

Biodiversity Reforms - Have Your Say
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Submission to:

Draft Biodiversity Conservation Strategy 2017-2037

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Draft Investment Strategy

The *Draft Biodiversity Conservation Investment Strategy 2017-2037*, (2.2) cites that the *Biodiversity Conservation Act 2016* establishes that priority investment areas are to include (among other objectives):

“state and regional biodiversity corridors: being linear areas that link core areas and play a crucial role in maintaining connections between animal and plant populations that would otherwise be isolated and at greater risk of local extinction”

To achieve this objective of conserving biodiversity and ecological integrity at bioregional and State scales it is essential to develop interconnecting connective habitat corridors across the landscape. These corridors need to be arranged in a reticulated manner so that flora and fauna species can effectively adapt to yearly and decadal changes in the climate.

Two principal climatic factors that influence the biodiversity at any location are rainfall and temperature. In general, the rainfall patterns in New South Wales are summer maximum in the northern half and winter maximum across the southern half of the state. In the north of the State, there is also the variable impact from cyclonic storms from the north and north-west. Year-to-year variability is created by the extent that the summer rains extend southwards and the extent that winter rains drift northwards.

The long-term trends in rainfall over the western slopes of New South Wales are well documented and there is evidence of a 100-year cycle in rainfall (Refer to, particularly Appendix 1 in: “Climatic influence on shallow fractured-rock groundwater systems in the Murray–Darling Basin, NSW”. Prepared by: Aleksandra Rančić, Gabriel Salas, Amrit Kathuria, Ian Acworth, William Johnston, Ann Smithson and Geoffrey Beale. 2009. Department of Environment and Climate Change NSW, Sydney South 1232, NSW).

Category 1-exempt land.

The **category 1-exempt land** mapping will allow landowners to clear vegetation that will be necessary to establish these connective habitat corridors. In effect, the **category 1-exempt land** will effectively defeat a major objective of the *Biodiversity Conservation Act 2016* which include **“to conserve biodiversity and ecological integrity at bioregional and State scales”** (*Biodiversity Conservation Act 2016* (NSW), **Part 1, 1.3 (a)**). It is vital that landholders are included in the strategy of developing this interlinking network of connective corridors so that biodiversity values can be preserved across the landscape and bioregions.

Draft Native Vegetation Regulatory Map

The *Draft Native Vegetation Regulatory Map* shows a broad sweep of **category 1-exempt land** that extends from the Queensland border to the Victorian border, covering the western slopes and plains of NSW. Effectively this **category 1-exempt land** includes nearly the entire sheep-wheat zone. The **category 1-exempt land** mapping will allow landowners to clear vegetation that will be necessary to establish

these connective habitat corridors and so any unregulated clearing will nullify the objectives of the Investment Strategy.

In the *Draft Biodiversity Conservation Investment Strategy 2017-2037*, Figure 4, Map of highest priority NSW Landscapes, and Figure 5, Map of priority investment areas, both show the highest priorities extend across this **category 1-exempt land**.

Consequently, landowner clearing this **category 1-exempt land** will be counter-productive to the objectives of the Investment Strategy.

However, the legislation associated with the 2017 land management reforms contains no guidance to landowners with **category 1-exempt land** on how to identify potential connective corridors and to avoid clearing which would destroy these habitat corridors. This significant legislative omission is evident in the following extracts:

1. *Local Land Services Act 2013* (LLS Act) references that the Act, Part 5A (60E), applies to **category 1-exempt land**. At s60Q, it states that Schedule 5A sets out the clearing of native vegetation in **regulated rural areas** for allowable activities that is authorised without any approval.
2. Schedule 5A of the *Local Land Services Act 2013*, Part 1, 1(1) states that this Schedule sets out the clearing of native vegetation for allowable activities that is authorised without any other approval under Part 5A of the Act in a **regulated area (Category 2-regulated land)**.
3. The LLS Act, Part 5A, Division 5, **Clearing native vegetation under land management (native vegetation) code**, s60S(1), authorises the clearing of native vegetation in a regulated rural area is authorised without any approval or other authority under this Part.
4. The LLS Act 2013, Schedule 5A and the Code, all reference clearing activities on **category 2-regulated land** and do not describe or detail clearing activities on **category 1-exempt land**.

Without any form of guidance for clearing on **category 1-exempt land** landowners could potentially destroy a principal objective of the *Biodiversity Conservation Act 2016* that is to develop connective habitat corridors across the landscape and bioregions of the State.

Proposals

To enhance biodiversity conservation throughout the land that is mapped **category 1-exempt land** the following aspects need to be incorporated into the legislation:

1. Any proposed clearing is done in accordance with the Local Land Services Codes with an additional restriction that any proposed clearing will not be permitted if the action will cause irreversible degradation of an Endangered Ecological Community.
2. The proposed clearing under a code will not increase the total extent of cleared/modified habitat to be greater than having a total perimeter of say, 10km. No clearing is allowed at the margins of areas mapped as **category 1-exempt land** if that area already has a perimeter greater than 10km.

3. The land category mapping includes a secondary category under ***category 1-exempt land*** which identifies land to optimise the development of a reticulated network of habitat connective corridors at the landscape and regional scale. This secondary mapping category would identify areas which should not be cleared and also serve to direct set-aside and off-set plantings.
4. Currently there is no objective to achieve a minimum tree cover across the landscape. It is suggested that there should be a target of 10% tree cover within 1:25,000 map sheets. This target for minimum tree cover would differ between regions and topography.
5. There is a need for landscape scale planning at the regional level to ensure connectivity across the state. The currently identified mapping categories do not have a strategy to enhance connections between existing vegetated habitats.
6. Landowners need objective criteria and descriptions of native vegetation that potentially could be included in a connective corridor. These criteria would include physical measurement of tree patch size, distances to other patches, and potential connective to native vegetation patches on neighbouring properties.

The unregulated clearing within already extensively cleared land would further jeopardize the opportunities for species, and hence genetic flow, to transfer to new locations as adaption to changing climatic conditions.

As currently defined there is no provision within ***category 1-exempt land*** for the retention and development of habitat corridors to maintain genetic connectivity for insects, plants and animals across the landscape. The unregulated clearing within already extensively cleared land would further jeopardize the opportunities for species, and hence genetic flow, to transfer to new locations as adaption to changing climatic conditions.

The resilience of ecosystems through time depends on the species' abilities to: adapt to changing habitat conditions, or their genetic stock is able to keep establishing in the different locations of their preferred habitats as these areas shift under the influences of changes in the patterns of rainfall and temperature. In order to conserve biodiversity across the landscape under the influences of these long-term changes in climatic conditions it is essential to ensure that there is a reticulated network of habitats, particularly of vegetation types. Unless the Amendment of the Local Land Services Act 2016 and the Biodiversity Conservation Act 2016 can maintain and improve the species richness across the landscape then these legislative changes will ultimately lead to declining agricultural productivity.