

Submission to Standing Committee on Environment and Heritage
Prepared by David Hodgkinson
Member Conservation and Resource Management Committee
NSW Farmers Association
NSW Farmers representative on National Parks and Wildlife Service NSW

I propose in this submission to the Committee to draw on my experience gained with the NSW Farmers Association during the period 1982-95, Yass Shire councillor 1983-87 as well as my practical experience as a mixed farmer and superfine wool grower in the area between Yass and Canberra.

Experience with Local Government

My first real experience of the power of development to create government intervention came in the late 1960's when Yass Shire was without any consultation made subject to an Interim Development Order by the NSW government.

The explanation for the order, the growth of Canberra and the fear of uncontrolled development. This order meant that if an area was not an original portion the minimum size for subdivision went from 16ha to 200ha. Landholders realized this would have a significant effect on their land values and a series of meetings forced the Minister to lower the level to 80ha.

This decision was the first of many subsequent that had the effect of not balancing the problems caused by subdivision in the area with a rise in potential capital growth of the farm property. This capital growth was and still is an essential element in maintaining equity in any business enterprise.

Proposal to enlarge the A.C.T

During the Whitlam administration a proposal was put in place to enlarge the Australian Capital Territory to cater for a growth that was expected to reach something like a million people by 2000.

Landholders were concerned at the secrecy and connivance of the Federal and State governments of the time and were terrified that stringent planning controls similar to the notorious "freezes" imposed on land during the planning of State dams such as Blowering in NSW. Most of us knew of people who had gone broke because banks refused to lend on land subject to such freezes.

Many others had to stay on properties that would eventually be resumed, but could not shift because the relevant authority refused to settle. A significant cost to those farmers for "public good.

So concerned were we as local farmers that we formed a group known as the Yass-Goodradigbee Landholder's Association to fight the proposal. A group in Queanbeyan-Yarralumla joined us. Such was the force of our arguments that the NSW State government instituted an enquiry that rejected the proposal.

The cost to the participants was large both in time and effort. My own recollection was that my personal costs were in the order of some \$2500 a sum of \$25000 in

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Today's value. This was repeated by many of the ten-committee people some of whom would have spent larger sums.

It may be argued that this is not relevant to the issues paper but I submit that these were environmental changes proposed by the Commonwealth, particularly in the case of the ACT expansion, that imposed real costs on the people affected during the currency of the proposal.

Recommendation:

Where proposals that will impose significant restriction on farm activities are proposed by the State or Commonwealth, that the likely costs, both of a capital and production nature on the recipients of the proposal, be identified at the earliest opportunity and provision made to compensate for those costs.

Yass Shire Council

As a member of Yass Shire Council 1983-87 I observed many restrictions come into force such as the 6a restriction in the Environmental Planning and Assessment Act, which limited development within 400 metres of public highways in the name of visual amenity.

This has restricted the right to build structures by landholders but has benefited public authorities such as the Roads and Traffic Authority by making projects such as road widening easier to manage. Even if one takes the zoning at face value viz "visual or scenic amenity the landholder is being asked to bear the full cost and responsibility in the name of 'public good'

These restrictions have been further widened in latter years to include fauna protection zones giving restrictions, which severely limit landholder options. Many private landholders particularly in the coastal zones find themselves owning a large part of their lands as quasi national parks. In particular the Threatened Species Act of NSW has provided landholders with a quagmire of procedures if they attempt to develop land for more intensive agriculture.

Experience with NSW Farmers Association

In 1983 I was co-opted on to the Land and Local Government Committee of the Farmers predecessor the Livestock and Grain Producers Association (LGPA). The appointment came about, as I was a Shire Councillor and a registered valuer in NSW a registration still held. As the name implied our chief business was dealing with the impact of Shire Planning regulations and rating policies of Councils.

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In the early 1990's the orientation of the Committee changed radically and it was felt necessary to split the Committee into two a Conservation Committee and the Land and Local Government Committee. A plethora of reviews of acts pertaining to land management had been undertaken during this term of the Greiner government and these laid the foundations for the radical changes that the Carr government has made since taking office.

When I became Vice President of the Association in 1993 I chaired this Committee and quickly realised that farmers were becoming convenient whipping post for the 'conservationists'.

The practical green credentials of farmers were first formally recognised when the federally funded decade of Landcare was set up. Together with the now Member for Tamworth, Tony Windsor MP I attended one of the inaugural meetings in Melbourne held to discuss how the organization should be run.

We pushed very hard for the least bureaucratic system available with the maximum of voluntary farmer and community involvement. The resulting project "Decade of Landcare" has been a success in spite of the efforts of the States to milk Commonwealth funds into their own administrations. At one stage a survey suggested that only 14% of funds were reaching workers on the ground.

Farmers are true conservationists - they know if they do not look after their land they will not survive. Unfortunately as in any industry there are odd exceptions, for the most part they are people or corporations new to the industry, often absentee. Their actions receive publicity and legislators rush to prove their 'green' credentials with their often-urban constituents by imposing heavy regulatory requirements on all of primary industry.

Such has been the case with the infamous State Environmental Planning Policy (SEPP46) restrictions in New South Wales.

SEPP 46 Cause and Effect

The SEPP46 in imposing clearing restrictions on private and public lands destroyed in the minds of many farmers the idea that governments are trustworthy partners in conservation work. One has only to witness the mistrust evident in the community on the motives behind the Water White Paper in NSW to see the legacy left by the arbitrary and unprincipled way in which the restrictions were imposed.

As the Senior Vice President of NSW Farmers in 1995 it fell to my lot to negotiate with the NSW State Government on the matter. We received less than 12 hours notice of the content of the SEPP and were able to have only two changes made to the proclamation. These were a doubling of the exempted age for clearing regrowth from 5 years to 10, and a clause inserted to allow clearing for the construction of roads and fences.

The proclamation of the SEPP resulted in severe financial hardship to a number of producers. I had representations from one particular farmer who had bought a property on the basis that the scantling timber would be sold and a plantation established. The conditions imposed were such that the proposition that he had borrowed the money from the bank on became worthless and he was forced to sell.

Another interesting case was a wood carter from Canberra who made his living by buying run down properties in the Condobolin area, destocking them completely for about five years whilst he removed the dead wood, and then reselling the properties that had by that time been well revegetated and rested.

This man had kept records including photographic evidence of his work and made a presentation to the Vegetation Forum that had been set up to deal with the outcry caused by SEPP. Members of the Forum who included representatives from Land and Water, Agriculture were impressed but his work was stopped.

Effect in Walgett Region

Walgett as a developing wheat and grain area was particularly badly affected by the clearing restrictions. Mr Dennis O'Brien who heads a large group in the Cryon area said work his group had done indicated that this area alone lost some \$20 million annually in the years 1995-6-7 because the restrictions coincided with high prices and good seasons.

Bureaucratic Costs.

Because the applications to clear needed to have the concurrence of both Land and Water and Environment represented by the National Parks and Wildlife Service application costs quite often exceeded both the cost of the work and the economic return.

A favourite procedure was for NPWS to demand archaeological surveys, sometimes in conjunction with threatened species surveys with of course separate experts involved at \$20,000 per time. This had the effect if the farmer went ahead of providing material for NPWS databases at no cost to the Service.

The procedures were long and involved and could be afforded by few except the biggest companies.

Threatened Species Legislation and Biodiversity

This Legislation, which was foreshadowed in 1995, was finally passed by the parliament in late December 1995. Farmers were threatened denial of their basic rights to plough and till the soil under the original legislation and it was not until an 11th hour compromise were existing rights recognised. The compromise ruled that agricultural practices were to be taken as approved unless specifically excluded.

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The legislation has again however spawned another lot of consultants specializing in specific studies again at large cost to farmers and landholders who have had to undertake such studies.

It is interesting to note that National Parks who are the regulators have in the eyes of landholders who live close to their landholdings an extremely poor record as land managers. Staff are expected to manage huge tracts of land with few people.

Waterways are choked with blackberries, in many cases weeds abound and many graziers are being forced to abandon a century or more of sheep breeding because of the actions of feral predators from the parks.

Mr John Parker of 'The Dip' near Wee Jasper has reported to me he has lost well in excess of 300 sheep this financial year. Ms Noeline Franklin of Brindabella who has spent a lifetime in the area recently had to watch while a wild dog savaged one of her best rams. Not in the best interests of biodiversity surely.

Fire Risk

There is another potential risk looming because of the Threatened Species Legislation (TSL). In 1994-5 bushfires ringed Sydney and a subsequent enquiry found that because of environmental pressures insufficient hazard reduction had been done.

Reports coming to me suggest that the TSL legislation is being used again as an excuse not to practice hazard reduction particularly on the NSW Central coast. It is easier to find a threatened species than to undertake the paperwork necessary for a controlled burn. If this report is true and I have no reason to believe it is not then Sydney and the North and Central coast face a threat of epic proportions during the severe fire seasons that must inevitably return.

Conclusions

I realise that I have not put costs on many of the incidents I have put to the committee. It is simply beyond my present resource base to provide such figures. My hope is that by providing to the committee a few of the many incidents that were brought to my attention up until 1996, when I resigned as Senior Vice President, I will strengthen in the Committee's mind the indisputable fact that landholders and farmers are providing a disproportionate share of the burden imposed by government regulation in the name of "public good" and the environment.

Should the Committee wish I would be pleased to add orally to the submission at a mutually convenient time.

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