

Submission to the Biodiversity Legislation Review – Issues Paper

As we know since white settlement the natural diversity of New South Wales has been in decline with 989 species of plants and animals, 49 populations and 107 ecological communities listed as threatened in NSW legislation. The Native Vegetation Act and the Threatened Species Act have both been crucial in reducing the loss of biodiversity and the protections afforded by both Acts must be maintained or strengthened.

Protecting Native Vegetation

The Native Vegetation Act 2003 has greatly reduced the loss of native vegetation in NSW.

- Advantages of native vegetation retention include:
Habitat protection for threatened species
Shelter for stock and crops from adverse weather
Protection of topsoil from erosion and salinity
- These benefits are reduced if native vegetation is destroyed, water quality is lost and native animals and plants (including threatened species) are killed.
- Land clearing laws have made an important contribution to mitigating the effects of greenhouse gases
- Australian soils are already fragile and any weakening of the Native Vegetation Act will expose soils to the elements so that when the expected climate change driven droughts and floods occur even more frequently and with greater severity, there will be alarming loss of soil which will place stress on our catchment areas

Threatened Species Conservation

Though the Threatened Species Conservation Act 1995 has been useful in ameliorating the threats to biodiversity there are definite weaknesses in the way it operates in NSW.

- Particularly concerning is the fact that , under the EP&A Act even if a development will have devastating effects on threatened species this will not under that Act stop the development.
- Consent authorities are not required to refuse consent to development proposals even where an environment assessment has shown that there will be an unacceptable impact on threatened species or their habitats.
- The Draft NSW Biodiversity Offsets Policy for Major Projects has significantly weakened established offsetting principles which will result in further loss of biodiversity
- If offsetting is to be used it should only be used as a last resort, offsets must be protected in perpetuity and the 'like for like' principle must be strictly adhered to.

Key Drivers for Biodiversity Conservation

- There must be a commitment to maintain the principles of ecologically sustainable development and to improve, or at least maintain, environmental outcomes when clearing proposals are considered.
- Cumulative impact must be a key consideration in assessing clearing and development proposals.
- The role of the Independent Scientific Committee under the Threatened Species Act must be maintained and listing be based on its advice.
- Broad-scale land clearing must be legislated against and land clearing laws must be extended to cover all development (even the extractive industries) so that environmental outcomes are improved or maintained.

The protection of biodiversity is a practical and moral imperative and there is with the Review a chance to strengthen our legislation and stop the alarming loss of precious flora and fauna if the current legislation is strengthened.

Wendy White

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