



5/09/2014

To the Independent Review on Biodiversity legislation in NSW,

I am a leaseholder in a small coastal community in the mid-north of NSW. I am writing to you because this biodiversity review seems to be a major review of biodiversity legislation across NSW. I am not confident that the changes proposed by this review will improve biodiversity values in NSW. In particular, any deregulation of the existing legislation that improves efficiencies can also water down the protections that legislative acts, such as the Native Vegetation Act, administer.

In view of the major biodiversity losses since European settlement and ongoing removal and economic impacts, there must be an overarching object to protect and conserve biodiversity. I am aware that approximately 60% of the original native vegetation of NSW has been cleared, thinned or significantly disturbed, most of which has occurred in the last 50 years. A healthy environment, economy and farming sector depends on strong biodiversity outcomes.

I am an organic food producer and evidence supports that pest and diseases are greatly reduced under organic principles and standards. A healthy ecosystem with rich biodiversity reduces pest and disease rates to organic crops. According to the Food and Agriculture Organization of the United Nations (FAO), 2014 is the International Year of Family Farming and UNESCO recognise that “sustainable farming can both enhance food production and ensure that natural resources are managed in the best way possible for long-term sustainability”¹. Existing biodiversity and conservation legislation, including the provisions of the *Native Vegetation Act* 2003 and *Threatened Species Conservation Act* 1995, then, must be maintained and strengthened to support sustainable agriculture and important ecological services.

Environmental protection, I believe, should form the foundation of NSW’s sustainable development goals. Strong environmental legislation that protects ecosystem habitats and services from pollution, wide-scale clearing and excessive land-use need strong government intervention to regulate a broad range of stake holders including, in particular, the extractive and agribusiness industries. The large-scale industries affect smaller agriculture operations. Regional economic development will be further eroded if efficiency related projections result in a transfer from diverse farmlands to monopolistic enterprises. The principles of ecologically sustainable development, that underpin existing biodiversity legislation, must be maintained in order to stimulate regional economies with diverse businesses in sustainable food/fibre/fuel production methods.

Protection of ecological diversity can be strengthened under the Native Vegetation Act in a number of ways:

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

¹ http://www.unesco.org/education/tlsf/mods/theme_c/mod15.html
<http://www.fao.org/family-farming-2014/en/>

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.

It is clear that there must be a strong 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. This legislative commitment to maintain or improve environmental outcomes should be the key test of clearing proposals. Decisions, then, 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. Further, cumulative impacts must be a key consideration in assessing clearing and development proposals. More than enough vegetation in NSW has been cleared to produce food and fibre. Improving the productivity of farming should not rest on the utility burden of acquiring marginal lands or territories with important conservation values for market. Instead, an ecosystems approach to resource management and environmental protection aims to consider the complex interrelationships of an entire ecosystem in decision making rather than simply responding to specific issues and challenges. Market pricing, at a minimum, should factor in cumulative impacts as a market mechanism to reduce ecosystem and biodiversity losses.

Where development is approved that significantly impacts native flora or fauna, the 'like for like' offsetting principle is fundamental and must not be weakened. However, offsetting lands should be administered by local government councils and be fully protected in perpetuity. Local councils are best placed to have the final say for the 'like for like' criteria because these government bodies process local Development Applications. The Coffs Harbour city council, on the mid-north coast, is an excellent case of disgruntlement since Biobanking legislation conflicts with the Koala Plan of Management. Local council departments, then, should be required to prepare Local Environmental Plan's that have the overall effect of adequately protecting biodiversity.

In finishing, the NSW government should ensure the reviewed legislations are enforced and use extensive education resources to communicate their importance and provisions. The conservation of nature must remain as the primary focus of protected areas. Commercial and recreational activities that compromise conservation values should be excluded from protected areas. I, for one, would like to see the number and scale of protected areas in NSW expanded. Planning for protected areas should include the need for climate mitigation resulting from climate change. A biologically diverse ecology provides services to human society that should not be compromised. Anthropomorphic economic principles exist within sensitive ecological environments, so please protect our water, soils and biodiversity for long-term sustainability.

Kind Regards,

Jonathan Cassell