

Biodiversity Legislation Review,  
PO Box A290,  
Sydney South  
NSW 1232

3<sup>rd</sup> September 2014,

**Re: Submission on Biodiversity legislation review**

To Whom it May Concern,

I agree the NSW legislation protecting biodiversity needs to be streamlined, but not so much that regulations are watered down to place species, landscapes, and water quality at risk.

I am concerned at a time when many species, particularly iconic Australian fauna are under many pressures from human activity with no sign of decreasing these proposed changes will result in legislation that will make them even more at risk.

In your review please consider that:

- 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 e.g., recent example is GBRMPA allowing the dumping of dredge on the GB Reef against all advice from their own scientists
- There must be a clear legislative commitment to end broad-scale land clearing across NSW. The NSW government should commit to 'no net loss' of native vegetation reflecting its diversity and value.
- Where development is approved that significantly impacts native flora or fauna, the 'like for like' offsetting principle is fundamental and must not be weakened.
- 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.
- Routine Agricultural Management Activities (RAMAs) should be restricted to genuinely low impact activities
- Cumulative impact (Death by a thousand cuts) must be a key consideration in assessing clearing and development proposals.
- The intentions of the Nature Conservation Trust Act to protect high conservation values (as determined by State priorities) on private land are kept as this is one of the few ways biodiversity can be protected and improved on private land. The Revolving Fund should also be kept as it provides an alternative model to conservation that works well. The covenants should remain in perpetuity. I also suggest the new legislation regarding these perpetuity covenants exclude mining from occurring on the land as many landholders invest much time, effort and money with the knowledge that these areas will be protected forever. In the current climate so much of the State is under mineral or gas exploration and areas determined as high conservation value according to State priorities should be protected in line with National Parks with no threat from mining.

- Old growth forest needs to be protected from all developments as this old forest is becoming rarer, yet provides the most ideal habitat for many of Australia's large fauna species e.g., the owls, gliders, quolls
- Cultural and ecological burning must occur in its own right to improve biodiversity values and not passed off under a RFS 'Hazard reduction certificate' for which this is not a legal avenue. These burns are usually of low intensity and qualified, experienced fire contractors could implement the burns and free up RFS workers who ultimately act to protect life and property. Currently there is no measure to conduct cultural or ecological burns which is very restrictive to aboriginal culture and detrimental to biodiversity by preventing regeneration of fire dependent species, allowing huge fuel loads to build up resulting in high intensity wildfires destroying habitat and individual animals and lowering nutrient release and productivity within the landscape. This needs to be addressed in this new legislation if we are ever going to move on with fire management in this State and the RFS rightly refuse to manage the situation as they are based on volunteers who are there to help the community

I'm sure there is more I could address, but not having time to go through all the Acts and issues all I can do is ask these few points be considered in the new legislation and PLEASE do your best to protect the wonderful biodiversity that lives in the State of NSW and assist the people who assist the nature.

Yours sincerely,



Kim Stephan  
Ecologist