



## CLARENCE ENVIRONMENT CENTRE

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To the Hon. Robyn Parker MP  
Minister for the Environment  
[office@parker.minister.nsw.gov.au](mailto:office@parker.minister.nsw.gov.au)

cc - The Hon. Katrina Hodgkinson MP  
Minister for Primary Industries  
[office@hodgkinson.minister.nsw.gov.au](mailto:office@hodgkinson.minister.nsw.gov.au)

Dear Minister Parker

### **Proposed changes to the Native Vegetation Act**

The Clarence Environment Centre has maintained a shop-front in Grafton for over 23 years, and has a proud record of environmental advocacy, particularly relating to protection of native vegetation and biodiversity.

Without going into details, we know that biodiversity provides us with everything we eat, much of what we wear, and many of the pharmaceutical products that keep us healthy. Likewise, biodiversity provides us with life-giving oxygen and clean water, so in short all life forms on the planet are fully dependent on biodiversity for their very existence. Protection of biodiversity is therefore crucial.

We are not opposed to reductions in red tape, or the simplification of regulations. We are not even opposed to the speeding up of assessments for Property Veg Plans, in fact we believe such changes would be beneficial. Unfortunately, the current Government's record of winding back environmental protection, gives us little confidence that the proposed changes will not result in more of the same.

Therefore, we have determined to write to you with comments on some of the key recommendations listed in your June "Progress on the review of the Native Vegetation Regulation".

It must be recognised that all suitable agricultural land in Australia, and much that was not suitable, was completely cleared of native vegetation a century ago, and that any remaining vegetated land is unsuitable for any form of sustainable agriculture. Therefore, to clear that land makes no economic sense what-so-ever.

At the same time, continuity of native vegetation to provide habitat across the landscape is essential for wildlife migration in the face of climate change to allow biodiversity to survive over the long term.

Farmers and farmland are essential to provide food, and many farmers are fully aware of the need to protect their soils and the biodiversity that directly helps them produce their crops, such as bees for pollination, and insectivorous birds for pest control.

However, on the other side of the equation we have others, mainly graziers eking out a living on very marginal, low fertility land, that have little interest in, or financial ability, to consider the environment.

Many of the hinterland properties along the east coast are partly or fully forested, on which these graziers run a few half bred 'scrubbers'. They burn the life out of the land, destroying soil humus and all understorey vegetation in the process. This is land-clearing by default and they know it, but somehow haven't been able to grasp the fact that the reason the land wasn't cleared a century ago is because their forebears had the intelligence to recognise the land had no value for agriculture, and can barely support native grasses, much less crops.

None of the creeks and gullies on these properties are fenced, so when drought hits, the cattle congregate along these water courses, where the last remaining greenery has survived, denuding and trampling the banks so that when rains finally arrive, millions of tonnes of creek bank soil is swept downstream. These muddy plumes silt up the lower rivers, causing an environmental disaster for sea grasses and marine life in the estuaries, that in turn has negative implications for coastal fisheries.

When cattle prices are depressed, they call in the loggers, and chop down and flog off every stick of available timber, even from along creek banks, and while they are at it they knock over all the old-growth hollow-bearing trees which are taking up space. In doing so they push many of our tree-hollow dependent fauna towards extinction. They have no idea what flora and fauna species their properties support, as 95% of all rural properties have never had any ecological assessment. Amazingly, they are allowed to undertake major logging without even a flora and fauna assessment to check for the occurrence of threatened species.

Last year's toxic information sessions conducted by the unfortunate officers of the CMA were a forum for some of these 'farmers' to shout abuse at them and anyone else that dared express the view that they, as landowners, have a responsibility to manage their properties so as not to impact negatively on those downstream.

In recent times we have had scandal after scandal revealed in relation to the live cattle export trade, but there has been repeated assurances that Australian cattlemen are concerned about the welfare of their animals, What rubbish. During the March floods on the Clarence, we had reports of cattlemen refusing to rescue drowning cattle because the insurance would pay more than the market price.

Meanwhile, completely undaunted by these scandals, and others such as the shameful live animal export trade, your government is moving to allow grazing, an identified key threatening process for biodiversity, in national parks. What are you thinking?

At this point we feel we need to comment on the key points of change listed on your media release, in the hope that some might be taken on board during your deliberations over the coming months.

## **Key Points**

1. *“Amending the Regulation to allow farmers to clear isolated paddock trees in areas previously cleared for permanent or rotational cropping, manage invasive native species and thin native vegetation using self-assessable codes”.*

Most isolated paddock trees are old-growth and bear hollows, that provide vital nesting and roosting sites for numerous Australian fauna species. Removal of hollow-bearing trees is a recognised Key Threatening process. These trees are often the only remaining hollow-bearing trees left in the landscape, and were left initially because, in this parched continent, early farmers saw the wisdom of providing shade for livestock.

Tree-hollows also provide nesting and roosting sites for owls and raptors that are vitally important to farmers because they predate on rodents that destroy crops.

Paddock trees with hollows are crucial nesting sites for most of Australia's iconic parrot species, and given the critical shortage of tree-hollows that is driving many species towards extinction, they should remain protected. They also provide sanctuary for a vast array of other bird species while moving across the landscape.

Why therefore, would government now allow open season on these vitally important values, and why would farmers want to clear isolated paddock trees in the first instance?

2. *“Amending the Regulation to allow certain grass species to be listed and managed as feral native species, which will assist farmers to sustainably manage their native pastures”.*

Compiling a list of invasive native grasses that can be removed without seeking approval seems to us to be **adding** confusion and red tape, not reducing it as claimed. It is the hysterical rhetoric that has emerged in recent times, including claims such as ' *“if you mow your lawn and there are native grasses there, you risk prosecution”* ', that has led to this recommendation.

Given that many native grasses provide feed for native wildlife, we believe that the selection of native species that can be “managed”, must be very carefully thought through, and serious consideration given to the landscape within which removal of these species be allowed. For example, in bushland settings where fauna species congregate, no removal of native grass species should be allowed.

3. *“Amending the Regulation to make it easier for catchment management authorities to change the regrowth date, allowing farmers to continue existing rotational farming practices”.*

Setting aside from the fact that your government has now abolished all catchment management authorities and replaced them with Local Land Services with greatly reduced emphasis on ecological sustainability, we cannot see why this amendment is required.

In response to complaints we have made previously about potentially illegal clearing, the former DECCW Environmental Protection and Regulation section assured us that the regrowth base date of 1990 can be overridden if a landowner can show that they have routinely (on at least 2 previous occasions) cleared their land since 1940. Again, regardless of that fact, how does allowing every landowner to set their own regrowth dates to suit their specific conditions, “simplify” the current laws?

4. *“Amending the Regulation to allow local councils to carry out land management activities without approval”.*

We believe no person or organisation should be allowed to undertake land-clearing activities without approval. We all live in a catchment, and we all have a responsibility to consider the implications for our actions on those further down the catchment. While this would appear to be logical, the fact remains that, without regulation, some individuals and organisations will do the wrong thing. In our opinion everyone, without exception, must be bound by a set of rules.

5. *“Reviewing the Environmental Outcomes Assessment Methodology (EOAM) to create faster and simpler assessment of property vegetation plans”.*

There is nothing wrong with legislative review, in fact it is imperative. However, given this government's record of destruction of environmental protection laws, it is safe to assume

this review is aimed at reducing protection for the environment, biodiversity, and threatened species.

Any further comment will have to wait until we see the results of the review.

6. *“Developing a service level agreement between the Office of Environment and Heritage and catchment management authorities (soon to be Local Land Services) to ensure more timely responses to inquiries for advice and determination of property vegetation plans”.*

We have no problem with this move. However, the government must provide adequate resources to the OEH to undertake the task properly, and provide its officers with essential backing and support, something the officers themselves believe has not been the case in the past.

In developing these new streamlined regulations, we urge the OEH to place protection of the environment, something that benefits all Australians, at the forefront, and not be pressured by what is clearly a loud and aggressive minority.

Yours sincerely

John Edwards  
Honorary Secretary