



Healthy Rivers Dubbo

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To Whom it may Concern,

Healthy Rivers Dubbo (HRD) is a grass roots community group dedicated to providing a strong voice for our local rivers, aquifers and wetlands in the Murray-Darling Basin for the benefit of wildlife, plants and people. We pay our respects to Elders past and present and acknowledge that this land was never ceded.

HRD would like to take the opportunity to submit our feedback on the proposed Nature Positive Laws.

We wish to acknowledge that the central west of New South Wales is in the lands of several First Nation's peoples including the Gamilaroi, the Wiradjuri and the Wailwan. This region was one of the first places to be impacted by colonisation and is one of the most heavily cleared bioregions in Australia. The several areas of remnant bushland that remains is critical for the survival of endangered species and ecological communities. Broadscale and industrial agriculture and water extraction is continuing to have bigger and unsustainable impacts on the environment. It is critical that new environmental laws have strong upfront protections and guarantees to ensure that endangered ecosystems and dependent species have an opportunity to recover and that areas protected under international agreements are supported.

HRD strongly feels that the rights of indigenous communities, the environment and future generations must be at the forefront of and enshrined in any legislation changes.

We would like to take the opportunity to comment on several key aspects of the proposed Nature Positive Laws highlighted below.

- The recommendations from the Samuel Review of the EPBC Act must be enabled under the new environmental legislation.

New legislation must focus on abating and mitigating the serious biodiversity decline in Australia recorded in the 2021 State of the Environment Report. **The cumulative loss of critically endangered ecological communities, critically endangered species, and ongoing decline of wetlands in Central West NSW must be considered and prevented in strong provisions in new environmental protection laws.** The Australian Government has commitments under many international treaties to protect biodiversity, including under the Global Biodiversity Framework. These

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commitments must be reflected in improved protections under law.

- Community engagement and consultation must meet international standards for public participation in environmental decision-making. This includes merit appeal rights at the state and Federal level to allow the community to test decisions through an independent tribunal. The period for public exhibition and comment must be no shorter than 40 days.
- **All habitat critical to the survival of a threatened species must be protected under a Recovery Strategy.** This means that all critically endangered ecological communities are protected from further disturbance and that all areas supporting an 'important population' of a listed threatened species must be protected.
- HRD strongly objects to the process of allowing important areas of major remnant bushland to be destroyed and 'offset' by some other existing area of bushland. The current process allowing biodiversity offsets has enabled ongoing cumulative loss of threatened species habitat. Critically endangered ecological communities must be protected, not offset. **The concept of 'Restoration Contributions' cannot be supported.** It is a 'pay to destroy' scheme that is a retrograde step ensuring further extinctions.
- HRD supports the introduction of an EPA at the federal level. The EPA must be a truly independent and well-funded environmental regulator with a strong and clearly defined purpose and objectives. Consideration of cumulative impacts must be a clear mandatory requirement under the new law.

HRD objects to the proposal that the Environment Minister have the power to override decisions of the EPA on projects with 'unacceptable impacts'.

HRD believes the role of the federal EPA should subsume those at the state level for more effective policing of impacts on the environment. Several specific issues HRD has been involved in have not been addressed by State level bodies such as the NSW EPA, for example the impacts from chemical spray drift on habitat and water bodies is only responded to on an incidental basis. The cumulative effect on the environment by overuse and misuse of pesticides and fertilisers needs to be addressed more broadly, as per international goals of reducing the use of these chemicals in half by 2030.

- HRD supports the introduction of Regional Plans. We believe issues that all cumulative impact upon a region must be considered, this would include the effects from the over and misuse of pesticides and fertilisers on waterways and native habitat which affects these areas and not just the area of application through

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chemical spray drift and leaching into ground water and surface water. The input from indigenous and the broader community must be considered in the preparation, monitoring, and re-evaluation of the regional plans.

- HRD supports the introduction of the concept of 'unacceptable impacts' that will lead to the immediate refusal of a seriously damaging development proposal.
- It is essential that cumulative impact is included as a strong National Standard to prevent ongoing detrimental cumulative loss of critically endangered biodiversity.
- **HRD supports the proposed expansion of the water trigger to include all forms of gas extraction.** However, the cumulative expansion of metals mining in the Central West NSW region also has significant impacts on groundwater and surface water sources. All mining operations must be subject to the water trigger so that the Independent Expert Science Committee has oversight of all significant impacts on water from mining operations.
- It is essential that new National Standards include a climate trigger to ensure a safe and liveable future. Australia and NSW are some of the most vulnerable areas on earth to the impacts of increasingly extreme weather events. All projects that cause climate harm must be rejected under new environmental law.

For more information contact

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