

27 January 2023
Part 5A LLS Act Statutory Review
Policy Division
Local Land Services
NSW Government

By email only: policy@lls.nsw.gov.au

BirdLife Australia submission to the statutory review of NSW native vegetation clearing rules.

Thank you for the opportunity to provide comment on the statutory review (the Review) of NSW native vegetation clearing rules, as described in Part 5A of the *Local Land Services Act 2013* (LLS Act).

BirdLife Australia is an independent non-partisan science-based bird conservation charity with over 80,000 supporters in NSW. Our primary objective is to conserve and protect Australia's native birds and their habitat. Our organisation is the national partner of BirdLife International, the world's largest conservation partnership.

BirdLife Australia has a long history of collaborating with the NSW government, researchers, community groups, landowners, and the corporate sector to implement on-ground conservation projects to recover threatened bird populations and protect their habitat.

Reversing the decline in the extent, quality and ecological function of Australia's native vegetation is a principal requirement in conserving Australia's birds.

BirdLife Australia advocates for strong legislation to arrest the destruction of native vegetation. The following comments and the attached BirdLife Australia Native Vegetation Conservation Policy should be used to reform native vegetation clearing rules, especially concerning areas that provide habitat critical to the survival of threatened birds and other areas of high conservation value including Key Biodiversity Areas.

Recent independent reviews of the current native vegetation clearing rules have found that they facilitate broad-scale land clearing and are poorly regulated and managed.

BirdLife Australia
Suite 2-05
60 Leicester Street
Carlton VIC 3053
T 03 9347 0757
F 03 9347 9323
info@birdlife.org.au
birdlife.org.au

ABN 75 149 124 774

Supporting the environment
100% Recycled paper



Land clearing under the current rules are carried out without any robust environmental assessment or approval requirements and there is limited ability for LLS to refuse certification and prevent unacceptable and cumulative impacts on threatened species. Since the clearing rules were enacted, clearing rates have significantly increased by over 35,000 additional hectares cleared on average per year compared to an annual average of 2,700 under previous laws¹. The most recent figures (31 October 2022) indicate that total hectares approved for clearing under the current rules is more than 780,000 ha.

Furthermore, compliance with the clearing laws is weak and relies on landholders, who generally lack speciality skills and knowledge to identify threatened species and habitat, to self-assess their clearing plans. Meanwhile, enforcement of the clearing rules is weak and are rarely investigated or actioned².

Finally, under the land clearing rules Ramsar wetlands and critically endangered ecological communities are categorised as *Category 2 – Sensitive Regulated Land* which applies restricts to Code based clearing. Other categories important for biodiversity must be added to this category including, but not limited to:

- Key biodiversity areas;
- Habitat critical to survival of threatened species;
- Refugia habitat, which can support populations of a species or multiple species when changing environmental conditions (e.g. drought, fire, climate change) render the surrounding landscape unfavourable to the species survival; and
- Vulnerable and endangered ecological communities.

The land clearing rules must be improved to halt and reverse the destruction and degradation of native vegetation and contribute to global conservation objectives to halt extinctions and conserve 30% of land for nature by 2030.

Yours sincerely,

Samantha Vine

Head of Conservation and Science

¹ Natural Resources Commission, *Final Advice on Land Management and Biodiversity Conservation Reforms*, July 2019.

² Audit Office of NSW, *Managing Native Vegetation*, 27 June 2019.