the current objects were being fulfilled, but most argued that they weren't, citing the continuing decline in biodiversity as evidence. Implementation issues were most commonly identified as the weakness of the current framework, although a number of other issues were raised too.

A vast number of submissions suggested principles for new legislation. There was overwhelming support for an aspirational goal for biodiversity conservation, with several submissions suggesting that such a goal should be supported by clear, measurable and achievable targets and underpinned by the principles of ecologically sustainable development. A large number of submissions argued that any new or amended legislation should be aligned with our international commitments to conserve biodiversity.

Some other recurring principles that were suggested included a commitment to the 'improve or maintain' standard; adopting a science-based approach to decision-making; more flexibility for landowners; better recognition of ecosystem services; and accounting for climate change. Other ideas were related to protected areas; ensuring consistency among objectives; measurable targets; Aboriginal experience with biodiversity; an increased management role for local government; increased engagement and education; financial incentives for conservation and compensation for lost productivity; and a shift to a landscape-scale approach to biodiversity conservation.

Many submissions discussed the concept of a 'triple bottom line' approach, although perceptions differed as to how this approach would be realised. Some argued that the balance was currently tipped in favour of environmental outcomes, whereas others argued that favouring economic and social outcomes had caused biodiversity decline.

Responses related to consolidating and streamlining the existing Acts were mixed. Various suggestions were made to reduce duplication across all Acts under review. However, most submissions that suggested ways to consolidate or integrate legislation argued that doing this should not weaken biodiversity protection or scope or the powers of the current Acts.

Table 1. Summary of comments received on theme 1

Comment theme	Sample submission comments	Similar submissions
Aspirational goal for biodiversity	<p><i>General support for an aspirational goal</i></p> <p>‘An aspirational goal would be valuable in describing for all who need to be involved in biodiversity conservation what NSW is striving to achieve.’ (42)</p> <p>‘... an overarching goal for biodiversity conservation may assist in binding together the various pieces of legislation that cover biodiversity conservation in NSW with a common aspirational purpose.’ (366)</p> <p>‘Aspirational goals are more likely to encourage innovation and a flexible approach necessary in Australia’s unique landscapes.’ (377)</p> <p>‘Aspirational goals are critically important and set the context for what follows after. Any such goal should acknowledge the absolutely essential role of biodiversity in the maintenance of ecosystems and ecosystem services, value species for their intrinsic worth and be unhedged by caveats and ‘out clauses.’ (185)</p> <p>‘Yes, there needs to be an aspirational goal for biodiversity conservation. This goal would include the balancing of the human requirements to use the natural resources and yet the need to ensure that there are sufficient resources for future generations.’ (94)</p>	<p>2, 3, 5, 8, 9, 17, 26, 48, 53, 57, 78, 89, 91, 92, 102, 105, 114, 117, 125, 130, 132, 138, 145, 148, 158, 160, 162, 167, 176, 178, 193, 211, 213, 220, 231, 235, 240, 248, 249, 275, 250, 258, 268, 283, 284, 287, 288, 289, 290, 297, 301, 303, 311, 320, 324, 342, 357, 364, 365, 367, 393</p>
	<p><i>Conditional support for an aspirational goal</i></p> <p>‘A broad aspirational goal in relation to biodiversity conservation helps to set the tone for associated legislation but may not be achievable in the face of the increasing development pressures and the current direction in NSW. Aspirational goals are only likely to be of value where the underlying legislative controls are specific, measureable and achievable.’ (372)</p>	<p>12, 13, 37, 44, 49, 95, 124, 136, 141, 147, 154, 164, 194, 204, 217, 228, 229, 234, 242, 291, 299, 310, 325, 339, 348, 351, 352, 360, 366, 374</p>
Ecologically sustainable development	<p>‘Such legislation for NSW should have a single, well defined, sustainable development objective that considers the social, economic and environmental impacts and benefits of any development. This can draw from the experience in New Zealand with the <i>Resource Management Act 1991</i> (NZ), which has one, clearly defined sustainable development objective, adopts a risk-based approach and devolves decision making to regions. The <i>Resource Management Act 1991</i> (NZ) has a single purpose – to promote the sustainable management of natural and physical resources. There is also the opportunity to harmonise with the definition of ecologically sustainable development in the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>.’ (46)</p>	<p>19, 36, 61, 66, 68, 69, 71, 74, 92, 93, 94, 103, 118, 128, 130, 137, 177, 201, 207, 229, 239, 249, 252, 257, 258, 261, 270, 276, 281, 282, 291, 293, 294, 307, 320, 333, 348, 351, 356, 367, 373, 374, 384</p>

Comment theme	Sample submission comments	Similar submissions
International obligations	‘As a signatory to the Convention for the Conservation of Biological Diversity (CBD), Australia has committed to playing its part in achieving the goals and targets for the conservation of the world’s biodiversity as agreed by the international community. In order for Australia to meet these commitments, it is vital that legislation and policy is [sic] taking place at a national, state and local level, and is [sic] focused ultimately on achieving the same end goal.’ (291)	44, 48, 124, 130, 145, 148, 177, 181, 217, 241, 261, 276, 284, 300, 314, 342, 348, 351, 356, 360, 366, 369, 377, 379
Are the objects still valid?	<p>‘Taken together, the objectives of the various pieces of legislation that are the subject of this review provide a sound basis for conserving the rich biodiversity of NSW.’ (42)</p> <p>‘The general intent of the current objectives of the relevant legislation remain[s] valid. They could be clarified to emphasise the multiple aspects of biodiversity that are valued by society, for example adding explicit emphasis on the direct value to society from all ecosystems (natural and modified) being healthy and the amounts of nature in landscapes, as opposed to ecosystems and landscapes just being valued as habitat for species.’ (357)</p>	44, 48, 49,91, 94,105, 117, 130, 132, 145, 148, 160, 162, 211, 217, 229, 234, 239, 250, 261, 276, 297, 301, 302, 303, 325, 338, 339, 356, 357, 366
Effectiveness of existing legislative objects	<p><i>Effective</i></p> <p>‘Government must work to strengthen this model which has had some success, for an improved response to biodiversity conservation.’ (342)</p> <p>‘The existing legislation has not completely achieved it[s] objects, but it has resulted in a position more closely aligned to the objects than if the legislation had not been enacted.’ (130)</p> <p>‘Levels of broad-scale clearing of native vegetation have decreased substantially and areas of high conservation value are generally better protected under the provisions of the Native Vegetation Act 2003.’ (42)</p>	21, 89, 117, 167, 196, 217, 265, 223, 228, 232, 254, 241, 244, 248, 253, 258, 275, 284, 301, 348, 355, 356, 384
	<p><i>Ineffective</i></p> <p>‘Biodiversity is under threat worldwide and Australia is no exception. The objects are not being met as, despite our efforts to date, most of the drivers of biodiversity decline have yet to be adequately addressed.’ (360)</p>	2, 4, 12, 13, 17, 42, 48, 62, 65, 78, 95, 120, 124, 126, 127, 137, 140,148, 150, 158, 184, 204, 213, 227, 231, 232, 234, 235, 239, 247, 249, 252, 280, 288, 295, 301, 317, 323, 324, 328, 339, 373, 393, 395

Comment theme	Sample submission comments	Similar submissions
Effectiveness of existing legislative objects <i>continued</i>	'NSW is equipped with some excellent legislative tools to support biodiversity conservation, but these have not always been applied to maximum effect. In other words, biodiversity outcomes are not always as strong as they could be, given the available tools to achieve them.' (369)	42, 46, 95, 105, 130, 132, 145, 154, 170, 217, 229, 258, 261, 271, 297, 315
	'The current legislative framework has too many layers and complexities leading to confusion for landowners, land managers and regulators. This in turn leads to persons unknowingly breaching legislation and/or stifling good management innovation.' (395)	7, 8, 11, 40, 114, 129, 195, 210, 314, 321, 349, 352, 361, 363, 370, 387
	'Current native vegetation rules represent one of the biggest impediments to the sustainable production of food and fibre in NSW.' (347)	9, 16, 50, 64, 72, 85, 99, 107, 114, 121, 136, 139, 157, 180, 203, 208, 224, 237, 238, 255, 298, 299, 332, 336, 349, 371, 382, 383
Principles of a new legislation	<i>Positive outcomes for biodiversity</i> 'The objects and principles of a consolidated biodiversity Act should include a commitment to achieving positive outcomes for biodiversity at a state and regional level.' (40)	42, 93, 150, 151, 181, 184, 190, 307, 311, 315, 325, 328, 333, 360, 379
	<i>'Maintain or improve' standard</i> 'A clear legislative commitment to maintain or improve environmental outcomes is a fundamental underpinning to decisions affecting biodiversity, whether through extractive industries, primary industries, urban development or other activities.' (42)	46, 48, 71, 92, 93, 103, 124, 150, 201, 221, 231, 232, 235, 270, 281, 312, 333, 356, 365, 373
	<i>Retain and strengthen biodiversity outcomes</i> 'I write to express my strong support for the maintenance and strengthening of all biodiversity legislation.' (140)	18, 66, 68, 71, 75, 92, 93, 98, 103, 108, 110, 118, 137, 147, 165, 167, 197, 201, 232, 248, 253, 270, 276, 277, 279, 281, 282, 283, 295, 300, 305,

Comment theme	Sample submission comments	Similar submissions
		307, 310, 316, 317, 319, 329, 333, 326, 342, 367, 384
Principles of a new legislation continued	<p><i>Need to be science based</i></p> <p>'Biodiversity legislation should also ... be clearly linked with effective research and development processes. It must be based on sound and agreed science with capacity to adapt to new knowledge, technology and innovation.' (47)</p>	18, 30, 36, 38, 52, 118, 150, 153, 155, 173, 187, 191, 207, 222, 270, 342, 354
	<p><i>Account for climate change</i></p> <p>'Given the current threats of climate change on biodiversity, these objects need to have more of a focus on preparing environments for ... long-term viability.' (345)</p>	22, 42, 48, 61, 93, 103, 137, 220, 249, 312, 339, 355, 357, 360, 395
	<p><i>Value ecosystem services</i></p> <p>'Biodiversity is important because it provides the ecosystem services on which society depends (MEA 2005; Kumar 2010). We rely on biodiversity to maintain clean air, clean water, run the nutrient cycles, create and maintain soil, provide pollinators for our crops. Human society has a dependence on nature, not the other way around, and biodiversity is the foundation that keeps the free ecosystem services running (Washington 2013).' (254)</p>	42, 48, 78, 134, 147, 204, 271, 296, 299, 312, 325, 357, 360
	<p><i>Flexibility</i></p> <p>'Any new objectives need to recognise and balance the need for communities to grow, develop and use land sustainable in areas where biodiversity exists, through the inclusion of social and economic considerations. The objectives also need to provide for flexibility in their application.' (234)</p>	18, 46, 47, 49, 62, 162, 185, 190, 195, 299, 302, 309, 357, 362, 369, 379
	<p><i>Triple bottom line</i></p> <p>'... we believe that the Government should not focus unequally on any one component of the triple bottom line, for example, over emphasis on the environment or alternatively, unreasonable industry demands. There is a need to ensure that all policies drive economic growth, population amenity and ecosystem services. Policy should be based on robust science and manifest itself in workable best management practices that can accommodate a balanced approach to biodiversity in a working landscape.' (47)</p>	8, 22, 46, 72, 81, 86, 106, 136, 192, 195, 200, 202, 249, 259, 272, 362, 363, 375, 377, 395
	<p>'The current laws do not deliver balanced outcomes across the NSW Government's environmental social and economic objectives, triple bottom line, which is the basis of ecological sustainable development. Biodiversity will continue to decline while all three measures are not given equal weight. The environment in most cases is the measure that is compromised at the expense of the</p>	11, 22, 45, 46, 52, 200, 230, 235, 263, 276, 341, 352

Comment theme	Sample submission comments	Similar submissions
	other two. An example of this can be seen in the recent NSW Governments new Draft NSW Biodiversity Offset Policy for Major Projects.' (117)	
	'It is misleading, in the extreme, to assume that good biodiversity outcomes and good commercial agriculture cannot co-exist.' (195)	50, 64, 85, 106, 107, 109, 138, 216, 248, 250, 322
Consolidating legislation	'I consider that what is required is one single Biodiversity Conservation Act that addresses all relevant issues that are covered in part by the various existing Acts, but most importantly focuses on maintain[ing] ecosystem function, conserving landscapes and habitats as well as viable populations of threatened species.' (393)	40, 47, 53, 89, 94, 95, 117,162, 235, 242, 245, 250, 297, 302, 324, 345, 352,360, 364, 366, 369, 372, 388
	'As a general opening comment I support in principle consolidation of the various pieces of NSW legislation relating to the environment and biodiversity into a single act of parliament. In doing this I submit that the panel should be mindful of the need not to weaken the protection of our environment, but the need to strengthen legislation so as to increase and preserve our natural biodiversity.' (36)	2, 12, 261, 312, 325, 326
	'I do not believe these four Acts should be merged into one. Each has a focus of its own, [and] there may be sections that have common areas but each has a unique focus and the main areas would be hidden i.e. the issue of land clearing for the farmer would be lost in a mass of unrelated environmental issues.' (176)	36, 42, 48, 57, 78, 124, 141, 148, 217, 244, 248, 289, 299, 301, 339

Theme 2: Conservation action

This theme considered existing legislative requirements to take positive action to promote the recovery of threatened species or address threats. It also considered mechanisms to support conservation on private land, such as through conservation agreements. Respondents were asked to comment on the adequacy and appropriateness of financial support for conservation actions, flexibility in management approaches, investment priorities and monitoring and evaluation.

A small number of submissions commented that the mechanisms currently available for biodiversity conservation on private land had enabled considerable gains to be made in protecting biodiversity values. Other submissions remarked that more could be done to expand the potential of existing mechanisms to achieve biodiversity outcomes—particularly in the case of increasing the potential for environmental offsetting. However, a small number of submissions commented that current mechanisms appeared ‘ad hoc’ and uncoordinated and there was a lack of a clear business case for private land conservation. There was also a sense that mechanisms relied too heavily on the altruistic nature of private landowners.

A large number of submission indicated that financial restraint was the biggest impediment to private land conservation. Other variations on this theme included that agricultural industries should be provided with the same offsetting opportunities as other industries such as mining, and more technical support was required. A number of submissions indicated that the binding and inflexible nature of agreements was an impediment to participation. However, a higher number of submissions were in support of perpetual agreements to help with long-term planning and achievement of conservation objectives.

A number of submissions pointed out that there were inequities in the current incentives afforded to landowners under the existing mechanisms, although these inequities were not seen as impediments to participation. In particular, the availability of local government rate relief varied among instruments and was viewed as unfair. The submission made by the Nature Conservation Trust (NCT) provided in-depth details of barriers and potential supports for private land conservation at the State and Commonwealth levels.

Many submissions were highly supportive of the NCT as a delivery agency for private land conservation in NSW, provided that it was adequately resourced to take on an expanded role.

Many responses to the question of determining priorities for investment in private land conservation were supportive of strategic planning. Submissions suggested a wide range of methods for priority-setting and potential frameworks.

There was support for adequately resourced monitoring and evaluation of private land conservation programs in terms of biodiversity outcomes, and a number of potential frameworks were suggested.

A number of submissions supported the Saving our Species program and recovery plans. However, the support for Saving our Species was qualified with statements pointing out that the program reflected the limited availability of resources; it might lead to a disproportionate concentration of effort and funding towards iconic species; and it was largely new and untested. Although there was support for recovery plans, the main criticism was that they had not been adequately resourced or implemented. A few submissions also stated that the funding for both recovery planning and the Saving our Species program was inadequate.

Table 2. Summary of comments received on theme 2

Comment theme	Sample submission comments	Similar submissions
Effectiveness of current private land conservation mechanisms	<p>'The current system is considered to be inadequate at motivating landholders to conserve private lands. Simply put, the strong financial incentives to develop land far outweigh the potential benefits of opting to contribute to the conservation value of the property (such as establishing a Biobanking site or voluntary conservation agreements). In this way the system relies too heavily on the altruistic nature of private landowners to protect ecosystem services and biodiversity, especially where the financial profits for developing land remain significantly higher.' (276)</p>	<p>77, 269, 357, 372</p>
	<p>'...there are presently a number of tools including Biobanking and private conservancy arrangements, but they don't appear to have sufficient scale or [the] confidence of the agricultural sector.' (155)</p>	<p>40, 231, 276</p>
	<p>Inadequacy of current conservation mechanisms is due to:</p> <ul style="list-style-type: none"> • 'A lack of a clear business case for conservation by the Government; • A lack of a systematic, coordinated and effective administrative framework for private conservation and the litany of unrecognised past schemes; • A lack of a prioritised investment schedule in a CAR reserve system that incorporates privately-held lands.' (339) 	<p>102</p>
	<p>'Current practice appears a little 'ad hoc' without much sense of a desire by the government to protect and encourage landholders to engage with conservation or the protection and awareness of biodiversity.' (115)</p> <p>'The OEH Conservation Partners Program (CPP) has to-date made considerable gains in the protection of biodiversity values over private lands in NSW ... Despite these considerable gains, the OEH CPP has been deprived of adequate funding over the past few years, and it seems that the CPP through this review could be under threat of discontinuation altogether. If this were to occur it would be a travesty to the future protection and management of biodiversity on private land in NSW, and many of the 1,400 landholders that the Department has worked tirelessly with will feel cheated.' (155)</p>	
	<p>'In many respects the current VCA system met our needs for conserving that part of our forested property that we did not want to use for any production. One of the reasons we purchased the property was to assist in the forest conservation effort and we were glad of a mechanism to do so.' (185)</p>	<p>160</p>
	<p>'[Incentive] Property vegetation plans ... provide the opportunity for rural landowners to preserve parts of their land for conservation while maintaining productive agricultural activities.' (325)</p>	<p>45, 46</p>

Comment theme	Sample submission comments	Similar submissions
Financial impediments to private land conservation	<p>‘There is very little financial reward or public recognition for those landowners who choose to protect areas and implement actions beyond their perceived/or legislated level of duty of care. Private landowners who voluntarily establish land under conservation/sustainable management provide an extremely important public service, often at considerable financial cost to themselves. This is particularly true as the highest priority conservation lands, for example coastal rainforests and inland grassy box woodlands, are now found mostly on private land. Private conservation landholders are frequently unable to earn significant income from their properties (because it is [sic] protected for conservation) but must still meet the costs of rates, taxes, pest, weed and fire management and fencing.’ (44)</p> <p>‘It is best described as a pretty bare cupboard.’ (391)</p>	5, 40, 45, 49, 67, 78, 80, 95, 102, 130, 145, 157, 158, 162, 171, 185, 186, 211, 215, 227, 229, 242, 260, 301, 314, 317, 324, 339, 341, 366, 368, 371
	<p>‘The biggest impediment is the lack of on-going technical and financial support.’ (102)</p>	268, 269
	<p>‘Funding sources to enable landowners such as Councils and private landowners that are stewards of 90% of Endangered Ecological Communities are sparse, sporadic [and] highly competitive and are skewed away from local action that can conserve significant vegetation on the ground.’ (231)</p>	190
	<p>‘Government should also provide a strong incentive framework to encourage landholder participation and innovation. Incentive schemes should be designed to provide opportunities to the agricultural sector [and] enhance agricultural productivity and should provide agricultural industries with the same opportunities provided to other sectors, for example mining.’ (47)</p> <p>‘Effective incentives are required to make it worthwhile (appear desirable) to undertake the necessary works. To make it financially worthwhile, legitimise it as a productive land use and normalise these arrangements in our society for its collective good.’ (234)</p>	
Binding nature of agreements	<p><i>Viewed as an impediment</i></p> <p>‘...more landowners would become involved in conservation projects on their land if there was greater public reward and fewer restrictions on requirements in perpetuity.’ (94)</p> <p>‘In Sydney Water’s experience, the current system for private land conservation has afforded some impediments (for example, the binding nature of agreements in perpetuity) ... Sydney Water has entered into a Voluntary Conservation Agreement (VCA) under the National Parks and Wildlife Act 1974. This binds us to manage the ecological values of the land in perpetuity at our own expense. Subsequent legislation introducing new market based schemes such as the Biobanking Scheme have provided financial incentives for biodiversity conservation (under the Threatened Species Conservation Act 1995), which are not available due to the binding nature of the original VCA.’ (353)</p>	80, 231, 301

Comment theme	Sample submission comments	Similar submissions
Binding nature of agreements continued	<p><i>Viewed as necessary for conservation outcomes</i></p> <p>'It is possible that there are inherent impedances in the current private land conservation framework, but I would argue that there should not be any diminishment of the binding nature of agreements. To what point is a 15-year conservation outcome if the land that was conserved for those 15 years is suddenly cleared and developed once the conservation period expires? This is disingenuous. Conservation periods must therefore be binding on title.' (339)</p> <p>'The binding nature of agreements assists with the long term planning of restoration.' (115)</p> <p>'A Wildlife Refuge agreement can be terminated with transfer of ownership or before that so there is no long- term reward for effort.' (269)</p>	<p>48, 130, 138, 145, 146, 220, 260, 261, 290, 297, 325, 356</p>
	<p><i>Inequity in the application of local government rate relief</i></p> <p>'Landholders who enter into in-perpetuity conservation covenants under the Nature Conservation Trust Act are not entitled to an automatic exemption under <i>the Local Government Act 1993</i> to that portion of the property covered by the covenant. Whereas landholders who enter into in-perpetuity agreements under the <i>National Parks and Wildlife Act</i> are entitled to an automatic exemption. [However,] the possible adverse impacts of extending rate concessions on local Councils [must be considered,] particularly for those with a low rating base.' (44)</p> <p>'Representations have been made to Council on several occasions by residents of the Wingecarribee Shire regarding to the desirability to afford to landowners rate relief or similar if they are engaged in biodiversity conservation work on their property outside of existing conservation agreements under the NPWA. There has been concern expressed that landowners who voluntarily engage in land management practices which advance biodiversity conservation and/or deliver important ecosystem services are not afforded benefits similar to those available for agricultural primary producers.' (263)</p>	<p>42, 49, 69, 339, 386</p>
	<p>'As far as rewards for environmental stewardship for our VCA are concerned, we are happy to receive an acknowledgment in the form of a reduction in our land rates (although it would be better if our cash-poor local council didn't have to bear this).'</p> <p>(185)</p>	<p>44, 134, 263</p>

Comment theme	Sample submission comments	Similar submissions
Role of other organisations in delivery	<p><i>Support for the Nature Conservation Trust</i></p> <p>'We believe that NCT would be an appropriate locus for this coordination. But, if so, then it needs resources.' (73)</p>	<p>148, 260, 261, 393</p>
	<p>'As a non-government organisation NCT offers an alternative mechanism for those uncomfortable about dealing with 'government'. Particularly in regards to permanent trust agreements. They may also have a role in providing technical advice if staff actually had the skills.' (102)</p> <p>'The Nature Conservation Trust and other organizations that facilitate and manage private land conservation such as Local Land Services, are an extremely valuable mechanism enabling private land conservation that Council's typically cannot undertake or support. Such organizations should continue to be supported in their current form.' (250)</p>	<p>44, 95, 117, 372</p>
Priorities for investment in private land conservation	<p><i>Methods for determining priorities</i></p> <p>'... priorities for investment should be guided by:</p> <ul style="list-style-type: none"> • the establishment of a comprehensive representative and adequate national reserve system • priorities for threatened species and ecologically endangered vulnerable and overly cleared communities • regional and local climate change and wildlife corridors • areas of known endemism and refugia • areas of known community capacity.' (44) <p>'...a private land conservation strategic plan [should] be developed to guide investment which is adequately resourced and that includes both realistic and aspirational targets ... strategic plans and priorities for conservation investment [should] be regularly reviewed to accommodate new understanding and actions required to assist ecosystem resilience in a changing climate.' (44)</p> <p>'Priorities should be under-represented vegetation communities, keystone habitats and species, state and regional biodiversity corridors.' (325)</p> <p>'... there needs to be a sub-regional conservation assessment process undertaken to determine:</p> <ul style="list-style-type: none"> • The current extent and types of native vegetation communities; • The extent of loss of each native vegetation community since 1750; 	<p>41, 42, 297</p>

Comment theme	Sample submission comments	Similar submissions
<p>Priorities for investment in private land conservation <i>continued</i></p>	<ul style="list-style-type: none"> • The extent of the private and public conservation scheme; • The adequacy of the private and public conservation scheme to conserve native vegetation communities and native biodiversity; • The state of fragmentation of habitat; • Considerations of meta-population analyses and Population Viability Assessments of keynote or umbrella species; • Strategic high priority lands for native vegetation representation and conservation; • Strategic high priority lands for native vegetation reinstatement; and • Strategic high priority lands for wildlife corridors/ connectivity.’ (339) <p>‘We support objective prioritisation (including criteria based on evaluation of cost-effectiveness and evolutionary distinctiveness), provided an extensive priority list is open for negotiation with interested communities.’ (130)</p> <p>‘Looking forward the OEH CPP should continue to take a lead role in strategically identifying lands of high conservation value on private lands across the State and have the funding capacity to secure those lands in-perpetuity. This should be undertaken through negotiation with landholders and through incentives-based schemes (such as Bush Tender which is used in Victoria).’ (155)</p> <p>‘Government priorities for investment in biodiversity conservation should be based on adopted biodiversity management plans, species recovery plans and the like.’ (249)</p> <p>‘Priorities must be determined holistically, and must be complemented by a robust monitoring and reporting scheme, in order to be effective. We therefore encourage the prioritisation of resources and conservation efforts by a central body as part of a ‘one stop shop’. This should include the preparation and maintenance of overarching maps which identify gaps for further investment and landowner participation. The central body should be responsible for monitoring implementation of agreements and plans, as well as acting as the repository for reporting.’ (45)</p> <p>‘[A useful process for consideration is the] ... Biodiversity Investment Prospectus (Conservation Lands Priority Assessment) for the Greater Hunter Region (Hunter Council’s Environment Division).’ (339)</p>	

Comment theme	Sample submission comments	Similar submissions
<p>Private land conservation monitoring and evaluation requirements</p>	<p><i>Requirement to monitor and evaluate</i></p> <p>‘Better reporting and compliance mechanisms are required by the program owner whether they be [a] government agency or NGO. Adequate resources must be applied for outcomes to be achieved and sustained.’ (234)</p> <p>‘What is needed are measures that are meaningful in terms of the response of biodiversity to threats and the management of threats in the context of the ecological processes that drive species persistence. Importantly, measurement of management actions is not sufficient – any monitoring or evaluation program must measure outcomes in terms of biodiversity responses (e.g. abundance, extent, distribution of species or communities).’ (356)</p> <p><i>Methods for monitoring and evaluation</i></p> <p>‘This can be achieved, firstly, by having a stated aim for the programme, and then [by] monitoring designed to see the extent that the aim is achieved. Currently with our VCA we have a couple of monitoring points for vegetation photos to track changes over time. There was a vegetation survey done initially so we have some baseline data for comparison. Probably the landholders should monitor in the first instance with accredited agency oversight or partnership’. (185)</p> <p>‘... the following principles would assist in effective monitoring and evaluation of conservation programs:</p> <ul style="list-style-type: none"> • Simple and easy to apply methodology with unified acceptance and of [sic] approach by local, regional, and State Government agencies and other conservation organisations • Application of benchmarks for vegetation types and use/training of consistent methods of assessment towards targets • Realistic and achievable targets, with better articulation of goals of programs in short and long term timeframes. This includes not only targets for the actual program – but more clarity on bioregional and species oriented targets and agreement from key stakeholders. Target setting should be supported by a M & E [monitoring and evaluation] framework that is based on vegetation and habitat benchmarks, yet also provides flexibility for establishment of site or project specific quantifiable goals. • Dedicated funding towards M & E as an essential component of programs, preferably not at the expense of less funding towards on-ground actions • Reduce ‘siloining’ and data collection overlap - with so many groups, agencies, organisations, consultancies chartered with the responsibility for conducting M & E there is a need for a good supportive framework, that ensures that data is [sic] not lost once gathered. This highlights that partnership approaches (and their ongoing funding) such as GER [Great Eastern Ranges] are vital to ensure that these groups conducting M & E are talking to each other.’ (44) 	<p>46</p>

Comment theme	Sample submission comments	Similar submissions
<p>Private land conservation monitoring and evaluation requirements <i>continued</i></p>	<p>‘... the NSW Environmental Trust [has a] very good template for assessing and evaluating conservation projects. An improvement would be the provision of additional funding so that projects can be monitored beyond the three years of a normal project.’ (94)</p> <p>‘...the NSW Office of Environment and Heritage [could] over-sight strategic biodiversity conservation in NSW. They could liaise with other agencies to develop sub-regional conservation plans that incorporate:</p> <ul style="list-style-type: none"> • The collation of spatial information on all conservation areas • Over-sight the conservation assessment process to identify conservation adequacy and conservation priorities • Coordinate the regulation of conservation commitments. • Develop and implement an MER system in an adaptive framework.’ (94) 	
<p>Saving Our Species and recovery plans</p>	<p><i>Qualified support for Saving our Species</i></p> <p>‘Current threatened species recovery plans should be enforced and well resourced. The new Saving Our Species grants could be an adjunct to this work.’ (145)</p> <p>‘The current SOS program reflects the reality of limited availability of resources for plan development and implementation ... but this rigid restriction to species without consideration of the nature of the systems in which they occur seems to me to be a triumph of the adherence to process over the achievement of goals.’ (169)</p> <p>‘We support objective prioritisation (including criteria based on evaluation of cost-effectiveness and evolutionary distinctiveness), provided an extensive priority list is open for negotiation with interested communities.’ (130)</p> <hr/> <p><i>Opposition to Saving our Species</i></p> <p>‘Branding of a handful of species in SOS as ‘iconic’ is dangerous in that it might lead to a disproportionate concentration of effort and funding on these species, when (morally) all of the listed Threatened species of plants and animals in NSW are worthy of help.’ (148)</p> <p>‘The quiet shift in NSW policy from recovery to conservation to managing rate of loss is of extreme concern. It is vital that recovery is reinstated as the foundation of biodiversity planning in NSW.’ (194)</p> <p>‘The current species specific approach results [in] iconic high profile species attracting the bulk of scarce conservation resources at the expense of other lower profile species.’ (390)</p> <p>‘Saving our Species is highlighted in the paper as an important program. It should be noted that this is a new and untested approach to conservation, the large ecological changes anticipated from climate change and other pressures over coming decades could have significant impacts on the effectiveness of efforts to manage selected individual species, and the program only addresses a subset of one dimension of biodiversity that is valued by society.’ (357)</p>	<p>13, 45, 81, 95, 226, 302, 303, 391</p> <hr/> <p>124, 390, 395</p>

Comment theme	Sample submission comments	Similar submissions
Saving Our Species and recovery plans continued	<p><i>Support for Recovery Plans</i></p> <p>'... legislation should require development of recovery plans and critical habitat designation for all species, populations and EEC's listed under the TSC Act within 4 years.' (155)</p> <p>'Recovery plans, as required under the <i>Threatened Species Conservation Act 1995</i>, are an effective mechanism for the ongoing planning and management of sites and species. Recovery plans should be prepared and finalised in a timely manner after a determination by the NSW Scientific Community, and should be reviewed regularly and assessed as to their efficacy by the Scientific Committee or their delegate.' (334)</p> <p>'Having been involved in lobbying for the original Threatened Species Conservation Act, the reality was that recovery planning was <i>never given the resources it needed</i> – and this has got worse. Now we see yet another indication that resourcing of recovery plans will be decreased yet again. This will justified as being 'more flexible', but this is just spin. If resourcing of recovery plans declines yet again then extinctions will inevitably increase.' (78)</p>	<p>42, 65, 103, 155, 209, 235, 248, 252, 284, 297, 300</p>
	<p><i>Opposition to Recovery Plans</i></p> <p>'Individual species recovery plans have also acted against effective conservation.' (181)</p> <p>'... production of a recovery plan is disconnected from actual implementation and often by the time a plan is implemented there is no money to do monitoring.' (164)</p>	<p>365</p>
	<p><i>Comments on the adequacy of funding</i></p> <p>'The current level of funding available for species protection is woefully inadequate and well below appropriate international comparisons. There is a need for increased and sustained long-term funding towards threatened species conservation to enable the development, implementation and effective delivery of research and monitoring programs, and recovery plan actions, along with incentive programs for private landowners.' (291)</p> <p>'The Save Our Species program is trumpeted on p. 5 of the review, but [it] seems mainly window dressing, with only \$4.8 million in funded projects as shown on the OEH website.' (78)</p> <p>'The real financial need of SOS is probably in the order of 200–300 million dollars over say 5 years, but this sort of 'serious' money appears very unlikely to be committed in NSW.' (261)</p>	<p>127, 248, 299, 345, 356, 364, 372</p>

Theme 3: Conservation in land-use planning

This theme considered biodiversity in land-use planning processes and decisions. It asked respondents to consider the effectiveness of current arrangements in terms of biodiversity and the delivery of strategic outcomes. The monitoring and evaluation of strategic planning approaches were also queried.

There was a general sense that the current planning system displaces biodiversity values by failing to conduct comprehensive biodiversity assessments at the strategic planning and rezoning stage. Some submissions also argued that economic and social considerations are given higher priority in decision-making.

There was very strong support for better integrating biodiversity conservation legislation with the planning system, with some submissions focusing on specific ways to improve integration. A number of submissions noted that different standards applied to the agriculture and mining/development sectors. Some of these submissions emphasised the need to strengthen biodiversity outcomes and others simply argued for consistency across sectors.

Of the submissions that commented on land-use planning, all supported a regional approach rather than a site-specific approach, and many voiced support for decision-making being devolved to the regional and local levels. These submissions suggested ways to improve regional planning, including clear and appropriate regional or state-wide targets; better industry and community consultation mechanisms; accounting for regional variation; better acknowledging cumulative impacts on biodiversity; and clear time frames to complete strategic assessments.

Support for biodiversity certification was mixed, with most submissions suggesting ways it could be improved, including providing methodology guidelines; long-term monitoring; improving the quality of mapping, data and surveys; and increasing resources, including for local government.

In general, there was strong support for improved data through better mapping and satellite imagery to inform land-use-planning decisions. A number of submissions also suggested ways to improve long-term monitoring of the impact of land-use planning decisions on biodiversity values.

A number of councils proposed ideas to improve the effectiveness of Local Environmental Plans.

Table 3. Summary of comments received on theme 3

Comment theme	Sample submission comments	Similar submissions
Effectiveness of current arrangements	<p>‘There is room for improvement in the legislative framework and its implementation to address ‘death by a thousand cuts’, whereby biodiversity is eroded by cumulative impacts driven by a series of piecemeal unco-ordinated development decisions.’ (369)</p> <p>‘The current system does not adequately address the cumulative impacts of the progressive removal of tracts of remnant native vegetation. This failure leads to an inevitable decline in the extent of vegetation communities to levels where they no longer provide the biodiversity or ecosystem function necessary for the maintenance of sustainable natural resources such as water quality and quantity, air quality and human health and wellbeing.’ (299)</p> <p>‘We can see the values of biodiversity being eroded cumulatively and forcefully by more and more development proposals here in the Hunter. For example, open cut coal mining in the Hunter has grown by a factor of twenty times in the last twenty years. The cumulative affects [sic] on biodiversity, river and aquifer health and on community health by this development are exponential and the values of ecosystem health suffer at an alarming and increasing rate.’ (74)</p>	<p>45, 49, 61, 71, 78, 92, 93, 103, 105, 146, 149, 177, 201, 244, 257, 270, 271, 275, 276, 281, 296, 300, 310, 311, 320, 325, 351, 353, 355, 367, 372, 384</p>
	<p>‘Our planning legislation under the Environmental Planning and Assessment Act (1979) is currently too weak because there is no provision to stop proposed developments even when they will impact upon a threatened species, population or ecological community. The current requirement is only for a decision-making authority to consider the acceptability of impacts upon threatened species. We need stronger protections for threatened species and we need a policy of no net loss of habitats critical for the survival of threatened species.’ (207)</p>	<p>42, 48, 74, 105, 198, 276, 284, 320, 325, 339</p>
Integration with the planning system	<p>‘The application of important land clearing laws should be extended so that all development (including extractive industry, forestry, urban development and agriculture) subscribes to the same policy of ‘improving or maintaining’ environmental outcomes.’ (333)</p>	<p>21, 48, 61, 71, 93, 103, 124, 137, 221, 241, 244, 276, 281, 282, 293, 367</p>
	<p>‘The NRC suggests that the panel explores an integrated legislative framework that builds whole-of-landscape management, including biodiversity conservation, into the land use planning system. This would be supported by the expertise and participation of all relevant agencies together with decision-frameworks that consider environmental, economic and social outcomes, and strategies to maintain environmental values within thresholds of landscape function.’ (46)</p>	<p>42, 140, 176, 273, 296, 299, 311, 325, 341, 364</p>

Comment theme	Sample submission comments	Similar submissions
Strategic planning	‘A key concern for Local Government in reviewing the relevant pieces of biodiversity related legislation is the need to give due consideration to the NSW planning legislation and its ability to ensure the protection of environmental values. Given the threats posed to biodiversity by development, it is critical to have a strong link between planning and environmental protection legislation ... All stakeholders, decision makers, developers and local communities would benefit from clarity and certainty in development decisions, which would be best achieved through strategic approaches to determining development opportunities while balancing environmental values.’ (386)	5, 43, 46, 245, 263, 284, 296, 302, 342, 338
	‘The strategic planning process represents a powerful and positive opportunity to identify, protect and subsequently manage areas of high conservation value in NSW, as well as safeguard such areas from inappropriate clearing and development.’ (339)	13, 148, 261, 290, 338
	‘Unfortunately, strategic planning often occurs before any comprehensive biodiversity assessment is undertaken and therefore compromises the guidance and direction given to the local community and land-owners under the resultant strategies. Biodiversity assessments should occur early enough in the plan making process as to ensure biodiversity values are identified early and properly considered, to inform strategic planning.’ (334)	204, 229, 302
Regional scale versus site-specific scale planning and assessment	‘Biodiversity is most appropriately managed in a regional context. Clearer identification of areas for protection need[s] to be provided ‘upfront’ in the planning process, providing greater certainty for all stakeholders. Biodiversity and ecosystem management requires a broader perspective. Continuing to make site specific decisions (using tools such as the 7 part test in the <i>Threatened Species Conservation Act 1995</i>) can create cumulative losses across a region, and is an expensive and time consuming approach focussing [sic] on threatened species, and not broader ecological values ... Councils support a move towards greater biodiversity assessment during the strategic planning, subdivision and rezoning stages of the development process, as long as suitable policies processes and incentives are developed to assist.’ (386)	48, 299, 366, 349
	‘Institutionally, a landscape approach requires mechanisms to identify and resolve conflicting societal values for particular landscapes. The logical place for this to happen is within the land-use planning system through state and regional planning, local-scale zoning and development controls, and the interaction of markets and other social institutions ... This single regulatory framework should apply across the whole state, with regional planning processes allowing for regional variation in response to the needs of different landscapes and their communities.’ (46)	45, 47, 195, 245, 264, 334, 360, 393

Comment theme	Sample submission comments	Similar submissions
Biodiversity certification	'While UDIA NSW has identified some problems with aspects of the system, including lack of clarity around how multipliers work, the general principles underpinning biodiversity certification are supported.' (45)	45, 69, 94, 124, 235, 239, 245, 311, 334, 345, 348, 351, 386
	'Early identification of biodiversity values and biodiversity certification during the strategic planning phase has proved useful for Sydney Water in the growth centres. The certification process provides greater certainty for proposed activities. However, the assessments are generally high level only and due to the large assessment areas there is potential for some biodiversity values to be missed. Sydney Water has identified threatened species in biodiversity certification areas that may not have been identified in the strategic assessment. The information can also become out of date (for instance the original assessment for the north west growth centre was completed in 2006). The ongoing effectiveness of this approach needs to be carefully considered so that biodiversity values are not overlooked' (353)	339
	'Council's experience with this process is that it is complex, convoluted and expensive and is unlikely to be widely accepted and/or taken up as an option unless simplified. Until a further review of biocertification takes place, Council cautions against the widespread use of this process.' (234)	220, 341
	'Biodiversity certification is designed more for the benefit of developers than for the benefit of biodiversity; and we doubt that the process adequately identifies much of the land that should be conserved in an area (such as a growth centre in western Sydney). Important relatively small areas with high biodiversity value such as critically endangered Cumberland Plain woodland are often destroyed while creek corridors are retained which have limited biodiversity value but cannot be built on anyway, so developers don't have to 'sacrifice' much. There appears to be too much reliance on 'offsetting', which is somehow considered to compensate for losses of rare biodiversity; but offsetting is often wrongly used.' (148)	248, 261
Information needs to be improved	'Significant deficiencies exist in the adequacy of data to inform strategic planning for biodiversity and natural ecosystems, especially the poor standard of regional scale vegetation mapping prepared by the Office of Environment and Heritage. Accurate and relevant vegetation mapping underpins most biodiversity planning and assessment.' (229)	42, 78, 94, 105, 124, 130, 183, 273, 276, 290, 299, 311, 324, 363, 371, 377, 383
	'A shift from site specific assessment to regional scale assessment is only possible with good quality information. Such an approach should also identify targets, define corridors for threatened species and ecological communities to be protected in perpetuity, and then consider approaches such as compensation, zoning changes, offsets and other management tools to achieve multiple objectives in a region.' (386)	213, 234, 334

Comment theme	Sample submission comments	Similar submissions
Monitoring the effectiveness of strategic planning approaches	<p>'A landscape approach requires a shift from simply recording status, inputs and outputs, to recording real changes and outcomes across the landscape. Further, while direct monitoring and evaluation of desired biodiversity outcomes is currently limited, NSW does have a great deal of data related to ecosystem condition, which could be better used to assess current condition and trends as well as inform decision-making.' (46)</p> <p>'Broad scale biodiversity monitoring is essential for evidence based management and should be mandated and properly resourced.' (310)</p>	37, 45, 94, 124, 163, 231, 235, 251, 325, 338, 348, 351, 364
Local Environmental Plans	<p>'One of the challenges of the current planning system is the ability for LEPs to respond to up-to-date information on biodiversity values, given the lengthy process required to review LEPs.' (358)</p> <p>'EZones, and their application, are an important part of the biodiversity conservation framework in NSW (especially given the inadequacy of the protected area/ reserve system) ... The Panel should recognise the need to reflect high conservation value lands appropriately in the strategic planning scheme. Councils should be encouraged by the NSW Government to achieve conservation outcomes in their LEP schemes.' (339)</p> <p>'Local government can, through zoning within local environment plans, identify areas of high environmental value and through the local planning approval process can limit the impacts on these areas from development. Local government has a key role to play in biodiversity conservation, through it being the manager of a range of reserves within its care and control, as the consent authority for many developments, in monitoring biodiversity, and through provision of community education resources. Unfortunately many councils do not have the resources to adequately address the challenges they face.' (169)</p> <p>'Strategic planning instruments dictate the majority of development in NSW. However, the primary strategic planning instruments – local environment plans – are not subject to assessment regardless of the mechanisms through which they are proposed ... The exclusion of Local Environment Plans and other planning decisions from assessment is both practical and an urgent priority, and there is not [sic] substantive case against its implementation.' (194)</p> <p>'This has occurred at the same time that comprehensive Local Environmental Plans (LEPs) across the state have been standardised, leading to an overall loss of environment protection as a result of few environmental zones and a weakening of biodiversity provisions so that, for example, the standard biodiversity protection clause only provides heads of consideration when consent is required rather than any prohibitions on development.' (325)</p>	245, 249, 311, 364 103, 137

Theme 4: Conservation in development approval processes

This theme considered biodiversity in relation to the regulation of development, such as land clearing for agriculture, major projects and other developments. It asked respondents to consider approval processes, methods for assessing the impacts on biodiversity, and the practice of biodiversity offsetting.

Many respondents recommended retaining or strengthening the current provisions for biodiversity conservation in development approvals and supported including an assessment of cumulative impacts. A large number of respondents also supported offsetting if it strictly adhered to the 'like for like' principle. There was considerable support for having one biodiversity impact and offsetting assessment method for all forms of development. Other respondents expressed the view that the multi-tiered approach to development approval processes should be maintained.

A large number of respondents supported providing some form of reward or incentive to landowners for biodiversity conservation, citing that landowners in particular lost development opportunities under the current system. Many respondents found that duplication and inconsistencies favoured developers over landowners and that social and economic factors should be considered in the case of native vegetation clearing. There was considerable support for regional-scale assessment for agricultural clearing and removing restrictions on clearing invasive native species.

There were mixed responses regarding compliance and enforcement provisions; some respondents expressed the view that the provisions were excessive, whereas others commented that the provisions were deficient. There was general opposition to self-regulation or codes of practice. Others questioned the independence and consistency of the ecological consultants employed by proponents to conduct assessments in the absence of industry standards or other accreditation.

Most respondents that commented on private native forestry (PNF) criticised the lack of ecological assessment required in the PNF Property Vegetation Plan approval process. Others suggested that PNF clearing should be considered as a routine activity not requiring any form of regulation.

Table 4. Summary of comments received on theme 4

Comment theme	Sample submission comments	Similar submissions
<p>Retain or strengthen biodiversity protection</p>	<p>‘There is no requirement for consent authorities to refuse consent to development proposals where an environmental assessment has shown that there will be an unacceptable impact on threatened species endangered ecological communities or their habitats.’ (209)</p> <p>‘There needs to be stronger protections for threatened species in any revised regulatory system.’ (356)</p> <p>‘Conservation is far too often ignored and community constantly needs to fight for it.’ (240)</p> <p>‘It is difficult to comprehend how, given current knowledge of the fragility of our environment, some farmers are still motivated by short term profit with no regard for immediate and future consequences.’ (313)</p> <p>‘Currently there is no specific legislative protection of riparian areas.’ (273)</p>	<p>8, 41, 42, 48, 49, 57, 62, 101, 103, 124, 127, 130, 153, 159, 161, 165, 166, 167, 172, 173, 176, 189, 191, 197, 198, 207, 209, 223, 227, 232, 240, 241, 243, 247, 248, 254, 258, 275, 276, 279, 287, 288, 290, 295, 297, 300, 304, 305, 306, 310, 316, 328, 335, 342, 356, 357, 367, 374</p>
<p>Rewards or incentives for biodiversity conservation</p>	<p>‘If Governments want to protect tracts of land’ then ‘let them buy back that land at commercial rates.’(107)</p> <p>‘We strongly believe that stewardship payments should be provided to landowners to protect biodiversity values.’(95)</p> <p>‘Government should also provide a strong incentive framework to encourage landholder participation and innovation.’(47)</p> <p>‘I submit that where property owners are required to perform acts which are for the wider public good, then the wider public should pay.’ (238)</p> <p>‘If the community wants national parks on private property they must enter into a willing contract with the owner and pay just terms for what it is that the community requires otherwise the legislation creates an unjust enrichment.’ (280)</p>	<p>6, 9, 12, 20, 22, 46, 47, 49, 50, 53, 60, 95, 99, 101, 106, 107, 121, 122, 157, 162, 171, 180, 188, 190, 190, 192, 195, 203, 210, 215, 215, 227, 238, 240, 257, 264, 280, 282, 299, 309, 309, 314, 347, 352, 375, 380, 382, 391, 395</p>

Comment theme	Sample submission comments	Similar submissions
Assessment of the social and economic impacts of development	<p>'There has been no consideration given to profit. A farmer farms to make a living first, and without that initial requirement being met has nothing left over for environmental good.' (349)</p> <p>'The current methodologies for the NV and the TSC Acts do not consider the social nor [the] economic values of a proposal unless you're a coal miner or [a] property developer in western Sydney.' (352)</p> <p>'This does not take into account that the owner of the land needs to make a profit or just break even, and may need extra land cleared to achieve this goal.' (361)</p> <p>'The Native Veg Act affects every aspect of rural life in Australia – cultural, environmental, vocational and social.' (331)</p>	9, 11, 46, 47, 50, 86, 88, 105, 106, 109, 122, 125, 129, 141, 208, 212, 236, 264, 299, 327, 331, 341, 347, 349, 352, 361, 363, 375
Assessment of cumulative impacts	<p>'Cumulative impacts should be estimated for state-wide and landscape-wide impacts.' (276)</p> <p>'There is currently no clear and regulated process within NSW to adequately assess the cumulative impacts of loss of habitat through clearing remnant vegetation.' (241)</p>	41, 42, 103, 124, 137, 181, 241, 248, 249, 250, 254, 270, 271, 275, 276, 283, 296, 299
Self-regulation and codes of practice	<p>'PNF and RAMAs have shown that self- regulation mostly does not work, that systemic evasion is prevalent, that monitoring is essential but not adequately carried out, that breaches of compliance are not investigated or promptly dealt with.' (276)</p> <p>'... there is no evidence that such schemes work effectively.'(356)</p> <p>'Self-regulatory codes of practice fail because the responsibility for the decisions is thrown upon individual landowners who generally do not have the knowledge or skills on which to make the appropriate decisions.' (94)</p> <p>'The three (self-assessable) Codes, not yet released are not much more than a waste of paper and will get very little uptake if any.' (349)</p> <p>'I have read through the 3 self-assessable codes, and having been involved in the debate for the last long 19 years I consider they are worse than what we have had at other periods during that time.' (86)</p>	41, 42, 86, 94, 105, 124, 160, 173, 223, 276, 287, 290, 297, 349, 356
Inconsistent assessment approaches	<p>'As a wheat farmer I also dislike the way the law favours mining companies to clear any vegetation they want to including national parks, while we are restricted from growing more food.'(225)</p> <p>'Currently there exists a belief amongst land holders that large mining companies can create questionable environmental situations with little recourse from government agencies, yet farmers are somehow held to a significantly higher account.' (318)</p> <p>'The NSW Government has allowed coal miners and property developers to clear the last of some endangered ecological community but has prosecuted farmers for clearing single trees.' (352)</p>	46, 125, 129, 163, 225, 299, 318, 325, 352, 362, 363

Comment theme	Sample submission comments	Similar submissions
	<p>‘There is now a perverse situation where some local development has far more rigorous threatened species assessment requirements than major developments and rezonings.’ (325)</p> <p>‘As a former councillor the public anger in the community is palpable and growing when they are now realising that the environmental laws are curtailing both what buildings can be erected on their land and conditions restricting what agricultural enterprises they can do as conditions of consent to pass the DA.’ (327)</p>	51, 58, 225, 232, 250, 276, 297, 299, 325, 326, 327, 341, 353, 358, 395
	<p>‘The size and extent of buffers to environmental lands vary greatly between departments and officers in individual regions. There are no definitive specifications for this, and it often depends on who is involved rather than the science or any adopted standards.’ (341)</p> <p>‘A bureaucracy has been created that is happy to recognise farmers’ innovation and reward excellence in agricultural achievement while at the same time denying their neighbours the opportunity to pursue a similar outcome.’ (318)</p>	
Equity	<p>‘Whatever framework for the protection and enhancement of biodiversity and ecosystem function it must appear to be equitable and not allow activities by one sector that are prohibited to another.’ (299)</p>	11, 46, 48, 85, 127, 129, 200, 225, 362, 363, 383
	<p>‘The Native Vegetation Act 2003 focuses on preventing clearing at the property scale in rural-zoned land only thereby forcing private conservation onto a small group of landholders. This is despite the fact that many of the most aggressive threats to biodiversity in NSW include housing and mining development pressures in urban and coastal areas where the Native Vegetation Act 2003 does not apply. In general, decision-making in urbanised areas tends to favour decisions based on economic and social factors, whereas rural landholders are subject to strict rules that ensure environmental outcomes are maintained or improved.’ (46)</p>	169, 299
Single integrated approach to development approvals	<p><i>Opposition</i></p> <p>‘[A] Single integrated approach is unlikely to work because Local Government Areas differ in their conservation assets.’ (231)</p> <p>‘...I would say no, you can’t have a single approach to all forms of development that is proportionate to the risks involved. No two developments, even those for the same purpose (e.g. agriculture), are likely to have the same level of impact due to variations in landscape setting, soil type, aspect, slope, vegetation communities affected, existing degree of habitat fragmentation/connectivity and occurrence of threatened species.’ (297)</p> <p>‘A single integrated approach to approval also presents problems. A ‘one size fits all’ approach is not applicable to biodiversity protection, with all its complexities.’ (145)</p>	41, 48, 105, 124, 145, 147, 148, 160, 217, 228, 231, 235, 276

Comment theme	Sample submission comments	Similar submissions
	<p><i>Support</i></p> <p>'The same rules should apply to all development regardless of whether State Significant or not.' (229)</p> <p>'We definitely need a one-stop shop that recognizes who owns the land.' (280)</p> <p>'The overlap between approval requirements under the Environmental Planning and Assessment Act 1979 and Native Vegetation Act 2003 needs to be removed.' (229)</p> <p>'Quite often the issue of dual consent in development applications is complicated, onerous and substandard (in relation to Part 4 Assessments and the Native Vegetation Act for some forms of development). This should be considered and fixed.' (339)</p>	<p>229, 249, 280, 339, 358</p>
<p>Streamlined assessment methodology</p>	<p>'It is possible, I believe, to have a single integrated approach to the approval of all forms of biodiversity-related development impacts, BUT that approach would need to be precautionary, robust, scientific and comprehensive.' (339)</p> <p>'This could be achieved by having a single standard for biodiversity, salinity, water quality and soil erosion that applies to all development, based on the improve or maintain test.' (43)</p> <p>'A consistent framework that is applied transparently will be vital in maintaining established offsetting principles.' (287)</p> <p>'Council is of the view that there needs to be a more streamlined approach to Biobanking and Biocertification assessment methodology.' (296)</p>	<p>40, 43, 45, 46, 48, 141, 168, 207, 287, 296, 311, 338, 339, 345, 353, 358, 393</p>
<p>Current assessment methodologies</p>	<p>'As it currently stands, the policy framework is focused on micro-management of individual plants and properties, with decision making taking place via is by (sic) 'black-box' software, whose settings [are] controlled by the Office of Environment and Heritage.' (347)</p> <p>'Methodologies used for assessing natural resources appear to give Yes or No answers (generally No) without transparent justification. There is a strong need to explore 'What if' options. In other words allow for compromise to achieve both economic and environmental outcomes. At present the environment outcomes appear to be the only consideration.' (11)</p>	

Comment theme	Sample submission comments	Similar submissions
Offsetting standards	<p>'Where development is approved that significantly impacts native flora or fauna, the 'like for like' offsetting principle is fundamental and must not be weakened.' (172)</p> <p>'Any offsets process should allow for the development to not proceed if a suitable offset site is not available.' (49)</p>	<p>23, 31, 32, 36, 48, 49, 57, 58, 62, 63, 65, 68, 71, 75, 91, 92, 93, 101, 103, 118, 132, 137, 143, 146, 148, 149, 155, 166, 172, 198, 198, 201, 207, 209, 214, 237, 244, 249, 265, 270, 276, 324, 325, 328, 333, 339, 342, 359</p>
	<p>'Impacts that cannot be offset include extinction of species, local extinction and the cumulative loss.' (124)</p> <p>'Values such as critically endangered and endangered ecological communities, populations and species (and their habitats) under the <i>Threatened Species Act</i> and the <i>Environmental Protection and Biodiversity Act</i> to be values that should be subject of 'red flags'.' (44)</p>	<p>2, 41, 42, 44, 113, 124, 130, 160, 231, 235, 249, 261, 276, 290, 300, 312, 356</p>
Regional scale assessment	<p>'Catchment scale planning would provide a good starting point for a system which identifies the economic, environmental and social assets of a catchment.' (299)</p> <p>'There should be no reason why a regional planning group or govt agency cannot make such decisions of 'go and no go' and/or trade off areas.' (338)</p> <p>'Key to our submission is abolishment of Property Vegetation Plans (PVPs) in favour of regional plans which could set boundaries for landscape environmental management.' (347)</p>	<p>46, 119, 136, 208, 218, 238, 264, 299, 321, 338, 352, 393, 394</p>

Comment theme	Sample submission comments	Similar submissions
Development outcomes – Native Vegetation Act 2003	<p>'The current laws do not allow farmers to turn unproductive land into high performance food producing resources.' (85)</p> <p>'We have country which was running 4,000 lambing ewes in the 1940's which now we don't stock at all due to invasive scrub.' (272)</p> <p>'It must not be forgotten that another Government at another time enforced land clearing and land would often be seized if this rule was not adhered to and every parcel of land laid bare.' (322)</p> <p>'He (the landowner) has had to sit back and watch his 'could be productive land' turned into a mangle of rubbish undergrowth – land good for nothing, only a breeding ground for feral animals.' (346)</p>	16, 41, 46, 50, 58, 60, 64, 85, 86, 99, 109, 121, 122, 129, 195, 208, 212, 224, 225, 235, 250, 259, 264, 272, 322, 346, 352, 375
Development outcomes – Threatened Species Conservation Act 1995	<p>'The last 10 years of development assessment has seen very few occurrences where the regulatory system resulted in lost development opportunities.' (231)</p> <p>'The development approval process is skewed in favour of development and the associated loss of biodiversity is regarded as collateral damage.' (300)</p> <p>'Developers are asked to avoid, minimize and offset to protect biodiversity, rarely is development refused.' (145)</p>	42, 145, 231, 235, 250, 261, 279, 297, 300
Invasive Native Species clearing restrictions	<p>'In the space of ten years, the property went from being satisfactorily [sic] viable to a financial disaster due to the inability to clear this intrusive regrowth on previously cleared land.' (16)</p> <p>'Obviously, the INS issues that have been exacerbated by the existing framework have led to massive areas of depleted biodiversity, at best, and monoculture at worst.' (195)</p> <p>'I have been working with the local CMA for 2 years to get an invasive native scrub PVP in place, which is still in the pipeline ... This delay as well as the complications of the application process has been a huge barrier to many landholders in trying to manage invasive native scrub.' (139)</p>	16, 84, 106, 109, 114, 122, 139, 157, 195, 219, 272, 272, 336, 338, 340, 349, 375
Private Native Forestry (PNF) assessment	<p>'There appears to be absolutely no requirement for vital ecological surveys under PNF which means that the presence of rare or endangered species holds no consequence for intensive logging.' (18)</p> <p>'The current rules for Private Native Forestry, through not requiring appropriate biodiversity surveys, clearly provide ignorance as an excuse to destroy threatened species and their habitats.' (227)</p>	13, 18, 95, 227, 254, 257, 276, 277, 325, 386
	<p>'Land owners should be allowed to harvest their timber assets without the need of a PNF.' (361)</p> <p>'NSW Farmers are seeking ... recognition of private native forestry as an ordinary agricultural use.' (347)</p>	322, 347, 361, 390

Comment theme	Sample submission comments	Similar submissions
Enforcement and compliance	<p>'[There is an] unnecessary multitude of regulating/enforcing agencies.' (322)</p> <p>'There should be something in our laws to protect land owner[s] from the people who dob you in to the authorities, who then take you to court where you have to prove you are innocent.' (361)</p> <p>'Whether the landholder is found guilty or innocent does not exempt the hefty court fees [and], barrister expenses caused by some 'save the planet' unemployed welfare recipient.' (375)</p>	50, 86, 106, 318, 322, 361, 375
	<p>'We need more people in the field who can help protect the environment and steer landholders in the right directions.' (313)</p>	19, 258, 296, 313, 372, 386
	<p>'Inadequate penalties exist for illegal clearing of threatened species and communities.' (372)</p> <p>'... there should be clear and concise disincentives directed at those landholders prepared to defy the legislation.' (19)</p>	127
Independent ecological consultants	<p>'Professional certification would mean that ecologists have to demonstrate an appropriate level of expertise and experience in flora and fauna assessment and the risk of decertification would be an incentive to maintain integrity.' (250)</p> <p>'A major shortfall of the current framework is that environmental assessments are the responsibility of the development proponent, and so are subject to the vagaries of the particular consultants they engage.' (130)</p> <p>'Cost cutting by consultants to win the work inevitably results in field surveys which do not follow established industry guidelines or current 'best practice'.' (372)</p> <p>'There needs to be standards set as to who is qualified to conduct an accurate environmental assessment and therefore draw conclusions/set conditions regarding environmental impact.' (154)</p>	1, 13, 42, 59, 105, 124, 130, 145, 150, 154, 194, 213, 228, 229, 247, 250, 251, 261, 276, 351, 369, 372, 393

Theme 5: Wildlife management

This theme considers the adequacy of existing mechanisms to manage and use native animals and plants, including exploitation, culling and movement. Respondents were asked to comment on the appropriateness and effectiveness of the framework.

Many of the submissions that commented on this theme thought that the wildlife management legislation needed to be improved. Although many were in favour of the government having an increased role in the welfare of native animals, there were a few that were not. There were also a number of submissions expressing the view that native animal welfare had improved as a result of the *National Parks and Wildlife Act 1974*. Many submissions thought the taking, use and trade of native wildlife and plants need to be better managed and regulated, although a few were satisfied with the current regulations.

Although many viewed the wildlife licensing framework as complex, inequitable and inconsistent, others found it appropriate and easy to understand. A number of ideas were put forward to improve the framework. Some thought that more data, or data systems, were needed to support the current framework to enable more efficient input of data and enhance contributions to wildlife management and policy. Data on the number and types of licences granted, and the amount of money spent on enforcement, were also raised as important issues.

Many expressed the view that it should be harder to get permission to harm flora and fauna, whereas some believed it should be easier. The issue of wildlife management was raised here, with some advocating for more stringent assessment and oversight of applications and licences, and others calling for more licences to be granted in rural areas. Many also submitted that more robust assessment processes are required for licence applications, including the need for applicants to have the necessary skills, knowledge and experience to hold licences.

The need for better enforcement was raised by many in a range of contexts. It was also suggested that on-ground monitoring is required to enforce the provisions of the Act. Many submissions stated that improved resourcing is required for the National Parks and Wildlife Service to carry out a range of activities, including wildlife management; compliance, monitoring and enforcement; feral animal control; providing technical support to volunteer wildlife groups; and educating the general public and stakeholders about wildlife protection and licensing provisions.

In terms of wildlife rescue and rehabilitation, the need for species-specific licences and licences for individuals was raised by a number of submissions, as was the need for more flexible boundaries for wildlife carers. Issues related to the operations of wildlife groups—such as the ineffective management of large areas—were also raised. Other issues raised were the governance of licensed organisations and the need for improved government funding for volunteer wildlife groups, including the need for an equal distribution of funds across all groups, regardless of membership size.

A large number of submissions thought that the threats to biodiversity caused by feral animals and weeds had not been effectively managed, and this view was commonly extended to invasive species and pest animals in general. Some common reasons for this were a lack of funding and a lack of coordination between appropriate stakeholders.

Although most of the submissions that addressed marine mammals were happy with the current legislation, they emphasised the need for much greater enforcement and public education. They also stressed that the government agencies responsible for marine mammal rescue and rehabilitation are under-resourced, making it difficult to meet community expectations.

Table 5. Summary of comments received on theme 5

Comment theme	Sample submission comments	Similar submissions
Effectiveness of the current legislation	<p><i>The wildlife management legislation needs to be improved</i></p> <p>‘The current systems need more protection for wildlife not less.’ (304)</p> <p>‘The NPW Act is little more than a licencing tool for the slaughter of native wildlife.’ (95)</p> <p>‘... members may also question the NPW Act’s effectiveness because of the contentious changes to the Game and Feral Animals Control Act 2002, enabling shooting of certain fauna species in some national parks ... The policy lacks scientific or economic credibility as an effective tool for managing feral animals.’ (228)</p> <p>‘The division of responsibilities between Commonwealth, State and intra State agencies such as Environment and Primary Industries is so unclear that even professionals working in the area are easily confused. The confusion also allows special interest groups to apply legislation in ways that suit their own agendas. This is done almost invariably at the expense of biodiversity conservation, which is the opposite of the objects of the biodiversity legislation.’ (360)</p>	<p>41, 91, 131, 148, 156, 194, 196, 251, 290, 291</p>
	<p><i>The government should have an increased role in native animal welfare</i></p> <p>‘... believes there is a definitive role for the government in ensuring the welfare of individual native animals in addition to laws such as the Prevention of Cruelty to Animals Act 1979.’ (344)</p> <p>‘... would like to see the development of conservation legislation and policy that incorporates the objective of preventing the extinction of a species, whilst also considering the wellbeing of individual animals in the practical application of protection measures.’ (291)</p> <p>‘... the NPW Act doesn’t deal effectively with protecting, much less nurturing, free-living koalas or native animals in general, other than providing authority for the Office of Environment & Heritage (OEH) to hand over its legislative responsibility (but no funding) for their protection and care to licence-holders.’ (228)</p>	<p>56, 57, 112, 123, 124, 132, 135, 138, 145, 178, 287, 288, 297, 304, 360</p>
	<p><i>There have been positive changes to the welfare of native animals</i></p> <p>‘Generally the NPW Act has had a positive change in the welfare of animals.’ (94)</p>	<p>2, 3, 132, 141, 148, 261, 297</p>
	<p><i>The taking, use and trade of wildlife need to be effectively managed and regulated</i></p> <p>‘The black market in native animals poses a significant risk to Australia’s biodiversity, but is currently inadequately monitored.’ (41)</p> <p>‘Clearly, with little focus on illegal wildlife trafficking [sic], this is likely to be a thriving industry.’ (95)</p> <p>‘With regard to kangaroos the commercial harvest model is critically flawed.’ (251)</p> <p>‘Existing legislation under the NPWS Act should be strengthened to ensure stiff penalties for any person or business (pet</p>	<p>12, 13, 56, 91, 94, 123, 148, 141, 235, 297, 304, 344, 360</p>

Comment theme	Sample submission comments	Similar submissions
Effectiveness of the current legislation continued	shops?) that attempt to keep native animals for pets or trading.' (135) 'I do not know if the current regulations are appropriate or not. This is because there is a lack of evaluation in the system.' (290) 'There is much 'regulation'; however NPWS do not have the man power or other resources to effectively 'police' compliance to wildlife offences. Many offences continue to occur because local wildlife groups do not have any authority to take action where breaches are observed. We can only report them to NPWS, which does not have the resources to follow up on all cases.' (116)	
	<i>There is appropriate regulation for the sustainable use and trade of wildlife</i> 'There is currently appropriate regulation only for the sustainable use and trade in kangaroo species and native animals used in research projects and licensed breeding facilities. There is inadequate regulation for the trade of native animals for other purposes across all fauna groups, including butterflies.' (94) 'I think there is.' (132)	3
	<i>The governance of licenced organisations is a concern</i> 'In NSW the political interests of wildlife groups has a detrimental effect on the care of wildlife because it is those political concerns that are put ahead of the needs of the animals in care. This leaves the only option to leave the organisation and forfeit your licence to rehabilitate. It also gives a monopoly for wildlife rehabilitation in NSW.' (304) 'Infighting within groups is one of the reasons rehabbers are leaving, rehabbers have no choices, some groups management committee[s] are made up of people who have no people skills and no idea on how to run a group.' (90)	123, 233, 251
Complexity	<i>The framework for wildlife licensing, offences and defences is too complex and/or inadequate</i> 'I would say however that my experience of the wildlife licensing, offences and defences, including for threatened species, [is that they] are not easily understood and the licensing system is complex.' (339) 'The current licencing framework is unworkable, extremely slow, and heavily bureaucratic. It is a strong incentive against activities which the Act seeks to encourage.' (194) '... has an ongoing concern with how easy it is to get a licence to kill native wildlife compared to how hard it is to get a licence to care for them. This really does need to be addressed.' (278)	4, 41, 56, 91, 112, 130, 132, 156, 178, 181, 226, 233, 290, 344, 345
	<i>The framework for wildlife licensing is adequate</i> 'I currently hold a scientific license with OEH for fauna and flora survey. I do believe the current framework for wildlife licensing is readily understood and not overly complex.' (297)	2, 13, 94, 95, 130, 135

Comment theme	Sample submission comments	Similar submissions
Data availability	<p><i>More data, or data systems, are required to support the current licensing framework</i></p> <p>‘Licenced wildlife rescue and rehabilitation groups are required to report all animal rescue activities to NPWS in a standard format. This would be so much more effective if NPWS were to design, implement and provide an online reporting facility where individual carers (or groups) could supply the data in the required format. Currently individual groups are designing and maintaining their own data collection facilities at great cost and inconvenience to those volunteer groups.’ (116)</p> <p>‘... data collected by the licensed wildlife rehabilitation network has significant potential for contributing to conservation and welfare outcomes and should be utilised to inform future policy and action.’ (291)</p> <p>‘There is little data available regarding how many licenses are distributed and for what purpose. It has been shown that the reasoning behind distributing licenses, particularly for recreational hunting, is flawed and not based on evidence.’ (41)</p>	1, 104, 204, 228, 290
Enforcement	<p><i>Better enforcement is needed</i></p> <p>‘Currently in NSW, there is no monitoring and enforcement of compliance for anybody. None for farmers utilizing (sic) tags, or of commercial kangaroo shooters ... There is no team that works out of hours to control illegal shooting on private property or in National Parks. There is no-one checking up on shooters of Bows and Arrows ...’ (290)</p> <p>‘The licensing system could be made more effective if on-ground monitoring is performed to ensure that the provisions of the licence are properly adhered to by the licensee.’ (345)</p> <p>‘One problem is likely to be a lack of NPWS rangers actually on the ground to detect offences; many offences may be occurring without being discovered.’ (261)</p>	41, 53, 56, 104, 112, 131, 141, 231, 232
Resourcing	<p><i>Improved resourcing is required</i></p> <p>‘NPWS should be resourced to properly educate the public and stakeholders (sic) groups about wildlife protections and licensing arrangements, to monitor compliance and to prosecute breaches more effectively.’ (228)</p> <p>‘NPWS needs a well-resourced, dedicated enforcement team.’ (290)</p> <p>‘There are not enough officers to police licensing laws. The onus is always on the licensee to want to do the right thing for the right reasons.’ (53)</p> <p>‘... the capacity of OEH and NPWS regional offices has [been] markedly reduced over the last three years, as these organisations have been rationalised. The priorities of OEH and NPWS are moving away from wildlife management. However the need remains and as NSW development continues across the state, there will be an increased demand for wildlife management intervention.’ (131)</p>	56, 94, 104, 116, 117, 124, 135, 141, 148, 204, 233, 261, 291, 365

Comment theme	Sample submission comments	Similar submissions
Resourcing (continued)	<p><i>Improved government funding is needed for volunteer wildlife groups</i></p> <p>‘Community-based volunteer wildlife groups need to be resourced to cope rather than live hand to mouth with ad hoc fundraising. Currently the NSW government demands a great deal from volunteer wildlife groups, but provide[s] little or no tangible (\$) support for the extraordinary service they provide.’ (131)</p> <p>‘NPSW regional offices sometimes and in some places give modest yearly grants to some groups but sadly some groups do not receive any money. This is somewhat inequitable. Any group doing a fair share of the wildlife rehabilitation needed across the state should be supported specifically and financially by NPWS ... The actual amounts of these grants should be the same amount to each group regardless of size and membership numbers ... Just because a group has less members does not indicate that the group is not working hard. In fact, I suspect the reverse is more likely true.’ (278)</p>	15, 90, 251, 344
Protection of flora/fauna	<p><i>It should be harder to harm flora/fauna</i></p> <p>‘Culling should be an absolute last resort. There are so many simple solutions to problems caused by humans living with wildlife. Licenses to shoot should be a last resort after a resident has ‘proved’ that they have exhausted all other avenues.’ (290)</p> <p>‘... provisions need to be made in Part 9 of the current NPW Act to make licences temporary, for use only where absolutely necessary to prevent environmental damage or damage to agricultural crops, as assessed by an independent and suitably qualified arbiter.’ (147)</p> <p>‘There are indications that the oversight of S121 non-commercial culling applications are [sic] not being policed and wildlife (in particular kangaroos and wombats) is being unnecessarily killed off ... Recommend - review the S121 licence application process to permit neighbours to be consulted. And provide NPWS regional offices with the staff capacity to confirm the veracity of S121 applicant claims ...’ (131)</p>	148, 194, 251, 278, 304, 344
	<p><i>It should be easier to harm flora/fauna</i></p> <p>‘Laws and regulations are such, that virtually no form of culling or control of pests to farming is allowed without unreasonable, costly ‘red tape procedures’.’ (50)</p> <p>‘Rural land owners have expressed concerns about wildlife management issues including: Insufficient licences being issued for culling e.g. for kangaroos... Archaic conditions being imposed on those licences e.g. carcasses required to be left in situ without consideration of the resultant impacts.’ (234)</p> <p>‘We need to be legally able to cull kangaroos on a regular basis. Most people do not like culling kangaroos (it is also time consuming and expensive!!) but if the numbers are not controlled our paddocks will end up the same as many rural golf courses. The current hassles of getting a licence every 3 months (or less!) is ridiculous and most people simply don't comply. Three year permits would be a more practical option.’ (157)</p>	163, 278

Comment theme	Sample submission comments	Similar submissions
Protection of floral/fauna continued	<p><i>There should be species specific licences</i></p> <p>'Why not Species Specific licenses these licenses already apply for Koala[s] and Sea birds why not other species[?]' (90)</p> <p>'We also call on the Department to allow well established species- specific groups to be granted rehabilitation licences. The most needed of these would probably be [for] koalas, wombats, reptiles and raptors.' (278)</p>	<p>29, 112, 290, 344</p>
	<p><i>Boundaries should be more flexible for wildlife carers</i></p> <p>'Reasonably, it is felt a volunteer should be permitted to belong to any number of wildlife groups of their choice and not be restricted.' (131)</p> <p>'... wildlife groups have often seen a lot of infighting within and between the membership. This infighting can be alleviated almost immediately if rehabbers are given the choice of joining nearby groups.' (278)</p> <p>'The boundary system does not work, I live in an area with only 1 wildlife group so have no choice but to join that group regardless of how I feel about the policies of that group ... fuzzy boundary's [sic] should be applied, some groups boundary's [sic] are so large they have no hope of ensuring the group is running correctly ... If Rehabbers were allowed to join their neighboring [sic]group it would stop a lot of infighting... Infighting within groups is one of the reasons rehabbers are leaving ...' (90)</p>	<p>29, 123, 290</p>
	<p><i>Operating areas for wildlife groups are problematic</i></p> <p>'The current system states that only one licensed organisation is preferred in any area. However most areas already have more than one, and sometimes four, licensed organisations in the area. Despite this, new organisations are now prevented from gaining a licence if there is already one licensed organisation in the area. This inconsistent restriction is not supported by any evidence that only one organisation per area is best practice.' (233)</p> <p>'So the boundaries are both unfair and somewhat illogical- a carer can only join one group as an authorised carer, but large areas are not being effectively covered by groups like WIRES and WRSC because they claim the area as theirs but then don't do anything there. The MOUs aren't working because some groups refuse to engage in the process. Related to these notions of course is that some boundaries are far too large and the organisations can't look after them. (for instance WRSC stretches from Wollongong to the Victorian boarder) no wildlife care group can be expected to administer such a large area.' (278)</p>	<p>15, 29, 112, 123, 131</p>

Comment theme	Sample submission comments	Similar submissions
Eligibility	<p><i>More robust licence assessment processes are required</i></p> <p>'NPWS should control the issue of wildlife rescue and rehabilitation licences. This would provide a more standard approach across the state. Applicants would need to demonstrate completion of required training, and or experience, in order to maintain their licence.' (116)</p> <p>'It is recommended that there should be more rigour applied to demonstrate the proponent's knowledge and skills in threatened species management.' (345)</p> <p>'Owners applying for a licence to harm should also be required to pass a special test at intervals to demonstrate that they can shoot with the requisite accuracy.' (147)</p> <p>'It would appear that accreditation of ecologists should be linked to s.132c licensing.' (231)</p>	1, 344
	<p><i>There should be greater opportunities for individual wildlife carers to gain licences</i></p> <p>'Individuals are severely limited if not excluded, from gaining a licence to rescue and rehabilitate wildlife regardless of their experience and expertise.' (233)</p>	123, 278, 304
Feral animals and weeds	<p><i>Feral animals and weeds have not been effectively managed</i></p> <p>'Feral animals, weeds and exotic pathogens remain a major ongoing threat to biodiversity and many are listed as Key Threatening Processes under the Threatened Species Conservation Act. Additional resources and strategic prioritisation of actions are urgently needed to deal with these threats. Illegally imported species have the potential to become pests in the future.' (356)</p> <p>'While there are identified gaps and uncertainty regarding responsibilities for weed control, the lack of coordination and funding of weed and feral management programs, combined with generally limited enforcement under the legislation, results in continued threats to biodiversity.' (348)</p> <p>'No. Funding for feral animal control appears to operate on a short funding cycle inappropriate to conservation.' (360)</p>	2, 3, 4, 5, 12, 15, 35, 41, 48, 49, 50, 53, 55, 87, 91, 95, 102, 112, 116, 117, 132, 138, 145, 174, 205, 209, 211, 218, 228, 229, 235, 246, 250, 261, 284, 287, 288, 297, 290, 340, 373
Marine mammals	<p><i>The legislation is effective</i></p> <p>'This legislation is comprehensive and up to date. ORRCA submits that any review of the legislation should take particular care to maintain the level of protection for fauna that is currently provided for in the Act and Regulations.' (182)</p> <p>'The provisions for marine mammals are an example of effective co-ordination between the State and Commonwealth. The consistency of the requirements in the NSW <i>National Parks and Wildlife Regulation 2009</i> with the <i>Australian National Guidelines for Whale and Dolphin Watching 2005</i> (Department of the Environment and Heritage, 2006) significantly reduces the uncertainty arising from the separation of offshore waters into State and Federal jurisdictions.' (130)</p>	13, 91, 94, 124, 229, 302, 344, 360

Comment theme	Sample submission comments	Similar submissions
Marine mammals continued	<p><i>The legislation is not effective</i></p> <p>'Provisions for marine mammals and reptiles are currently not effective and we would encourage the shortcomings to be addressed in the marine estate review.' (302)</p>	<p>4, 56, 229, 365</p>
	<p><i>There is poor compliance and enforcement</i></p> <p>'This legislation has not been enforced in a rigorous and systematic way. The main areas of concern lie with the regulation of personal or nautical contact with cetaceans.' (182)</p> <p>'The regulations may be [effective] but we have found that there is not enough staff to ensure compliancy. For example a recent incident of jet skis driving through dolphin pods which contained young was reported to NPWS but there was no staff available to prevent this.' (160)</p>	<p>41, 344</p>
	<p><i>Protection of fauna</i></p> <p>'All rescue and rehabilitation work is undertaken under the direction of National Parks and Wildlife. Given the dangers involved and expertise required for the rehabilitation of these animals, ORRCA supports the continuation of strict protocols around rehabilitation. However, ORRCA notes that there is a large gap between the community expectations for Marine mammal rescue and rehabilitation and the reality of what is achieved ... The agencies tasked with this process need, but lack, the resources to achieve these goals.' (182)</p> <p>'The making of management plans for marine mammals should also consider the Convention for Biological Diversity's 'ecosystem approach'. This is a way of managing human activities sustainably and requires an integrated approach that considers all ecosystem components (e.g. human activities, habitats and species, and physical processes), ecosystem functions and resulting ecosystem services, and requires engaged participation of stakeholders ... States and the Commonwealth should establish bilateral agreements in carrying out the plans for biodiversity so that Commonwealth waters and State waters are treated consistently.' (360)</p>	<p>344, 360</p>

Theme 6: Information provisions

This theme considers the data and information systems that underpin government programs and policies. This includes species and habitat lists and listing processes, as well as maintenance of databases and evaluation of government programs.

Of those submissions that commented on the Scientific Committee and the listing processes, all were supportive of the independence of the committee in making its determinations and also of the current listing process. Some submissions suggested ways to improve efficiency and transparency in the process and to broaden the categories available. Several submissions indicated their support for continuing the link between listing processes and conservation action and regulatory processes.

Submissions showed that there are mixed feelings about who should collect data. Some felt that the government must be responsible to ensure quality control, whereas others felt that the community has a greater role to play in providing data (i.e. by a 'citizen science' approach). Several submissions commented that data collected privately during the development process should be more greatly utilised and accessible.

The submissions indicate there are mixed feelings about the accuracy and credibility of the data that are available. Most submissions commented that accessibility is problematic and suggested that there be a centralised system for all biodiversity-related information that is accessible through the Internet.

The submissions were equally divided in regard to whether it is better to maintain separate national and state lists of threatened species or for the lists to be harmonised.

The majority of submissions supported the identification of critical habitat, with many commenting that this option is underutilised. Some submissions commented that it is difficult to assess the usefulness of critical habitat because so few have been identified. Some submitters suggested changes to the process, including permitting public critical habitat nominations.

Table 6. Summary of comments received on theme 6

Comment theme	Sample submission comments	Similar submissions
Data collection and responsibility	'The collection of biodiversity data, its type, quality, frequency and value should be the responsibility of environmental agencies and scientific consultants. The community obviously can play a role in the collection of data, but this should be overseen by professionals in the various fields and by environmental agencies.' (145)	22, 220, 345, 391
	'The State Government should be responsible for the monitoring and collating of data. Information held by Local Governments should be included where possible. This transfer of information should avoid duplication of effort and reporting mechanisms for Councils.' (364)	2, 132, 147, 160, 287, 288, 360
	'Qualified or at least skilled people should do this. The data collected should be appropriate to need and at intervals that match the importance or urgency of any situation.' (37)	57
	'The idea of 'citizen science' should be developed and deployed in biodiversity management. Citizen science uses those living and working on the landscape to collect data to inform research and planning and for monitoring trends. The proliferation of smart phones and the development of appropriate 'apps' make this very effective and low cost.' (49) 'NCT supports the approach to empower community and landholders to collect data about biodiversity. This fosters respect and care for biodiversity and creates local role models / ambassadors for rural communities. Citizen Science, Land for Wildlife, Conservation Management Networks, GER, NCT Stewardship Program, Bioblitz, and Community Biodiversity Surveys etc. are all relevant examples of this approach. This may require a larger initial investment in biodiversity data collection; however it will reap great outcomes via voluntary conservation participation, especially on private land. Hence some consideration as to how the public data collection can contribute in an effective way is required.' (44)	5, 12, 78, 124, 132, 141, 148, 154, 158, 170, 185, 204, 235, 261, 269, 291, 360
Data credibility	'Information on threatened species is relatively good. Information on fauna and flora not currently listed (especially trends in population and distribution) is less publicly available.' (250)	185
	'The BioNet database is increasingly credible thanks to the program by OEH to review 'dubious' records. This program should be maintained.' (194)	364
	'... the information within these databases (OEH <i>Atlas of NSW Wildlife</i> , DPI (Fisheries) <i>Threatened Species Database</i> and [the] Commonwealth Australian <i>Atlas of Living Australia</i>) is often deficient and those accessing this information can be misled [sic] into thinking that few if any species occur in a particular area, when in fact the area is just poorly surveyed.' (297)	148

Comment theme	Sample submission comments	Similar submissions
Data credibility continued	<p>‘Current OEH state-wide databases are not very useful. These databases give no indication of the areas searched/not searched for a particular species and consist mainly of opportunistic records. They are no substitute for regular, plot-based regional or State-wide comprehensive biodiversity monitoring programs.’ (261)</p> <p>‘Age of data on NSW ATLAS – clarification on what constitutes an ‘old’ record and what does this mean for environmental assessment? E.g Green and Golden Bell frog records in the Illawarra. How long should we continue to impose conditions on developers due to listing on the NSW Atlas, when no GGBF have been recorded in the area for the last 20 years?’ (154)</p> <p>‘Data on [the] distribution of organisms is often not well georeferenced ... The collecting data may provide locality information at no finer scale than the Anderson scale. The precision that many would wish for (and which is available for recent collections since the advent of GPS) is not available, so while historic records may provide an indication of [the] possibility of [the] presence of particular species, and environmental assessment of particular sites is likely to require detailed field work at the right time of year for taxa of potential concern.’ (169)</p>	148
	<p>‘... current regional scale vegetation mapping by the Office of Environment and Heritage is of poor quality and not suitable for strategic biodiversity planning.’ (229)</p> <p>‘Despite a multitude of vegetation mapping projects there is still no complete and comprehensive mapping covering NSW with a consistent vegetation classification system that is consistent with TSC and EPBC listings. Cumulative impacts are not represented and should be in order to give a ‘real time’ assessment of current status.’ (325)</p>	2, 110, 297, 362
Data accessibility	<p>‘Accessibility is poor for [the] general public. New databases are not needed. Integration of existing databases is required.’ (141)</p> <p>‘All stakeholders, Local Government, state agencies and Local Land Services (LLS) need to have access to good quality data and all users should be using the same information and data sets in their decision making.’ (386)</p>	130, 325, 389
	<p>‘Government agencies can make data sets available to the community through the internet.’ (49)</p>	211, 389
	<p>‘... available species records are readily accessible to the public through various databases including; the OEH <i>Atlas of NSW Wildlife</i>, DPI (Fisheries) <i>Threatened Species Database</i> and Commonwealth Australian <i>Atlas of Living Australia</i>.’ (297)</p> <p>‘The BioNet database is a poorly designed portal for accessing data. The Atlas of Living Australia portal should be adopted for access to all biodiversity data, including BioNet data.’ (194)</p> <p>‘It [data] is highly sporadic, inaccessible, inconsistent, disparate and uncoordinated so the credibility is impossible to judge.’ (360)</p>	

Comment theme	Sample submission comments	Similar submissions
Data gaps and suggested improvements	<p>'The key gaps in these areas are consistent regional vegetation mapping with associated condition benchmarks and area in reservation. This is critical information for prioritising private land conservation investment. It is also critical information for biodiversity offset determinations, to identify whether biodiversity offset values are actually available ... The NCT further submits that mapping of critical habitat and mapping of ecologically endangered ecosystems should be a priority.' (44)</p> <p>'The current licence system where data must be provided to the NSW Wildlife atlas should be expanded to include mapping products (such as vegetation community mapping) where they have been prepared in addition to species records.' (250)</p> <p>'To encourage more citizen science records in BioNET a web form would be more encouraging even though it would have a requirement for verification, reference citing etc.' (269)</p>	339
	<p>'Council believes it is necessary for the State to provide a centralised and managed biodiversity data and information system that can serve as a one stop shop for all mapping, recovery plans, species listings and legislation.' (234)</p> <p>'There are no requirements to register threatened species sightings on the Wild life Atlas, so how is this important data being retained form [sic] private land and logging. Most forest contractors and land owners can't identify them and are not trained to.' (277)</p>	220, 345
	<p>'Databases need to be improved so cumulative impacts can be adequately assessed.' (271)</p> <p>'Needs baseline natural resource information, which is lacking for most current development proposals. Reinstate vegetation mapping of whole of NSW.' (276)</p> <p>'The lack of an environmental accounting framework is a fundamental weakness of Australian environment policy. It cannot be fixed simply by restructuring the delivery of existing programs. It can only be fixed by building a regionally based monitoring, data collection, evaluation and reporting system.' (379)</p>	228
Data resourcing	<p>'Data collection, aggregation and reporting processes must be improved and well-resourced for NSW to be able to make effective decisions for the conservation of biodiversity.' (41)</p> <p>'Additional resources need to be applied at a state level to assist in the gathering of data, ground trothing [sic] of mapping.' (239)</p> <p>'Increase resourcing ... increase research and development funding.' (235)</p> <p>'The Atlas of NSW Wildlife currently collects data on all species of flora and fauna in NSW, including threatened species and should be better resourced to undertake this task more effectively and efficiently ...' (393)</p> <p>'Data to support listings is rigorous. Better funding for Museums and Herbaria and related national databases would assist with building the available database and providing ongoing access.' (356)</p>	5, 124, 141, 244, 297, 342

Comment theme	Sample submission comments	Similar submissions
Collection of private data	<p>'Private conservation data may be collected providing that government authorities have access to this if required. This can ensure a more integrated approach to biodiversity solutions.' (211)</p> <p>'The NSW Government should use private conservation information; including information gathered in the development process to refine and improve databases and mapping.' (40)</p> <p>'Significant amounts of valuable biodiversity information are collected during surveys for development assessment. Consideration could be given to establishing central repositories for these surveys as they are generally not readily available to the broader community, yet likely contain data that would be valueable [sic] beyond the immediate concerns for which they were collected.' (130)</p> <p>'The Atlas of Living Australia is an excellent example of available infrastructure that can be built on for capturing private conservation data.' (130)</p> <p>'Private data can be corrupt and is open to species being listed that have been misidentified. It is essential that any data used be screened in some way. Data from reputable sources should not be ignored as it can contribute greatly towards a clearer state-wide picture of the status of our wildlife and the biodiversity values to be found in some of our more-seldom explored regions.' (57)</p> <p>'Anecdotal evidence suggests much of the quality biodiversity data currently collected by consultants is not being provided to Office of Environment and Heritage via its information portals because of the prohibitive cost of data entry (ultimately borne by the client) and lack of incentives to do so.' (395)</p> <p>'It is likely that private conservation data will not be provided to the NSW Government due to risk of regulatory responses. The response time may not be in the immediate term, but the risks of data use in a regulatory response over a longer time frame remains a major impediment to the potential data collection on private land. Without this data, NSW will continue to have limited knowledge of species and therefore will not be able to concentrate efforts and resources into areas of real need.' (377)</p>	22, 24, 125, 132, 360
Independence of Scientific Committee	<p>'The role of the Independent Scientific Committee under the TSC Act should be retained and must continue to be based on the professional advice of the Committee.' (41)</p> <p>'The present system in NSW where threatened species listings are made by an independent scientific committee is the most rigorous and fair.' (148)</p> <p>'The independence of the Committee in reaching its determinations gives them a level of public and professional (scientific) credibility that would be fatally compromised under a discretionary system, and helps greatly to maintain the strong ethos of scientific rigour practiced by the Committee.' (217)</p>	23, 78, 91, 118, 127, 128, 145, 148, 149, 155, 159, 169, 204, 207, 209, 213, 214, 228, 231, 232, 234, 235, 248, 249, 253, 254, 256, 257, 261, 270, 276, 284, 293, 300, 302, 312, 325, 328, 333, 342, 367, 369, 379, 384, 391

Comment theme	Sample submission comments	Similar submissions
Listing process	<p>'We consider that the listing process employed in New South Wales is world best practice because of its (1) scientific rigour, (2) transparency, including public involvement in multiple stages of the listing process, and (3) scope, including its assessment of endangered populations and threatened ecological communities.' (130)</p> <p>'The listing provisions of the <i>TSC Act</i>, and the corresponding provisions of the <i>Fisheries Management Act</i>, are exemplary in their requirement for robust scientific assessment of nominations. This results in the Committee's assessment process providing not simply a listing and a justification, but a real review of the entire conservation-related knowledge for the entity concerned.' (217)</p>	23, 78, 91, 117, 147, 207, 209, 213, 228, 231, 232, 248, 249, 250, 256, 257, 261, 270, 287, 288, 297, 302, 324, 325, 333, 339, 356, 367, 369
	<p><i>Suggested changes for the listing process</i></p> <p>'... should be more proactive (ie seek species out for listing) rather than reactive (ie wait for nominations).' (2)</p>	393
	<p>'Council strongly recommends the move to an annual consultation and listing process that consolidates all proposed new listings and reviews existing listings to determine the validity of the original declaration.' (234)</p>	
	<p>'The process the NSW Scientific Committee undertake[s] to review listings should be publicised, and the process should be subject to exhibition and public submission. The review should be undertaken on a rolling basis to manage the workload of the Committee, and the NSW Government should ensure that the Committee is adequately resourced to undertake the reviews.' (40)</p>	391
	<p>'... there needs to be more community engagement at the nomination stage of the process. To support the 'listing', the data used by the committee must be collated and published with the 'listing'.' (234)</p> <p>'NSW Farmers recommends an improvement to the management of threatened species listings and determinations in terms of communication to landholders.' (347)</p> <p>'The process is effective but manifestly inefficient in that it relies upon interested parties placing submissions. This does not stratify listing[s] by urgency or need, but rather individual interest, area of study or chance.' (235)</p> <p>'... the categorisation of threatened species (critically endangered, endangered, vulnerable) also requires fine tuning so that their status and threat risk is more accurately defined and can more effectively inform impact assessments and the application of mitigation measures in the determination of development proposals.' (393)</p>	
	<p>'The only problem with the process is the length of time between a nomination and a final determination.' (13)</p>	141
	<p>'The process of threatened species listing is effective, but expensive and time consuming, and generally left to private individuals to nominate species to the Scientific Committee.' (95)</p> <p>'The Scientific Committee has limited resources and relies on 'available evidence' at the time of the determination. If insufficient data is available, there is no scope for the Committee to undertake independent scientific studies or to commission evidence.' (377)</p>	

Comment theme	Sample submission comments	Similar submissions
Decoupling the listing process from conservation action and regulatory processes	<p><i>The processes should stay linked</i></p> <p>‘Threatened species listing needs to be intrinsically linked and integrated with recovery planning and regulatory processes to ensure these areas are valued and protected otherwise listing process would be ineffective, if not, useless.’ (345)</p> <p>‘While the listing process in itself does not ensure conservation outcomes, it provides a currency for the broader community to engage in debate concerning ecologically sustainable development. The existence of objective lists that are subjected to constant scientific and public review, without the ambiguity created by political/government intervention, provides a fundamental basis for environmental assessment.’ (130)</p> <p>‘The Threatened Species listing process is essential for guiding conservation action. The present system is working well.’ (94)</p> <p>‘No, it is unclear that this would provide any benefit, what would be the mechanism for recovery otherwise?’ (235)</p> <p>‘No. These obviously [sic] go hand in hand. The listing is the basis of decisions on conservation actions and regulatory processes.’ (160)</p>	<p>4, 5, 13, 37, 57, 132, 141, 145, 160, 213, 220, 250, 261, 297, 300, 339, 360</p>
	<p><i>The processes should be decoupled</i></p> <p>‘Listing of threatened species has to be decoupled from consideration of funds available for recovery and from Planning pressures.’ (124)</p>	<p>114, 280</p>
National and state lists of threatened species	<p><i>Both state and national lists are needed</i></p> <p>‘Both national and state lists of Threatened Species are needed for adequate conservation of a species at the level of the species. The relevance of having lists at both levels becomes apparent when one considers migratory and nomadic species and also species whose natural distribution is predominantly in one state but at the margins the distribution extends slightly into other states. It is the margins of a species’ distribution that the species has the most critical interactions between the environmental factors and genotype which ultimately determines the evolution of the species to ever changing environments. Consequently it is important to the species for the states to conserve the species even though it only occurs in a small part of the state.’ (94)</p> <p>‘It is important to have both national and state lists as some species are endangered in one state and may be relatively common in another. It is perfectly acceptable to say a species is nationally endangered yet critically endangered in a certain state and not listed as threatened in other states where it occurs. People who use this data understand populations of wildlife may be scattered, fragmented and species diversity across Australia and each of the states can vary enormously.’ (57)</p> <p>‘While I would support rationalisation wherever possible, I do not see that it is desirable to have only a single national list, given that Australia is a continent. Populations of species, and stands of communities, at the limits of their geographic distributional range in one state are properly of conservation concern within that state, even though they may be abundant or extensive in other states. As the <i>EPBC Act</i> does not have the same potential as the <i>TSCA</i> to list populations, a single national list would not provide a basis for addressing species at the limits of their ranges.’ (169)</p>	<p>2, 57, 78, 95, 117, 145, 148, 160, 204, 220, 248, 261, 339, 356, 369</p>

Comment theme	Sample submission comments	Similar submissions
National and state lists of threatened species <i>continued</i>	<p>'The principal of having national and state lists is entirely logical and should not in itself create confusion, regulatory burden or duplication of effort ... However, the lists could be made much more accessible to the broader public if all lists were maintained on a single web-site in a consistent format with each updated by the responsible listing authority.' (130)</p> <p>'In my opinion, there is no real confusion, regulatory burden or duplication of effort associated with national and state listings of threatened species.' (339)</p> <p>'As someone who undertakes assessments under both the TSC and EPBC Acts I don't believe having two lists imposes an unnecessary regulatory burden or duplication of conservation effort.' (297)</p>	
	<p><i>Rationalise the lists / consistency required</i></p> <p>'Streamline the Cth [sic] and State listing of threatened species and communities. The priority should be on communities where the descriptions differ but they protect similar communities.' (45)</p> <p>'Consistency between listings of threatened species, populations and endangered ecological communities across NSW and Australian Government is sought. The current situation creates added complexity and confusion in planning and development assessments.' (386)</p> <p>'It is desirable to improve consistency between the listings of threatened species, populations and endangered ecological communities made under NSW and Commonwealth legislation. Different listings cause confusion and add complexity to planning and development assessment processes. This issue should be determined by independent scientific committee arrangements.' (229)</p> <p>'IFAW supports calls for the Federal, State and Territory Governments to create and manage a single National list of Threatened Species and Ecological Communities, to help minimise barriers to conservation, reduce time consuming and unnecessary duplication of effort and limited resources, and achieve strategic outcomes for species conservation.' (291)</p>	<p>8, 12, 13, 132, 154, 158, 235, 245, 250, 280, 325, 342, 353, 389, 391</p>
	<p><i>Other comments</i></p> <p>'There may be some duplication between NSW and Australian Government threatened species listings. However, given the level of biodiversity loss across the country, any rationalisation should be driven by more effective protection rather than the desire for less regulation.' (49)</p> <p>'Recommendation 1 That both the Policy Statement and Listing Advice be consistent with NSW policies. Recommendation 2 That both the Policy Statement and Listing Advice reference one another and state that they should be read in conjunction with one another.' (341)</p>	

Comment theme	Sample submission comments	Similar submissions
Critical habitat	<p><i>Support for critical habitat</i></p> <p>'The identification of critical habitat should be part of land use planning.' (49)</p> <p>'The listing of Critical Habitat for a species is a useful tool for biodiversity conservation because it provides for identification of areas that provide habitat patches that have a significant function in forming 'stepping stones' through the overall species' distribution. The inclusion of critical habitat should be on a needs case for the species of interest.' (94)</p>	5, 13, 24, 25, 37, 53, 57, 78, 95, 104, 105, 124, 132, 138, 141, 145, 147, 148, 158, 160, 181, 211, 226, 227
	<p>'If the species is not critically endangered elsewhere, do we ignore the need for habitat protection in NSW? We take the position that as the legislation in question (being reviewed) is for all of NSW, then habitat protection should also apply to all the State.' (89)</p>	231, 248, 250, 261, 287, 288, 291, 339, 345, 356
	<p><i>Other comments</i></p> <p>'The number of critical after declarations is pitifully small – there would appear to be little commitment to using the power. While the concept of critical habitat is potentially important, the absence of declarations suggests that the concept should be examined with a view to either removing the category, or, endorsing it and ensuring that it is used.' (169)</p>	2, 194
	<p>'Changing the legislation to allow nomination of critical habitat by the public, as is the situation for threatened species, would increase the utility of this tool, but it would require an injection of resources to assess nominations.' (130)</p>	169
	<p>'If critical habitat (CH) identification is left until a species survives in only one or two limited habitat patches, it's probably too late to regard these as CH and expect the species to survive there long-term.' (148)</p>	235
	<p>'Our knowledge and understanding of the ecology of most species is too poor to enable identification of critical habitat. Where it can be identified it may well be an effective tool for conservation, but it could also lead to a false sense of security and a reduced recovery effort, i.e. we've protected critical habitat so we don't need to do anything else such as protect landscape connectivity for the species concerned. We risk creating habitat islands, which in the face of climate change may do more harm than good if these target species cannot move as their identified critical habitat no longer becomes critical or even habitat.' (297)</p>	

Appendix 1: List of Submitters

Number of submissions

The total number of submissions analysed was 396 (395 submissions and one form submission).

Definitions of sectoral groupings

Government agency: entity that is part of a state or federal government office, agency or department, including state-owned corporations

Local council: a local government council or shire; submissions from this sectoral grouping include those written on behalf of, or prepared by, local government employees or councillors

Government advisory body: includes statutory and non-statutory bodies with government advisory roles

Industry group: professional association or network that includes representatives from one or more industries (e.g. NSW Farmers, Association of Consulting Surveyors NSW Inc)

Non-government organisation (NGO): not-for-profit or community-based group that is independent of government (e.g. International Fund for Animal Welfare, National Trust of Australia)

Individuals: includes individuals, families, academics, universities, research centres, professionals, political individuals and parties, landowners and privately owned corporations

Form letter: an identical submission received from multiple respondents

Table A1. Submissions received in response to the Biodiversity Legislation Review Panel's Issues Paper, and their sector categorisation

Submission number	Name	Sector
1	Richard Sharp	Individual
2	Anonymous	Individual
3	Anonymous	Individual
4	Anonymous	Individual
5	Zerowaste	Individual
6	Warrie Group	Individual
7	Edith and Glen Hardie	Individual
8	Gordon Williams	Individual
9	Greg Bennett	Individual
10	Anonymous	Individual
11	Trevor Wilson	Individual
12	Julia McKay	Individual
13	Alan Stephenson	Individual
14	Mathew Norton	Individual
15	David Alder	Individual
16	Wilf MacBeth	Individual
17	Rosalind Bush	Individual

Submission number	Name	Sector
18	Malcolm Fisher	Individual
19	Turner family	Individual
20	Don Woods	Individual
21	Leonie Cowan	Individual
22	Tim Lenehan	Individual
23	Rob Pallin	Individual
24	Confidential	Individual
25	Dr Gordon Refshauge	Individual
26	John Courcier	Individual
27	Liz Thornton	Individual
28	Petrina Slaytor	Individual
29	Wombat Protection Society	NGO
30	Alison Lyssa	Individual
31	Richard Horniblow	Individual
32	Roman Suwald	Individual
33	Confidential	Individual
34	Heather Saville	Individual
35	Sharyn Lafontaine	Individual
36	Neil Bevege	Individual
37	Cliff Harris	Individual
38	Narelle Robinson	Individual
39	Mildi Palmer	Individual
40	NSW Minerals Council	Industry group
41	Dr Mehreen Faruqi MP	Individual
42	Humane Society International	NGO
43	Wentworth Group of Concerned Scientists	NGO
44	Nature Conservation Trust	NGO
45	Urban Development Institute of Australia	Industry group
46	Natural Resources Commission	Government advisory body
47	Primary Industries Ministerial Advisory Council	Government advisory body
48	World Wildlife Fund	NGO
49	Landcare NSW	NGO
50	John Wholohan	Individual
51	Confidential	Individual
52	Pat and Bryant Collins	Individual
53	Margaret Lai	Individual

Submission number	Name	Sector
54	Denise and Stuart Murray	Individual
55	Michael Meacham	Individual
56	Lindy Stacker	Individual
57	Illawarra Birders	NGO
58	Richard Bomford	Individual
59	Australian Association of Bush Regenerators	Industry group
60	Derek Hill	Individual
61	Nancy Pallin	Individual
62	Professor Bill Laurance	Individual
63	Kerry Medd	Individual
64	Litchfield	Individual
65	Marg Edwards	Individual
66	Fran and Derek Anderson	Individual
67	Brian Phillips	Individual
68	Jenny Medd	Individual
69	Bernadette O'Leary	Individual
70	Rhianna Blackthorn	Individual
71	Nick Hopkins	Individual
72	Ben Nicholls	Individual
73	Roger Clarke	Individual
74	Hunter Environment Lobby	NGO
75	Jeff Johnson	Individual
76	Rod Woodhouse	Individual
77	Dawn and Raoul Corradini	Individual
78	Dr Haydn Washington	Individual
79	Len Wheatley	Individual
80	Brett Woods	Individual
81	Cr Bob Wheeldon	Individual
82	Norma Boyd	Individual
83	Stephen Dykes	Individual
84	Allan Kermode	Individual
85	Ben Clarke	Individual
86	Rod Young	Individual
87	Roy Palmer	Individual
88	David Bartter	Individual
89	Soldier's Point Community Group	NGO

Submission number	Name	Sector
90	Shirley Lack	Individual
91	Dr Ray Kearney	Individual
92	Rosalie Toth	Individual
93	Stephen Ives	Individual
94	Wagga Wagga City Council	Local council
95	Clarence Environment Centre	NGO
96	Sonia and Ross Deakin	Individual
97	Kim and Anne Wagstaff	Individual
98	Sue Emonson	Individual
99	Richard Bucknell	Individual
100	Drusi Megget	Individual
101	Annette McKinley	Individual
102	Anonymous	Individual
103	Neville Schrader OAM	Individual
104	Jenny Packwood	Individual
105	Kevin Taylor	Individual
106	Graeme Ferguson	Individual
107	Graham Lawrence	Individual
108	Confidential	Individual
109	Confidential	Individual
110	Ian Dixon	Individual
111	Frank and Di Chalker	Individual
112	Confidential	Individual
113	Warwick Biggs	Individual
114	Confidential	Individual
115	Stephanie and Julian Lymburner	Individual
116	Joy Weatherall	Individual
117	Sutherland Shire Council	Local council
118	Richard Medd	Individual
119	Stephen Gowlland	Individual
120	Blacktown District Environment Group	NGO
121	Craig Mitchell	Individual
122	Denis Starrs	Individual
123	Confidential	Individual
124	North Coast Environment Council	NGO
125	Mare Carter	Individual

Submission number	Name	Sector
126	Jonathan Carr	Individual
127	Jacqueline Marlow	Individual
128	Martin Fallding	Individual
129	Tony Mahoney	Individual
130	Australian Museum	Government agency
131	Philip Machin	Individual
132	Jocelyn Howden	Individual
133	Carolyn Pettigrew	Individual
134	Mick Harewood	Individual
135	Hunter Koala Preservation Society	NGO
136	Confidential	Individual
137	Hornsby Conservation Society	NGO
138	Narelle Moody and Dr John Bord	Individual
139	Peter Knight	Individual
140	Susan Haworth	Individual
141	Dr Mahri Koch	Individual
142	Ann and Geoffrey Long	Individual
143	National Parks Association – Illawarra Branch	NGO
144	Philip and Dianne Godfrey	Individual
145	Hastings Birdwatchers	NGO
146	Kim Stephan	Individual
147	Kathryn Davy	Individual
148	Cumberland Bird Observers Club	NGO
149	Sharyn Munro	Individual
150	Anonymous	Individual
151	Confidential	Individual
152	Macquarie University	Individual
153	Kate Waddington	Individual
154	Shellharbour City Council	Local council
155	Foundation for National Parks and Wildlife	NGO
156	Deborah Colbert	Individual
157	Peter Bagshaw	Individual
158	Lyn Maciver	Individual
159	Christopher Birks	Individual
160	Fingal Head Coastcare	NGO
161	Warrick Deacock	Individual

Submission number	Name	Sector
162	Scot MacDonald MLC	Individual
163	Huon Hassall	Individual
164	Madelon Willemsen	individual
165	Bruce Hughes	Individual
166	Denise Williams	Individual
167	Peter Coyne	Individual
168	Yuri Bolotin	Individual
169	Dr Paul Adam	Individual
170	Susan and Rex Filson	Individual
171	GJ and JM Bailey	Individual
172	Kylie Jones	Individual
173	Southern Highlands Greens	Individual
174	WJ Mackie	Individual
175	Northern Rivers Fire and Biodiversity Consortium	NGO
176	Country Women's Association of NSW	NGO
177	Wendy White	Individual
178	Rewilding Australia	NGO
179	Confidential	Individual
180	Ben Holmes	Individual
181	Jane Judd	Individual
182	ORRCA	NGO
183	Julie Reid	Individual
184	Garigal Landcare	NGO
185	Anonymous	Individual
186	Ross Floyd	Individual
187	Joanna McLachlan	Individual
188	Bill Mark	Individual
189	Yirrige Morgan-Kanak	Individual
190	Chris Cherry	Individual
191	Judith Turley	Individual
192	Greg Hill	Individual
193	Cr Dominic WY Kanak	Individual
194	Peter Ridgeway	Individual
195	Elizabeth Tomlinson	individual
196	Alaine Anderson	Individual

Submission number	Name	Sector
197	Sean Johnson	individual
198	Diane O'Mara	Individual
199	Maryanne Hill	Individual
200	Confidential	Individual
201	Graham Lalchere	individual
202	Richard Hayes	individual
203	John Oates	Individual
204	Ridge and Associates	Individual
205	Lockhart Shire Council	Local council
206	Andrew Hynes	Individual
207	Wolli Creek Preservation Society	NGO
208	Stewart and Jenny Hutchins	individual
209	Bathurst Community Climate Action Network	NGO
210	Jeannie Hughes	Individual
211	Chris O'Brien	Individual
212	Rick Lancaster	Individual
213	Doug Benson	Individual
214	Oatley Flora and Fauna Conservation Society	NGO
215	Confidential	Individual
216	Alyson Shepherd	Individual
217	R O Makinson	Individual
218	James Kermode	Individual
219	Max Watson	Individual
220	Confidential	Individual
221	Kay Binns	Individual
222	Hunter Bird Observers Club	NGO
223	Lane Cove Bushland and Conservation Society	NGO
224	Kevin Holmes	Individual
225	F P Murphy	Individual
226	Jacob Sife	Individual
227	Jim Morrison	Individual
228	Friends of the Koala	NGO
229	Lake Macquarie City Council	Local council
230	Professional Fishermen's Association	Industry group
231	Hornsby Shire Council	Local council
232	Byrill Creek Landcare	NGO

Submission number	Name	Sector
233	Imelda Jennings	Individual
234	Eurobodalla Shire Council	Local council
235	Port Macquarie Hastings Council	Local council
236	Jane Manchee	Individual
237	Jean Ketchell	Individual
238	Harry Bate	Individual
239	Wollondilly Shire Council	Local council
240	Australian Plant Society, Northern Beaches	NGO
241	Mudgee District Environment Group	NGO
242	Garry Dew	Individual
243	Robert Bertram	Individual
244	Mosman Parks and Bushland Association	NGO
245	Tamworth Regional Council	Local council
246	Burrawang Coastal Club	NGO
247	Lorraine Yudaeff	Individual
248	Colong Foundation for Wilderness	NGO
249	Tweed Shire Council	Local council
250	City of Newcastle	Local council
251	Ray Mjadwesch	Individual
252	Dr Sophie Riley	Individual
253	Ryde-Hunter's Hill Flora & Fauna Preservation Society	NGO
254	Central West Environment Council	NGO
255	Alastair McRobert	Individual
256	Phyllis Setchell	Individual
257	Ku-ring-gai Bat Conservation Society	NGO
258	Caldera Environment Centre	NGO
259	Confidential	Individual
260	Greg Stone	Individual
261	Paul Vale	Individual
262	Richard Hastings	Individual
263	Wingecarribee Shire Council	Local council
264	Walgett Shire Council	Local council
265	E P Finnie	Individual
266	Michael Longhurst	Individual
267	Friends of Mongarlowe River	NGO

Submission number	Name	Sector
268	Andrew Knop	Individual
269	Paul Segal (Sassafras Wildlife Refuge)	Individual
270	Gary Humble	Individual
271	STEP	NGO
272	Scott and Liz Tourle	Individual
273	Shoalhaven City Council	Local council
274	Helen Twohill	Individual
275	Margery Street	Individual
276	Armidale National Parks Association of NSW	NGO
277	Kalang Land Environment Action Network	NGO
278	Native Animal Rescue Group	NGO
279	Orange Field Naturalist and Conservation Society	NGO
280	B Cleary	Individual
281	Paul Fagan	Individual
282	Kay Bolton	Individual
283	Jonathan Cassell	Individual
284	Eurobodalla Greens	Individual
285	Bruce Chessman	Individual
286	Chris King	Individual
287	Daroo Orange Urban Landcare Group	NGO
288	NSW Bird Atlassers Inc.	NGO
289	Ray Cox	Individual
290	Naomi Henry	Individual
291	International Fund for Animal Welfare	NGO
292	C O'Nians	Individual
293	Sara Willett	Individual
294	Rosemary Hook	Individual
295	Curl Curl Lagoon Friends	NGO
296	Campbelltown City Council	Local council
297	Wendy Hawes	Individual
298	Noeline Franklin	Individual
299	Brian Tomalin	Individual
300	Ann Sharp	Individual
301	Alison Martin	Individual
302	NSW Fish Habitat Partnership	Government advisory body

Submission number	Name	Sector
303	Australian Plants Society – NSW	NGO
304	Kim Strong	Individual
305	Joanna Mitchell	Individual
306	Thomas Colley	Individual
307	Warren Moss	Individual
308	Annette Hill	Individual
309	Malcolm Abel	Individual
310	Cristina Ricci	Individual
311	Chris Page	Individual
312	Anne and Peter Reeves	Individual
313	Will Cutler	Individual
314	Gerrit Kurstjens	Individual
315	Harry Creevey	Individual
316	Daniel Hirschfeld	Individual
317	Confidential	Individual
318	NSW Regional Community Survival Group	NGO
319	Tradux	Individual
320	Janet Harwood	Individual
321	Wally and Rhonda Mitchell	Individual
322	Peter and Jennifer Wills	Individual
323	Emma Wasson	Individual
324	Ashley Love	Individual
325	Community Environment Network	NGO
326	Kevin Diletti and Diana Kureen	Individual
327	Keith Dance	Individual
328	Lyndal Sullivan	Individual
329	Confidential	Individual
330	Ian Ralph	Individual
331	Anonymous	Individual
332	June Weston	Individual
333	National Trust	NGO
334	Planning Institute Australia	Industry group
335	Graeme Robinson	Individual
336	John McGufficke	Individual
337	Janina Price	Individual
338	Ross Sawtell	Individual

Submission number	Name	Sector
339	Mathew Bell	Individual
340	W Pickette	Individual
341	Association of Consulting Surveyors NSW	Industry group
342	Cr Irene Doutney	Individual
343	Great Eastern Ranges Initiative	NGO
344	NSW Wildlife Council	Government advisory body
345	Randwick City Council	Local council
346	Rachel Miller	Individual
347	NSW Farmers	Industry group
348	Blacktown City Council	Local council
349	Robert Anderson	Individual
350	Bev Atkinson	Individual
351	Parramatta River Catchment Group	Government advisory body
352	Angus Atkinson	Individual
353	Sydney Water	Government agency
354	Heather Ingram	Individual
355	Valley Watch	NGO
356	NSW Scientific Committee	Government advisory body
357	National Parks and Wildlife Advisory Council	Government advisory body
358	Penrith City Council	Local council
359	Amanda Pahl	Individual
360	Taronga Conservation Society Australia	Government agency
361	Karen and Darryl Smith	Individual
362	Jim O'Neill	Individual
363	Gordon and Gwen Moore	Individual
364	Woollahra Municipal Council	Local council
365	Simon Day	Individual
366	The Law Society of NSW Young Lawyers: Environment & Planning Law Committee and International Law Committee	Industry group
367	Confidential	Individual
368	Confidential	Individual
369	Centre for Ecosystem Science UNSW	Individual
370	Ian and Judy Duley	Individual
371	Barry and Marella Green	Individual
372	Warringah Council	Local council
373	Inner West Environment Group	NGO

Submission number	Name	Sector
374	Better Planning Network	Industry group
375	Brendan Seed	Individual
376	Stephen Dangaard (NSW & ACT Prospectors and Fossickers Association Inc)	NGO
377	Louise Burge	Individual
378	Duncan Marshall	Individual
379	Wilderness Society	NGO
380	David and Mary Booth	Individual
381	Dr Patrick Morrissey	Individual
382	Confidential	Individual
383	Confidential	Individual
384	Confidential	Individual
385	Moree Plains Shire Council	Local council
386	Local Government NSW	Government agency
387	Ausgrid	Government agency
388	Environment Protection Authority	Government agency
389	Roads and Maritime Services	Government agency
390	NSW Forest Products Association	Industry group
391	Institute of Foresters of Australia	Industry group
392	Elena Guarracino	Individual
393	David Milledge	Individual
394	Gabrielle Holmes	Individual
395	North Coast Forests' Taskforce	Industry group
n.a.	Nature Conservation Council form submission from 674 respondents	Form letter