



STEP Inc

Community-based Environmental Conservation since 1978

24 January 2023

Land Clearing Review
Part 5A LLS Act Statutory Review
Policy Division Local Land Services,
117 Bull Street,
Newcastle West 2302

Email: policy@lls.nsw.gov.au.

Re Statutory review of NSW native vegetation clearing rules

STEP Inc is a local community-based environmental group, with a membership of over 550 in the Hornsby/Ku-ring-gai area. Our main objective is to preserve natural bushland in northern Sydney from alienation or degradation and ensuring proper management of this bushland including ensuring its role as habitat for animal species. Our group has considerable experience in environmental issues and regenerating and preserving natural bushland and native vegetation.

As STEP's objectives relate to bushland in urban areas the focus of our submission is land clearing in urban areas and rural areas that are being developed for urban expansion.

This review is being conducted at a time where Australia's biodiversity is declining and the number of threatened species is increasing. As the state of the environment reports for NSW and Australia have demonstrated there are inadequate protections in place for native vegetation and threatened species. The discussion paper released as part of the review lacks proper consideration of the impacts of this lack of protection.

Inadequate mapping

Often it is the local residents and bushcarers who are aware of individual trees and bushland that are providing valuable habitat. Local mapping is inadequate. There is little opportunity for local people to be aware of clearing that has been approved and to point out the significance of what is about to be lost. The planning panels and Land and Environment Court processes often dismiss their objections using a narrow interpretation of the law. This interpretation often arises from the lack of consideration of cumulative impacts. This highlights the lack of detailed up-to-date vegetation mapping that can and should be used as a reference to ensure that clearing will not be detrimental to the survival of threatened species.

It can be extremely difficult for a member of the public to determine whether observed clearing is lawful because the NVR Map is still not complete and the public registers that record authorised clearing do not, for the most part, identify the relevant property.

Clearing should not apply to the whole lot

It is not only land containing threatened species that should be the focus of clearing scrutiny. Areas containing vegetation that is representative of plant community types can be lost through the clearing laws to the extent that there is a risk that they too will become threatened. Examination of mapping on a local and regional landscape basis is required to ensure that this does not occur. This is important to regional areas as well as Sydney where new housing estates are being developed.

Currently the practice of clearing for new development is to denude the site totally of any vegetation. This creates an erosion risk as well as destroying soil biota, soil carbon and wildlife corridors. This practice should not be permitted. Adequate corridors and vegetation that will provide shade for new residents must be maintained.

Public awareness of clearing

Often zoning for conversion of land to residential development has been determined many years ago and the local community is not aware of this until, suddenly the clearing for development starts occurring. The vegetation mapping and biodiversity surveys may be out of date. Local communities may be aware of more up to date information.

The local council should advise their residents about the development plans and ensure that mapping is up to date.

Summary

In summary, the replacement land management framework established by Part 5A of the LLS Act introduces a system that is less stringent (allowing increased clearing), less evidence-based (with more reliance on self-assessment) and less accountable (with less detailed information available on public registers).

These issues are compounded by the flawed system of offsets that is subject to a separate review. The law must be strengthened to actually prevent clearing that will increase the risk of species extinction. The legislation and its administration must ensure that the principle of no net loss will prevail.

Yours sincerely,



Jill Green
President