



Dear Sir/Madam,

**Biodiversity Conservation Bill  
Local Land Services Amendment Bill**

The Mosman Parks & Bushland Association was formed in 1964 to protest against the destruction of bushland at Bradleys Head. Among its founding members were Joan and Eileen Bradley who, with other members of the association, developed a system of bush regeneration known as the Bradley Method. The Association's main objective continues to be the protection of bushland, parks and open space in Mosman for the benefit of current and future generations.

The protection of the integrity and biodiversity of native flora and fauna is fundamental to that objective.

Our understanding is that the Local Land Services Amendment Bill excludes urban land and that a SEPP is proposed to regulate native vegetation in urban areas. However, while the LLSA Bill is intended to apply to rural areas, the effects will be state wide. The Biodiversity Conservation Bill has implications for urban areas as well as rural areas.

**Mosman Parks & Bushland considers that the proposed legislation, far from *improving* the environmental protections for biodiversity and threatened species, will in fact achieve the opposite.**

**1. Repeal of the Native Vegetation Act 2003** and substitution of the Local Land Services Amendment Bill:

The Native Vegetation Act was effective in preventing much inappropriate broadscale clearing. The proposed regime is likely to result in a significant increase in native vegetation clearing for short term results.

The knock on long term consequences will be:

- a reduction in native vegetation and biodiversity
- poorer soils and water quality
- increased erosion and salinity
- increased carbon emissions and rainfall implications
- Ultimately food security will be affected.

**2. Repeal of the Threatened Species Conservation Act 1995** and the animal and plant provisions of the National Parks & Wildlife Act 1974 and substitution of the Biodiversity Conservation Bill:

The Biodiversity Bill contains many of the provisions of the current Threatened Species Conservation Act. However, considered in conjunction with the Local Land Services Bill which reduces protection for threatened species, by allowing removal of habitat without properly qualified and resourced assessment authorities, it cannot achieve its intended aims. Removal of habitat is a key threatening process. Vegetation clearing should not be a matter of self assessment.

**3. Important objects in the Threatened Species Conservation Act 1995 are missing** from the Biodiversity Conservation Bill. These objects are deal with prevention of extinction and the promotion of recovery of threatened species, populations and communities and with the protection of their critical habitat. It is essential that these objects are included in the new legislation.

**4. Improve or maintain:** A further weakening of environmental protection in the proposed legislation comes from the removal of the requirement to **improve or maintain biodiversity**. This was an objective of the previous legislation. The removal of this objective was not recommended by the Independent Panel.

**5. The Biodiversity Conservation Fund** for conservation on private land: Funding for conservation is admirable, but there are no guarantees that funding will last into the future. Funding for conservation will not be as effective in the long term as strong and protective environmental laws that will enhance biodiversity. Besides, it is hardly fair to allow inappropriate clearing on the one hand and then ask tax payers and philanthropists to pay for improving already degraded land.

#### **6. Urban areas**

We are unable to comment on the effects of the unpublished SEPP for urban areas. However the less stringent offsetting requirements for development are likely to result in threatened species trade-offs that will end in net biodiversity loss.

#### **7. Development in urban, coastal and rural areas should be ecologically sustainable** and should not incur a loss to the environment.

The proposals for dealing with development require a biodiversity assessment method (BAM). We are concerned that the proposals for offsetting will result in greater loss to biodiversity than under the previous legislation.

- The offsetting is not required to be like for like i.e. the threatened species or ecological community impacted by the development need not be offset. An unlike substitute can be used.
- Offset credits are reduced
- As a last resort money may be paid into a fund rather than a real offset being achieved
- Too much discretion is allowed to the consent authorities to disregard the BAM
- Areas of outstanding biodiversity value (formerly critical habitat) are not adequately protected

#### **8. Inadequate attention** is given to:

- Climate change, a key threatening process
- The implications of the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999
- Vulnerable ecological communities, which are not included in threatened species
- The threatening processes that affect bird populations in particular
- Mapping of vegetation, which needs to be achieved for adequate protection.

9. Opportunity for **public participation** should be maintained.

On reviewing our submission to the Biodiversity Review Panel we note our hopes that streamlining legislation affecting biodiversity would result in strengthened laws that would halt and reverse the decline in biodiversity in NSW. Our hopes have not been met.

The Mosman Parks & Bushland Association opposes the draft Biodiversity Conservation Bill 2016 and the draft Local Land Services Bill 2016 in their current form.

The Association recommends biodiversity legislation that:

- Includes objects that state the intention of preventing extinction, promoting the recovery of threatened species and ecological communities, and protecting habitat
- Addresses the key threatening processes of climate change and broadscale clearing
- In the urban environment protects trees and bushland including fauna.

The Association would like to be congratulating the NSW government on its intention to legislate for improved biodiversity in NSW, but such improvement will never result if the draft Local Land Services Bill continues to propose such devastating destruction of native vegetation and habitat.

We hope that public concern regarding the two bills will be heard and acted upon so that future generations will benefit from genuine biodiversity improvements.

Yours sincerely,



Kate Eccles  
President  
28.6.2016