Native Vegetation Laws, Greenhouse Gas Abatement and Climate Change Measures: Submission prepared by Cynthia Sabag in relation to property held jointly by Pius and Cynthia Sabag

1. ***The impact of native vegetation laws and legislated greenhouse gas abatement measures on landholders, including:***

(a)any diminution of land asset value

1. An estimated 48hectares of our 68.64 hectares (approximately 70 per cent) over our two titles is locked up under the conditions of the Vegetation Management Act 2004 (Queensland).

2. At least half of this area is prime agricultural land according to our knowledge of the land as well as the State mapping of good agricultural land.

3. Less than half of the locked up land is wetland and riparian zones near the wetlands still in their pristine state. Having owned the land since 1981, it was our intention to continue to retain the wetlands in their pristine state.

4. Good agricultural land in the area is worth approximately $10000 per hectare; however, as conserved land the value is a little over $1000 per hectare.

5. Estimated loss in land value of the good agricultural land (excluding the wetland): **26 ha @ $9000 per ha = $234000**

6. If the land was developed in a similar way to surrounding properties but still retaining riparian areas but narrower than the regulation 50 metres, at least 30 ha could be available for development. Under these conditions the loss in land value is **30ha @ $9000 per ha = $270000.**

and productivity as a result of such laws

1. The productivity value as conserved land is limited to a small amount which can be obtained from the extraction of timber. However, this can be done only on a fifteen to twenty year recycling period. Also, in 2006 Cyclone Larry devastated the area and the best timber was lost as it was too wet and no timber labour was available to haul it out

2. The current use of existing farmland under production is for tropical exotic fruits, primarily lychee, rambutan and mangosteen.
   If 26 ha (which is the area of land we would develop if the restrictions were not in place) was planted with these fruit trees, once established, based on a conservative

figure of $4 per kg and 80 – 100 kgs per tree, the estimated net return annually is $2 – $2.5 million.
Estimated loss in productivity: $2 - $2.5 million net annually.

(b) compensation arrangement to landholders resulting from the imposition of such laws

1. No compensation was available to us as a result of the restrictions of the Vegetation Management Act.

2. The Queensland Government did offer an 'adjustment' package for which we were eligible, but officers from the Department of Natural Resources, the Minister and QRAA officers who were administering this package were adamant that it was not compensation.

3. The total package available to individual businesses for the entire State was $110 million with an additional $50 million for other uses in relation to the Vegetation Management provisions.

(c) the appropriateness of the method of calculation of asset value in the determination of compensation arrangements.

The 'adjustment' package was organized as two strands:

1. For landowners who could still operate a viable business despite the vegetation management restrictions, Enterprise Assistance was available. The maximum assistance for one business was $100000, available as a refund of money spent on an approved project. The amount made available had no relationship to the impact of the restrictions on the landowner or his/her business. That is, in no way was it related to the value of opportunity cost.

2. The amount of assistance available was entirely dependent on the landowners' ability to propose a project which the implementing officers accepted as a means of making better use of the land without clearing.

3. Landowners accepting any assistance were forced to sign an agreement which indicated that they accepted the assistance as a "substitute for clearing".

4. Yet, for that to be correct, it needed to be compensation, that is, related to the impact of the regulations on the individual landowner (i.e. the value of the opportunity cost).

5. In June 2009 when I raised this with Wally Kearnan, the Rural Advisor to the Premier, Anna Bligh, he disputed it saying that the assistance was not and was not meant to be a substitute for clearing. Yet, it was in writing and unless landowners signed, no funding was available.

6. There was no provision whatsoever for assistance for landowners who had purchased rural land with the intention of commencing farming but had not yet started the business. This affected us as we have our farm business on Lot 9 and had intended to have a second business based partly on farming and partly on farm tourism to be developed with our children on Lot 10. Therefore we should have been entitled to the Exit Package for Lot 10 as only 15 per cent of the land area of Lot 10 was available for any development, insufficient for a viable business. This was refused as the business was not commenced and the block was treated as part of the business established on Lot 9, where incidentally, a significant area (30 per cent excluding any wetlands), was also locked up.

7. For landowners who could show that the restrictions had resulted in their business becoming unviable, there was the possibility of accessing the Exit Assistance. Information provided to me by QRAA officers right up to August 2006 was that the entire property would be purchased (including the family home) at 2004 prices. Yet, Natural Resources officers claimed that valuation would be current and if a specific title was largely involved in the restrictions, just that title would be bought. However, they would not reconfigure blocks to leave landowners with useable farmland while purchasing the conserved land. The two conflicting sets of advice caused considerable distress and confusion.

8. We were considered ineligible for Exit Assistance even for Lot 10 since they had offered us Enterprise Assistance of $100000 for a project on Lot 9 and it was considered that our business on Lot 9 could be viable over the long term. (At the time and even at present this is somewhat unlikely due to the impact of Cyclone Larry which for tree fruit crops is long term.)

9. In 2003, ABARE had conducted a Socio-Economic impact assessment in relation to Vegetation Management laws for the Queensland and Federal governments. This was conducted entirely in relation to dryland areas and had no bearing on the impacts in the Wet Tropics where our land is.

10. The assistance package was barely adequate to cover the assessed opportunity cost in the dryland areas and no additional funding was set aside for those areas outside the realm of the study (Wet Tropics and Coastal Bioregions).

11. Thus, the outcome for us has been that we have been denied the opportunity to develop a new business on lot 10 and even if we had merely been able to expand our existing orchards over an additional 26 ha, the net value of the productivity loss is $2 - $2.5 million annually. For this we were offered $100000.

(d) any other related matter

1. We have owned the land as Freehold with the zoning “Rural” since 1981.

2. Rates on the area locked up since 2004 have totaled an estimated $4000.

3. We have made representations to various departmental officers and politicians at both State and Federal levels, made deputations to State Ministers or their representatives at three Community Cabinet meetings (in Innisfail, Townsville and Mareeba), followed all available avenues including appeals, without any success in achieving any improvement in the outcome for us.

4. The process for landowners like us attempting to obtain a development permit to clear and use a portion of our uncleared land was extremely confusing and difficult. The process depended on mapping produced by officers from the Department of Environment (Herbarium) and officers of the Department of Natural Resources assumed that the mapping was correct. When questioned, these officers passed the responsibility back to the Department of Environment so that no action was taken to rectify inaccuracies. Over two years, no officer would come to our land to see how inaccurate the mapping was.

5. The original mapping provided only online at specified sites (for us 70 kms from home) showed the various colours to indicate Not of Concern, Of Concern and Endangered Remnant land with no other descriptors such as Regional Ecosystem codes as that mapping had not been completed. Yet it was assumed that the mapping was accurate, including the designation as Remnant (which could not be cleared) and Regrowth. On our land, much of what was classed as Remnant in 2004 had characteristics of Regrowth. Between 2004 and 2006 there were modification to the criteria and the interpretation of the criteria used by the Herbarium to distinguish Remnant from Regrowth. This ensured that regardless of the situation on the ground in 2004, areas designated Remnant remains as such as the mapping was refined.

6. A respected Traditional Owner, an elder who had intimate knowledge of our land from working in the logging industry in the 1960's considered the vegetation to be Regrowth.

7. For us, the main reason the Vegetation Management Act restricted our use of the land is because of the Essential Habitat for endangered species (Southern Cassowary and Mahogany Glider) superimposed over the Regional Ecosystem map. This mapping was developed as a requirement of Recovery Plans. While the work was completed by officers in the State EPA, the requirement (and possibly funding) emanated from Federal sources with a link to the requirements of the Environment Protection and Biodiversity Conservation Act 1999.

8. The mapping was enforced regardless of whether the specific species inhabited the land or whether it was advisable (in this case for the safety of the cassowary). Our land and any adjoining habitat is insufficient to support just one cassowary so these flightless birds if encouraged onto our land need to constantly cross as busy road on a corner used by heavy (buses) farm and tourist traffic. The peak periods of movement of the cassowary coincide with the peak periods of traffic on the

road. In almost thirty years we have seen evidence of cassowaries on the land on only three or four occasions and in 2004 the adult male with chicks on our land was killed on the road.

9. Decisions were made strictly in accordance with policies and codes applied rigidly to inaccurate mapping. There was no flexibility to allow for negotiation with a landowner to fit with the owner's business plans.

10. There was no evaluation to check whether the policies had achieved the outcomes desired by the Act.

11. Even when the outcome was ludicrous, there was no provision for modification. In our case, we are surrounded by almost totally cleared farmland, so that the restrictions placed on us not only restrict any development of our business but also make the property virtually unsaleable. If it could be sold, the value will be far less than if more development was possible.

12. Lot 10, 37.01 ha in size with only five or six hectares useable is far too large to be sold for a reasonable price for a lifestyle block.

13. All our land is still zoned "rural" and as such cannot be subdivided, the minimum size being 60 ha.

14. The irony is that we as farmers who have taken great care to clear land only when we are ready to plant (to avoid erosion during the Wet season) and have retained all wetlands in pristine condition have been severely penalized for our conservation values.

15. Conversely, landowners who have caused most damage to the environment (e.g. by not retaining riparian zones near waterways or wetlands) have effectively been rewarded since reestablishment of riparian zones is not required.

In summary, we have lost almost all property rights and retained costs (rates) over approximately two thirds of our land simply because we have been environmentally aware. We have been offered assistance of $100000 which , if we accept, we must sign a document which indicates that this is a substitute for clearing. Yet, our estimate is that even by leaving one third of our land in pristine condition, our productive capacity could be enhanced to the extent of more than $2million dollars net annually. All this has been enforced based on questionable mapping and policies for which there is no verification that the goals of the Act are being achieved. Habitat is being protected for a species which rarely inhabits the land, there being thousands of hectares of virtually untouched World Heritage land on the other side of the road. Mahogany glider habitat would in any case be protected as they inhabit swampy lands. Politicians and officers in the relevant departments consider that this is a past or closed situation and are not prepared to revisit it regardless of the failure to provide any resolution for us or our situation.