



North Coast Environment Council Inc.

The North Coast Environment Council (NCEC) is the peak regional conservation group on the NSW North Coast which has been active in protecting the environment for more than forty years. Our organisation receives no government funding, relying on the 'in kind' contribution of dedicated volunteers to highlight issues of environmental concern and campaign for an end to environmental destruction. Many of our members are rural property owners with a good understanding of the issues involved in balancing sustainable land management practices with appropriate protection of important environmental values.

Introduction

It is clear that the introduction of the more relaxed regulations for land clearing following the repeal of the Native Vegetation Act 2003 by the previous coalition Government has been a total failure in achieving sustainable outcomes and that if allowed to go on as 'business as usual' will continue to accelerate the decline in NSW biodiversity.

Prior to 2020 the NSW Audit Office, the Natural Resources Commission and a Parliamentary inquiry had each raised serious concerns about the regulation of habitat clearing and the regulatory framework in NSW under the current regime. Their recommendations should be acted on in full.

The impacts on our biodiversity due to climate change related factors such as unprecedented drought, extensive, intensive bushfires and record flooding since the introduction of Land clearing regulations Part 5A of the Local Land Services Act 2013 have been further exasperated through the massive increase in land clearing it has facilitated.

Land clearing data shows that since Part 5A of the LLS Act commenced a significant increase in rates of native vegetation clearing; data shows that land clearing rates for woody vegetation across NSW have increased from 8500 ha in 2011 to 27,100 ha in 2017, 29,400 in 2018, 23,400 in 2019, and 13,000 in 2020. Additionally, in 2020, 46,100 ha of non-woody vegetation was cleared for agriculture on rural land. A review of the Framework, conducted by the Natural Resources Commission released in March 2020, found that: 'Clearing rates have increased almost 13-fold – from an annual average rate of 2,703ha a year under the old laws to 37,745ha under the present laws'.

Over the past five years an average of 84,000H of native vegetation has been cleared. The figures are likely to be significantly higher as most code-based clearing

goes unreported. It is essential the current legislative reforms result in a significant reduction of the largely unregulated clearing currently occurring.

It should also be made clear that not all vegetation removal under the LLS Act is related to agricultural clearing. Land clearing is undertaken by property developers, miners and increasingly by 'tree changers', predominately on relatively small, marginal, cheap blocks of rural land which often has high conservation values due to its remoteness, ruggedness or other marginal factors. Rural subdivisions into these smaller, marginal blocks often results in a significant, negative, cumulative impacts as each individual small landholder exercises their 'rights' to undertake self-assessed, code based allowable clearing activities. Thus, the death of a thousand cuts', for local biodiversity is being facilitated.

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

The outcomes of these reforms should ensure that a policy reset to reverse the trend of wide-ranging clearing exemptions is implemented. This should be through the significant reduction in code-based clearing and 'allowable' activities.

These must include greater restrictions to clearing in areas of High Conservation Value as well as steep lands. In these areas a rigorous, independent assessment of potential negative impacts on environmental values needs to be made, with effective, site-specific conditions imposed if any approvals for clearing are to be granted.

Self-assessment should not be allowed for high-risk activities or in areas that could result in harm to Threatened species or result in excessive erosion. This will of course require accurate detailed mapping, an increase in dedicated staff and resources and more importantly the political will to rein in a land clearing 'free for all' the present regime has allowed.

The precautionary principle should be a primary factor in determining what is a genuine low risk activity and code based self-assessable and allowable activities significantly reduced accordingly.

The post 1990 regrowth clearing exemption which now allows trees or developing forests up to thirty-five years old to be removed without approval is a high-risk activity that needs to be reduced to a maximum of ten years.

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

The Northern Rivers community is presently raising concerns about the deteriorating state of the Richmond River. The recent devastating North Coast floods resulted in massive sediment transport from steep upper catchments as a result of extensive landslips and other forms of erosion, predominately where native vegetation had been removed. While much of this clearing occurred many decades previously, an increasing relaxation of regulations governing the management of steep protected lands (over 18 degrees) in recent times continues to exasperate this process. The source of much of the river sedimentation is the result of poor land management practices in the upper catchments. Increases in rainfall intensity and flooding events are predicted to occur as a result of climate change. To counter these extreme events effective clearing buffers on drainage lines and lower order streams in upper catchments need to be introduced and financial incentives for restoration activities prioritised in these locations.

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

Reforms to land clearing legislation should be backed up through extensive community engagement to ensure that landholders understand the rules. There needs to be a simple platform that landholders can use to make decisions, including a finalised and enforceable native vegetation regulatory map identifying High Conservation Areas and erosion prone land provided in an easily accessible format so landholders can easily identify the biodiversity values and erosion risks on their properties.

Effective extension services and financial incentives need to be provided to help landholders identify priority areas for restoration and conservation management.

Conclusion

The objective of the native vegetation provisions in the *Local Land Services Act 2013* is 'to ensure the proper management of natural resources in the social, economic and environmental interests of the State, consistently with the principles of ecologically sustainable development'. It is clear that this objective is not being met and considerable changes will be required for it to be in any way considered to be delivering ecologically sustainable outcomes.

The LLS Act removed the key objectives of the previous Native Vegetation Act of preventing broad scale land clearing and the requirement to ensure clearing 'improves or maintains environmental outcomes', either at the site scale or at the landscape scale. This objective should be urgently reinstated.

It is clear to the NCEC that the land clearing provisions in the current LLS Act have failed to adequately protect high conservation value vegetation, Threatened species and their habitats as well as catchment values.

We are currently experiencing a Biodiversity crisis with more than 1000 species now on the threatened species list. This number will no doubt continue to grow. Protection of Threatened species habitat is becoming more critical if we are to reverse this trend. Loss of habitat is now compounded by the effects of climate change to accelerate the reduction of our biodiversity which is becoming a major community concern.

We thank you for the opportunity to submit our views for the 'Restoring nature and enhancing value for landholders' review.

Regards,

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