

Thursday 4th September 2014
24 Woodvale Avenue
North Epping NSW 2121

Biodiversity Legislation Review
PO Box A290
Sydney South NSW 1232
Email: biodiversity.legislationreview@environment.nsw.gov.au

Submission on Issues Paper on native vegetation, threatened species and related biodiversity laws in New South Wales, August 2014

Dear Sir/Madam,

Thank you for the opportunity to provide a submission to the Biodiversity Legislation Review. I have considered the Issues Paper, and responded to selected areas of interest in the six Themes below.

Theme 1:

1. Should there be an aspirational goal for biodiversity conservation?

- In view of the major biodiversity losses since European settlement and ongoing removal and economic impacts, there must be a clear overarching objective to protect and conserve biodiversity. *Thirty-five additional species have been listed as threatened under NSW legislation since 2009, including 11 terrestrial vertebrate species.* The numbers are clearly headed in the wrong direction – this is simply not good enough.
- 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, and so:
- There must be a clear legislative commitment to improve environmental outcomes as the key test of clearing proposals.

Theme 2:

1. Is the current system effective in encouraging landowners to generate public benefits from their land and rewarding them as environmental stewards? Or are current mechanisms too focused on requiring private landowners to protect ecosystem services and biodiversity at their own cost?

- The current system is largely ineffective. I recently toured the New England region of NSW, which I previously frequented regularly 25 years ago. The state of much of the farmland appeared poor. Too many landowners appear stuck in a timewarp and unwilling to regenerate land previously overgrazed or overworked. Instead, as shown by the recent tragic shooting of a state environment officer investigating illegal land clearing on a property at Croppa Creek, many want to ‘start afresh’ by clearing native bush and then degrading this new land in an endless cycle of loss.
- New methods must be harnessed to encourage farmers to reap the benefits of protecting native vegetation on their property and regenerating degraded land, which include:
 - Protects valuable topsoil from erosion, water logging and salinity;
 - Provides shelter for stock and crops from wind and weather;
 - Provides pollination and pest control;
 - Moderates the climate – and positively influences rainfall patterns;
 - Protects threatened species of animals and plants from extinction; and

- Provides health, recreation and amenity benefits to humans.
- More than enough land has already been cleared since European settlement to produce food and fibre and on which to improve the productivity of farming.

Theme 4:

9. Are there areas currently regulated that would be better left to self-regulatory codes of practice or accreditation schemes?

No. The recently introduced 10/50 Vegetation Clearing Code of Practice is a prime example of 'letting go the reins' for cost reasons and the poor environmental outcomes from self assessment that occur compared to those that follow from expert risk assessment.

This week the new owners of the block next door to ours in North Epping NSW, who had undergone a lengthy DA review process through Hornsby Council for a single dwelling knockdown, rebuild two two-storey dwelling project, had the application approved a fortnight ago. Council, whose staff have extensive knowledge of the local landscape, determined that ALL trees on the block were to be retained, but the owner went ahead and removed two *Angophora costata*'s and a *Eucalyptus robusta*, simply quoting 10/50. These trees had been assessed as healthy in their own DA arborist report, and provided vital remaining habitat for the our area's native wildlife; particularly given the suburb has seen tree clearing rates increase by over 200% since the Council's tree preservation order was weakened two years ago.

The 10/50 CoP has weakened biodiversity protection, should be itself withdrawn and should in no way be replicated elsewhere in the environmental legislature.

Theme 5:

3. Are the provisions for marine mammals effective?

These provisions are ineffective. New strategies and resources are needed.

My passion is reducing the litter load on our environment, and because litter will travel via gravity, wind and water to the lowest part of the catchment, most will enter our creek and river system, and thus the marine environment. Just last week, researchers are discovering microplastics in Sydney Harbour sediments. The implications for marine mammals are disastrous, and for humans who eat seafood quite disturbing.

Since Australia Day this year, I have kept a diary of my litter cleaning my our local North Epping / Terrys Creek area. To date, I have filled 286 shopping bags with litter, and diverted 2890 recyclable containers from landfill. This is in just a 5km radius – the total load as a nation we are subjecting our land and marine environment to is simply unsustainable AND MUST STOP.

Tougher legislation and penalties for littering, implementing a Container Deposit Scheme, installing more and better litter entrapment devices and employing more people to clean up our environment are part of the suite of measures needed to stop this poisoning of the planet.

Theme 6:

1. What information should be generated about the different kinds of value (for example, monetary and intrinsic value) of biodiversity and other natural assets in NSW?

Most of this information is already available; the focus should be using it as the basis for enforcing land clearing, whether in rural or urban situations, and fining individuals the assessed value of the removed vegetation. This money would then be channelled into enforcement and protection programs. Until society places a true monetary value on our environment, it will not affect the behaviour of those who flout destruction of our environment in favour of personal monetary gain.

4. How effective is the threatened species listing process (including the listing of key threatening processes) in guiding subsequent conservation action?

Too much emphasis is placed on endless plans such as the threatened species listing process, likely to sit unused in a folder on a shelf, with not enough 'boots on the ground' taking the conservation action.

For example, Ryde Council has run an extensive advertising and education campaign on an anti-littering pledge in Eastwood, through which Terrys Creek runs. The council talks of compiling the questionnaire data that formed part of the pledge sign-up before identifying key areas for further action. It is blatantly obvious now where many of the litter sources are, and the Council's resources would be better spent on enforcement in high-density litter areas, installation of better entrapment devices, and education of schools and trades, to get some quick runs on the board and build momentum.

All levels of government seem reluctant to spend real money on making improvements at the pointy end in the field, and tend to form a committee or seek to gather further data as a fallback to making real change.

I'm sorry, but that's how it appears to me from my observations of our deteriorating local bushland environment, after protesting the effects of litter with local government, infrastructure agencies, construction companies, institutions and neighbours. Very little actually gets done!

Thank you again for the opportunity to provide input into the Biodiversity Legislation Review. I hope my concerns are taken into consideration when and if any modifications to native vegetation, threatened species and related biodiversity legislation.

Yours Sincerely,



Simon Day