



NATIONAL PARKS ASSOCIATION OF NSW  
*protecting nature through community action*

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4 September 2014

To: Biodiversity Legislation Review  
NSW Office of Environment and Heritage  
biodiversity.legislationreview@environment.nsw.gov.au

The Illawarra branch of the National Parks Association welcomes the opportunity to comment on this review. This brief submission is intended to support those of our parent organisation NPA NSW and the Nature Conservation Council. Our organisations share a commitment to protecting our natural areas and their wildlife. We are concerned that the present review should not allow any watering down of the state government's regulatory framework for biodiversity conservation.

Though we are not faced with questions of broad scale land clearing in the Illawarra, we do see the incremental process of destruction of our natural areas. Our councils are constantly faced with proposals for further development on the coast and escarpment foothills. At present there is a major plan under way for development on the foothills and coastal plain at West Dapto which is raising significant issues of biodiversity conservation. Developments have been approved even for areas containing Endangered Ecological Communities, such as the old Huntley mine. As our natural assets are gradually depleted, we believe that the regulatory framework for dealing with such issues needs to be strengthened.

The particular focus of our branch of NPA is the Illawarra Escarpment, part of which is protected as part of the Illawarra Escarpment State Conservation Area. It is a geotechnically unstable area with various kinds of forest cover which has high conservation values and provides multiple benefits for Illawarra residents and visitors. We believe that further clearing and development should be severely restricted in order to maximise these values. From time to time there are proposals for tourism and other commercial developments on the escarpment. We are opposed to allowing such developments on such unsuitable sites, particularly in designated protected areas. Conservation should be the primary objective of national parks and state conservation areas.

We are aware of other threats to the escarpment. As a bushwalking organisation we constantly see other recreational uses of the escarpment. Various kinds of bike riders create informal trails and use tracks rather than management trails. We also face massive issues of weed invasion on the escarpment, woodland remnants on the coastal plain and coastal areas. Feral deer are also a major threat. Addressing such problems needs much greater legislative and resource support than they currently receive.

We are therefore very concerned that our state government has an adequate framework in place for protecting our natural areas and their biodiversity. In the present context the government's objective is to 'establish a simpler, streamlined and more effective legislation that will:

- ☐ facilitate the conservation of biological diversity
- ☐ support sustainable development



☒ reduce red tape

While we applaud the first two objectives, we are concerned at the third, which focuses on practical resources rather than values. We find it odd that a government should use the phrase 'red tape' of its own processes. The term is usually used by people outside bureaucracies frustrated at processes designed to ensure accountability and transparency. When used by governments it often implies an intention to cut jobs. The question arises of whether the government is being unduly influenced by certain interests who feel this way, or whether there is perhaps a hidden agenda of cutting jobs in environmental services. On the contrary, this review should highlight the government's role in ensuring that overall values and commitments, such as ecologically sustainable development, are adhered to in a transparent way. In doing so of course it will take note of all perspectives including those that advocate for greater resources for the task.

We submit that at the outset the government needs to acknowledge the damaging effects of human activities, particularly land clearing and mining, and state its overriding commitment to protecting our biodiversity. To do this we believe that all existing biodiversity and conservation legislation, including the provisions of the *Native Vegetation Act 2003* and *Threatened Species Conservation Act 1995*, must be maintained and strengthened.

With regard to any clearing, there must be a clear legislative commitment to maintain or improve environmental outcomes as the key test of proposals. There should be 'no net loss' of native vegetation reflecting its diversity and value. Land clearing laws should apply to all development (including mining, forestry, urban development and agriculture). All such activity should be subject to the same policy of 'improving or maintaining' environmental outcomes. Where development is approved that significantly impacts native flora or fauna, the 'like for like' offsetting principle is fundamental and must not be weakened.

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. The role of the Independent Scientific Committee under the TSC Act should be retained and listing must continue to be based on the professional advice of the Scientific Committee.

The government also should ensure the legislation is enforced and use extensive education resources to communicate its importance and provisions.

Thank you for the opportunity to comment.

Yours sincerely

Helen Wilson  
Committee member