



Hunter Bird Observers Club

Affiliated with BirdLife Australia

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The Hon. Matt Kean, MP
Minister for Energy and Environment
GPO Box 5341
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Sent online

Rural Boundary Clearing Code – Biodiversity at Risk

Minister Kean,

We express our alarm and grave concern at the recent changes to the Bushfire Legislation Amendment Act 2020 No 37 (the Act) and the subsequent Rural Boundary Clearing Code for New South Wales 26 August 2021 (the Code) which permit the clearance of 25 metres of vegetation along rural boundaries without independent environmental assessment or control.

As the Act makes clear: 100RB (2)

“Vegetation clearing work may be carried out under this section despite any requirement for a licence, approval, consent or other authorisation for the work made by the Biodiversity Conservation Act 2016 or the Environmental Planning and Assessment Act 1979 or any other Act or instrument made under an Act (other than the Rural Boundary Clearing Code).”

Compliance with the new Code relies entirely on the landholder’s interpretation of the Code and an online assessment tool www.rfs.nsw.gov.au and the landholder has sole and full responsibility for his or her actions.

While the Code provides lists and descriptions of many vegetation types that cannot be removed, supported by 40 Appendix links to relevant documents a landholder may need to consider, it is a complex 16 page document and it frankly beggars belief that the Code could be routinely and accurately interpreted by every landholder, and the assessment tool checked for currency as instructed, on the exact day any clearing is to occur.

While there are undoubtedly some environmentally responsible landholders who may be prepared to study the documentation and interpret it accurately, it is clear that prior to these changes, the State’s track record for native vegetation clearance was demonstrably abysmal. In 2019 the Audit Office found that the clearing of native vegetation on rural land was not effectively regulated and managed, and that *“there is no evidence-based assurance that clearing of native vegetation is carried out in accordance with approvals”*

So with this new boundary clearance regime are we to really expect a better outcome and greater compliance, with no prior approvals and no management? Review after the event will be useless, the habitat will be gone and the associated biodiversity with it!

While it is entirely reasonable to permit firebreak vegetation clearance around dwellings and key infrastructure, uncontrolled clearance along all boundaries is an unacceptable overreach, completely unnecessary for fire prevention, and places biodiversity at great peril and almost certain destruction.

Where there is remnant native vegetation along fence lines, as with rural road verges and TSRs, they can be critical wildlife corridors and reservoirs of the original vegetation and biodiversity. They are essential habitat for tree and ground dwelling mammals and birds, both resident and those on passage; and for reptiles and insects including essential plant pollinators. There are cases where these remnants are significant “biodiversity hotspots”.

Basic maths tells us that for vegetation cleared along just one kilometre of boundary, that can be a loss of 2.5 hectares of potentially critical habitat; but how will we ever know how critical it may have been? If adjoining land owners clear on both sides of the boundary that is potentially 5 hectares of habitat loss per kilometre of boundary fence. Can you even begin to imagine how many kilometres of boundary there are for rural properties in NSW? And that is of course assuming the clearance will be confined to 25 metres. But who will check?

Statements in the NSW State of the Environment 2018 resonate: *“The main threats to listed species in NSW are habitat loss due to the clearing and degradation of native vegetation and the spread of invasive pests and weeds. The capacity of species to adapt to these pressures is further constrained by climate change”*.

How can this uncontrolled initiative not be seen as driving the further loss of biodiversity where any loss of native vegetation is a nett loss? And how can it be consistent with preventing further extinctions. It is fine to push the narrative that there will be no extinctions in National Parks. Unfortunately, our National Parks are too fragmented to ensure the long-term survival of many species. Destroying the essential corridors and biodiversity reservoirs reduces the extinction prevention narrative to the level of a mere PR campaign.

Ann Lindsey co-ordinator for Hunter Bird Observers Club Inc. 29/09/2021



References

<https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-37>

https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0014/231422/Rural-Boundary-Clearing-Code-for-New-South-Wales.pdf

About the Hunter Bird Observers Club

Hunter Bird Observers Club Inc. (HBOC) was established in 1976 and currently has a membership of

400 members. Although the Club is based in Newcastle NSW membership includes members from other areas in NSW and from interstate.

Aims of HBOC

- *to encourage and further the study and conservation of Australian birds and their habitat;*
and
- *to encourage bird observing as a leisure-time activity.*

Activities include monthly regular outings, evening meetings, camps and field studies. HBOC promotes systematic field studies which include regular surveys by volunteers from the membership.

All data gathered from field studies are entered into the national bird record database administered by BirdLife Australia; Birddata <https://birddata.birdlife.org.au/>. Data are used to underpin conservation issues and HBOC promotes systematic surveys and data collection.

HBOC has a long history of working in collaboration with local councils, national parks and other state agencies, industry and schools.

For more information go to www.hboc.org.au