

**Joint Submission on the Native Vegetation
Self-Assessable Codes of Practice**

Invasive Native Species (INS) Code
Clearing Isolated Paddock Trees Code
Thinning Native Vegetation Code

May 2014

**Nature Conservation Council of NSW, Total Environment Centre,
National Parks Association of NSW, The Wilderness Society, WWF**

ABOUT OUR ORGANISATIONS:



The **Nature Conservation Council of NSW (NCC)** is the peak environment group for New South Wales. NCC represents more than 120 member societies from across the state. NCC's members have a strong interest in planning and development issues, and are strongly committed to securing positive environmental outcomes in their local area.

www.nccnsw.org.au



TOTAL ENVIRONMENT CENTRE INC

The **Total Environment Centre (TEC)** has been campaigning for environment protection in the city and country, changing government policy, advising the community and challenging business for over 30 years. TEC has been working to protect this country's natural and urban environment, flagging the issues, driving debate, supporting community activism and pushing for better environmental policy and practice.

www.tec.org.au



The **National Parks Association of NSW (NPA)** of NSW is a non-government conservation group that seeks to protect, connect and restore the integrity and diversity of natural systems in NSW and beyond, through national parks, marine sanctuaries and other means.

www.npansw.org.au



The Wilderness Society is an Australian, community-based, not-for-profit, non-governmental environmental advocacy organisation. Our purpose is to protect, promote and restore wilderness and natural processes across Australia for the survival and ongoing evolution of life on Earth.



WWF's mission is to halt the degradation of our planet's natural resources and preserve our life-support system – the environment. By doing things smarter, we aim to build a future in which humans live in harmony with nature, preserving biodiversity so that we all benefit and enjoy our most precious gift. The Earth.

INTRODUCTION

In 2003 the NSW Government, farmers and conservation organisations – including the Nature Conservation Council of NSW, Total Environment Centre, National Parks Association, The Wilderness Society and WWF – worked together on a new approach to the sustainable development of NSW's natural resources. A key element in this was the *Native Vegetation Act 2003* (the "Act").

Native vegetation:

- Protects valuable topsoil from erosion, waterlogging and salinity;
- Provides shelter for stock and crops from wind and weather;
- Provides pollination and pest control;
- Moderates the climate – and appears to influence rainfall patterns;
- Protects threatened species of animals and plants from extinction; and
- Provides health, recreation and amenity benefits to human beings.

Destruction of native vegetation extinguishes or reduces all these benefits, and also has direct detrimental impacts including loss of freshwater quality, loss of topsoil and death of native animals and plants.

In many cases the impacts of clearing are felt far beyond the property in question.

Significant amounts of public money are presently being spent remedying the damage that past clearing has caused.

When the *Native Vegetation Act* commenced operation in 2005 it ended environmentally damaging clearing of native vegetation by requiring all applications for clearing to "*improve or maintain environmental outcomes*". In doing so the Act sought to make development in NSW sustainable.

As noted above, at the time of its enactment the Act was supported by farmers, government, scientists and conservationists, and since then the Act has been very effective in achieving a balance between conservation and clearing.

In these circumstances our organisations are concerned at the Government's proposal to permit landowner self-assessment of invasive native species, paddock trees and 'thinning' clearing. If implemented, these complicated and unnecessary changes will result in long-term damage to the natural resource base in many regions across NSW, as landholders will be able to clear native vegetation without knowing its type or significance. This will inevitably result in the clearing of important native vegetation.

Our organisations are strong supporters of an economically, socially and environmentally sustainable farm sector and the Act, which has been proven to achieve a balance between development and conservation for 10 years, has done much to foster one.

A recent WWF report shows that approved clearing has fallen, on average, from about 80,000 hectares to only 911 hectares a year (though exempt, grandfathered and possibly illegal clearing remains a good deal higher than this) and that clearing approved after 2005 has been offset by protection and recovery of an average of 7,852 hectares annually.¹

¹ *NSW native vegetation act saves Australian wildlife*, Martin FJ Taylor – WWF Australia and Professor Christopher Dickman – University of Sydney (2014)

The report estimates that the Act has saved 265,000 native mammals in just five years², as well as providing all the other benefits identified above.

To suggest, as elements of the Government has done, that the current system is unworkable is simply not supported by evidence. Indeed the reverse. Rather than changing laws to allow farmers to clear more land, the priority for NSW should be to strengthen other laws to ensure all development complies with this same standard.

Threatened species and population listings identify land clearing, habitat loss and habitat fragmentation as contributing factors for 353 threatened species and populations. This represents more than a third of all threatened species and populations in NSW.³

Our organisations ask the NSW Government to retain the Act in its current form, and instead of continuing down the path of the administrative and cost-driven changes to Native Vegetation Regulation (**the “Regulation”**) in 2013, to provide significant financial resources to the Local Land Services so that they can reduce assessment time and administrative costs while ensuring that environmental outcomes are maintained or improved. Our organisations would strongly support a “no-cost to landowners” service which provides confidential, no-obligation advice about how landowners who are considering clearing parts of their property might maintain or improve environmental outcomes.

Our organisations also strongly support extending the coverage of the *Native Vegetation Act* so that all development (including extractive industry, forestry, urban development and agriculture) subscribes to the same policy of “improving or maintaining” environmental outcomes.

NSW faces severe environmental degradation and an unprecedented decline in biodiversity, with larger numbers of species listed as threatened or endangered, and as a result our existing environmental protection laws have never been so important.

DRAFT CODES OF PRACTICE

Our organisations make this submission in response to the following draft codes of practice and their respective draft Ministerial Orders (**the draft codes**):

- Invasive Native Species (INS) Code
- Clearing Isolated Paddock Trees Code
- Thinning Native Vegetation Code

The draft codes will implement the Government’s policy decision to expand routine agricultural management activities (RAMAs) under the Act to include clearing of “invasive native species” (INS), thinning of native vegetation, and clearing of isolated paddock trees. The expansion will lead to a significant increase in the amount of clearing that is exempt from assessment under the Act, and create a real risk of renewed broad-scale land clearing, which in turn will place further stress on fragile soils, rivers, catchments and threatened species.⁴

² Ibid.

³ Based on data from NSW Office and Environment and Heritage (OEH) <www.environment.nsw.gov.au/threatenedspecies/>

⁴ For a more detailed outline of our concerns on this matter, refer to the *Submission to the draft Native Vegetation Regulation 2012*, NCC, TEC, NPA, Colong Foundation for Wilderness (2012) <www.environment.nsw.gov.au/resources/vegetation/subs/NVRegSub417.pdf>

In two significant instances the draft codes are directly contrary to the recommendations of the *Native Vegetation Regulation Review - Facilitator's Final Report (Lane report)*.⁵

For example:

- The Lane report made recommendations only in relation to the clearing of “single, isolated trees” and specifically states that “the code should be limited so that the RAMA does not authorise the clearing of trees that have connectivity values” – whereas the draft code envisages the clearing of groups of trees in close proximity to groups of other trees;
- The Lane report made recommendations in relation to the clearing of invasive native species at paddock scale which envisaged “nil to minimal disturbance to soil and groundcover” whereas clauses 1.2 (d), 2.1(d), 3.2(d), 3.3(d) of the draft Invasive Native Species Code permits the “clearing plants at paddock scale with temporary or longer term disturbance to soil and groundcover ...”.

Furthermore, in all cases the codes are expressed in extremely convoluted language, exposing landowners to legal risk as well as exposing the environment to serious harm. It is unlikely that people who are not qualified ecologists will be able to differentiate between some threatened and non-threatened species. As a result the draft codes – if implemented – are unlikely to improve or maintain environmental outcomes.

Under the previous framework, assessment was carried out by qualified staff from the local Catchment Management Authority (now Local Land Service), free of charge to the landholder. Although this service required time and resources, it allowed for consistent and reliable assessment and allowed landholders to work with the officers to develop appropriate plans of management for their property.

While this shift to self-assessable codes may save costs in the short-term, it will lead to poorer environmental outcomes and result in long-term costs. Our organisations would strongly support additional resources being provided to the Local Land Services (LSS) so that they can continue to provide appropriate expert assistance to landholders and administer the existing Act in a more efficient – and timely – way.

Further, we are concerned that there is no mechanism for evaluating the implementation of the codes, in particular whether the codes are achieving environmental outcomes by maintaining or improving native vegetation across NSW. This is a significant flaw in the proposed self-assessment framework and must be addressed.

In addition to the general concerns outlined above, we highlight the following specific concerns with each of the draft codes, namely:

⁵ In November 2012, Mr Joe Lane was appointed as an independent facilitator to progress the review of the Native Vegetation Regulation 2005. Mr Lane's report *Native Vegetation Regulation Review - Facilitator's Final Report* (25 March 2013) makes 40 key recommendations for priority reforms.

Invasive Native Species Code:

- The draft code is complex and will be difficult to implement
- The draft code allows high impact clearing methods that will have long-term environmental impacts, including disturbance to soil and groundcover
- The draft code does not require landholders to develop and implement long-term management plans for INS, including consideration of total grazing pressure, follow-up treatment and long-term monitoring
- The draft code does not take account of the probable shift in species density and location as a result of climate change
- Two Acacia species identified as invasive native species are likely to have environmental benefits
- Notification requirements do not prevent broad-scale clearing or ensure consideration of cumulative impacts and there are no provisions to prevent multiple application which have the effect of broad scale clearing (without assessment being completed)
- The draft code does not provide a review date or methodology for evaluating success

Clearing of Paddock Trees Code:

- The significant ecological value of paddock trees is undermined by the draft code. For example, the draft code does not appear to take into account that the clearing of isolated paddock trees is specifically identified as a key threatening process, the assessment framework does not take into account the fauna habitat value other than for threatened species, or the potential for paddock trees to become future habitat (e.g. to develop hollows)
- The proposed 80cm diameter breast height over bark (DBHOB) threshold should be reduced to avoid the clearing (without specialist assessment) of large, mature trees
- The 'offset' provisions will not adequately compensate for the ecological loss of paddock tree clearing. In particular:
 - A monitoring program is required to ensure that the "offset" or set aside requirements are met and maintained over time
 - A mechanism is required to ensure that "offset" areas are not cleared in the future.
- The draft code is complex and will be difficult to implement
- Notification requirements do not prevent broad-scale clearing or consideration of cumulative impacts and there are no provisions to prevent multiple application which have the effect of broad scale clearing (without assessment being completed)
- The draft code does not provide a review date or methodology for evaluating success

Thinning Native Vegetation Code :

- The draft code is complex and will be difficult to implement
- The use of mean stem density could lead to over-thinning (and subsequent loss of habitat element and the clearing of some endangered ecological communities)
- Notification requirements do not prevent broad-scale clearing or consideration of cumulative impacts and there are no provisions to prevent multiple application which have the effect of broad scale clearing (without assessment being completed)
- The draft code does not provide a review date or methodology for evaluating success

These concerns are further outlined below.

INVASIVE NATIVE SPECIES CODE

Key concerns:

- The draft code is complex and will be difficult to implement
- The draft code allows high impact clearing methods that will have long-term environmental impacts, including disturbance to soil and groundcover
- The draft code does not require landholders to develop and implement long-term management plans for INS, including consideration of total grazing pressure, follow-up treatment and long-term monitoring
- The draft code does not take account of the probable shift in species density and location as a result of climate change
- Two Acacia species identified as invasive native species are likely to have environmental benefits
- Notification requirements do not prevent broad-scale clearing or consideration of cumulative impacts and there are no provisions to prevent multiple application which have the effect of broad scale clearing (without assessment being completed)
- The draft code does not provide a review date or methodology for evaluating success

The draft code is complex and will be difficult to implement

The proper and effective management of invasive native species (INS) is complex as it requires accurate species identification and an understanding of clearance ratios and various treatment methods.

By way of example, we note the similarities between *Eucalyptus camaldulensis* (River Red Gum) which is a declared invasive species and *Eucalyptus blakelyi* (Blakely's Red Gum), a species identified as a component of the White Box – Yellow Box – Blakely's Red Gum Woodland Endangered Ecological Community, listed under both the *Threatened Species Conservation Act 1995* (NSW) and *Environment Protection and Biodiversity Conservation Act (1999)* (Cth).

Apart from the marginal difference in the shape of the buds, identification is primarily based on location in the landscape, with Blakely's Red Gum growing further away from permanent watercourses. However, in some areas the two species are known to intergrade.⁶

Even if a species is correctly identified as a declared Invasive Native Species, a landholder is required to assess whether the species is acting invasively and determine an appropriate treatment method for that species in the circumstances. Both of these involves of judgement and degree which require specialist knowledge and practical experience.

⁶ See, for example, *RVC 96 Blakely's Red Gum riparian woodland of the Pilliga Outwash, Brigalow Belt South, Namoi Catchment Management Authority*, <www.namoi.cma.nsw.gov.au/visage/static/RVC/Namoi_RVC_96.pdf>

The draft code allows high impact clearing methods that will have long-term environmental impacts, including disturbance to soil and groundcover

We are concerned that the range of treatment methods identified in the code will have a long term impacts on the environment. For example, the proposed code allows for a range of clearing methods including “paddock scale treatment with lower soil disturbance” (chaining, slashing and roping) and “paddock scale treatment with higher soil disturbance” (blade ploughing, short-term cropping and stick raking). This is contrary to the published recommendations of Joe Lane who envisaged the use of treatments that had “nil to minimal disturbance to soil and groundcover”.⁷

This will have significant impacts on the landscape as landholders employ heavy machinery to undertake broad scale clearing. A precautionary approach should be adopted, and landholders should be required to seek approval for high impact clearing methods, including all paddock scale clearing with both lower and higher soil disturbance.

The draft code does not require landholders to develop and implement long-term management plans for INS, including consideration of total grazing pressure, follow-up treatment and long-term monitoring

Long term planning is critical for the successful treatment of INS. For example, total grazing pressure, follow-up treatment and monitoring must be considered. The draft self-assessment code does not require landholders to develop and implement long-term management plans for INS.

Without proper oversight, including the development of a long-term management plan, broad scale clearing of INS through self-assessable codes will not improve environmental outcomes, particularly as areas of INS can provide habitat for threatened species.

The draft code does not take account of the probable shift in species density and location as a result of climate change

It is becoming well documented that climate change will have a significant impact on the distribution and population size of species across the globe, including Australia.⁸ The draft code fails to take account of the probable shift in species density and location as a result of climate change. This is something that must be considered as the code is implemented and reviewed.

Two Acacia species as identified as invasive native species are likely to have environmental benefits

With respect to the list of declared invasive native species, we note the listing of two Acacias which are common on the western slopes and tablelands (*Acacia deanei* and *Acacia mearnsii*).

These Acacias are likely to be may be important food sources for native mammals at times other food resources are in low supply. We also note that *Acacia deanei* may also form a component of

⁷ Above no. 5

⁸ See for example the work of the Intergovernmental panel on climate change, including its 2014 Climate Change Impacts, Adaptation and Vulnerability < <http://www.ipcc.ch/>>

Endangered Ecological Communities such as the Fuzzy Box Woodland Endangered Ecological Community (EEC).⁹

The loosening in control over clearing of these species is incompatible with Act's objective to maintain or improve environmental outcomes.

Notification requirements do not prevent broad-scale clearing or ensure consideration of cumulative impacts and there are no provisions to prevent multiple application which have the effect of broad scale clearing (without assessment being completed)

Finally, we note our strong concern with the broad extent of clearing that can be undertaken under the code. While the draft code identifies the proportion of INS extent permitted to be cleared, the notification requirements are unclear. Further, there is nothing to prevent landholders undertaking multiple clearing events or any mechanisms for managing the cumulative impacts of multiple clearing events. There must be further restrictions on the amount of clearing that can be carried out by landholders under the self-assessment code of practice.

The draft code does not provide a review date or methodology for evaluating success

As noted above, we are concerned that there is no mechanism for evaluating the implementation of the codes, in particular whether the codes are achieving environmental outcomes by maintaining or improving native vegetation across NSW. This is a significant flaw in the proposed self-assessment framework and must be addressed.

⁹ See the Final Determination of the NSW Scientific Committee: Fuzzy Box Woodland on alluvial soils of the South Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions - endangered ecological community listing www.environment.nsw.gov.au/determinations/FuzzyBoxWoodlandEndSpListing.htm

CLEARING ISOLATED Paddock TREES CODE

Key concerns:

- The significant ecological value of paddock trees is undermined by the draft code. For example, the draft code does not appear to take into account that the clearing of isolated paddock trees is specifically identified as a key threatening process, the assessment framework does not take into account the fauna habitat value other than for threatened species, or the potential for paddock trees to become future habitat (e.g. to develop hollows)
- The proposed 80cm diameter breast height over bark (DBHOB) threshold should be reduced to avoid the clearing (without specialist assessment) of large, mature trees
- The 'offset' provisions will not adequately compensate for the ecological loss of paddock tree clearing. In particular:
 - A monitoring program is required to ensure that the "offset" or set aside requirements are met and maintained over time
 - A mechanism is required to ensure that "offset" areas are not cleared in the future.
- The draft code is complex and will be difficult to implement
- Notification requirements do not prevent broad-scale clearing or consideration of cumulative impacts and there are no provisions to prevent multiple application which have the effect of broad scale clearing (without assessment being completed)
- The draft code does not provide a review date or methodology for evaluating success

The significant ecological value of paddock trees is undermined by the draft code

Paddock trees are important remnant native vegetation that perform a critical role as 'islands' of biodiversity in a highly modified landscape. The hollow bearing capacity of paddock trees is of critical importance in fragmented landscapes.

The draft code does not appear to take into account that the clearing of isolated paddock trees is specifically identified as a threatening process affecting endangered ecological communities (EECs) such as the Box-Gum Woodland EEC and Fuzzy Box Woodland EEC.¹⁰

Further, the assessment framework does not take into account the fauna habitat value other than for threatened species, or the potential for paddock trees to become future habitat (e.g. to develop hollows).

¹⁰ See the Final Determination of the NSW Scientific Committee – Loss of Hollow Bearing Trees Key Threatening Process <www.environment.nsw.gov.au/determinations/lossofhollowtreesktp.htm>

In our view, the assessment criteria in the draft code are flawed, and the code does not provide adequate protection for paddock trees. It permits the clearing of large numbers of fully mature trees and groups of trees over successive years, and the “offset” provisions are weak. Any proposed self-assessable code for the removal of paddock must attain similar results as the full assessment process.

The proposed 80cm diameter breast height over bark (DBHOB) threshold should be reduced to avoid the clearing (without specialist assessment) of large, mature trees.

There is evidence that viable hollows form in trees of smaller DBHOB. For example, research undertaken in the Central West in 2005 by the NSW Department of Infrastructure, Planning and Natural Resources found that small hollows were present in trees with mean tree diameters of 36 cm (DBH) (in non-eucalypt species) and 43cm (eucalypt species) and medium sized hollows in trees with mean tree diameter of 50cm(DBH) (eucalypt species) and 67cm(DBH) (non-eucalypt species).¹¹

The report also suggests that smaller and medium sized hollows are potential habitats for smaller sized species, due to competition for large hollows and because small animals may increase their risk predation by using larger hollows that allow predator access.¹²

We argue that a precautionary approach should be adopted and the DBHOB should be lowered. We note that this would not preclude landholders from applying for approval to clear paddock trees that do not meet that lower DBHOB threshold.

If they are to proceed, the code must be amended so that it allows only the clearing of single, isolated paddock trees, of a diameter no greater than those relevant to each Zone in Table 1 in the draft Code, namely:

Zone 3	25 cm
Zone 2	20 cm
Zone 1	15 cm

The ‘offset’ provisions will not adequately compensate for the ecological loss of paddock tree clearing

We are concerned that the ‘offset’ provisions and ‘set-aside’ areas will not adequately compensate for the removal of paddock trees.

Firstly, we note that the ‘retain’ provisions do not require set-aside areas to include trees with existing hollows. The draft code provides that set aside area need to “include five mature trees for each paddock tree removed and that these trees need to be at least 80% DBHOB and of the

¹¹ *Hollow Occurrence in Selected Tree Species of the Central West Catchment of New South Wales*, NSW Department of Infrastructure, Planning and Natural Resources, June 2005

¹² *Ibid.*

same species of as to the trees cleared”. However, just because there may be similar trees doesn’t necessarily mean they will have similar habitat values.

Secondly, the effective use of ‘set-aside’ areas relies largely on those areas being well managed over the long term, but there is no mechanism in place to ensure that this occurs. In particular, there is no mechanism for managing offset areas in perpetuity, and future landholders are under no obligation to maintain offset areas set aside by earlier clearing events.

A monitoring program is required to ensure that the “offset” or set aside requirements are met and maintained over time and there should be a mechanism to ensure that “offset” areas are not cleared in the future.

The “offset” or “set aside area” should be protected under a perpetual conservation covenant or PVP with the size, location, date of establishment and evidence that the set aside area meets the requirements of Appendix 2 notified to the LLS before clearing commences. After the five year establishment period has lapsed, domestic stock should be allowed to graze for 2 weeks per year for groundcover management purposes.

The draft code is complex and will be difficult to implement

The draft code relies on landholders correctly identifying threatened flora for a species that cannot sustain loss of paddock trees. Species identification is generally not easy, and it is unlikely that people who are not qualified ecologists will be able to differentiate between some threatened and non-threatened species.

For example, the following “code protected” species are very similar in appearance to the species listed below:

Code protected species	Similar species
E. radiata subsp. hemisphaerica	E. radiata subsp. radiata
E. macarthurii	E. radiata
E. mckieana	E. caliginosa
E. rubida	E. dalrympleana

Notification requirements do not prevent broad-scale clearing or ensure consideration of cumulative impacts and there are no provisions to prevent multiple applications which have the effect of broad scale clearing (without assessment being completed)

There are no limitations on multiple notifications. We are concerned with the broad extent of clearing that can be undertaken under the code. The draft code provides that notification is required to clear 200 paddock trees within a cultivation area per 1000 ha of landholding size, or part thereof. However, there is nothing to prevent landholders lodging multiple notifications for clearing activities or any mechanisms for managing the cumulative impacts of multiple clearing

events. There must be further restrictions on the amount of clearing that can be carried out by landholders under the self-assessment code of practice.

The draft code does not provide a review date or methodology for evaluating success

As noted above, we are concerned that there is no mechanism for evaluating the implementation of the codes, in particular whether the codes are achieving environmental outcomes by maintaining or improving native vegetation across NSW. This is a significant flaw in the proposed self-assessment framework and must be addressed.

THINNING NATIVE VEGETATION CODE

Key concerns:

- The draft code is complex and will be difficult to implement
- The use of mean stem density could lead to over-thinning (and subsequent loss of habitat element and the clearing of some endangered ecological communities)
- Notification requirements do not prevent broad-scale clearing or consideration of cumulative impacts and there are no provisions to prevent multiple application which have the effect of broad scale clearing (without assessment being completed)
- The draft code does not provide a review date or methodology for evaluating success

The draft code is complex and will be difficult to implement

The use of self-assessable codes for thinning of native vegetation requires considerable assessment skill. For example, landholders must know whether the vegetation is of a type listed, ensure that only trees less than a certain diameter breast height over bark (DBHOB) are removed, and the stem density of the vegetation type remains above a certain stem density per hectare.

This complex level of assessment opens up the likelihood for clearing contrary to the code of practice and the unintended removal of native vegetation, including threatened species.

The use of mean stem density could lead to over-thinning (and subsequent loss of habitat element and the clearing of some endangered ecological communities)

The use of mean stem density thresholds is not supported as it could also lead to over-thinning.

We note that the draft code for thinning of native vegetation uses a broad vegetation classification system, and adopts mean stem densities in each of these broad categories.

We have significant concern that this model will lead over-thinning, particularly for species that sit well outside of the mean density threshold. This may cause loss of particular habitat elements, such as fauna habitat continuity, and change soil and hydrological conditions. It could

also result in the thinning of regenerating vegetation that may include some Endangered Ecological Communities.

We submit that precautionary approach should be adopted and that the codes should adopt the highest threshold for stem density measurements (rather than mean stem density). This would ensure a higher level of protection and better environmental outcomes. We note this would not preclude landholders from applying for approval to thin native vegetation that does not meet this high threshold.

Notification requirements do not prevent broad-scale clearing or consideration of cumulative impacts and there are no provisions to prevent multiple application which have the effect of broad scale clearing (without assessment being completed)

We are also concerned with the broad extent of clearing that can be undertaken under the code. The draft code sets out maximum areas that can be thinned per notification for each of the three identified zones. However, there is nothing to prevent landholders lodging multiple notifications for thinning activities or any mechanisms for managing the cumulative impacts of multiple thinning events. There must be further restrictions on the amount of thinning that can be carried out by landholders under the self-assessment Code of Practice.

The draft code does not provide a review date or methodology for evaluating success

As noted above, we are concerned that there is no mechanism for evaluating the implementation of the codes, in particular whether the codes are achieving environmental outcomes by maintaining or improving native vegetation across NSW. This is a significant flaw in the proposed self-assessment framework and must be addressed.

CONCLUSION

In our view, all three draft codes have significant deficiencies and will open the door to broad-scale land clearing and significant loss of native habitat and will place further stress on fragile soils, rivers and catchments.

Our comments highlight the inherent difficulties with self-assessable codes, and specific concerns with proposed standards and requirements, namely:

- The draft codes are complex and will be difficult to implement
- The draft code (INS) allows high impact clearing methods that will have long-term environmental impacts, including disturbance to soil and groundwater
- The draft code (INS) does not provide for effective long-term management of invasive native species
- Two Acacia species identified as invasive native species may have environmental benefits
- The significant ecological value of paddock trees is undermined by the draft code (Paddock Trees)

- The proposed 80cm diameter breast height over bark (DBHOB) threshold identified in the draft code (Paddock Trees) is too great
- The 'retain' provisions in the draft code (Paddock Trees) will not adequately compensate for the ecological loss of paddock tree clearing
- The use of mean stem density in the draft code (Thinning of Native Vegetation) could lead to over-thinning (and subsequent loss of habitat element and the clearing of some endangered ecological communities)
- Notification requirements in the draft codes do not prevent broad-scale clearing or consideration of cumulative impacts

We do not support the draft codes in their current form as they will not improve or maintain native vegetation and will lead to poorer environmental outcomes.

A better approach would be to provide adequate financial resources to Local Land Services so that they can reduce assessment time and administrative costs while ensuring that environment outcomes are maintained or improved. Our organisations would strongly support a no-cost to landowners' advisory service which provides confidential, no-obligation advice about how landowners who are considering clearing parts of their property might maintain or improve environmental outcomes.