

Terms of Reference:

Identification and assessment of native grasslands and non-woody vegetation

The Premier, at the request of the Minister for Agriculture, requires the Natural Resources Commission (the Commission) to undertake a review into policy options for improving outcomes for areas containing exclusively or predominantly non-woody vegetation (grasslands and ground cover). The objectives of this review are to identify options to reduce unallocated clearing rates for non-woody vegetation, ensure the protection of high-value native grasslands, and minimise overregulation of non-native non-woody vegetation and unrecoverable native non-woody vegetation.

This request is in accordance with 13(1)(d) and (f) of the *Natural Resources Commission Act 2003*.

Background

In August 2023, the Minister for Agriculture tabled in NSW Parliament the final report of the statutory review of the native vegetation provisions of the *Local Land Services Act 2013* (LLS Act).

On 17 July 2024, the NSW Government released the *NSW plan for nature – NSW Government response to the reviews of the Biodiversity Conservation Act 2016 and the native vegetation provisions of the Local Land Services Act 2013* (the NSW Plan for Nature).

In the NSW Plan for Nature, the NSW Government recognised the limitations of remote sensing in accurately mapping native grasslands and other non-woody vegetation. The NSW Government's response to the statutory review of the native vegetation provisions of the LLS Act supported (with variation) the recommendation to reduce unallocated clearing through better identification of native grasslands / non-woody vegetation by appointing the Commission to undertake a review into policy options for improving outcomes for areas containing exclusively or predominantly non-woody vegetation (grasslands and ground cover).

The objectives of the review are to identify options to reduce unallocated clearing rates for non-woody vegetation, ensure the protection of high-value native grasslands, and minimise overregulation of non-native non-woody vegetation and unrecoverable native non-woody vegetation.

Purpose and Scope

The purpose of the review is to provide independent, evidence-based advice and policy options for improving outcomes for areas containing exclusively or predominantly non-woody vegetation (grasslands and ground cover), including to identify options to:

- reduce unallocated clearing rates for non-woody vegetation
- ensure the protection of high-value native grasslands

- minimise overregulation of non-native non-woody vegetation and unrecoverable native non-woody vegetation.

The Commission in undertaking this review should also have regard to, but is not limited to, the following:

- NSW Government (2024) *NSW plan for nature – NSW Government response to the reviews of the Biodiversity Conservation Act 2016 and the native vegetation provisions of the Local Land Services Act 2013*, July 2024
- NSW Government (2023) *Statutory Review of the native vegetation provisions (Part 5A and Schedule 5A and Schedule 5B) of the Local Land Services Act 2013*, 24 August
- NSW Government (2023) *Independent Review of the Biodiversity Conservation Act 2016*, August 2023
- NSW Natural Resources Commission (2019) *Land management and biodiversity conservation reforms: Final advice on a response to the policy review point*
- relevant regulatory and reporting obligations for non-woody vegetation in NSW and the approaches undertaken by other equivalent jurisdictions to how native grasslands and other non-woody vegetation are monitored, reported and regulated
- the process and method to identify and monitor annual landcover change on rural regulated land in NSW, particularly for native grasslands and other non-woody vegetation
- options to improve the method used to identify, map and categorise native dominated non-woody vegetation in NSW, and whether changes are required to how secondary grasslands are represented on the Native vegetation Regulatory Map
- Queensland Department of Environment and Science (2022) *Statewide Landcover and Trees Study – Methodology Overview v1.1*. Queensland Government, Brisbane, November
- the objective of the LLS Act in respect of Part 5A and Schedule 5A and Schedule 5B in the Act: *‘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 (described in section 6 (2) of the Protection of the Environment Administration Act 1991)’*.

Consultation

The Commission will consult with Local Land Services and the Department of Climate Change, Energy, Environment and Water to inform the review.

Targeted consultation will occur with key stakeholder groups and experts, as required.

Process

The Commission is to deliver the review to the following schedule:

- commence review in December 2024

- provide a final report to the Premier, Minister for Agriculture and Minister for the Environment by June 2025.

The Premier or Minister for Agriculture may request updates on the review at any time.

On request, NSW agencies will provide all necessary and relevant data they hold to support the Commission's review in a timely and efficient manner.

Final advice

The final advice must document the review's findings and options. In the absence of conclusive evidence, the Commission may make findings and options based on its judgement.

The Commission will publish the report at a reasonable time after being sent to the Premier, Minister for Agriculture and Minister for the Environment.

Confidentiality

All information presented to the Commission by agencies, as well as its findings and options, should be treated as confidential until the final report is published.