Submission from Kate Boyd to the Natural Resources Commission Review about Options to further protect and restore biodiversity and ecosystem functions in regional landscapes, and enhance value and support for landholders (with reference to LLS Act native vegetation clearing controls and code) 27/4/2025

I was very pleased to see the way this review was phrased and that NRC is now doing it. Ecosystem function is important both to a natural or semi-natural ecosystems and to the agricultural ecosystems at a farm or landscape level in which biodiversity has both practical and intrinsic values. I grew up in the Northern Tablelands and learnt to appreciate the importance of ecological interactions as trees across the region were devoured by large numbers of several types of insects leaving less shade for stock as well as less habitat for birds. This "dieback" was the result of imbalances in the rural ecosystem. I have maintained an interest in management of rural ecosystems as well as conservation of natural ecosystems throughout a 40 year career in natural resource management. I also have experience as co-owner of a property on the NSW north coast which has remnant native vegetation and threatened species where we endeavour to assist natural regeneration by gradually reducing a massive weed burdon and where we hope to get a conservation covenant.

1. What do you consider is the most significant action(s) we can undertake to protect and restore biodiversity and ecosystem function on private lands?

A. **Change the rules and approach to land clearing so that this is massively reduced** and that ecological sustainability objectives can be achieved soon or within a generation. I understand that clearing increased after the LLS Act's provisions, including Code-based clearing were proposed then came into effect, including more than half a million ha approved to be cleared in just 3 years. I cannot think of any way that the Plan for Nature goal "to leave nature better off than we found it" can be achieved by the present Government, or that biodiversity and ecosystem function can be restored in a few terms of government, without massively reducing the rate of clearing.

Clearing should not only be at a much lower rate than regeneration and planting occur, but should be **prevented almost entirely** :

- In habitats needed by threatened and declining species (such as mature trees that have hollows or could develop hollows in the next 100 years, or features such as logs needed by declining woodland birds, paddock trees which are vital stepping stones for birds and homes for microbats, or healthy riparian vegetation needed by fish should be prohibited except in rare and limited circumstances)
- in all threatened ecological communities and other communities that have been reduced to below 30% of their natural extent or are poorly represented in securely protected areas.

Clearing should also be limited in other ecological communities and locations to care for land and water, and for the ecosystems downstream and to keep common species common.

Such limits on clearing lots of change to the rules, landholder education regarding the rules and what not to expect to be able to do, and **environmental assessment by suitably skilled people** to carefully assess the potential impacts of such applications as can be accepted. Those wishing to clear should pay the full cost of this assessment. Self-assessment should only be allowed in a narrow range of circumstances relating to very small amounts of clearing.

Some provisions in the clearing code or Schedule 5A should be removed entirely, such as the Equity and Farm Plan provisions. None should permit clearing in any threatened ecological communities except where

minimal clearing is unavoidable (e.g. a narrow strip for a boundary fence – nothing like 30 or 40 m). The set aside requirements are very poor in various ways – much worse even than biodiversity offsets

Further pasture expansion should generally not be permitted by thinning or other forms of clearing: **there is enough cleared pasture land already** and in some areas too little land with native vegetation. e.g. the areas and percentage of grassy woodland currently remaining are already too little so pasture expansion in this vegetation formation should be prohibited. Grassy woodlands once covered most of my home northern tablelands region. There is little in Protected Areas, some high quality remnants in parts of travelling stock reserves and tiny bits of Council reserves. While there is not a lot of high quality grassy woodland with a complex ground layer as well as trees on private land there is some and there are areas with some resilience and regeneration potential. No expansion into these remnants should be allowed or permissible – this includes not clearing the native grasses and herbs in the ground layer. If any expansion in less-cleared vegetation formations is to be permitted it should not be via self assessment. No applications should be approved until and unless there is a scientifically based conservation strategy for that vegetation formation and the ecological communities within it and evidence that conservation objectives for the ecological community in the bioregion and the particular sub-bioregion have been achieved or can readily be achieved while allowing some additional lands to be thinned or cleared.

If any broadscale clearing is proposed and potentially approvable, it should be subject to a requirement for public exhibition of an environmental impact statement. This can be required under Part 5 of the EP&A Act. Broadscale clearing for any purpose could be added to the list of designated developments so that if it is considered to be a change of use a DA and EIS could be required.

3 years before clearing: Please consider introducing a new requirement that after someone buys land they have to own it for several years before doing any clearing, apart from whatever is essential for boundary fences or safety[1]. People should buy land that has the characteristics they want, not expect to change it into something different to what it is. The native vegetation should not be seen as something expendable, to be gotten out of the way so one can do something different to what the previous owner did on areas that have native vegetation. Once the native vegetation is cleared, the opportunity to learn why previous owners left it, to discover and experience what lives there and learn how it influences/interacts with the surrounding land and wider landscape, is lost. Landowners should get to know their land and its natural characteristics, including but not only its vegetation and wildlife, so they can be good stewards and build this into their planning. A rule that prevents any clearing of native vegetation for some years would not prevent other changes in that time. It takes a lot more than one season to understand most properties.

The NRC should request up-to-date data on the amounts of clearing that has occurred on private lands in regional NSW in each of the last 10 years, how much clearing was approved under each of the relevant Acts (Native Veg, LLS, EP&A, etc), and each provision in the LLS Act Schedule 5A and code; whether delays in acting on approvals would have varied areas cleared much, how much is believed to have been allowed without approval by particular sections of those Acts; how much was later proved to be illegal;, how much more of the total clearing is believed to have been illegal. Regional differences should be considered as they may assist the NRC and panel in understanding the issues and provide advise to the NSW Government on how to "take urgent action to put nature on a path to recovery" as its NSW Plan For Nature proposed.

[1] e.g. clearing around a house in bushfire prone land, similar to what would be required for a development application, or maintaining an existing fire break.

B. **Objectives and goals for Biodiversity conservation** including ecosystem functionality should be set out clearly by the Government and have **priority over private interests**. NSW has a history of allowing people to do mostly what they want with too little priority to expressing and protecting public interest until it is getting too late. Objectives and the nature of the public interests could be discussed by the public along with considering examples and circumstances when private interests can either support or hinder protection of public interests in biodiversity and ecosystem function. The objectives should be a basis or key consideration for all government decisions that directly or indirectly affect opportunities to achieve them. While they should be developed principally by the environment part of DCCEEW, which already has some elements of such objectives, NRC could discuss what is available and what further work is needed to enable good objectives to be set.

C. **Diversity of land owners**: Please consider the range of ways that private land owners and managers do or could contribute to biodiversity conservation and how their contributions could increase (or decrease). The diversity of people and means of contributing needs consideration from incidentally maintaining some biodiversity in soils and above-ground, through deliberately keeping and enabling survival of habitats, trees and wildlife, to active conservation management and possibly entering into, or buying a property with, a conservation agreement or covenant. While most private land is managed by people trying to make at least part of their living from it, many are either not focussed on profitable production outcomes or not seeking such outcomes from all their land, although all need sufficient money and resources to both live and pay the costs of being a land owner. People also have a diversity of knowledge relevant to managing land for biodiversity, ecosystem functions and sustainability ranging from practically none through to generations of handed-down knowledge, long personal experience or training in particular fields, but everyone has limited knowledge.

2. How can we further improve soil, water and vegetation management to protect and restore biodiversity while delivering sustainable economic outcomes?

D. Promote catchment care and positive attitudes to contributing to healthy downstream environments. Many landholders do care about how what they do affects people and/or fish and ecosystems downstream, but more needs to be done so that this applies to the vast majority of landholders and to enable increased awareness and open discussion of which activities may have some positive or negative downstream effects.

E. Encourage regenerative and ecologically focused approaches to agriculture so people can get sufficient benefits from production without expanding its footprint and leave room for nature, both as an integral contributor to growing food or fibre and for nature's own intrinsic values.

F. Ensure that adverse impacts on soil properties as well as groundcover, including carbon, infiltration, soil erosion and stream flow are limited by more tightly limiting clearing. This will benefit aquatic ecosystems downstream, possibly even in droughts. For example, the runoff from storms in timbered country with fallen branches and leaf litter on the ground along with shrubs or grass tussocks and herbs is so much slowed that more can soak in. The peak flows in creeks and erosion from the land and stream banks can be less than the same storm over cleared land. Just keeping native tussock grasses, such as Kangaroo Grass or native Poa Tussock (Snow Grass) or in the Northern Tablelands instead of clearing it to replace with exotic "improved pasture" is likely to speed runoff and reduce infiltration – some of that infiltration could have been used later for pasture growth and some would later seep out to creeks. This could affect creek productivity because creeks downstream may miss out on flow being sustained for long enough after rain that enable aquatic invertebrates can feed in riffle zones – less invertebrate growth

means less food for fish. Occasional storms in droughts might have greater benefits for fish than just refilling a few pools than if more clearing occurs.

3. What do you consider is the most effective way to further support and enable landholders to deliver sustainable land management and production outcomes?

G. More extension services an opportunities to get scientific assistance to learn about the biodiversity values of one's land are needed. There used to be a Commonwealth-funded Bushcare Support program but that ended over 20 years ago and the void has not been filled. People often don't pay much attention to some of their plants or signs of wildlife, or don't realise how many species are living on their land until a person new to the place comments or asks questions or points things out and helps the land holder see they are stewards for wonderful life. If the service of an ecologist's visit could be booked it could start someone off on the path to becoming a more effective steward, or help someone who already values what they see to work out how to become a more effective conservation manager, or to decide to protect an area in perpetuity.

H. More financial support for people to manage land for biodiversity is certainly helpful. People have a responsibility to are for nature but those who are caring in ways that will have wider conservation or public benefits should be encouraged with opportunities to apply in a simple way for assistance, particularly if they enter a management agreement for some time. This should include assistance over several years (not just 1 or 2), particularly for weed control which requires many years of follow-up – bushland regeneration is best done in a staged or gradual way working with the bush and the seasons. The strongest incentives should be for permanent protection with management responsibilities. Thes standard assistance available from BCT may not be quite enough in some circumstances to be an effective incentive. I do not think that tenders for funding to support conservation covenants is an appropriate mechanism – the koala tenders that BCT had to run were too opaque to be a good market mechanism. I think there are fundamental flaws in trying to use market mechanisms to manage natural systems.

I. One thing that seems to be lacking and would be useful is an information tool or process that helps landholders discover and learn about the range of rules and government processes that may affect their land management and the opportunities to obtain assistance (be it advise, financial or other). I am imagining lots of issues, interests or needs and activities that raise questions which go into the tool and direct people towards the information they need. Include local government as well as State rules, processes and opportunities, and mention key Commonwealth ones The tool or process could be promoted with LLS rates notices and to every purchaser of rural land.

The need for such a tool arose for my partner and I trying to work out how to come to an agreement with a neighbour, who says all wildlife is vermin, to erect a fence where our boundary is on steep rocky land that is often wet and has exotic weed trees on the old fence line, a threatened plant within 2 m of the line, and is an area koalas and other wildlife goes through to get to their habitats. WE don't want our creek polluted by the bulldozer our neighbour proposed to use. We have now checked applicability of 5 Acts and 4 government sources of advice, but some didn't occur to us initially. An LLS officer's advice was particularly useful. Other people with less knowledge of government processes and of what questions to ask, such as another neighbour facing similar issues (he's a tradie with a small acreage), are more bamboozled and have more need of a central information tool or process.