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Threatened Biodiversity Survey Guidelines and Discussion Paper on the Accreditation of Professionals involved in Threatened Species Assessments

The NSW Minerals Council (NSWMC) appreciates the opportunity to comment on the Working Draft of the Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities; and the Discussion Paper on Accreditation of Professionals involved in Threatened Species Assessment currently out for consultation by the Department of Environment and Conservation (DEC).

NSWMC is a major stakeholder in many of the environmental, social, regulatory and economic issues crucial to the sustainable development of New South Wales. The minerals industry has long had an important role to play with the community and regulators in devising and delivering satisfactory environmental outcomes. The industry has a proud and demonstrable record of environmental management and continuous improvement, in no small part due to co-operative, consultative and constructive approaches towards ensuring balanced outcomes for sustainable development.

NSWMC is the pre-eminent body representing mineral exploration companies and the producers of coal, minerals and extractive materials in this State.

The NSW minerals industry has an annual production value of around \$7 billion, employing over 15,000 people, mainly in rural and regional areas. The minerals industry also provides indirect employment, estimated to be in the order of a further 45,000 people, in a large number of support industries, ranging from heavy engineering and equipment manufacturing to the provision of mine supplies and consumable items and specialised advisory, design and management services.

The industry contributes over \$1.2 billion per year to government revenues, with coal continuing to be the State's largest export earner at over \$4 billion per year. The export of Australian mining equipment, technology and services is also significant and is valued at well over \$3 billion per year nationally.

Overview

The NSWMC welcomes the Governments reforms and is in general agreement with the Department over the need to find better and more efficient ways of managing and protecting our threatened species. The guidelines and accreditation scheme will be relevant to the implementation of a variety of conservation and natural resource management aspects associated with minerals industry.

The NSWMC always seeks to ensure that any environmental regulation and policy meets the basic criteria of effectiveness, efficiency and fairness. The industry's mining projects are subject to rigorous environmental assessment under the Integrated Development Approval procedures. These take full account of environmental emissions, land/water management, rehabilitation requirements and biodiversity

management (amongst many other environmental matters). Further, the industry is subject to numerous other approvals, permits and licences throughout its planning, operational and decommissioning stages.

The threatened species reforms have implications for the mining industry through mining developments, as well as activities on lands surrounding the mines, much of which is owned and managed by the mining industry. These buffer areas are used for a variety of agricultural pursuits, such as broad acre agriculture, dairying, studs and viticulture as well as already active riparian revegetation and protection.

With the exception of a few issues set out below, the NSWMC generally supports the contents of the Guidelines and Discussion Paper. This support is consistent with our ongoing involvement and support of the broader Threatened Species Reforms under the Threatened Species Conservation (TSC) Act. The following comments outline issues the NSWMC seeks to be considered in reviewing these documents.

Threatened Biodiversity Guidelines

The Threatened Biodiversity Survey and Assessment Guidelines are a positive addition to threatened species policy as they are designed to facilitate a consistent and systematic approach to development assessment. The Guidelines are clear in outlining the steps within the process and the appropriate survey techniques and information for assessing threatened biodiversity.

The NSWMC has a number comments relating to the Guidelines which are outlined below.

- It is unclear how the Guideline applies to other threatened species reforms such as biodiversity certified areas or the single stage assessment process for some developments i.e. the new policy that allows some developments to go straight to a SIS assessment. The Guideline must be consistent with these reforms and should clarify how they are dealt with in the biodiversity assessment.
- Part 3 (3.1.11) of the Guideline refers to the selection of an investigator to assist with biodiversity assessments. This section should recommend the selection of an investigator from the voluntary scheme for accreditation of investigators and should refer to the DEC's list of accredited professionals.
- The Guideline does not make any mention of the potential use of offsets to manage impacts on threatened species. This is inconsistent with the NSW Native Vegetation Reforms which allow developers to use biodiversity offsets (including for threatened species) if it is agreed with the Catchment Management Authority through a Property Vegetation Plan (PVP). The NSWMC believes offsets should be an allowable measure to maintain or improve biodiversity values if prevention of the impact is not achievable. DEC must work with the Department of Infrastructure, Planning and Natural Resources (DIPNR) to ensure consistency between reforms and to prevent overlap and confusion for industry. The link between the Native Vegetation Reforms and the Threatened Biodiversity Guidelines needs to be clear.
- Greater balance should be encouraged by seeking to understand the likely scale and nature of the impacts on threatened species and the potential social and economic (and sometimes environmental) benefits associated with a land use proposal. It is hoped this would include future opportunities to trade between environmental outcomes when there is a significant social, economic or environmental benefit.

Accreditation of Professionals Involved in Threatened Species Assessments

The NSWMC supports the concept of an accreditation scheme for professionals involved in threatened species and biodiversity assessment. The requirements for particular levels of training and knowledge as well as ongoing assessment of work against set criteria will improve the quality of assessments and should provide consistent information to assist consent authorities assess the potential impacts of new development.

Comments on the scheme are listed below:

- The discussion paper suggests that it is likely that changes to the scheme in relation to aquatic biodiversity assessment will be introduced following discussions with Department of Primary Industries (Fisheries). It is important that the number of changes to the scheme and requests for

industry comment and eventual adoption of the scheme is effective, and in this regard, the NSWMC questions whether it would be more efficient for DEC to wait until a full scheme is developed before it is introduced.

- The NSWMC agrees with the accreditation process, including the 'prerequisites for accreditation' and 'accreditation criteria' as well as the points system. The requirement for an academic transcript for applicants does, however, seem onerous and even more stringent than most job application procedures. Completion of a degree should be sufficient. The Code of Conduct to be signed by professionals applying for accreditation should be similar to other schemes (eg. contaminated sites) and should include ethical standards.
- DEC's decision not to require knowledge tests and interviews as part of the accreditation process is supported. As well as the additional administrative costs for the Department, these requirements would also result greater costs for the environmental consulting industry which could in turn be transferred to industries using their services such as the minerals industry.
- The NSWMC also supports the use of concurrence reports under the EP&A Act to assess compliance of a professional with the accreditation criteria. This additional incentive to prepare assessments to a high standard will benefit industries using the services of consultants as it will ensure a value for money service is provided.
- The Discussion Paper states that there will be guidelines outlining what will constitute a minor versus major non-compliance with the accreditation scheme. Industry should have an opportunity to comment on these guidelines.
- The NSWMC agrees that the number of points held by an accredited professional should be kept from the public, but believes that a list of accredited specialists should be available.
- The scheme will have high administration costs and it is important that the scheme funds itself and that those seeking accreditation pay for the running of the scheme. The fee structure for renewals (\$300 per year) does however seem expensive, a figure of \$200 would be more reasonable. DEC should estimate the fee structure so that the scheme is revenue neutral.
- The proposal to train accredited consultants to audit reports prepared by other accredited consultants has some merit as it would further promote a high level of standard in the industry and would decentralise the work of the Accreditation Panel.

Conclusion

The NSWMC believes the draft Guidelines and Discussion Paper continue the good work of the Threatened Species Reforms. It is hoped that DEC review the comments and suggestions outlined above to further improve the assessment process for threatened species assessment in NSW.

If any further information is required on matters raised in this submission, please contact the undersigned (email: psmith@nswmin.com.au or tel: 02 8202 7218).

Yours sincerely



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