

**From:** [REDACTED]  
**To:** [POLICY Conservation & Development Policy Branch Mailbox](#)  
**Subject:** TRIM: Biodiversity Review submission  
**Date:** Saturday, 6 September 2014 12:27:45 AM

---

Dear Biodiversity Review Panel,

I am writing to comment on the Issues Paper drafted by the Biodiversity Review Panel.

The UN decade on biodiversity, which began in 2011, recognises the global challenge posed by the dramatic decline in species. NSW is contributing to this trend and the Review into conservation legislation is an opportunity to reverse it.

The Review must set a clear goal to reserve the decline in biodiversity and restore ecosystem function across NSW. Below is an overview of significant issues that must be addressed by the Review.

Existing legislation in NSW is TOTALLY INADEQUATE for the protection of both threatened & non threatened fauna & flora . If a threatened species is found on a site that has been approved for development there is no way under NSW law that this development application can be reversed. If a thylacine turned up on a block of land that was approved for development , the developer would legally be able to clear that land & destroy the habitat of that animal even if was the last animal of its species in the world & as a result of the habitat loss it would become extinct

Existing biodiversity and conservation laws, including the Native Vegetation Act 2003 and Threatened Species Conservation Act 1995, must be maintained and strengthened. This includes a clear commitment to end broad-scale land clearing across NSW, and a commitment to 'no net loss' of native vegetation.

The existing framework of conservation legislation has slowed biodiversity loss, but it is not enough to stop species' decline.

Local extinctions are happening in many areas. Yet nothing seems to be done to stop this let alone reverse it

Objective decision making must lead to improved environmental outcomes

The principle of "IMPROVING" environmental outcomes MUST retained, and extended so that it applies to ALL development activities.

Decisions must be based on objective science-based decision making criteria (e.g. Environment Outcomes Assessment Methodology under the NV Act), and discretionary decision making should be very limited.

Biodiversity offsetting must start with AVOID destruction at all costs because at the moment the lowest of low application of biodiversity offsets seems to be applied eg the biodiversity offsets for the new Northern Beaches hospital are not transparent, are not like for like & don't even meet the lowest offset ratio required under the present legislation

The purpose of offsetting is to ensure that any development that affects biodiversity leads to an overall IMPROVEMENT for wildlife and species. It is ESSENTIAL that rules around biodiversity offsetting reflect this key principle.

Where development is approved that significantly impacts native flora or fauna, the 'like for like' offsetting principle is fundamental and must not be weakened.

Retain the Independent Scientific Committee

Forestry & OEH have lost a vast amount of expertise due to cost cutting. Staff numbers need to be increased to ensure that adequate research is done so as to arrest environmental degradation & species loss

The role of the Independent Scientific Committee under the Threatened Species Conservation Act, to decide which species are threatened and deserve special protection, should be retained. Listing of threatened species must continue to be based on the professional advice of the Scientific Committee.

There need to be adequate FUNDING to ensure that ALL threatened species have enough funds so that every one of them has a active recovery plan in place

There also needs to be FUNDING FOR LONG TERM RESEARCH into environmental degradation & species loss

At present penalties are inadequate to ensure compliance to environmental law. This need to be rectified.

#### Summary

This review provides a once in a decade opportunity for improving our conservation and biodiversity legislation for posterity. It is absolutely critical that we use this opportunity by taking an evidenced based and scientific approach with a goal towards improving biodiversity across New South Wales.

Yours sincerely,  
Jacqueline Marlow