

January 29, 2023

Submission to the Statutory Review of the native vegetation provisions (Part 5A – Land Management (native vegetation), Schedule 5A - Allowable activities for the clearing of native vegetation and Schedule 5B – Provisions relating to members and procedure of the Panel) of the Local Land Services Act 2013

Part 5A LLS Act Statutory Review
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Introduction

Thank you for the opportunity to provide feedback on the Statutory Review of the Native Vegetation Code 2013.

Forest Ecology Alliance (FEA) is an environmental organisation based on the Mid North Coast of New South Wales.

Group members are volunteer ecologists, botanists, citizen scientists and residents who work towards the conservation of native forests, waterways and biodiversity.

FEA members primarily conduct field studies in local forests, co-ordinate citizen science ecological surveys, compile data and produce reports. FEA lobby and attempt to work collaboratively with various organisations and stakeholders (eg. community groups, Forestry Corporation of NSW and NSW Environmental Protection Authority). FEA are a non-exclusive alliance, and we are not affiliated with any political party.

FEA works to educate our community about forest management and protection through information stalls, media releases and arranging public forest appreciation events. At least weekly, but often daily, members of our local community contact us to discuss environmental issues and express their concerns.

In recent years locals have often reported that land clearing has rapidly escalated. This has directly caused neighbourhood disquiet and/or disputes. We also note a widespread sense of distress concerning environmental security in our community.

Forest Ecology Alliance (FEA) members have no faith that the Local Land Services Act 2013 combined with the Biodiversity Conservation Act 2016 provide an adequate regulatory framework to protect native vegetation and biodiversity. We are highly concerned that the decision to allow landholders to clear land without public scrutiny or accountability has caused far-reaching harm to biodiversity, escalating the extinction crisis we are now all facing.

Since colonisation, native vegetation and waterways in this region have been negatively impacted. The Local Land Services Act 2013 does not incorporate a course of action to attempt to repair past mistakes and encourage recovery. Instead, it is assumed that LLS employees are equipped and able to monitor, mitigate and offset irreplaceable established habitat areas. Once destroyed it is simply not possible for humans to address irreversible harm caused to complex and fragile ecosystems.

It cannot be understated that we are facing an extinction crisis. FEA members have directly observed how **climate change** is adversely affecting native vegetation, headwater and stream flow in catchment areas. In recent years Coffs Coast region has experienced a prolonged drought, powerful storms and extensive, repeated flood damage. Deforestation and melting polar ice caps are currently disrupting the water cycle and contributing to unseasonal increased rainfall over coastal and ocean areas. Mega bushfires in 2019-20 not only destroyed whole ecological communities and forests, including ancient Gondwana rainforests that had previously never burned, but they also caused unprecedented silting of waterways in the region as gravel, sand and eroded soil clogged headwaters and streams through to the ocean.

The more we take from and disturb water sources, the more we risk influencing vital **food chains**. For example, freshwater shrimp, found in our local streams are an important food source for native fish, eels, platypus, reptiles and birds. All aquatic and terrestrial lifeforms require clean water. If we are to urgently address species losses, we must begin with waterway and forest habitat protection.

The single most effective way to mitigate climate change is to protect existing native forests and grasslands. Rapid, poorly regulated **land clearing** in Coffs Harbour region for agriculture, road and housing construction has directly contributed to species decline, soil depletion, invasive weed infestation and changed water flow.

As discussed by Nabuurs, G.J.*et al* (2022):

Afforestation may result in better balance in the regional water cycle balance by reducing run-off, flooding and control of groundwater recharge and watersheds protection.

The interdependence of forests, biodiversity and waterways is widely recognised.

Despite indisputable scientific evidence that destruction of native forests leads directly to soil erosion and an interrupted water cycle that can irreversibly affect waterways, our local forests are currently increasingly being clear felled. Industrial-scale forest annihilation has been enabled both in state forests and on private land by recent changes to wildlife and environmental protection regulations. It is inconceivable that, the highly destructive current native vegetation regulations will continue another five years.

In the past three years FEA have conducted field studies on at least a weekly basis in state forests and on private land. Wildlife corridors are wholly dependent on connectivity between private and public land and it cannot be under valued. The way that LLS are currently conducting practices is not at all conducive to wildlife protection or long term realistic conservation goals. It is not possible to isolate species in pockets of private land.

DPIE and EPA response to reported breaches in forests and on private properties has proven to be increasingly ineffective in recent years and there is inadequate disincentive for lawbreakers. It is simply ludicrous to allow landholders to self-regulate regarding environmental protection.

Riparian zone protection is vital.

Human, livestock or mechanised pressure on fragile riparian zone vegetation, groundwater and subsurface flows is in many cases occurring without any supervision or consultation with public officers.

We have reached a point of virtual deregulation in NSW. This is inconceivable when so much knowledge is readily available to indicate a need for urgent water security intervention.

In 2010 Hansen et.al. noted:

The riparian zone (riparia) is the interface between aquatic and terrestrial environments (Naiman and Décamps, 1997) and it mediates the flow of energy, and physical and biotic vectors between the two (Lake, 2005, Naiman et al., 2005). Consequently, riparia are often environments of exceptionally high diversity. The importance of intact riparian zones is universally acknowledged as critical to aquatic-terrestrial ecosystem function and ultimately, to waterway health.

Riparian areas support a diversity of plants that are adapted to greater water availability. This specially adapted vegetation provides habitat for a wide range of wildlife from macro-invertebrates through to fish, mammals and large birds.

Increased availability of water and land for livestock and extensive agriculture will negatively impact greenhouse gas emissions and increase the probability of stream and riparian zone deterioration due to poorly managed farming practices.

If the Local Land Services Act 2013 is to continue in current form for another five years it will open up the probability of more permit applications for more livestock and agricultural production, specifically crops and fodder.

As opposed to natural grasslands (such as those found in open ranges) which effectively store carbon, a recent CSIRO study conducted by Chang et al. (2021) concluded that:

...grasslands intensively managed by humans have become a net source of greenhouse gas emissions – in fact, it has greenhouse gas

emission levels similar to those of global croplands, which represent a large source of greenhouse gases.

Poorly managed or unlimited stock access to riparian areas can lead to catchment degradation, significant sediment and unbalanced nutrient deposits and gully erosion.

Indigenous Rights and Protection of Water and Land Dependent Cultural Assets

FEA members wish to acknowledge that native vegetation thrived for tens of thousands of years while First Nations custodians lived sustainably and cared for all parts of this land. We state our full support of the right of Indigenous people to permanent sovereignty over all natural resources.

Meaningful Indigenous native title holder consultation has not been successfully integrated under the current regulatory framework. First Nations people in our area have expressed an urgent need for all aspects of the natural landscape to be respected again. Everything, from the tiniest soil microbes to the tallest trees nurture healthy interconnectedness.

It causes immeasurable pain to both Indigenous people and many other NSW citizens when environmental destruction is sanctioned by law.

CONCLUSION/RECOMMENDATIONS:

FEA members acknowledge the complex task of public consultation. A Statutory Review is a necessary safeguard, and we appreciate the commitment of Local Land Services and the Independent Panel to assess feedback fairly.

FEA members are concerned that local forests and waterways are increasingly under pressure in a time when all Australians (indeed all peoples on earth) should be actively working to repair and restore our fast-declining biodiversity and ecosystems.

Native vegetation, so vital to all for a healthy existence, should never be a low priority. It is time to halt overdevelopment and unsustainable agricultural or industry practices for the greater good of all.

We fully support the recommendations presented by Professor Graeme Samuel (October 2020) in his Independent Review of the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). Over 30,000 Australians contributed to the review process.

Professor Samuel outlined 38 recommendations for substantial necessary environmental protection reforms. The review found that, “Australia’s natural environment and iconic places are in an overall state of decline and are under increasing threat”. He refers to the ever-obvious fact that our laws are “not fit to address current or future environmental challenges”.

Professor Samuels concluded that we face a very real extinction crisis unless we act immediately. He states that, “The current environmental trajectory is unsustainable” and refers to the need to introduce strong environmental protection standards backed up with independent oversight and increased public accountability.

FEA do not accept that the native vegetation provisions in Part 5A and Schedule 5A and Schedule 5B of the Local Land Services Act either acknowledge or prioritise serious environmental concerns. Further, we see an immediate need for the appointment of an independent arbiter who can assure the public that full transparency and accountability will be observed.

When native vegetation and water, our most precious natural resources, are being allowed to be cleared or altered without being monitored, it is time for a new approach to regulation altogether.

With deep respect and gratitude, we acknowledge the Submission to the Statutory Review of the native vegetation provisions (Part 5A and Schedule 5A and Schedule 5B) of the Local Land Services Act 2013, prepared and submitted by the Environmental Defenders Office (EDO) 19 December 2022.

FEA members thank EDO members for diligently documenting many important considerations we were unable to include in our submission. FEA members read the EDO submission carefully and we fully endorse all

contents and recommendations. Thank you for also carefully considering their submission.

FEA members feel sure that NSW will face a better future if the Statutory Review results in immediate protection of native vegetation through disallowing broad-scale unmonitored land clearing.

Yours sincerely,

Forest Ecology Alliance (FEA) Members

REFERENCES

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