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Local Land Services

Re. Land Management Code amendments

Friends of Grasslands (**FOG**) and the Conservation Council ACT Region (**CCACT**) appreciate the opportunity to comment on the proposed amendments to the Code.

FOG is a community group dedicated to the conservation of grassy ecosystems in south-eastern Australia - natural temperate grasslands and grassy woodlands. FOG advocates, educates and advises on matters to do with the conservation of these ecosystems, and carries out surveys and on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.

The CCACT is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future. We campaign for a safe climate, to protect biodiversity in urban and natural areas, to protect and enhance waterways, reduce waste, and promote sustainable transport and planning for our region.

The amendments proposed to the Code, as outlined in the Discussion Paper, head in the right direction but they do not go far enough. If passed, these amendments are so weak they will *prevent* the achievement of any promised nature positive outcome for biodiversity in NSW.

The increase in vegetation clearing detected on regulated land in NSW since 2022 is alarming, and it is only part of the picture. Other clearing goes *un*-detected, on the so-called 'exempt land' and when completed via an 'allowable activity'. Of enormous concern is the identified very high rate of clearance of non-woody vegetation, especially in the 'unallocated' category. In 2023, a massive 51 per cent of the 66 498 ha of vegetation cleared was non woody vegetation¹, including where it has been identified as 'sensitive' and/or 'vulnerable'.

For threatened species and threatened ecological communities, the long list of prescriptions – and their underlying basis in a variety of “rights” – are a nightmare:

- “pasture expansion”
 - woody ecosystems can be ‘thinned’, even if not cleared previously
 - on 30 per cent of any landholding, up to 90 per cent can be cleared in ‘a mosaic’
- “continuing use”
 - woody native regrowth can be ‘managed’, i.e., removed
 - ‘rotational’ clearing can continue (or resume)
- “equity”
 - ‘compromised land cover’, *as defined by a landholder*, with no acceptable objective test, can be removed
- both “equity” and “farm plan”
 - previously unfarmed land can be cleared at specific rates (hectares per annum)
 - paddock trees can be removed if a land manager does not *know* they are habitat for critically endangered species.

¹ <https://www.seed.nsw.gov.au/slats-dashboard>

Specific problems related to the Code – some more, some less – include:

- the absence of a conservation management network (or similar) to socialise and inform land managers about best practice
- land managers insufficiently qualified to make ‘compromised ground cover’ assessments
- permission to clear ‘invasive native species’ should be subject to assessment by an appropriate vegetation ecologist
- the lack of suitable incentives to encourage the appropriate protection and good management of important high conservation areas
- vague requirements that are proving difficult to enforce
- a lack of enforcement
- insufficient and – from a comprehensiveness, adequacy and representativeness perspective – selection of the wrong areas as set asides
 - of course, we say that in many cases the unnecessary clearing should not have been permitted in the first place
- the absence of a listing at the state level for the so-obviously critically endangered natural temperate grassland of the *NSW* south eastern highlands.

If future generations are to see and experience native vegetation at all, a legal framework is needed now sufficient to encourage land managers to retain and restore native vegetation on their property, rather than destroy it.

Yours sincerely,

SIGNED

Jamie Pittock
President, Friends of Grasslands
1 August 2025

SIGNED

Dr Simon Copland
Chief Executive, Conservation Council ACT Region
1 August 2025