

[REDACTED]

From: Steve Debus <[REDACTED]>
Sent: Friday, 13 January 2023 11:32 AM
To: LLS Policy Mailbox
Subject: LLS review of land clearing

I live on the NSW Northern Tablelands and have been conducting surveys of threatened fauna on public lands, including TSRs, and some private land since well before the Biodiversity Conservation Act 2016 and its companion LLS Amendment Act. Since 2016 I have seen an increase in clearing on private landholdings, including on steep slopes and adjoining a Nature reserve (NPWS estate) that created a 'harder' boundary with the reserve than previously, thus increasing the edge effect and potentially compromising the reserve's integrity. In that time I have also seen a decline in critically endangered birds such as the Regent Honeyeater and Swift Parrot, the now endangered Koala, and the extent of the critically endangered ecological community box-gum grassy woodland, including on and near the boundary of said Nature reserve.

It is clear to me that in my region, clearing of native vegetation in excessive, the land clearing code is not working, and those clearing EECs are getting away with it. I have many concerns with the ecological impact of the BC Act and LLS Amendment Act, as follows.

Many threatened species and vulnerable ecosystems are at extreme risk due to the inadequate protections for native vegetation and threatened species habitats on private and some public lands in NSW. There are no 'red flags' for such threatened entities.

The Discussion Paper released as part of the review of land clearing laws lacks any serious consideration of the disastrous impacts of vegetation loss on biodiversity. This omission is totally unacceptable, given the extinction crisis facing NSW and the world, and contravenes the recent international agreement to restore and protect a minimum of 30% of each nation by 2030.

The introduction in 2016 of new, far weaker vegetation clearing laws by the NSW Government saw land clearance increase 13-fold, from an annual average rate of 2,703 ha per year under the old laws to 37,754 ha under the new laws.

The current law's self-assessable codes and biodiversity offsets have enabled this massive increase in large-scale clearing of vital habitats. Self-assessment is clearly a joke when those proposing the clearing are not qualified to assess the presence of threatened species or ecological communities, and have an incentive not to recognise or report such threatened entities. Similarly, offsets are a joke and a fraud because they cannot replace like for like nor achieve no net loss.

The Natural Resources Commission has questioned the integrity of the regulatory system, noting that "compliance frameworks are inadequate." This echoes the scathing assessment of the integrity of the biodiversity offset scheme by the NSW Auditor General.

The current policy objectives do not offer adequate protection for native wildlife, including Koalas. Part 5A facilitates the clearing of most Koala habitat, contrary to the NSW Koala Strategy which seeks to double koala numbers in NSW by 2050.

A NSW Parliamentary Upper House inquiry (established in 2019) found the old land clearing rules played a vital role in Koala habitat protection and that without effective intervention, the Koala will become extinct in NSW by 2050, with obvious consequences for Koala-based tourism and the government's international reputation.

Land clearing laws require urgent reform to ensure: greater transparency over land clearing data; clear limits on clearing; mandatory assessments for clearing proposals; adequate mapping; monitoring of impacts on salinity, soil and water; tougher penalties for non-compliance; and funding for adequate enforcement.

Land clearing laws must be amended to protect native vegetation, native fauna, flora, ecosystems, water security, healthy soil, and natural landscapes.

Thank you,

Dr Stephen Debus
(PhD, zoology)