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From: Helena Clayton [mailto: [REDACTED]]
Sent: Friday, 24 August 2012 5:09 PM
To: EHPP Landscapes & Ecosystems Section Mailbox
Subject: Submission to the NV regulation review

Please find attached my submission relating to the proposed changes to the NSW Native Vegetation Regulation.

Regards
Helena
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Submission on the proposed Native Vegetation Regulation 2012

To: The NSW Office of Environment and Heritage

From: Helena Clayton

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Date: 24 August 2012

I provide this submission to raise concerns about the potential for the proposed Native Vegetation Regulation 2012 to contribute to the further degradation of native vegetation habitat across the agricultural landscapes of NSW.

In Fact Sheet 1 introducing the proposed reforms, the NSW Government acknowledges that the widespread loss in native vegetation is "one of the major environmental issues facing Australia". There is overwhelming scientific evidence to support this understanding and yet the reforms proposed, in their general direction and detail, outline no strategy to help arrest the widespread and on-going decline in native vegetation in NSW. Instead, the proposed reforms offer increased exemptions for clearing, a relaxation in compliance measures, and the introduction of 'low risk' categories of native vegetation to allow a streamlined assessment process. In the words of the NSW Government: "These changes will allow farmers to clear without delay...". At a time of accelerating biodiversity loss and increasing uncertainty due to the emerging impacts of climate change, the proposed reforms offer a weakening rather than strengthening of measures to encourage and support farmers to integrate native vegetation into their land management practices.

At a recent forum on biodiversity at the Australian National University, Dr Phillip Gibbons presented data showing that since the introduction of the NSW Native Vegetation Act there has been hundreds of millions of dollars of public funds allocated to protect native vegetation and yet, at the same time, there has been a significant increase in the net loss of native vegetation across agricultural landscapes across NSW. Given this situation there appears to be very poor justification for the NSW Government's proposed loosening of clearing regulation. There are many pressures and drivers underpinning the on-going net loss of native vegetation across the agricultural landscape and I urge the NSW Government to seek to improve ways to address the drivers of vegetation loss through its regulatory and complementary policy mechanisms.

Apart from these general comments, I would also like to raise a specific concern regarding the reduced protection offered to paddock trees under the proposed reforms. The proposal is to implement 'streamlined assessment of low risk categories of native vegetation' and one of the categories suggested to be 'low risk' is the clearing of paddock trees in cultivation. There is an established body of literature on the significance of paddock tree habitat (*i.e.* isolated trees and small patches of trees) across Australia's temperate grazing-cropping agricultural landscapes. Paddock trees are considered keystone structures because their significance for ecosystem functioning and related biodiversity conservation relative to the small area occupied by any individual tree (Fischer, Stott et al 2010).

In a case study area of one million hectares from the Upper Lachlan catchment in New South Wales, it has been shown that approximately 30% of tree cover occurs as very small patches or scattered trees and that large patches have disappeared from 90% of the landscape (Fischer, Sherren et al.

2010). This work has shown that a focus on large patches of trees is unlikely to achieve regional conservation outcomes, and will largely ignore the majority of the landscape. The suggestion in the proposed reforms that clearing of paddock trees in cultivated areas is 'low risk' runs counter this work and the broader landscape ecology literature.

Rather than 'low risk', clearing of isolated and scattered patches of trees in paddocks presents extremely high risks to biodiversity across the majority of the agricultural landscapes of NSW. I urge the NSW government to identify ways to convey the significance of paddock trees in any regulatory reforms and to establish regulations and complementary policy mechanisms that will encourage and support farmers to maintain, protect and regenerate paddock trees into the future. Without this, it is guaranteed that biodiversity across NSW will continue to decline, jeopardising significant public and private values held for scattered paddock trees and the ecosystems services they support.

References

Fischer J, Stott J, Law BS (2010). The disproportionate value of scattered trees, *Biological Conservation*, 143(6): 1564-1567

Fischer J, Sherren K, Stott J, Zerger A, Warren G, Stein J. (2010) Toward landscape-wide conservation outcomes in Australia's temperate grazing region, *Frontiers in Ecology and the Environment*, 8(2): 69-74