

20 November 2015

Local Land Services

**Submitted by email to:** my.feedback@lls.nsw.gov.au

Dear Local Land Services,

**Draft State Strategic Plan; and  
Draft Local Strategic Plans**

EDO NSW is a community legal centre specialising in public interest environmental law. Our work includes casework, law reform, science and community outreach. We welcome the opportunity to comment on the Local Land Services (**LLSs**) Draft State Strategic Plan (**draft State Plan**); and Draft Local Strategic Plans (**draft Local Plans**). Our comments apply to both the draft State Plan and draft Local Plans.

EDO NSW supports the work of LLSs to create “resilient communities in productive healthy landscapes,” where a definition of “healthy landscapes” ensures that our natural environment is protected and enhanced for both its intrinsic value and the ecosystem services it provides.

*Achieving measurable outcomes*

We note that under the *Local Land Services Act 2013 (LLS Act)*, the purpose of a State Strategic Plan is to set the vision, priorities and overarching strategy for local land services in the State, with a focus on appropriate economic, social and environmental outcomes.<sup>1</sup> The draft State Plan notes that “our strategic goals do not relate to achieving functional excellence in agricultural advisory services, biosecurity, emergency management and natural resource management but rather focus on improved and integrated outcomes for customers and land managers and for the communities and environments across NSW.”<sup>2</sup> Such an approach has the potential to significantly undermine the ability of the NSW Government, local landholders and land managers to understand and assess progress towards appropriately protecting and managing our natural resources.

In our view, the draft State Plan and the draft Local Plans should be strengthened by including specific information, guidance and SMART (i.e. Specific, Measurable, Attainable, Relevant and Timely) performance indicators to ensure measurable economic, social and environmental outcomes will be achieved.

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<sup>1</sup> Section 36.

<sup>2</sup> Local Land Services (2015) Draft State Strategic Plan 2015-2025, pg 6

## *Compliance role*

We are also concerned that the important role that LLSs play in enhancing environmental protection and ensuring compliance with natural resource management legislation is understated in the current plans. EDO NSW supports the intention of LLSs to work in partnership with landholders and land managers, nonetheless LLSs have a legislated role in ensuring compliance with natural resource management legislation. The importance of this role should not be understated or seen as a “last resort”<sup>3</sup> but as an integrated part of the suite of management tools available. The draft plans should articulate this by making the protection of healthy landscapes part of the stated strategy. For example, Strategy 8 of the draft State Plan,<sup>4</sup> should be to deliver consent and compliance services that educate, and protect communities, industries *and landscapes*.

The role for LLS in compliance is particularly relevant to the current proposal to introduce a new Biodiversity Conservation Act. The new regime is likely to increase the environmental management responsibilities of LLSs.

EDO NSW has been working closely with a number of regional LLS offices on a project funded by the NSW Environmental Trust’s Environmental Education grants program. LLSs play a crucial role in applying a large volume of complex environmental laws and regularly make decisions that impact the environment. This project is designed to provide expert training by qualified legal practitioners in a number of environmental laws, with a focus on what they require from LLS staff. The training also focuses on the compliance and enforcement role of LLS staff.

### **Recommendations**

1. Given the significant changes that have been foreshadowed in relation to native vegetation and biodiversity legislation in NSW, LLS Strategic Plans should not be finalised until the full suite of LLS responsibilities has been clarified. Alternatively, the Strategic Plans should build in a formal review process when a new Biodiversity Conservation Act is passed.
2. Strategies and performance indicators should be made SMART.
3. The clear role of LLSs in ensuring compliance with environmental and natural resource management legislation should be better articulated within the Strategic Plans.

We would be happy to discuss these issues further.

Yours sincerely,  
**EDO NSW**



**Rachel Walmsley**  
**Policy & Law Reform Director**

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<sup>3</sup> Local Land Services Hunter (2015) Draft Local Strategic Plan 2015-2020, p26 – provided as an example

<sup>4</sup> Local Land Services (2015) Draft State Strategic Plan 2015-2025, pg 12