



Conserve and enhance New South Wales' native wildlife and habitats with strong laws and adequate funding

Biodiversity is in decline in NSW. The latest NSW State of the Environment Report (2015) shows that this decline is continuing, with 999 species of plants and animals and 108 ecological communities listed as threatened under NSW legislation. This includes the iconic koala, with almost all koala populations in decline across NSW, and local and regional extinctions a real possibility. Clearing of native vegetation and the associated destruction of habitat has been identified as the process representing the greatest single threat to biodiversity in NSW. Native vegetation is also vital to protect our soils and water, and provides substantial benefits for agricultural land and practices. Further, greenhouse gas emissions from clearing are significant and rising, while emissions from almost all other sectors are in decline. Putting a stop to excessive land clearing is vital to prevent biodiversity loss, retain soil and water health and reduce our contribution to climate change.

Key policy asks

Our organisations are calling on all political parties to support stronger land clearing laws and invest in forward-looking solutions to biodiversity conservation and land protection. This will require significant improvements to current laws that go above and beyond the provisions of the now repealed *Native Vegetation Act 2003* and those of the current *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016*.

To achieve this, we are calling for strong laws and dedicated funds that achieve the following outcomes:

1. Mandate the conservation and enhancement of biodiversity in legislation

Legislation must require decision makers to conserve and enhance biodiversity. This requirement must be achieved at state, regional and local scales, and must address the full range of biodiversity and conservation values, including threatened species, water quality, habitat quality, soil quality, and salinity.

2. Protect all remnant and high-conservation-value regrowth vegetation

Legislation must ensure all remnant and high-conservation-value (HCV) regrowth forest and bushland is protected from clearing across all sectors, including agriculture, urban development, infrastructure and mining. This will require targeted changes to biodiversity conservation, agricultural, planning and mining legislation. The definition of "high-conservation-value" should be consistent with the international definition as outlined by the HCV Resource Network, and include (but not be limited to) State and Federally listed threatened ecological communities, areas of outstanding biodiversity value, wilderness, coastal wetlands and littoral rainforests and coastal environment areas of the coastal zone, important wetlands, travelling stock reserves, koala habitat, riparian areas (including streams, lakes and springs), steep or highly erodible land, and National Heritage areas. In the sheep-wheat belt, where much native vegetation has been lost, even solitary large paddock trees and small remnant woodlands patches may be HCV vegetation. This protection should not be restricted by vegetation age. For example, if regrowth vegetation is classified as high-conservation-value by



virtue of its location along riparian areas, in critical wildlife corridors or as important fauna habitat, it should be protected regardless of age.

3. Protect and restore koala habitat to save the species from extinction

Prohibit clearing of core koala habitat across all land tenures. Strengthen implementation of and compliance with State Environmental Planning Policy 44 by local councils to ensure permanent protection from urban development. Restore effective landscape linkages to enable dispersal of koalas in over-cleared regions, and movement of koalas into climate refugia. Finalise and release koala habitat mapping at state, regional and local scales.

4. Protect and restore forests, bushland and catchments for carbon storage and rain making

Legislation and policies must mandate protection and restoration of trees to enhance storage of carbon in landscapes to support carbon emissions abatement and carbon sequestration. Clearing of trees is linked to declining rainfall and hotter and longer droughts, and this action will therefore improve long-term outcomes for regional communities by generating more rain and keeping temperatures cooler.

5. Restrict code based land clearing

Clearing under self-assessable codes should be strictly limited to small-scale maintenance activities that have low ecological impacts, such as firebreaks, fences and critical infrastructure. Current codes that allow broad scale clearing, including the continuing use, equity and farm plan code, should be removed.

6. Protect urban bushland and trees

Urban bushland and trees are vital for human wellbeing and for climate change adaptation by keeping towns and villages cool. Ensure existing urban bushland, trees and green spaces are protected by removing provisions that allow tree clearing to occur under various instruments, such as the Vegetation in Non-Rural Areas State Environmental Planning Policy, Exempt and Complying Development Code and the 10/50 Bushfire Code. The government must mandate robust, uniform tree-preservation rules for councils that are premised on providing protection for all tree species (with relevant exemptions, including for weeds), provide legal protection for green spaces, and invest in increasing green space and expanding urban tree canopies.

7. Put the Environment Minister in charge of tree clearing decisions

Where Ministerial approval is required for clearing, it must be the Environment Minister that has primary responsibility for assessing and determining clearing proposals, using an objective scientific assessment methodology. The recent changes to legislation giving the Local Land Service, Minister for Primary Industries and Planning Minister responsibility for clearing decisions must be reversed and responsibility returned to the Environment Minister. The Environment Minister must also be responsible for the monitoring and enforcement of tree clearing laws.



8. Complete and publicly release native vegetation mapping

The release of native vegetation maps for the whole of NSW was a key component of the government's new regime of land-clearing laws when details were announced, yet these maps have not been completed. Mapping which identifies high conservation areas off-limits to clearing must be completed as a high priority. Maps must be created using a method that can accurately identify vegetation communities (e.g., Digital Aerial Photographic Interpretation), and be ground-truthed by OEH staff. Mapping must accurately and comprehensively identify all remnant and high-conservation-value regrowth forest and bushland.

9. Adequately resource monitoring and compliance

Adopt an early detection system similar to the Queensland Government system whereby satellite imagery is monitored on fortnightly intervals to identify suspect clearing and allow intervention by environmental officers to prevent further losses.

10. Release prompt, transparent and regular statewide clearing data

NSW should publish an annual report and data on statewide clearing, similar to the Queensland Government's annual "SLATS" report. Unlike previous annual reports in NSW, The report should clearly state how much remnant and regrowth vegetation has been cleared over 12 months, with a breakdown by bioregion, catchment area, state electorate and local government area. The data should quantify clearing by industry (e.g., grazing, mining, etc.), by type of clearing permit granted and identify clearing locations. Estimates should also be provided of greenhouse gas emissions resulting from clearing.

11. Establish a \$1.5 billion Land and Biodiversity Fund

Establish a flagship \$1.5 billion dollar Land and Biodiversity Fund to support biodiversity conservation and land-sector carbon projects. The fund should be overseen by an independent committee, with projects required to meet minimum standards. From that fund, \$1 Billion should be allocated to support farmers and Indigenous landholders to protect trees and revegetate landscapes, create jobs in land restoration and carbon sequestration in regional and rural areas, and to prevent erosion to protect waterways and water quality. Revegetation targets should be set to guide investments to increase the extent and condition of native vegetation at regional and state levels. In addition, \$500 million should be invested in biodiversity conservation on public and private land. Measures must also be put in place to ensure funds are spent only on lands that are subject to perpetual conservation agreements so benefits of the investment are enduring.

In the spirit of respecting and strengthening partnerships with Australia's First Peoples, we would like to acknowledge the spiritual, social, cultural and economic importance of lands and waters to Aboriginal peoples. We offer our deepest appreciation and respect for the First Peoples' continued connection and responsibility to the lands and waters in this country, and pay our respects to First Nations Peoples and their Elders past and present who hold the authority, memories, knowledge and traditions of living Aboriginal cultures.

Ensuring that Aboriginal peoples are recognised as the Traditional Custodians of the lands and waters in NSW, managing and conserving biodiversity for millennia, and holding valuable Traditional Ecological Knowledge, is fundamental to nature conservation in NSW.