

Biodiversity Legislation Review Panel
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Submission: **Review of the Native Vegetation Act 2003, Threatened Species Conservation Act 1995 and related biodiversity legislation**

Thank you for the opportunity to contribute to this Review.

Objects of the existing legislation

The *Independent Biodiversity Legislation Review Panel Issues paper* of August 2014 states that the NSW government's objective in this review is "...more effective legislation that will: facilitate the conservation of biological diversity and support sustainable development..." Likewise pages 2-3 of the *Paper* express the importance of biodiversity and legal apparatus to preserve it.

The objectives of the four pieces of legislation are excellent and should be strengthened.

Comments

- Legislation which affects native plants, animals, habitats and landscapes should have the overarching principles of biodiversity conservation and ecologically sustainable development
- Too often the word "ecologically" is forgotten
- Cumulative impacts are ignored; they must be a primary consideration
- The extent of already cleared farmland is sufficient for production of food and fabric, particularly on this, the driest inhabited continent on earth
- Discretionary decision-making must be virtually eliminated in favour of science-based criteria
- Existing environmental legislation must be enforced as are other societal laws
- The case for the value of nature, monetary or non-monetary, has been made in many forums and is well known and easily available: I first encountered methods of placing monetary value on (priceless) nature in 1989 as part of the Tourism Management Graduate Diploma
- Where an EIS or SIS shows a negative impact on threatened species, endangered ecological communities or their habitats, this must trigger an automatic stop to the development proceeding
- Legislation overriding environmental legislation must only be allowed where necessary, not as a blanket exception to environmental legislation (cf. the ill-thought out "10/50" legislation)
- Offsetting arrangements must maintain "like for like", not be overridden by subsequent legislation (cf. *The Draft NSW Biodiversity Offsets Policy for Major Projects*) and be used only as a last resort after avoidance and mitigation have been applied

In summary, existing legislative objects must be retained and strengthened.

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