



ORANGE FIELD NATURALIST &
CONSERVATION SOCIETY Inc
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28 January 2022

Part 5A LLS Act Statutory Review Policy Division
Local Land Services
117 Bull Street
NEWCASTLE NSW 2302

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Re: Review of NSW Native Vegetation Clearing Rules (Part 5A of the Local Land Services Act 2013)

Orange Field Naturalist and Conservation Society (OFNCS) is grateful for the opportunity to provide broad comment on the NSW Native Vegetation Clearing Rules. OFNCS is composed of amateur and professional naturalists, conservationists and scientists who have a keen interest in the future of the environment. It has been an advocate for the environment, particularly in the Central West of NSW, which is a landscape that has been largely cleared since European settlement.

The Society agrees with many of the conclusions of the 2019 review by the Audit Office of NSW¹ that *'the clearing of native vegetation on rural land is not effectively regulated and managed because the processes in place to support the regulatory framework are weak. There is no evidence-based assurance that clearing of native vegetation is being carried out in accordance with approvals.'*

When this land clearing legislation was introduced, it was to work in conjunction with the Biodiversity Conservation Act and with increased investments in conservation. These two pieces of legislation should be reviewed together and not independently and not by two different agencies. It is critical that broadscale clearing does not impact environmental outcomes at both a landscape and local scale.

These new laws appear to be far weaker as there has been a thirteen fold increase in land clearing since 2016. This has occurred at a time when the number of species being listed as threatened in NSW is increasing. Is there a link between these facts? It is of concern that the Discussion Paper released with this review does not adequately consider the impact of removal of vegetation on biodiversity loss. Some Society members have participated in long term surveys of different aspects of biodiversity and have seen the decline of some species that have been added to the NSW threatened species list. We ask if allowing more unregulated clearing under the LLS Act actually been offset by more adequate investment in conservation and protection of threatened species and biodiversity?

Other aspects of concern in the Act or its implementation are:

- There is inadequate assessment and management of the environmental impact of land clearing and its impact on threatened species. The protections for threatened species must be increased.
- The categories for Code-based Clearing, where formal assessment is not required, are very broad and would appear to allow most types of clearing.
- An example of a current contradiction is that of paddock trees. These are being cleared for cropping and pasture expansion yet organisations like Landcare are being funded to encourage farmers to protect them. Why not allow them not to be cleared?
- Set asides and offsets appear to be subjective and the Native Vegetation Code does not specify that these should be like for like. Any set aside should be in the same or better condition than the cleared land and this condition is at least maintained. This must be stated in any approval. A mechanism for compensating farmers, such as a reduction in land rate relief or reimbursement for any expenses incurred in the maintenance of set asides, should be investigated and implemented.
- The amount of set asides that are occurring is well below the minimum required and strategies must be put in place to increase the area set aside. In future of landholders are to be required to offset their own carbon credits maybe this would be an incentive to reduce land clearing or establish high quality set asides.
- The Native Vegetation Regulatory Map has not been completed for the majority of NSW. This is a key part of the regulatory framework, and it is hard to see how the Act can be implemented and monitored if this map is not available. Allowing landholders to 'self-categorise' can mean that important aspects of biodiversity are not recognised or the system is misused. This map must be completed soon to create regulatory certainty for landholders.
- Monitoring of and reporting on land clearing is inadequate and is not available to the public in a readily accessible register. An up-to-date public register would allow better monitoring of clearing at a landscape scale.
- The Audit Office Report discussed this and found that the LLS only does limited monitoring, including to see if set asides have been created and managed appropriately.
- This review must result in better monitoring and funding for LLS to undertake monitoring and publication of the results. Enforcement measures must be strengthened and there must be consequences for landholders who have not carried out clearing in line with the approvals.

The Society recognises that renewable energy projects are an allowable activity but notes that these and new large transmission lines involve clearing of large tracts of land and a resultant impact on biodiversity and threatened species. The government must make every effort to avoid or reduce these impacts of land clearing.

The Society asserts that the need for protection of natural ecosystems and biodiversity is far too important to be compromised by clearing of land for economic gain.

Yours Sincerely



Rosemary Stapleton
 Secretary
 Orange Field Naturalist & Conservation Society
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1. Audit Office of NSW, *Managing Native Vegetation*, 27 June 2019.