

Natural Resources Commission
NSW Government
Level 6, 52 Martin Place
Sydney, NSW 2000
Via email: nrc@nrc.nsw.gov.au



2 May 2025

Dear Natural Resources Commission,

RE: Submission on Restoring nature and enhancing value for landholders

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission to the Natural Resources Commission on its review of *Options to further protect and restore biodiversity and ecosystem functions in regional landscapes, and enhance value and support for landholders* ('the Review').

ALCA represents organisations that work to conserve, manage, and restore nature on privately managed land. Our member conservation efforts have influenced over 9.3% of Australia with more than 4,000 landholders; we have over 70,000 supporters and our combined annual turnover exceeds \$370 million.

Summary

NSW has a massive land clearance problem which in Australia is only rivalled by Queensland. In September 2024, according to ALCA member organisation WWF-Australia:

"The NSW Government's just-released Statewide Landcover and Trees Study (SLATS) shows more than 420,000 hectares of native vegetation were cleared between 2018 and 2022.

More than 45,000 hectares of native vegetation were cleared in 2022, including 21,131 hectares of woody vegetation (trees and shrubs) and 24,121 hectares of non-woody vegetation (grasslands, ferns, and ground cover).

This represents an area more than 160 times the size of the Sydney CBD in 2022 alone...

Labor went to the March 2023 election promising to stop excessive land clearing, but the government will not strengthen the state's weak land clearing laws until 2026.

*We cannot afford to wait [until 2026] and allow destruction on this scale to continue."*¹

As the peak body for private land conservation – and in light of the well-documented accelerating decline of Australia's biodiversity² – **ALCA calls for the immediate cessation of large-scale clearance of native vegetation in NSW.**

¹ <https://wwf.org.au/news/2024/alarmed-land-clearing-figures-show-why-nsw-needs-stronger-laws-now/>

² NSW Government: <https://soe.epa.nsw.gov.au/>; Commonwealth: <https://soe.dcceew.gov.au/>

ALCA and its member organisations know the deep and lasting public value of private land conservation in protecting, managing, and restoring biodiversity in NSW. Investing in scaling up our sector's successes would bring meaningful improvements to the current trajectory of the decline of NSW's nature. Funding needs to be accompanied by policy and legislative reform of the *Biodiversity Conservation Act 2016* – including for enhanced protection conservation covenants³ (see Recommendation 13 below) – and we look forward to ongoing engagement with the NSW Government to progress these reforms. We are also happy to present the work of our sector in detail to the Review team and its Advisory Panel.

However, the ongoing successes of private land conservation on the positive side of the state's nature ledger should not be used to obfuscate the key issue of concern for this review, namely, progressing legislative reform that ceases – or at the very least, dramatically reduces – large scale land clearance.

Recommendations

General recommendations:

Recommendation 1: Except in rare circumstances⁴, **large scale clearance of native vegetation in NSW should immediately cease**, noting that the clearance of remnant vegetation is a major driver of biodiversity loss.

Recommendation 2: 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.

However, the positive solutions being independently delivered through private land conservation do not diminish the need for comprehensive action by the NSW Government to fulsomely address large scale land clearance, including illegal land clearance.

Recommendation 3: In understanding the urgency and importance of addressing the clearance issue, the NSW Government should give regard to Australia's international commitments under the United Nations Convention on Biological Diversity's Global Biodiversity Framework⁵, Australia's national commitments to that Framework (including '30 by 30'), and also NSW's own, collective commitment (alongside all States and Territories) to '30 by 30'. Specifically, this means to protect and effectively manage 30% of Australia's land for conservation by 2030⁶. NSW is currently relying on other states to make up the shortfall in its own contribution, which was only 10.2% as at 2022⁷.

Recommendation 4: In understanding the urgency and importance of addressing the clearance issue, the NSW Government should give regard to Australia's international commitments on halting and reversing deforestation, including in the 2021 Glasgow Leaders'

³ https://alca.org.au/wp-content/uploads/2023/12/ALCA-Policy-Note-Enhanced-protection-conservation-covenants_November-2023-2.pdf

⁴ ALCA acknowledges that some clearing may be required for critical public services, and where this is the case, it should always be offset with high integrity offsets.

⁵ <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>

⁶ <https://www.dcceew.gov.au/sites/default/files/documents/emm-communique-21-oct-2022.pdf>

⁷ <https://www.dcceew.gov.au/environment/land/nrs/science/capad/2022>

Declaration on Forests and Land Use in which Australia committed to halting and reversing net forest loss by 2030⁸.

Recommendation 5: The protection and restoration of biodiversity and ecosystem functions in regional landscapes requires significant investment. Whilst the Government should not seek to utilise environmental markets to displace necessary Government funding, they can – and should – use environmental markets as a mechanism to scale up Government and private sector investment and support.

Recommendation 6: 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. Although ALCA has welcomed the release of the draft Map, the Government now needs to urgently improve and then finalise the Native Vegetation Regulatory Map to limit the perverse incentive to illegally clear native vegetation.

Recommendation 7: A key finding of the Commonwealth's State of the 2021 Environment Report was that "[i]n New South Wales, there has been a steady increase in clearing, presumably for agricultural purposes, but substantial areas of clearing were not authorised."⁹

Further noting the NSW Audit Office's 2019 finding that "[e]nforcement action is rarely taken against landholders who unlawfully clear native vegetation"¹⁰, the NSW Government should:

- a) significantly increase its resourcing for enforcement action relating to illegal clearance of native vegetation; and
- b) make non-trivial illegal clearance of native vegetation a strict liability offence, so as to simplify and strengthen enforcement action.

Recommendation 8: That ALCA and its relevant member organisations be invited to present to the Advisory Panel and the Review team.

Legislative reform

The current legislative and regulatory regime for protecting native vegetation in NSW – and encouraging its conservation – is insufficient and needs to be substantially strengthened.

The NSW Government should thus engage in the following specific legislative reform:

Local Land Services Act 2013

Recommendation 9: Part 5A, and Schedules 5A and 5B should be transferred in its entirety into the *Biodiversity Conservation Act 2016* and become the responsibility of NSW DCCEW, along with the *Land Management (Native Vegetation) Code 2018* and relevant sections (especially Part 14) of the *Local Land Services Regulation 2014*.

⁸ <https://webarchive.nationalarchives.gov.uk/ukgwa/20230418175226/https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>

⁹ Government of Australia, 2021 *State of Environment Report*; <https://soe.dcceew.gov.au/overview/pressures/people#land-clearing>

¹⁰ p2, Audit Office of New South Wales, *Managing Native Vegetation*, June 2019; <https://www.audit.nsw.gov.au/our-work/reports/managing-native-vegetation>

Recommendation 10: Alongside this transfer (as per Recommendation 9 above), there is the opportunity for an amendment to create a power to delegate decision-making regarding clearances. In practice, this may include a delegation to the Local Land Services agency for routine, low-level agriculture-related native vegetation clearance applications.

To be clear, this should be a head of power to delegate to other agencies with the consent of the Secretary of DCCEEW or the responsible Minister (including, as may be the case, to Local Land Services), not a *legislated*, specific delegation of decision-making to Local Land Services.

Recommendation 11: Excluding gardens, the clearance of native vegetation that has been planted should be treated as ordinary native vegetation once it has been planted for 20 years. This is the exactly the approach that has been adopted very effectively in South Australia.

Schedule 5A, section 17 (Planted native vegetation) should thus be amended as follows [amendments in **bold**; it may that ‘domestic garden’ should be further defined to avoid confusion]:

17 Planted native vegetation

- (1) The clearing of native vegetation that has been planted **not less than 20 years ago, except where that vegetation is in a domestic garden.**

Recommendation 12: At minimum, any clearances for new infrastructure (i.e., not the ongoing maintenance and operation of infrastructure) should be required to go through the ordinary biodiversity offsetting process, as is the case in the majority of Australian jurisdictions.

This includes public works [s20], gravel pits [s21], telecommunications infrastructure [s22], new electricity infrastructure [s23 and s24], new airstrips [s26], and new water supply and gas supply infrastructure [s27A]. This also includes new ‘rural infrastructure’ within these same categories, but also sheds, tanks, stockyards, and dams. This is the process adopted by the majority of Australian jurisdictions.

Biodiversity Conservation Act 2016

Recommendation 13: As per the *NSW Government response to the Independent Review of the Biodiversity Conservation Act 2016* (etc.)¹¹, the NSW Government should implement its commitment to legislate enhanced protection conservation covenants (as fully detailed in ALCA’s Policy Note, [available online](https://alca.org.au/wp-content/uploads/2023/12/ALCA-Policy-Note-Enhanced-protection-conservation-covenants_November-2023-2.pdf)¹²) within this term of Government.

ALCA will continue to engage with the Government on legislative reforms to the *Biodiversity Conservation Act 2016*.

¹¹ <https://www.nsw.gov.au/departments-and-agencies/cabinet-office/resources/nsw-plan-for-nature>

¹² https://alca.org.au/wp-content/uploads/2023/12/ALCA-Policy-Note-Enhanced-protection-conservation-covenants_November-2023-2.pdf

Thank you again for the opportunity to provide feedback on the review of *Options to further protect and restore biodiversity and ecosystem functions in regional landscapes, and enhance value and support for landholders*. ALCA and its member organisations look forward to continuing to engage with the Natural Resources Commission and the advisory panel to the Review in the development of its report.

If you have questions regarding this submission, please do not hesitate to contact ALCA via

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Yours sincerely,

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Australian Land Conservation Alliance

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.

Our nineteen members are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nari Nari Tribal Council
- Nature Foundation
- North Australian Indigenous Land and Sea Management Alliance
- NRM Regions Australia
- Odonata
- Queensland Trust for Nature
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)
- World Wildlife Fund - Australia

ALCA member land conservation efforts have influenced over 9.3% of Australia with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$370 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.