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Coffs Coast Branch

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Local Land Services

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Submission by the Coffs Coast branch of the National Parks Association

Statutory review of NSW native vegetation clearing rules

The Coffs Coast branch of the NPA NSW welcomes the opportunity for public comment on the statutory review of NSW native vegetation clearing rules, as described in Part 5A of the *Local Land Services Act 2013*. The Branch submission has been informed by a briefing from the NSW NPA.

NPA NSW's mission is to protect nature through community action. Our strengths include State-wide reach, deep local knowledge, evidence-based input to policy and planning processes, and over 65 years' commitment to advancing the NSW protected area network and its professional management. We also provide outstanding opportunities for experiencing and learning about nature through our unrivalled program of bushwalking, field surveys, bush regeneration and other outdoor activities.

The conservation of biological diversity must be central to the statutory review of the *Local Land Services Act*.

The Coffs Coast branch concerns about the currently proposed scope of the review and recommendations for a more appropriate review process are outlined below.

1. limited scope of review

The conservation of biological diversity and ecosystem functioning are notably absent in the public discussion paper.

The review fails to reflect the spirit and object of the *Local Land Services Act*, which includes 'principles of ecologically sustainable development' (ESD), consistent with the definition provided in the *Protection of the Environment Administration Act*.

The current scope of the review should be broadened to enable a more comprehensive review of the purpose, impact and effectiveness of land clearing codes.



A comprehensive review must consider whether the current native vegetation regulations are consistent with ESD principles. The review should investigate whether the rules:

- apply the 'precautionary principle' by;
- (a) avoiding 'serious or irreversible damage to the environment' (where practical) and
- (b) providing 'an assessment of risk-weighted consequences of various options';
- provide 'inter-generational equity' — by ensuring the diversity, health and productivity of the environment is enhanced or maintained for future generations;
- and it must ensure the 'conservation of biological diversity' is a core consideration.

2. Reform must reverse the environmentally destructive practices of large-scale land clearing

Reform of the current rules should aim to reverse the environmentally destructive practices of large-scale land clearing, especially in habitats supporting threatened species and habitats, and actively encourage regeneration of our regional and rural landscapes. This is essential to combat rising temperatures, halt mass loss of biodiversity, and ensure that healthy ecosystem services deliver essentials like clean water catchments and healthy soils for farming.

The experience of recent climate-induced unnatural disasters, mega fires, and floods, demands regulations and policies that enhance rather than diminish ecosystem function. Research shows land clearing is likely to make parts of the nation drier and warmer, increasing adverse effects of climate change.¹ *McAlpine, C, Stopping land clearing and replanting trees could help keep Australia cool in a warmer future, The Conversation, August 2016, <https://theconversation.com/stopping-land-clearing-and-replanting-trees-could-help-keep-australia-cool-in-a-warmer-future-63654#:~:text=How%20do%20trees%20change%20the,circulation%20of%20heat%20and%20moisture>*

The lived experience of the last five years has seen:

- The worst drought in 800 years, with breakdown in rainfall patterns due to local and global changes; *Freund M et al, Recent Australian droughts may be the worst in 800 years, The Conversation, 2018, <https://theconversation.com/recent-australian-droughts-may-be-the-worst-in-800-years-94292>*
- 12.6 million hectares of primary woodlands and forests burnt in 2019-20 and 3 billion animals affected, *Moore, G. Trees: why they're our greatest allies against floods — but also tragic victims, The Conversation, March 2022, <https://theconversation.com/trees-why-theyre-our-greatest-allies-against-floods-but-also-tragic-victims-178981#:~:text=can%20kill%20them,-.How%20trees%20influence%20floods,muddied%20and%20clogged%20with%20silt,>* pushing some species to the brink of extinction; and
- Record-breaking floods and rain across large parts of Eastern Australia, including in NSW. The NSW floods became Australia's most expensive natural disaster on record, with \$5.6 billion in insurance claims, *Moore, G. Trees: why they're our greatest allies against floods NSW cannot afford to lose more native — but also tragic victims, The Conversation, March 2022, <https://theconversation.com/trees-why-theyre-our-greatest-allies-against-floods-but-also-tragic-victims>.*

[Land clearing is directly linked to these adverse impacts of climate change.](#) The floods were also hazardous to humans with landslides and landslips threatening human life and homes. *Freund M et al, ibid*

3. Land clearing is directly linked to these adverse impacts of climate change

Land clearing is directly linked to these adverse impacts of climate change as a result of:

- Land clearing releases CO₂ into the atmosphere;
- The clearing of deep-rooted vegetation in exchange for shallow-rooted crops can cause local, regional, and global warming, as it alters rainfall circulation of moisture and heat. It can cause substantial declines in rainfall; *McAlpine*, *ibid*
- Vegetation degraded land, due to soil compaction from intensified grazing and cropping, has been found in Europe to increase the severity of floods. *McAlpine*, *ibid*

4. NSW cannot afford to lose more native vegetation.

NSW cannot afford to lose more native vegetation because:

- Biodiverse forests and ecosystems are essential for ensuring ecosystem abundance, water cycles functioning, and creating a cooler atmosphere;
- Biodiversity helps to store vast quantities of nutrients, water, and carbon;
- Trees evaporate 10 times more water than crops and pastures, more than any other vegetation type. The rough surface of trees and the increased evaporation helps to reduce temperatures, increase rainfall, and contribute to cloud formation; *McAlpine*, *ibid*
- In addition, the roots of native trees, such as red river gums, help to consolidate soil and stabilise river banks, preventing erosion, reducing sediment runoff, landslides and landslips.¹ *McAlpine*, *ibid*

5. The current rules are not delivering Environmentally Sustainable Development

The land clearing rules introduced in 2016 under the *Biodiversity Conservation Act* and through amendments to the *Local Land Services Act* have resulted in an up to 13-fold increase in the rate of habitat loss across NSW, rising from an annual average rate of 2,703 ha per year to an astonishing 37,754 ha since 2016. The consequences of this excessive clearing have been devastating for NSW's biodiversity. They include:

- Biodiversity in 9 out of 11 IBRA bioregions is now at risk.¹ Land management and biodiversity conservation reforms, Natural Resource Commission, 2019 - <https://www.dpie.nsw.gov.au/news-and-events/articles/2020/land-management>
- Threatened species, including the koala, have been pushed closer to extinction. In the case of Koala, the NSW Upper House Inquiry (established in 2019) found the old land clearing rules played a vital role in koala habitat protection and that without effective intervention, NSW's most loved icon would likely go extinct by 2050. In general, the current policy objectives are not fit for purpose to protect native wildlife. While Part 5A provides some safeguards for 'core koala habitat', it facilitates the clearing of other koala habitat. This contradicts the NSW Koala Strategy which seeks to double koala numbers in NSW by 2050. ¹ Have your say on the statutory review of NSW native vegetation clearing rules (Part 5A of the Local Land Services Act 2013), 2022, <https://www.edo.org.au/wp-content/uploads/2022/12/EDO-submission-guide-land-clearing-rules.pdf>

Two of the major contributors to this inadequate performance of the current rules are the allowance for self-assessment and the reliance on biodiversity offsetting.

The self-assessment codes are simply insufficient for the protection of threatened species and habitats. There is no requirement that landholders or clearing contractors have the ecological knowledge to be able to identify what species can or cannot be cleared. It is likely landholders and clearing contractors largely do not have the ecological knowledge to know what can and cannot be cleared, rendering the self-assessment codes useless. Identifying tree and plant species is a specialist skill.

The integrity and effectiveness of the NSW Biodiversity offsetting system has been thoroughly debunked by the NSW Auditor General, yet it remains one of the key 'protections' for biodiversity in the codes. Species and ecosystem credits are currently operating as little more than blood money for the destruction of biodiversity values. For example, the loss of hollow-bearing trees is contributing to the decline for vulnerable species, such as the [squirrel glider](#) which depend on up to 19 different hollows throughout a year. It can take 100 to 200 years for a hollow in a tree to form, demonstrating that 'like for like' worth is impossible within this instance as a young tree simply cannot provide the habitat function required for the survival of hollow bearing species.

- Greater attention should be spent on nature-based solutions via regulation and incentives, rather than flawed market-based mechanisms, to help stabilise the climate. It is worth remembering temperate limits exist for the plants, animals, and human survival. If the climate continues to warm and we push plants beyond their upper limits, we will lose our one chance to regenerate our landscapes and future. It is therefore essential we urgently act with strong policies now to regenerate our forests and landscapes. Healthy landscapes and a safe atmosphere are connected, and so are healthy landscapes and constant water cycling.

6. Recommendations:

The review:

- The current review should be suspended in favour of a more comprehensive review of native vegetation regulations.
- The more comprehensive review must acknowledge the disastrous impacts of the current regulations on biodiversity
- The more comprehensive review must establish adherence to ESD principles and ensuring no further species or ecosystem losses as basic objectives.
- An immediate moratorium be placed on large-scale land clearing pending the outcomes of the review
- An immediate moratorium be placed on clearing of known threatened ecosystems and habitat for wildlife pending the outcomes of the review.
- Establish minimum competency and knowledge standards for all parties involved in assessment and land clearing operations, including clearing contractors.
- Improve mapping and provide greater transparency over land clearing data.
- Set IBRA subregion specific limits on habitat modification clearing.
- Require mandatory assessments for clearing proposals.
- Improve monitoring of post clearing environmental impacts, including increases in salinity, soil instability and water.
- Increase penalties for non-compliance.
- Increase funding for assessment and enforcement.

Other recommendations:

- The NSW Government separately investigates options for providing greater support for regenerative agricultural practices that enhance vegetation, biodiversity, nutrition, water cycling, soils, forests, perennial pastures and catchments.
- Conduct an 'end to end' overhaul of current biodiversity offset schemes.
- Expand stewardship programs to provide greater incentives for landholders to protect forests.
- Provide technical support and education to help restore landscapes at a whole of catchment scale.

The Coffs Harbour branch of the NPA urges the NSW Government to implement these changes as a matter of urgency. We must protect our native vegetation which underpins the survival of our native fauna, flora, and ecosystems. Native vegetation further provides essential ecosystem services, including water security, healthy soil, and improving landscapes for human health and wellbeing.

I can be contacted at coffs@npansw.org.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Douglas', with a stylized flourish at the end.

Grahame Douglas

**President, Coffs Coast Branch
National Parks Association of NSW**

protecting nature through community action