

South East NSW Horticultural Producers Association

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

Dear Sir

Submission in relation to Inquiry into the impact of Conservation controls imposed on landholders.

Thank you for allowing our association the opportunity to put submissions to the House of Representatives Inquiry into the impact of conservation controls imposed on landholders.

We are an association of professional horticultural producers representing fruit, vegetable, flower and nut farmers in South Eastern New South Wales. The association is a horticultural branch within the NSW Farmers Association.

All of our members are landholders. We are all impacted upon by conservation controls imposed by all levels of government. The areas we will cover in this submission will be; land clearing restrictions; land use restrictions by Local and State Government; irrigation water use restriction in rivers, farm dams and groundwater systems; controls imposed on the culling of protected animal and bird species which damage crops.

At the outset, let us state that our association broadly supports the concept of environmental protection through good conservation practice and thus the sustainability of our enterprises and the ongoing good health of the environment and its preservation for future generations.

However, it seems to us that as landholders and land users, we are expected to shoulder the cost of providing benefits to the community as a whole to enjoy, while our profitability is being eroded due to the rising cost of complying with the plethora of regulations which govern our day to day farming activities and falling farm gate returns for our produce.

Land Clearing

While we acknowledge the benefit of maintaining native forest and bushland as a means of conserving the environment, we, as landholders who use their land commercially to produce income for our families and ourselves are forced to stop expansion of our enterprises or the creation of new enterprises in areas where land clearing is prohibited.

In many instances the land has been held in families for generations, with some of it left uncleared and earmarked for expansion for the future, or for children. This expansion is impossible, in most cases, if the land cannot be cleared, or if sufficient land cannot be cleared to be economically viable. The land could have legally been cleared, and used, if this had been carried out years ago, but now, due to new legislation the land actually becomes a liability to the family, requiring fencing, weed and vermin control etc., all at a cost to the land holder.

Some form of economic compensation should be available to all landholders who hold land in an uncleared state to return to them, some if not all of the cost of holding this land in this state. This could be in the form of a rebate on land rates for each hectare of land kept in its natural state. This

would spread the cost to all ratepayers in the shire. The rebate rate should reflect the area in which the land is located and its value. For example, a parcel of 1 hectare of native bush in the western division of NSW should not attract the same rate subsidy as 1 hectare of native forest retained in the Sydney drinking water catchment area. However, both areas should attract some subsidy.

Land use restrictions

In a number of Shires within our area, Local Government, Sydney Catchment Authority, NSW Department of Land and Water Conservation, Environmental Protection Agency and other State bodies, restrict the uses to which land can be utilised. Intensive Agriculture, such as poultry and pig farming are totally prohibited in some areas. Cattle feed lots are severely limited or excluded. Some forms of intensive horticulture such as market gardening, mushroom farming or land tillage are restricted, all on conservation, environmental or run-off water quality grounds.

Another form of restriction and cost placed on landholders, using conservation as an excuse, is in the case of Cumberland Plain Woodland protection under State Environmental Protection Plan No 46 (SEPP46). Under this plan the landholder, wishing to clear a parcel of land, is obliged to undertake, at his own expense, a study into what effects the clearing of his property would have on adjoining properties, having regard to the flora and fauna in the area. Under SEPP44, the landholder must undertake, again at his expense, a koala habitat study, even though koalas have not been sighted in that area in living memory of up to 150 years.

Again the cost of these restrictions is borne by the landholder. While there may be good reason for limitations being placed in certain areas, from a conservation perspective, we consider it to be grossly unfair that the landholder is left to accept that he cannot use the land for his intended purpose. This devalues the land and diminishes his potential income from the use of it, without any compensation.

We submit that such land should be acquired by the state, at a fair market price, if the current holder so wishes, or the landholder be remunerated for his effort and out of pocket costs. In the case of voluntary acquisition, the land could then be on sold, to a purchaser who is aware of the restrictions placed on that land, and is happy to use it according to those restrictions. In the alternative, if applicable, the land so acquired, could be incorporated into adjoining National Parks or reserved as public space by local councils.

If the landholder is allowed to use the land for a purpose, but restrictions are placed on his activities within that use, then he is compensated for the initial or ongoing costs of those restrictions. This compensation be a one off payment in the case of a restriction requiring a one off cost, or in the form of annual payments via grants or subsidies or tax breaks in the case of restrictions of an on going nature. An example of such a restriction is the requirement to place sediment traps or basins to catch runoff from areas of intensive agricultural operations; these should attract a one off grant equal to all or most of the cost of the installation of the trap. An ongoing cost of a restriction of land use could be where a land holder is prevented from using a cheaper form of agricultural chemical (either a fertilizer or a pesticide or other agent) in favour of a more expensive one then the cost difference should be rebated when claiming input credits under the new GST system. (eg prohibition of the use of endosulfan on some agricultural crops).

Flying fox and other fauna control.

Our orchardist members ask the House of Representatives Committee to look into the flying fox problems that are being experienced by orchardists.

The flying fox populations are very mobile and problems of flying fox in orchards extend from Western Australian, Northern Territory, Queensland, New South Wales, Victoria and have even been sighted in Mt Gambier, South Australia.

Control measures laid down by the various States Governments differ widely, depending on the vociferousness of environmental bat carer groups. Orchardists in New South Wales, for the past 15 years have been agitating for the release of funds for research into aversion agents, of taste, touch, smell and even pain (non lethal ammunition), by Government. Unfortunately, for no known reason, the environmentalists will not join with orchardists in order to achieve the goals of the research and release of aversion agents, hence no release of funds by Government.

Orchardists had to survive in New South Wales for 11 months under a moratorium imposed by the then environment minister, of no shooting controls on farm. Eventually, the minister relented, under pressure from both sides of Parliament.

Considering that the problems of flying fox predation in orchards was not caused by orchardists, but by the continued clearing of habitat and natural food source vegetation all along the east coast and hinterland for human habitation, industry etc. We are of the steadfast opinion that the cost of research should be total community based and federally funded.

Orchardists recognise the value of flying fox in the environment, which is why we only advocate the control by shooting in orchards, in the absence of effective aversion agents and not by annihilation in their colonies.

Environmentalists advocate, in extraordinarily strident terms, the netting of orchards. Yet over the past eight years, netting has been shown to create many problems, let alone the extraordinarily high cost, which has to be borne solely by the orchardist.

The New South Wales State Government, through the Rural Assistance Authority, has introduced low interest loans in order to entice more orchardists to net their orchards. Yet, at least 90 percent of orchards remain unnetted because of the constraints of topography, local council requirements and the environmental problems caused under the net. These problems include; the cutting off of wind/air movement, the free exchange of some insects and their predators, the build up of spray residues on the netting causing problems to the crop (withholding periods) and people working under the net when released by a shower of rain or dew. A micro-climate is created which plays havoc with the colour and maturity date of fruit, therefore profitability. This micro-climate creates problems of rampant fungal diseases requiring far more chemical usage. Another problem is effective pollination by bees, requiring netted orchards to bring hives under the net at considerable cost. In short, those orchardists who have netted now realise that they are fighting, not using nature, because of the insistence of the environmental movement.

Orchardists have advocated the development of aversion agents that will not harm the target species for a prolonged period of time, to no avail. Highly qualified and world-renowned research scientists, such as Dr. Chris Tidemann of Australian National University and Dr. Les Hall of Brisbane University, advocate the development and use of aversion agents. They have not been able to obtain funding to date.

Orchardists in Australia are now in the invidious position of being targeted by an international environmental group wanting the names and addresses of those who have been issued with licences to cull flying fox on farm by the NSW National Parks and Wildlife Service. This is at present, before the NSW Administrative Decisions Tribunal for consideration. As can be seen, orchardists are as much victims as are flying fox.

We now look to you committee to help ameliorate the position by advocating the release of research money to develop aversion agents, so that orchardists will not need to shoot or net, in order to maintain their livelihood and contribute to the economic wealth of Australia, as well as to the benefit of flying fox and other fauna.

Irrigation water use restrictions

In recent times it has been foreshadowed that legislation is to be changed in relation to land holders' use of irrigation water. As the result of the Committee of Australian Governments (COAG) recommendations, the New South Wales Government has introduced a new Water Reform package. Changes to entitlements on unregulated rivers from an area based system to a volumetric based system are in progress. A White Paper on the new legislation has been released and is currently under review. The driving force behind all these changes is the legislative provision of water for the environment at the expense of land holders.

The uncertainty and economic effects of the impacts of the changes has created a loss of certainty among farmers and the potential for large increases in costs with no increase in profitability. Not the least of these costs is the stress levelled on farmers associated with this uncertainty, which ultimately impacts on the whole community through high rates of suicide, alcoholism and stress related diseases. One of the more quantifiable costs is the foreshadowed cost associated with using water, which was previously available at limited or no charge.

These costs should not fall exclusively on the land holder, as the benefits of more water for the environment go to the community as a whole.

Conclusion

It can be seen from our submissions that we are not against public good conservation practices, so long as the costs are borne equitably by the whole community.

Sincerely,

Edward Biel
Chairman

John R Bicknell
Flying Fox Sub Committee