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Committee Secretary

Standing Committee on Environment and Heritage

Parliament House

Canberra

Inquiry into the Impact of Environmental Measures Imposed on Landholders

We would like to make the following observations concerning restrictions on pastoral activities in New South Wales.

Land that has freehold title still has restrictions imposed on it.

Freehold title to land has been purchased by the landholder with the view of being able to manage that land and being able to use the land productively. Regulations such as the Native Vegetation Act and Water Reform legislation place restrictions on how land can be used and this impacts on production and profitability.

1. Timber Rights

When freehold title on land is purchased, the landholder is entitled to timber rights on the freehold land. Because of Native Vegetation Legislation, however, the landholder is not permitted to sell the timber on that land in some cases.

2. Water Rights

There are restrictions on water rights. A landholder cannot collect or market the water which falls on his land.

If environmental flows are necessary for the public good, then surely the public should pay the landholder to release the water that falls on his land.

There should also be some distinction made between water that is necessary or desirable 'for the public good' and water that is required/desired by a landholder further downstream. Landholders upstream are being penalised for the benefit of those downstream who, perhaps, require the water for an agricultural practise which is not suited to the landscape and climatic conditions that exist there.

Costs incurred because of restrictions.

Costs of weed and pest controls are borne by the landholder. By law, the landholder is still responsible for the costs of weed and pest control on land covered by these restrictions. It is difficult, if not impossible, to recover these management costs on land which falls under restrictive legislation.

There are costs for the landholder in terms of expenses and time in obtaining licences for land clearing or dam building. Applications need to be processed by personnel from the Land and Water Conservation Department at several different levels. Consultants are often required and are a direct cost to the landholder. Other bodies which have to be consulted include National Parks and Wildlife, Local Councils, and Aboriginal Land Councils. This can develop into quite a lengthy, and costly, process, with no guarantee of success for the landholder.

Real Estate Values

Land that falls into categories covered by restrictive legislation has little, or no, resale value. It cannot be developed: you can't build a house on it, you cannot clear for pasture improvement. Who would want to buy it? Yet, there is no compensation to the landholder, even though we are told it is for the public good.

Landholders also are faced with restrictions re location of buildings under local government planning. There are restrictions as to the number of houses which can be built on rural properties. There are restrictions as to placement of buildings (near roads, water courses, ridges). Compliance with these regulations, in some geographic areas, could effectively mean that no building could take place. Local governments are imposing these restrictions but are not providing services in the form of water or sewerage.

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We feel it is ironic that the legislation relating to public good conservation allows wholesale killing/removal of trees in improved areas but people who have traditionally been conservation minded and who have retained adequate [or more than adequate] areas of native vegetation, are the ones who are now being faced with conservation restrictions.

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Yours faithfully,

Mr Robert and Mrs Sally Colley