



BYRRILL CREEK LANDCARE

Coordinator: Joanna Gardner

To the Members of the Panel,

As Coordinator of the Byrrill Creek Landcare, whose many members have spent hundreds of hours revegetating a high conservation area in the Tweed Shire to provide riparian corridor habitat connectivity, surrounded by National Parks, I speak for many, not just myself.

Our concerns are that by simplifying and fast tracking our current environmental legislation, the end result will be stripping away of environmental protection, a pandering to developers and Mining companies, and a lack of community consultation, much like what has happened recently with the development of the Green & White paper overhaul of the Planning process within the NSW Department of Planning.

Our current governments (NSW State & Federal) have clearly indicated that the environment has little value or importance, except as a resource to use and profit economically from, or for political reasons: eg hunting in National Parks, CSG Approvals in prime agricultural land & state forest reserves, Coal Mine approvals & expansion, Mega port approvals within the Great Barrier Reef Marine Park, and the abolition of necessary carbon reduction targets. This indicates a lack of awareness, political will and or turning a blind eye to the long term consequences of their decisions on our environment. An environment which actually supports each and every Australian citizen. Of particular relevance & concern is the status of the EPBC Act which is now being handed back to state governments, so there will be no longer the safety net of a 2nd level of Federal approval.

In 200 years the natural diversity of New South Wales has been severely diminished by human activities, such as land clearing, development, over-exploitation of natural resources and introduction of invasive species. In NSW of the original 52 million ha of forest and woodland, only 21 million ha remain. Much of the forest and woodland has been totally cleared or converted to open woodland (RAC 1992; NSW Tree Forum 1993, p.4).

There must be a clear legislative commitment by the NSW Government to end broad-scale land clearing across NSW.

Our biodiversity suffers a similar fate: "The overall diversity and richness of native species in New South Wales remain under threat of further decline. Thirty-five additional species have been listed as threatened under NSW legislation since 2009. Currently, 989 species of plants and animals, 49 populations and 107 ecological communities are listed as threatened in NSW legislation." (2012 NSW State of the Environment Report)

Closer to home, in Byrrill Creek valley, two such Endangered ecological communities (EEC) are situated, as well as 45 Threatened Fauna and 26 threatened Flora species, that are ultimately under threat due to a proposed dam in the future.

Rather than a watering down of legislation, existing biodiversity and conservation legislation, such as provisions within the *Native Vegetation Act* 2003 and *Threatened Species Conservation Act* 1995, need to be maintained and strengthened. Legislation must clearly state that NSW has an obligation to **maintain or improve environmental outcomes**, including facilitating the recovery of threatened species. Recent proposals would significantly weaken protections for native vegetation.

There are a number of key areas in which the Native Vegetation Act could be strengthened:

1. Regrowth vegetation should be assessed for its conservation significance and habitat value for threatened species. Significant regrowth vegetation should be mapped and protected.
2. Provisions should be strengthened to reduce loopholes allowing clearing without a Property Vegetation Plan.

3. The application of important land clearing laws should be extended so that all development (including extractive industry, forestry, urban development and agriculture) subscribes to the same policy of “improving or maintaining” environmental outcomes. This is not currently the case- Leard Forest & Pillagra CSG wells, Gloucester coal mine, and the new urban developments along the Tweed Coast.

A specific site locally in Tweed Shire where this has come to a head, has been the development approval of Kings Forest, which is in a Koala Habitat and corridor, adjoining Cudgen Nature Reserve. The destruction of Koala habitat includes: 18 mature Koala Food trees, .81ha of primary koala habitat and 6.68 ha of secondary habitat are to be removed. The 18 trees and the .81ha of core habitat should be retained at all costs & as much as possible of the secondary habitat. The planting of 7,875 food trees, that is proposed by the developer, Leda, will not replace existing mature trees as a habitat or food source in the interim of 20 years while they mature. Rather than Biodiversity offsetting, strict legislation & planning early on would prioritise retaining the trees

Another local example of Biodiversity Offsets is the future flooding of 2 EECs, comprised of lowland Rainforest, for the proposed Byrrill Creek dam is not possible- National Parks consider them irreplaceable. There are no more areas where this vegetation exists.

This highlights a relook at Biodiversity Offsets and if the system currently works. Biodiversity offsets must only be used as a last resort, after consideration of alternatives to avoid, minimise or mitigate impacts. Any use of offsets must be based on a national standard that is legally enforceable and uses transparent and sound ecological studies and principles, such as ‘like for like’ and the avoidance of the use of indirect offsets. Biodiversity protection must be integrated across all decision making processes. Biodiversity considerations must be supported and integrated in other regulatory frameworks such as fisheries management, native vegetation protection, public and private forestry, noxious weed control, bushfire management and planning laws. As well as this, Biodiversity laws must have provisions for 3rd parties to enforce breaches, and the fine needs to be of significant cost that it is a deterrent.- Not the case with Kings Forest Development.

It is noted that Appendix 1: Parts of the *National Parks and Wildlife Act 1974* under review, including Part 8 – Native plants: Containing provisions relating to the protection and management of native plants including offence provisions relating to picking and selling of native plants.

A local incident illustrates that there is no power behind enforcement and it needs to be strengthened. A member of our Landcare group reported the theft of a ute load of both stag & elk horns & birds nest ferns in March this year from landcare sites & private property. The report included car registration number, photo and address of the person involved, and was presented to the local Murwillumbah Police and National Parks. Despite numerous visits to chase up action, it is now September and nothing has been done about breaches to the Act!

The ICAC investigations have indicated how susceptible governments are to corruption and money laundering. Independent Investigative bodies are crucial for a positive outcome. As such, the role of the Independent Scientific Committee under the TSC Act should also be retained and listing must continue to be based on the professional advice of the independent Scientific Committee.

Under recent State guidelines for Northern Rivers Local Government areas there has been a directive within Local Council LEPs to allow clearing without council approval on agricultural land. More than enough land has been cleared to produce food and fibre and on which to improve the productivity of farming. Much of this “agricultural land” has areas that are valuable habitat & provides buffer zones to National Parks, corridors for Fauna & flora, and often it is alongside creeks. Landcare programmes fund the restoration of these valuable areas, thousands of volunteer hours go into restoration of these areas, so why allow this in the first place???

The recent expansion of RAMAs to include clearing of invasive native species (INS), thinning of native vegetation, and clearing of paddock trees is likely to lead to an extensive increase in the amount of clearing that is exempt from assessment under the Native Vegetation Act 2003. The effect will be to open the door to broad-scale land clearing and lead to significant loss of native habitat. It will place further stress on fragile soils, rivers and catchments.

In conclusion we see in the Streamlining of legislation there is a real risk that the conservation and biodiversity laws that have been in place will be weakened or removed entirely. 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.

Yours Sincerely

Joanna Gardner

On behalf of the Byrrill Creek Landcare Group