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Local Land Services
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20 January 2023

Dear Local Land Services policy team,

RE: Submission on the review of native vegetation provisions in *Local Land Services Act*

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission to the New South Wales Government's statutory review on the native vegetation provisions of the *Local Land Services Act 2013* (NSW).

Please note that ALCA is happy for this submission to be published in full.

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity and influence of private land conservation to achieve a healthy and resilient Australia. Members operating in NSW are highlighted in **bold**:

- **Australian Wildlife Conservancy**
- **Biodiversity Conservation Trust NSW**
- **Bush Heritage Australia**
- **Greening Australia**
- **Landcare Australia**
- Nature Foundation
- Queensland Trust for Nature
- **South Endeavour Trust**
- Tasmanian Land Conservancy
- **The Nature Conservancy Australia**
- Trust for Nature (Victoria)

ALCA member land conservation efforts have influenced over 3 million square kilometres with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$260 million. Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and funding and using nature-based solutions to tackle climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spill-over effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.

For the avoidance of doubt, while the Biodiversity Conservation Trust NSW is a member of ALCA, that organisation has not been party to this submission.

The accelerating nature crisis

The conclusions of the Audit Office of NSW's June 2019 report, *Managing Native Vegetation*, are deeply concerning, and point to the 2014 change to the legislative regime for managing native vegetation as a significant step backwards for nature and biodiversity in New South Wales.

As noted in the Commonwealth's 2021 State of the Environment Report, "***In New South Wales, there has been a steady increase in clearing, presumably for agricultural purposes, but substantial areas of clearing were not authorised.***"¹

Regrettably, this regression in the state's protection of biodiversity has occurred within the context of the accelerating nature crisis facing our nation.

Whilst the nature crisis is less well-known than the parallel, albeit interconnected, climate crisis, it is just as serious for our society and economy. A recent report has confirmed Australia's trajectory towards the collapse of ecosystems² and we have seen the largest documented decline of biodiversity than any other continent in the world³.

More broadly, according to the World Economic Forum:

"Humanity has already wiped out 83% of wild mammals and half of all plants and severely altered three-quarters of ice-free land and two-thirds of marine environments. One million species are at risk of extinction in the coming decades – a rate tens to hundreds of times higher than the average over the past 10 million years...."

*Human societies and economies rely on biodiversity in fundamental ways. ...over half the world's total GDP – is moderately or highly dependent on nature and its services."*⁴

Using the same methodology, **approximately half of Australia's GDP has also been demonstrated as having a moderate to very high dependence on nature**⁵.

The scale and devastation that the unfolding nature crisis will have upon our collective wellbeing will dwarf all but the very biggest issues facing our nation and will rival them in importance. As per the British Government's Dasgupta Review:

*"We are facing a global crisis. We are totally dependent upon the natural world. It supplies us with every oxygen-laden breath we take and every mouthful of food we eat. But we are currently damaging it so profoundly that many of its natural systems are now on the verge of breakdown."*⁶

The key findings of the Federal Government's 2021 State of Environment Report highlight the seriousness of the nature crisis as specific to Australia:

"Overall, the state and trend of the environment of Australia are poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. Changing environmental conditions mean that many species and ecosystems are increasingly threatened. Multiple pressures create cumulative impacts that amplify threats to our environment, and abrupt changes in ecological systems have been recorded in the past 5 years."

¹ See: Government of Australia, 2021 State of Environment Report; <https://soe.dcceew.gov.au/overview/pressures/people#land-clearing>

² See: Bergstrom et. al, 'Combating ecosystem collapse from the tropics to the Antarctic', *Global Change Biology*, 2021; <https://onlinelibrary.wiley.com/doi/10.1111/gcb.15539>

³ See: DCCEEW; <https://www.dcceew.gov.au/environment/biodiversity/conservation>

⁴ See: World Economic Forum, *Nature Risk Rising: Why the Crisis Engulfing Nature Matters for Business and the Economy*, January 2020; <https://www.weforum.org/reports/the-global-risks-report-2020>

⁵ See: Australian Conservation Foundation, *The nature-based economy: How Australia's prosperity depends on nature*, September 2022; <https://www.acf.org.au/how-australias-prosperity-depends-on-nature>

⁶ See: p1, Dasgupta, P. *The Economics of Biodiversity: The Dasgupta Review*, HM Treasury, Government of the United Kingdom; <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

...Our inability to adequately manage pressures will continue to result in species extinctions and deteriorating ecosystem condition, which are reducing the environmental capital on which current and future economies depend. Social, environmental, and economic impacts are already apparent.⁷

Indeed in 2021, Australian scientists confirmed evidence that already 19 of Australia's ecosystems have either collapsed or are collapsing⁸.

It is thus of critical importance to our environment, our society, and our economy that protections for biodiversity are strengthened rather than weakened. After a period of setbacks, the New South Wales Government now has an opportunity to put its state and community onto a path that recognises the increasingly important value of protecting its remaining native vegetation.

Recommendations

1. **Except in exceptional circumstances, land clearance of native vegetation should immediately cease⁹, noting that the clearance of remnant vegetation is a major driver of biodiversity loss.**
2. **The current legislative and regulatory regime for protecting native vegetation in NSW is insufficient and needs to be substantially strengthened.** This recommendation must be seen in the context of a key finding of the Commonwealth's State of the 2021 Environment Report: *"In New South Wales, there has been a steady increase in clearing, presumably for agricultural purposes, but substantial areas of clearing were not authorised."*¹⁰
3. Currently there is a perverse incentive to illegally clear native vegetation prior to the finalisation of the Native Vegetation Regulatory Map as the new baseline for land use. **The Government needs to release the entire Native Vegetation Regulatory Map as soon as possible to limit the perverse incentive to illegally clear native vegetation.**
4. Noting the NSW Audit Office's 2019 finding that "[e]nforcement action is rarely taken against landholders who unlawfully clear native vegetation"¹¹, the NSW Government should investigate whether it would be appropriate for the illegal clearance of native vegetation to become a strict liability offence.
5. **Private land conservation should continue to receive substantial support from the NSW Government as a key means of safeguarding – and improving – outcomes for NSW biodiversity.**

⁷ See: Government of Australia, 2021 State of Environment Report; <https://soe.dccceew.gov.au/overview/key-findings>

⁸ As above, n2

⁹ ALCA acknowledges that some clearing may be required for critical services, and where this is the case, it should always be offset with high integrity offsets.

¹⁰ As above, n1

¹¹ See: p2, Audit Office of New South Wales, *Managing Native Vegetation*, June 2019; <https://www.audit.nsw.gov.au/our-work/reports/managing-native-vegetation>

Thank you again for the opportunity to contribute to the New South Wales Government's review of native vegetation provisions in *Local Land Services Act*.

ALCA looks forward to ongoing engagement with the Government to ensure that its policies on native vegetation recognise and reflect the critical importance of biodiversity conservation to New South Wales' economic, social, and environmental prosperity.

If you have questions regarding the submission, please do not hesitate to contact ALCA via michael@alca.org.au (Mr Michael Cornish, Policy Lead).

Yours sincerely,



Dr Jody Gunn

Chief Executive Officer

Australian Land Conservation Alliance