



Mr Bjarne Nordin
Committee Manager
Legislative Assembly Public Accounts Committee
Parliament of New South Wales

By email: PublicAccountsCommittee.PAC@parliament.nsw.gov.au

Dear Mr Nordin

I refer to your emails dated 4 December 2020 to Ms Sonya Errington, Director, Compliance and Licensing and Mr Jeremy Black, Director Remote Sensing and Landscape Science, about the Public Accounts Committee's Examination of the Auditor-General's performance audit reports February–July 2019. I am responding on their behalf.

Responses to the committee's supplementary questions about managing native vegetation relevant to the Department of Planning, Industry and Environment are enclosed.

[Redacted]

Yours sincerely

[Redacted signature]

Kate Wilson
Acting Deputy Secretary, Biodiversity, Conservation and Science

22 December 2020

Supplementary Questions – Managing Native Vegetation

Recommendation 5 – By June 2020, improve the monitoring and regulation of land clearing by implementing a staged release of draft maps Category 1 - Exempt and Category 2 - Regulated land to landholders and the public, allowing sufficient time for landholder review and input.

Recommendation 6 – By June 2020, improve the monitoring and regulation of land clearing by ensuring adequate resources are in place, during the release of the last two map categories, to process category explanation reports and NVR map reviews, and to update the NVR map reviews, and to update the NVR map.

7. While the Department's response indicated support to implement the recommendations, it will require Government approval to implement the recommendations to release the unpublished map categories.

- Why are the two largest map categories (Category 1 – Exempt Land, Category 2 – Regulated land to the public) yet to receive Government approval at least in a draft form and when is approval likely to occur?

A project to independently evaluate the draft Native Vegetation Regulatory (NVR) map commenced in November 2020 and a report will be provided to the Government in March 2021.

This project is being undertaken to ascertain if improvements in the mapping and a wider understanding of the framework have improved confidence in the mapping, as well as to gain a better understanding of what level of support may be needed for landholders seeking individual reviews before a wide-scale release of the draft comprehensive NVR map for all of NSW.

A decision on the remaining map categories will be made by Government once the report is received.

Recommendation 7 – By June 2020, improve the monitoring and regulation of land clearing by ensuring staff have sufficient systems and resources to adequately investigate unlawful land clearing and to gauge compliance with the Code, including accurate spatial data on all land clearing approvals.

8. The Department's response indicates the implementation of the recommendation is complete.

- Can the Department provide more information on how the implementation of the recommendation has progressed?

The Department has continued to improve its systems and processes to support compliance staff. This includes refinements to the early change monitoring system. This system provides regular reporting on vegetation change to facilitate timely detection of, and rapid response to, unexplained clearing. This reduces both environmental harm and landholder exposure to regulatory action. The system now provides regular referrals of priority detections to regional compliance teams for focused follow-up with landholders. Further work is underway to streamline data handling and analysis.

The Department has undertaken work to improve case management and reporting systems to ensure staff are better able to record and track investigations and manage workflows. Examples of improvements include new reporting dashboards and the ability to process cases that resulted in a set-aside conservation agreement under the *Policy for resolving investigations under the now repealed Native Vegetation Act 2003*. Further improvements to the case management and reporting systems are planned for 2021.

The Department continues to update operational guidance and procedures. Recent documentation includes revised remediation order guidance to help officers prepare best-practice orders. The Department also recently updated the compliance training strategy to ensure compliance staff have the development opportunities required to perform their role safely and effectively.

The Department has trialled an approach of establishing temporary "virtual teams" of staff from across the Department to resolve technical and high-workload compliance issues. The benefits of an agile management approach may be applied to future compliance and regulation projects.

- Does the Department have systems and processes to gauge whether native vegetation thinning and clearing under the Code is being carried out in accordance with certifications and notifications?

The Department has processes for assessing whether clearing reported by the public or through monitoring programs is in accordance with a certificate or notification. The Department first accesses the details of certificates and notifications provided by Local Land Services (LLS). The Department then uses satellite imagery and contact with a landholder to facilitate an initial desktop assessment. If required, more detailed on-ground assessments are undertaken as part of an investigation by compliance officers.

- Does the Department have access to accurate spatial data (maps) relating to these approvals and notifications?

LLS provides the Department with copies of all issued certificates and notifications. LLS also provides the Department with access to spatial data through periodic releases of consolidated spatial data sets and a view only database connection (live link).

Recommendation 8 – By June 2020, improve the monitoring and regulation of land clearing by continuing to improve systems and processes for monitoring the rate of clearing of woody and non-woody native vegetation.

9. The Department appears to be addressing this recommendation, while the Audit Office notes that the Biodiversity Indicator Program does not appear to provide data on annual land clearing.

- Can the Department provide more details on what improvements have been made to monitor land clearing?

The Department (Environment, Energy and Science; EES) has been monitoring native vegetation cover and identifying unexplained clearing since 2008, principally through the annual Statewide Landcover and Trees Study (SLATS). The SLATS program has undergone a process of continual improvement as new technologies and new satellite imagery have become available.

The Department developed and piloted early change monitoring in 2019 to improve the timeliness of identification and facilitate quicker responses to unexplained clearing. This supports landholders to comply with the land management framework, helps those clearing unlawfully to avoid more serious breaches of the law, and limits environmental harm. After undertaking the pilot, the Department commenced using early change monitoring to remotely monitor, identify and respond to unexplained clearing in August 2020.

Early change monitoring is in addition to the Department's existing native vegetation monitoring programs. It analyses high-resolution satellite images every two weeks for evidence of recent changes in native vegetation cover on regulated land. Confirmed clearing is matched to known approvals, and then unexplained clearing is prioritised for early landholder engagement, based upon its status and likely environmental impacts.

The land clearing data released in June 2020, for the first time, included data on clearing of non-woody vegetation on rural regulated land (using draft Category 2 in the Native Vegetation Regulatory (NVR) map). The non-woody clearing data was collated back to the commencement of Part 5A of the *Local Land Services Act 2013* L (August 2017). EES developed a new method to detect substantial differences in cover from long-term (30 year) seasonal averages to identify major changes in cover regime. This approach eliminates most of the natural seasonal variability of groundcover species. Like the method used for woody change detection, the method requires additional manual validation to confirm the clearing and resulting land use change. Events are only included if signs of cultivation can be verified in high resolution satellite imagery from the time period.

The data identified significant amounts of unexplained clearing of non-woody groundcover (over 90 per cent). That is, clearing not covered by any Land Management Code notification or certification. However, until the full NVR map is released, there are various self-assessment pathways available for landholders to lawfully clear groundcover where the vegetation type is not dominated by native species. The dominance of native species (or not) is determined by a



site-based assessment method. Although landholders are required to keep records of this assessment, each landholder must be asked to supply them.

EES and LLS plan to follow up with landholders about these identified clearing events to ascertain how they determined the land category or the dominance of native species in the groundcover vegetation before they cleared.

EES plans to integrate the data on land clearing into a more dynamic form of the Biodiversity Outlook Report for the 2021 release in June 2021. This will cover clearing detected in the 2019 calendar year. Due to the significant wildfire events in late 2019, fire related cover loss will be reported separately.