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**TWYNAM**

19 May 2000

The Secretary  
 Standing Committee on Environment and Heritage  
 House of Representatives  
 Parliament House  
 CANBERRA ACT 2600

Secretary: *[Signature]*

**RECEIVED**

19 MAY 2000

HOUSE OF REPRESENTATIVES  
 STANDING COMMITTEE ON  
 ENVIRONMENT AND HERITAGE

Facsimile 6277 4424

Dear Mr Dundas,

**RE: Inquiry into Public good conservation – Impact of  
 environmental measures imposed on landowners**

The Twynam Agricultural Group was founded in the early 1970's by our Chairman, John Dieter Kahlbetzer. Twynam operates 16 properties located across New South Wales producing merino wool, range and feedlot cattle, crops including irrigated cotton and rice and dry land cereals. Our Group employs over 350 people in our production and marketing of Australian agricultural products.

As an agricultural producer, the Twynam Group has a substantial interest in ensuring sustainable resource management in New South Wales for the long term future of our Group, our rural community and environment.

We have undertaken substantial capital investment in developing our properties and by doing so have made a long term commitment to both our local communities and employees.

We appreciate that the management of both water resources and vegetation issues are primarily Local and State Government responsibilities. However, we believe it is important to respond to your Inquiry because a proper balance between productive use of land, protection of our environment and the positive and negative effects on the members of the public are fundamental issues which your Inquiry will be considering.

It will be very disappointing to see our farming community and those living in the country bear an economic penalty that the rest of the community does not take on.

We presently have development and clearing applications in process throughout NSW pursuant to new property acquisitions, expansion of irrigation developments and annual productivity cropping programs. The five NSW Acts of legislation that control this process are the *Native Vegetation Conservation Act*, the

*Environmental Planning and Assessment Act 1979, the Threatened Species Conservation Act, National Parks and Wildlife Act and the Clean Waters Act.*

Our experiences in NSW have shown us that the processes to obtain consent to develop or clear land are onerous on the landowner. As a consequence, it is difficult for the Departments charged with the responsibilities of due process to respond with timeliness. Some of our applications have been in process for at least 2 years and to date we have incurred costs of \$150 per hectare to continue with the process.

The bureaucratic nature of the consent process is costing the landowner substantially, and in some instances forcing the landowner to make environmentally poor, short term decisions to avoid the delays and ever changing position taken by the responsible consenting Departments.

To summarise our concerns:

- The consent process of obtaining land clearing and development approval is long and expensive.
- The only right of appeal for the landowner is to apply to the Land and Environment Court which is an expensive process.
- The process can be inconsistent between Shire Councils.
- There is no workable policy on property agreements with "land trade-offs" in circumstances where flora/fauna may be affected by proposed development.
- Several Departments are involved. While assessment and approval rests with the Department of Land and Water Conservation initially, consultation with the Minister of the Environment for endangered species is required, as is input from National Parks and Wildlife for Aboriginal issues.
- There is no legislative obligation on all participants to respond in a timely manner for designated developments (under which irrigation development falls)
- The considerable complexity of NSW Legislation (5 NSW Acts)
  - *Native Vegetation Conservation Act,*
  - *Environmental Planning and Assessment Act 1979*
  - *Clean Waters Act*
  - *Threatened Species Conservation Act*
  - *National Parks and Wildlife Act*
- Consent Departments often require applicants to produce extremely expensive Expert Reports which are not necessarily then acted upon by the Authority concerned.

- When local landowners are required to undertake an Environmental Impact Study for proposed land clearing and property development there is no district co-ordination. Neighbours incur duplication in process and costs when preparing the Studies despite local issues being similar. This results in good business for consultants, large costs to landowners.
- The impact the Threatened Species legislation has on preventing the landowner developing a proportionately small area of property in circumstances where habitat is seen to be typically used by threatened species but observation has not disclosed any such species is present.

The consensus we have expressed about Departmental delays does not necessarily arise due to inaction of Department officers. Rather, the problem seems to be the cumbersome nature of the process or processes set out in legislation or the failure of the legislation to address certain issues which could improve the administration of the Act in question.

Like most farmers we enjoy and are proud of the native flora and fauna on our properties. We are disappointed by continual policy formulation that assumes farmers do not have a responsible attitude to their environment. This naive assumption has confused the policy and approval formulation process. The Departments and farmers should be working together - developing and maintaining a fair, timely, affordable and consistent process that provides for both sustainable land development and security for our native flora and fauna.

To encourage our industry to implement best management practices, an Independent accreditation system, accepted by Government regulators, would be a more co-operative and progressive way to approach these issues.

We urge the Committee to level the playing field and provide the platform for sustainable regional development and to encourage a workable environment for all parties concerned.

  
for  
**Christine Campbell**  
Chief Executive Officer

**NICHOLAS BULL**  
GROUP COMMERCIAL  
MANAGER