

North Conargo Land and Management Group

**Chairman
Senate Select Committee
PO Box 6100
Parliament House
Canberra
ACT 2600**

Dear Sir,

The North Conargo Land and Management Group represents landholders covering some 500,000 hectares in the western Riverina, between the Billabong Creek and the Murrumbidgee River. The group has grave concerns about recent government legislation.

Of most concern are the requirements of Property Vegetation Plans and Threatened Species legislation. This legislation means that even minor developments have large ramifications. For example, most developments require the setting aside of ten times the area for the approval of the PVP .

Added to this, restrictions are placed in our region on the use of knockdown plague locust chemicals. The permitted alternatives are slow-acting and can result in wide-spread damage to pasture and crops. The potential damage from plague locusts this spring is enormous.

Members of our group are very concerned about the effect of the above restrictions on their management practices and the erosion of the value of their freehold land. I would urge all members of the Senate committee to read the accompanying submission from one of our affected landholders.

If your Committee requires any further evidence of our concerns, please do not hesitate to contact me by email at

Yours faithfully,

**Colin Bull
Chairman**

The Chairman
Senate Finance and Public Administration Committee
PO Box 6100
Parliament House
Canberra ACT 2600

I write on behalf of the North Conargo Land Management Group, which represents a large group of landholders situated between the Billabong Creek and the Murrumbidgee River in the Western Riverina, concerning the erosion of our freehold land rights by the New South Wales State Government.

The area is mainly open grasslands used for grazing and is subject to the New South Wales Native Vegetation clearing restrictions, as is most of the state. On top of this, we now have State Endangered Species legislation applying to it.

The Endangered Species Legislation in this area applies to the Plains Wanderer Recovery Plan, which covers an area of 2.3 million hectares in which there are seven areas of core habitat.

The Plan puts large restrictions on the use of freehold land. Areas of core habitat and secondary habitat cannot have developments done on them, such as developing irrigation or cropping areas or even planting saltbush and shelter tree areas in the core habitat areas.

We do not know what management tools may be required in the future to cope with climate change and the economics of grazing sheep in these areas. The use of these grasslands could change quite dramatically and be beneficial for the Plains Wanderer and the environment, but, because of this legislation, we would be prevented from implementing new ideas.

The restrictions have been applied since 2002, even though at that stage there was no formal plan. This has the effect of devaluing the land and making it harder to sell to a prospective buyer. In our particular case, one of the core areas covers nearly the entire area of our property. The value of the land is our main asset, as the return on it is very small. It is, in effect, our Superannuation Fund. These restrictions on the property effectively devalue the land.

Landholders are not opposed to saving the native birds and would like to work with the Government departments in this effort. Indeed, the plans will not work without the

co-operation of the landholders. The plan should have the effect of enhancing the value of the land, not decreasing it. Instead, the bureaucrat of the day has large powers to control our activities and restrict our income. At the moment, landholders seem to carry the whole cost of the restricted use of their freehold land for the so-called benefit of the rest of the community.

This is the first of other proposed endangered species plans. The land owned by members of the North Conargo Land Management Group could be included in other endangered species plans, namely the curlew and the superb parrot, plus any other species someone considers endangered. Plan maps could overlap and make our properties nearly impossible to run in a viable manner.

It is mentioned in the Recovery Plan that some kind of stewardship payments could be made to landholders, but as we have now had these restrictions for over eight years with no sign of this happening, we find such payments most unlikely from this State Government.

Included are some pages from the Recovery Plan which highlight some of the relevant facts.

Thank you for taking an interest in this serious matter.

Yours faithfully,

S. A. Bull

1. **'Inappropriate Developments'**- These are developments that have the potential to increase mouse and hence fox numbers. Irrigated and dryland cereal cropping are the main examples of Inappropriate Developments

- No 'Inappropriate Developments' within the seven '*Habitat Clusters*'
- No 'Inappropriate Developments' within the seven '*Core Areas*' (Habitat Clusters with a 2 km buffer)
- For primary habitat outside of '*Core Areas*': Up to 5% of primary habitat within the one property can be cleared, to a maximum of 12 ha, with offsets
- For secondary habitat outside of '*Core Areas*': Up to 10% of secondary habitat within the one property can be cleared (no cap on the total area permitted to be cleared), with offsets.

A property is defined as "all lots under the same title that are continuous and not separated by land under different ownership, with the exception of roads, railways and other and other utility easements".

2. **'Other Developments'** - These are developments that do not have the potential to increase mouse and hence fox numbers. Examples could include planting of Old Man Saltbush and other types of tree and shrub plantings.

- No 'Other Developments' within the seven '*Habitat Clusters*'
- For primary habitat within the 2 km '*Core Areas*' buffer: Up to 5% of primary habitat within the one property, to a maximum of 12 ha, with offsets. Offset ratio is twice that for outside of the 2km '*Core Areas*' buffer.
- For secondary habitat within the 2 km '*Core Areas*' buffer: Up to 10% of secondary habitat within the one property (no cap), with offsets. Offset ratio to be twice that for outside of the 2km '*Core Areas*' buffer
- For primary habitat outside of '*Core Areas*': Up to 5% of primary habitat within the one property, to a maximum of 12 ha, with offsets
- For secondary habitat outside of '*Core Areas*': Up to 10% of secondary habitat within the one property (no cap), with offsets.

Any offsets for the loss of Plains-wanderer habitat must be 'like for like'. For example, if primary habitat is cleared, it must be offset with primary habitat. For further advice on the above rules and definitions, landholders should contact their relevant CMA.

2.8 Relevant Authorities

The following public authorities and organisations are currently known to have a decision making function of relevance to the conservation of the Plains-wanderer:

- DECCW, where a concurrence role under the EP&A Act is required;
- DECCW, where a Section 91 licence under the TSC Act is required;
- DECCW, for decisions under Part 5 of the EP&A Act in relation to activities on DECCW estate;
- DECCW, for granting biodiversity certification to environmental planning instruments under Schedule 1 of TSLA Act (section 126G);
- DECCW, for granting biodiversity certification to the native vegetation reform package under TSLA Act (section 126C);
- DECCW (NPWS), as manager of land which supports the Plains-wanderer,
- Department of Lands (DoL) in relation to Crown Lands subject to the provisions of the *Crown Lands Act 1989*;

Recovery Plan for the Plains-wanderer (*Pedionomus torquatus*)

Executive Summary

This document constitutes the formal draft New South Wales Recovery Plan for the Plains-wanderer and as such considers the conservation requirements of the species across its known range within the State. It identifies actions to be undertaken to ensure its long-term viability in nature and the parties who will carry out these actions.

The overall objective of this plan is to ensure the long-term survival of the Plains-wanderer in New South Wales. This plan focuses on the western Riverina, which is the stronghold of the species both in New South Wales and nationally. To achieve this objective, the current small population, which has been suppressed by long-term drought, must be increased to its maximum size of about 3100 birds through the protection and enhanced management of high conservation value native grasslands in which the species occurs. One of the keys to the successful management of Plains-wanderer habitat is the provision of incentives and financial compensation to land managers. Funding of these key actions will need to be sought. Other important management and recovery actions include integrated pest control, local population monitoring, reserve acquisition, ecological research, ground-checking of habitat mapping and community extension and education.

For this plan to be successful, the community needs to be supportive and actively involved in the recommended recovery actions. The recovery plan acknowledges the key role that private and public land managers have played in the conservation of this species. The future survival of the Plains-wanderer depends on the continuation and increase in private landholder involvement. The plan also seeks to engage Aboriginal people in the recovery of the Plains-wanderer. Under the future climate change scenarios predicted for southern New South Wales of higher temperatures and reduced rainfall, greater stress will be placed on the natural environment in an agricultural and pastoral landscape. This presents an even greater challenge to land managers who wish to achieve both production and conservation outcomes. Hence, financial support and practical management advice will need to be provided to land managers to achieve the objectives of this plan.

The Plains-wanderer is listed as Endangered (Schedule 1) on the New South Wales *Threatened Species Conservation Act 1995*. The species has undergone a significant decline in its geographic range and extent both in New South Wales and nationally. In New South Wales, the main population occurs within an area covering 2.3 million hectares in the western Riverina, including Oolambeyan National Park and hundreds of freehold properties. This area supports the majority of the population in both New South Wales and nationally. There are a small number of scattered records in other locations in western New South Wales, particularly in and around Willandra National Park. There are also small populations in Queensland, South Australia and Victoria.

The Plains-wanderer occupies high conservation value semi-arid native grasslands, which support a high diversity of flora species, including eight plant species that are listed as threatened in New South Wales, five of which are also nationally threatened. These grassland communities also provide habitats for a diverse suite of ground-dwelling birds, mammals, lizards and frogs, and invertebrates. Hence, the recovery efforts for the Plains-wanderer and its habitat serve as a flagship for the conservation of semi-arid native grassland biodiversity of the western Riverina.

Lisa Corbyn
Director-General

2.5 Critical Habitat

The TSC Act makes provision for the identification and declaration of Critical Habitat for species, populations and ecological communities listed as endangered. Once declared, it becomes an offence to damage Critical Habitat (unless the TSC Act specifically exempts the action) and a species impact statement is mandatory for all developments and activities proposed within Critical Habitat.

Critical Habitat has not been declared for the Plains-wanderer under the TSC Act. The declaration of critical habitat is not considered to be a priority for the species, as other mechanisms provide for the protection of this species.

2.6 Development and Assessment

Consent and determining authorities will assess developments and activities, and will prepare environmental planning instruments that avoid and minimise impacts on the species. In order to give this effect, consent and determining authorities will ensure that: (i) developments and activities are assessed with reference to this recovery plan, environmental assessment guidelines and any future advice from DECCW regarding the distribution, threats, biology and ecology of the Plains-wanderer, (ii) development consent issued on land in the vicinity of known populations, is sensitive to the species, given knowledge of threats, and (iii) any relevant environmental policies, management plans and Environmental Planning Instruments are prepared or reviewed with reference to the recovery plan and any future advice from DECCW regarding the distribution and ecology of the species.

Any other activity not requiring development consent under the EP&A Act or meeting other specified exemptions, and which is likely to have a significant impact on the Plains-wanderer, requires a Section 91 licence from the Director-General of DECCW under the provisions of the TSC Act. Such a licence can be issued with or without conditions, or can be refused.

In addition, a scientific licence under s.132(c) of the NP&W Act is required to 'harm' the Plains-wanderer or 'damage' its habitat for scientific, education or conservation purposes. Such a licence can be issued with or without conditions, or can be refused.

A licence is not required:

- To carry out routine agricultural management activities (RAMAs) under the TSC Act and NV Act;
- For actions which are carried out in accordance with a consent or approval under the EP&A Act;
- For actions carried out in accordance with a Property Management Plan approved by the Director General of DECCW (section 113B of the TSC Act);
- For actions carried out in accordance with an approved Property Vegetation Plan under the NV Act (see Section 2.7);
- For emergency actions authorised under the *Rural Fires Act 1997* or *State Emergency and Rescue Management Act 1989*.

2.7 Plains-wanderer PVP Threatened Species ruleset

The assessment of the impacts of clearing on threatened species and the formulation of the offset requirements for affected threatened species is undertaken in the PVP Threatened Species Tool to supplement the offset requirements for general biodiversity, as determined by the PVP BioMetric Tool. In other words, for each threatened entity (species, populations or communities) in NSW, there are prescriptions, rules and offset ratios that must be adhered to, to achieve the outcome of 'improve or maintain' for these entities.

For the Plains-wanderer, the following ruleset has been incorporated into the Threatened Species component of PVP assessment process. For detailed definitions of terms, refer to Appendix 1 Plains-wanderer habitat mapping and rules in the PVP Threatened Species Tool.