

**From:** Penny McMullin [REDACTED]  
**Sent:** Sunday, 29 January 2023 9:06 PM  
**To:** LLS Policy Mailbox  
**Subject:** Feedback on the Native Vegetation Code statutory review

To Whom it May Concern,

I welcome the opportunity to provide feedback on the Native Vegetation Code statutory review. I am concerned for the future of NSW's marine life and aquatic life, which is dependent on healthy vegetated land and clean rivers, yet is under threat from lax land clearing rules which have enabled clearing rates to skyrocket by 13-fold. These lax rules have contributed to the poor state our environment is in as found in the State of the Environment Report 2021.

After large rainfall events, loose soils resulting from excessive land clearing, are washed into our waterways and out into the ocean impacting on unique marine life and habitats. This sediment smothers seagrasses and degrades estuaries and coastal habitats which provide critical food and shelter for animals.

Even species and habitats protected within our marine parks are not safe. For example, governments are aware clearing of native vegetation for intensive blueberry farming is causing serious harm to the Solitary Islands Marine Park, impacting on nursery grounds for fish, including at Hearn's Lake and Flat Top Point.

Our waterways are important breeding sites for many aquatic and marine animals that need to move between marine, coastal, and freshwater environments during different life-cycle stages. For example, Indo-Pacific bottlenose dolphin mothers and calves forage in rivers or close to the coast and are vulnerable to habitat degradation. Poor water quality can result in e.g. loss of prey, increased exposure to pollutants and loss of habitat, which can in turn, lead to disease, illness, and declines in reproductive success. Moreover, healthy clean waterways are important for the survival of humans. I am gravely concerned that the current rules fail to meet the required principles of Ecological Sustainable Development (ESD) under the NSW Native Vegetation Code Act. This includes the principle of 'intergenerational equity' — by ensuring the diversity, health and productivity of the environment is enhanced or maintained for future generations. Clean, natural, healthy flowing waterways are important for water security (including the water we drink), tourism, agricultural security, recreation, including for surfers, divers, swimmers, and recreational fishers, and the next generation of water lovers.

Moreover, the Native Vegetation Codes are out of step with the Marine Estate Management Strategy (MEMS) 2018-2028, strongly contradicting the NSW Government's priority action to protect the marine estate's water quality. The MEMS lists:

- 'Agriculture diffuse-source runoff' and 'clearing riparian and adjacent habitat including wetland drainage' as 'High Risk' to estuarine and ocean waters, and;
- 'Stock grazing of riparian vegetation and marine vegetation in estuaries' as 'High Risk' to saltmarshes, mangroves and seagrass, species and communities protected under the Fisheries Management Authority (FMA).

**Therefore, I call on the NSW Government to:**

- To end clearing of riparian and coastal vegetation and significantly decrease the clearing of other vegetation through regulation and enforcement, rather than continuing to rely on weak and unreliable voluntary codes and market mechanisms.
- Place an immediate moratorium on large-scale land clearing and clearing of known threatened ecosystems, particularly in riparian and estuarine strips and habitat for wildlife, pending the outcomes of the review. Considering the government recognises water quality as a priority threat to the NSW Marine

Estate, this should include an immediate ban on large-scale clearing in catchments that negatively influence the state's marine parks to prevent poor water quality, since marine parks are the state's refuges for unique wildlife and habitats and are essential buffers against the effects of climate change.

-Tie native vegetation reform directly into the 30x30 target at a bioregional scale to highly protect a third of the land and sea, while designing whole of landscape policies to ensure the remaining 70% is sustainably managed, recognising the importance of connected ecosystems and catchment areas.

-To achieve this, it is critical the review committee pay particular attention to the Native Vegetation Codes' impact on:

- Aquatic and marine ecosystems and the resident and migratory species that depend on these systems;
- Human health and wellbeing — when it comes to drinking water and to recreational activities, including swimming and surfing, in waterways and in the ocean, and;
- Water security in the face of climate change, as one of the driest continents on Earth.
- The economic cost on commercial fisheries, aquaculture and tourism businesses (i.e. diving and recreational fishing), and;
- Considers Indigenous knowledge and management practices in managing vegetation from a whole of landscape perspective, including consulting with Indigenous groups.

-Conduct a scientific report investigating the impact of land clearing on the aquatic and marine ecosystems and the migratory and resident species that live there, human health and wellbeing, and water security.

-Allocate funding to better understand the impacts on vulnerable species and habitat, including sea turtles and the Northern Rivers' bottlenose dolphin populations.

-Establish minimum competency and knowledge standards for all parties involved in assessment and land clearing operations, including clearing contractors.

-Improve monitoring of all environments, increased funding for rapid deployment of enforcement officers, increased penalties, expand stewardship programs for protecting vegetation, and improved mapping.

-Provide greater technical support and education to help landholders and councils restore landscapes at a whole of catchment scale. This includes educating landholders on the scientific principles that underpin healthy land and seascapes, as well as the 30x30 target.

We hope the NSW Government will use the feedback from this review to better protect our waterways for our unique marine life and habitats for the health of future generations.

The future of our coastal environments are in your hands! The people of New South Wales want you to end runaway land clearing so we can ensure we have healthy rivers and oceans for future generations. The health and wellbeing of humans depends on the health and wellbeing of our coastal environments.

Yours sincerely,  
Penny McMullin

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