
From: [REDACTED]
Sent: Thursday, 23 August 2012 8:26 PM
To: EHPP Landscapes & Ecosystems Section Mailbox
Subject: Submission on Review of Native Vegetation Regulations

Native Vegetation Regulations Review

Submitted by D.A.Woods

To whom it may concern

This submission is in essence an objection to the proposed regulations as they are presented, together with suggestions on the principles on which they should be based.

Please also note my request that you do as undertaken in a note written by someone from the OEH which states '..... Issues raised about the Act during the review will be collated and presented to the Government for further consideration.'

Harsh and Unconscionable

I have spoken with many people on this issue and without exception we are all of the view that the Act and Regulations are, to use an expression from contract law, Harsh and Unconscionable.

Since the processes as espoused within the Regulations, and the Act, are in effect a contract between two parties then it is appropriate to consider them in that light.

Problems with wording in the Regulations

The wording used in the regulations regularly contains verbs and adjectives that are very subjective and will vary greatly with each individual that makes a decision or assessment so that it is very unlikely to give any consistency in rulings, plans and outcomes. It has already been acknowledged that this is the case and that some PVP's need re-evaluation to become more realistic even by CMA standards.

Revisions as proposed make little difference to this fundamental problem.

They are very limiting and restrictive and are narrowly focused which prevents alternatives that may be much more valuable and effective.

By specifying methods also stops new innovation.

Offsets

A concept that is unique to this legislation.

There is no precedent for being required to give up something or do something else in order to be permitted to carry out an activity.

I point out as an example my son's situation in which he sought permission to clear 4.5 hectares (0.7% of the property).

The CMA response was to permit limited clearing of the area provided he agreed to an offset of 141.7 hectares (54.7% of the property) of principally regrowth after extensive logging in the years prior to his purchase. In addition to the area offset there are many conditions that are demanded be placed on the title deeds in perpetuity (harsh and unconscionable).

The concept of offsets is not considered part of a democratic process so much as it is an authoritarian demand.

Practical Considerations

The revised regulations as drafted lack an everyday approach that is practical to apply to farming operations e.g.1 'thinning to benchmark is only undertaken by removing individual trees and shrubs with no or minimal disturbance to native ground cover, soil and non-target plants (e.g. by means such as chemical treatment of individual plants , ring barking or grubbing)'.

This proposition is to a practical farmer absolutely ludicrous.

2. Likewise with the dot point two paragraphs below 'the numbers of stems retained for each stem diameter class are retained at that density on each one-hectare area of the proposal area,'

Just as ludicrous and impractical on a farming scale that someone is going to wander around picking out and measuring a stem here and a plant there.

A much wiser plan is to have corridors and/or clumps of native trees and plants as habitat for animals and native biota whilst allowing workable areas to be cleared for farming and grazing.

In this modern era, practical farming and grazing involves the use of machines and improved species of plants and fertilisers to achieve economic outcomes. This from a practical application calls for temporary disruption of the soils surfaces during the work and for a short period whilst generation of a new population of vegetation is established. From my practical experience and that of the Soil Conservation Service that is an acceptable risk that seldom has adverse consequences and which on rare occasions is something that can be readily

corrected. To some ideological driven thinking this is degradation but to the practical farmer this is improvement and is sustainable both ecologically and commercially – they wouldn't do it if it wasn't. Either that or if they do get it wrong chances are they will fail and someone else will take it on and fix it.

Reality Checks

During this review there should be a need for people involved to make field visits in consultation with landowners to gain some insight into what they are dealing with on the ground. To visit properties where controlled clearing has been ongoing for many years and properties that have a need for control work on Invasive Native Scrub and Regrowth.

Contact with me can be made and I will organise such visits within the Tamworth region.

Obsession with Native

During the period of Labour government some 2,700,000 hectares of National Parks and Nature Reserves has been added to the many millions of hectares of National Parks, Nature Reserves and State Forests which already exist (According to Tony Kelly MP in a letter to The Land newspaper the NSW Government owns/controls 39% of the State or 31,258,000 hectares). Add to that the millions of hectares that private individuals have voluntarily chosen to keep as native vegetation.

There has been many rural people in recent decades who have properties that they considered to be over cleared who have now replanted trees in strategic locations.

One has to ask just how many more hectares are claimed to be needed to ensure 'threatened' 'endangered' species are spared and WHY PRIVATE LAND? Why is the government not implementing a program to replace all State owned forests that are not native (principally pine plantations) with Native species? If the Government were to make 2/3rds (20,000,000 hectares) of the State owned land Native Vegetation then a minimum of 25% of the State would be as they require without the need to unfairly burden a section of the farming community.

Apart from the Natives all species of grasses achieve the desired effects of controlling, salinity and erosion and do not cause soil degradation. Additionally most improved pastures comprise diversified species of grasses with legumes to ensure longevity something which doesn't happen with many native grasses, particularly where they are in tree covered areas. One question to be answered is:- **Why must vegetation be native?** *If improved pastures give a better environmental result, then it is wiser to use them in preference to natives.*

Non- Native Improved Pastures

My experience in the last 40 years includes restoration and improvement of badly eroded country purchased at a lower cost than other typical sales in the area at the time.

Using the services of the Soil Conservation Service of NSW we planned and implemented works comprising contouring, waterways, gully control

structures, filling and levelling sheet and gully erosion, working fertilising and sowing pastures and crops as strategically determined.

Part of the plan was that the waterways were sown with improved grass species (including Rye Grass with a very fine strong root system and Rhodes Grass with a lateral spreading and nodal rooting system) that would prevent scouring of the soil. The species were chosen for there mass rooting and lateral spreading. I was also advised, by experienced government officers to graze the waterways using a heavy stocking rate for a short period to keep the grasses from becoming tall and rank which has the effect of shading and preventing new plants from germinating.

Today I have very healthy soils producing high yielding crops and pastures.

The above illustrates that it is feasible and practical to achieve environmental outcomes that eliminate salinity, land degradation, poor water quality and biodiversity by means other than those espoused in the current and proposed regulations.

For further evidence of how to mechanically control the four principal concerns listed in the regulations I refer you to the government recognised works of P.A.Yeoman's Keyline Plan.

Degradation

It is also a false assumption that the clearing of Invasive Native Species or Regrowth is detrimental to the environment. In some circumstances it may be, but in many it is not. A changed environment means it is different but does not necessarily mean it is degraded. The appropriate person to make such a judgement is the owner of the land. It then becomes the decision maker who survives or fails on the decision and therefore must be granted the right to make the call.

Rights and Responsibilities

Given that it is the landowner that wears the consequences of decisions on freehold land it should be them and them alone that makes the call unless the bureaucrat/s or politicians are prepared to accept financial responsibility for the decision.

Alternative Approach.

Properties of 500 hectares or less.

The right to clear up to 4% annually, with an upper limit of 80% of the property, as a Routine Agricultural Management Activity. Any requirement in excess of the 80% to be the subject of assessment and approval. This will in effect involve a 20 year cycle ($80/4=20$ years) or twice in a persons working career.

Clearing is permitted by mechanical means. Work may need to include any necessary remedial work to ensure that erosion, land degradation and water quality are not adversely affected.

Soil conservation works which may include contour banks, gully control structures, waterways and dams may be necessary to ensure compliance.

If P.A.Yeomans Keyline principles are adopted soil works may be minimised or not needed.

Uncleared strip/s and/or clump/s are to be left as linkages for native flora and fauna and as windbreaks with a minimum width of 15 metres. These areas are to be determined on site having regard to topography and land form.

Properties in excess of 500 hectares.

On a sliding scale from the 4% @500 hectares down to a figure of 2% annually at 1,000 hectares or more of the property size but still as a RAMA. Any requirement in excess of the 80% to be the subject of assessment and approval.

Clearing is permitted by mechanical means. Work may need to include any necessary remedial work to ensure that erosion, land degradation and water quality are not adversely affected.

Soil conservation works which may include contour banks, gully control structures, waterways and dams may be necessary to ensure compliance.

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