

## SUBMISSION to SENATE INQUIRY on NATIVE VEGETATION ISSUES.

Dear Committee Members,

As a landholder and manager of rural land in the southern New England area of NSW for around 40 years, I have been associated with vegetation issues on our own family farm, (which has been severely affected by dieback) as well as local community organisations and initiatives through landcare etc. With this background experience and interest in these issues I would like to present the following submission to your committee for its consideration. With the short timeframe for submissions it is not possible for me to fully reference or justify with lengthy argument my opinions on this important matter, but trust you will accept it as a genuine attempt to raise issues, based on personal experience as well as discussion with a wide range of people from farmers to government department employees, a local land valuer and University of N.E. academics in the field of resource management.

- 1) As an overriding principle I believe that if government legislation, or international agreements, for the benefit of the whole community are enacted or made, and it can be shown by reasoned argument that this arrangement has a disproportionate adverse effect on an individual or group of individuals then the whole community, who elects a government (local/state/federal) to make such decisions, should be prepared to justly compensate those disproportionately affected. It should not matter if it is a resumption of housing for a freeway, a land zoning that changes land use regulation and drastically affects its value, or changes to vegetation laws that prevents a freehold landholder from an activity that prior to change they deemed to be appropriate for developing the productive potential of that land, and was within the previous development/clearing guidelines. My understanding from discussions with a local valuer is that the NSW Land Acquisition Just Terms Compensation Act is far too specific to cover compensation areas caused by the NVCA 2003. This area needs to be addressed with changed or additional legislation.
- 2) The NSW govt has an overarching state wide policy that states that any vegetation management action must "maintain or enhance" vegetation condition. This policy, if adhered to, requires that no extensive clearing takes place. This policy further demonstrates the political outcome nature of the act, and that the correct and specific management of vegetation across a range of sites is of secondary importance. There has been extensive clearing across many parts of Australia in past years (some has been inappropriate), but what is needed now is soundly based management and legislation that is based on practical outcomes not political ones.

- 3) The vast majority of rural landholders are very professional in their stewardship of their land, but as with all professions a few unfortunately are not, and give the remainder a bad reputation. Because of this there is community concern, and rightly so, but so often government action is targeted as punitive action rather than encouraging landholders in the first instance, to do the right thing by appropriate extension services, or simply compensating landholders (with land title restrictions and the income stream passing on to future owners) for not clearing land for the common good. Such compensation/ income stream would obviously require legal agreements and would entail conditions on the future land use by subsequent owners. A farmer could not expect to receive compensation for biodiversity services over a number of years and then sell the land without some encumbrance being passed on. A more proactive approach is needed rather than reactive.
- 4) With the current NSW veg act I believe that there is a broad brush approach that has more of a political outcome than a practical one for really sound environmental vegetation management. Because of this there are more loopholes that smart lawyers can exploit when inappropriate clearing occurs, and thus departments are often reluctant to take issues up in a court of law. At the same time other landholders who wish to comply with the letter of the law, may be denied from some clearing that is entirely environmentally sustainable and appropriate for their particular land class and use. By a political outcome I mean that the majority of the community think that a piece of legislation will solve the issue, but in reality I believe the current NSW Veg act is not sufficiently resourced with personnel or funds to have any hope of achieving good environmental outcomes, either by enforcing compliance and /or through education/extension and encouragement or compensating farmers not to clear remnant vegetation. The fact that this act, whether one agrees with it or not, is simply not being managed properly due to under resourcing issues, puts all parties involved in frustrating/difficult/tempting/confusing positions that leads to more animosity towards the act. The current NVA also covers native grasses in some situations, and this is another area of the act that is very confusing and unworkable and appears to be there for political outcomes more than any practical positive environmental outcome.
- 5) Appropriate vegetation management I believe is very site specific, and should be treated as such. The broad brush approach of the NSW veg act does not necessarily address this. For example the allowable clearing of regrowth that has occurred after 1991, in one area may be appropriate environmentally, but in another may be entirely inappropriate. Across NSW there are huge variations in climate, land forms and vegetation types, and to address these for good environmental outcomes requires site specific assessment, and subsequent action. Why would similar rules be appropriate to be applied to a site in western NSW, to an area of New England that has been severely affected by dieback in the past, but has due to particular seasonal conditions had a rare occurrence of seedling recruitment? Under current laws the New England farmer if he was a “cowboy” could remove all seedlings, but the other farmer may be denied an action plan that could reduce tree or shrub density to a point to allow an increase in grass groundcover, thus reducing soil loss and erosion and improving long term grazing viability. The need for modifying the policy for local and regional conditions was originally recognised by government and that is why they set up the Regional

Vegetation Committees and mandated them to develop Regional Vegetation Management Plans. Many of these 20 committees completed their plans, but only one was ever gazetted by government!!

- 6) From my observation and personal discussion with landholders, in the northern New England many areas around Tenterfield have regrowth problems, so would not a strategy of some regrowth control, some sustainable harvesting of good timber trees for commercial purposes, and thus retention of a range of ages of vegetation be preferable environmentally, to continually removing regrowth under current laws, and thus creating an artificially older and potentially unhealthy tree population?
- 7) There are many different situations across the New England, and to gain the best environmental outcome site specificity is essential. In the higher altitudes generally above 3000ft, or around 900 meters, and usually in central or southern areas there have often been very severe dieback events, for all sorts of reasons and combinations of events as outlined by scientific reports that are well documented. In these situations any regrowth event (which generally rarely happens) should be managed carefully so there are some younger trees to replace ageing and dead trees. Why should regrowth clearing be subject to the same regulation in this situation? Fortunately the majority of landowners are responsible but some are not!
- 8) With recent wide media coverage of events with relation to land clearing regulation and land rights and compensation issues it concerns me that vegetation management issues have the potential to become even more polarised, and the more radical elements from opposing camps (i.e. the environmental lobby and the land rights lobby) will miss the real issues of sustainable and appropriate land and vegetation management, which as stated before I believe is very site specific.
- 9) On the issue of specific compensation arrangements, or pre and post legislation values, qualified valuers and accountants and other professionals in these fields should be able to determine from sales and facts and mediation what is fair and reasonable. The overriding issue and limiting factor is whether governments (and more importantly their electorates) have the will to treat and regard as important these environmental issues and allocate sufficient resources to do the job properly, or continue to regard such matters as largely political issues with political outcomes being sufficient, rather than political issues that require sound research and appropriate resourcing to gain an economically sustainable and environmentally sound, practical outcome. My understanding from discussions with a local valuer is that the NSW Land Acquisition Just Terms Compensation Act is far too specific to cover compensation areas caused by the NVCA 2003. This area needs to be addressed with changed or additional legislation.
- 10) Another issue is that government officers have had little or no education and support in the area of conflict resolution and communication skills to deal with landholders. This coupled

with the lack of extension services is a sad indictment of the government's lack of commitment to properly support the legislation and particularly the officers who have to deal with the day to day consequences of it. The NVA is very much a top down political approach, rather than involving everyone in a positive and constructive way for the benefit of the landscape, the community at all levels and the productive capacity of the land to produce various commodities.

- 11) The above points largely raise issues that I have concern about, and would suggest that land holders as well as the environment would be better off if vegetation clearing management was handled by the following guidelines/comments.
- a) Exemptions apply for fence lines, power lines, buildings, farm structural timber, and collection of firewood on freehold land- this now basically applies as I understand the law. The collection of commercial quantities of fire wood as far as I can ascertain from the act may require a licence and this needs to be looked at and clarified.
  - b) In fire prone areas rules may vary from others, and this again highlights the specificity of appropriate vegetation management.
  - c) Landholders with vegetation of community/environmental value should be approached in the first instance, with the view of offering them financial incentive to manage or retain this for wider community benefit. Eg. Water quality, wildlife, biodiversity. An area of high or medium environmental value should have sufficient community \$ value to attract a worthwhile one off payment, or preferably an annual income stream, to the landholder ,with specific title deeds attached to that land that protects it from future degradation and passes the income stream to a new owner. This should be at least equal to or more value in annual income, than the landholder incurring expensive development costs and probably a relatively small net income. Much uncleared land is marginal anyway, or it would have been developed years ago, and the few areas that are not, if they are so important environmentally, then the community should be prepared to pay. I am aware that a property west of Moree with wetlands was purchased recently by DECCW, and that some other landholders are being approached who have important vegetation areas. This system of "ecosystem service" by landholders and paid for by the public purse for the public good is something that needs more promotion.
  - d) All other clearing should be subject to application by the landholder, and site inspection and ground truthing by appropriately qualified staff in conjunction with the landholder and agreement reached as to what is appropriate for that PARTICULAR site. The Property Vegetation Plan(PVP) Developer which is a computer based program that gives the applicant a green, amber or red light, and is currently used in some applications for vegetation clearing applications apparently does have some shortcomings. If this is to be continued to be used there should be a review of the program and how it is used.
  - e) The above suggestions are more positive and proactive with regard to vegetation management, rather than current methods that tend to be reactive and punitive.
  - f) Illegal clearing under the above guidelines would be far clearer cut, and prosecution as the last resort would be more successful.

g) Resourcing of vegetation management would have to be increased, but if this issue is a real priority for the right reasons, not political outcomes, then the cost and effort will be worthwhile.

12) With relation to climate change and carbon sequestration schemes I believe there is certainly one glaring anomaly in relation to native vegetation. Recently at seminar it was confirmed that an area of sustainably managed native vegetation on our property could not be included in any sequestration scheme.

Sixty years ago a 500 acre paddock ran 200 sheep, but with selective ringbarking of poor trees and pasture improvement and appropriate stocking with sheep and cattle, the area now runs 1100 D.S.E's. Since then dead timber was for a period used to fuel a brickworks, fire wood and fencing timber continues to be removed, as well as structural sawn timber for the farm. In addition around 400 cub meters of millable logs were removed in 1991 by a local contractor with a semi -portable mill. Since this thinning there has been huge regrowth that would be sequestering large amounts of carbon. If my forebears had been irresponsible they could have cleared this land, and we could now apply for carbon credits by replanting the areas cleared! How inefficient and illogical is this? I am sequestering large amounts of carbon but am denied from gaining a benefit.

I understand that Australia is a party to an international agreement that precludes native vegetation from carbon sequestration schemes, and this is the reason. This is I believe not the way for us as a nation to preserve, enhance and sustainably manage our resources of vegetation.

I would be more than happy to appear before the senate committee hearing or supply additional information and comments to you.

Yours faithfully,

Gordon Terrell Williams.