

Submission to the Productivity Commission into the Impacts of Native vegetation and Biodiversity Regulations.

Submitted by Gary Peter Orr, Manager and owner, Rural Conservation Service and “Mount Yaven”, Adelong, NSW.

This submission is based on my personal experiences and understanding of government regulations affecting my seed collection/distribution business and farming enterprises based around my property “Mount Yaven” via Adelong NSW. The business name we work under is Rural Conservation Service and is registered with the NSW Department of Fair Trading. Business Registration Number L3240914.

Rural Conservation Service (RCS) is a business partnership between my wife, Louise Helen Conibear and myself.

Mount Yaven (MtY) is a freehold property of approximately 2000 acres adjacent to the newly created Ellerslie Nature Reserve (ENR). MtY consists of approximately 500 acres of cleared/semi cleared land and approximately 1500 acres of native bushland. The bushland has a diverse mixture of plant and animal species some of which are rare and endangered. In addition, to MtY we held two “grazing leases” which now form the northern narrow area of ENR. The grazing leases were taken on by us, at a cost, in order to prevent grazing on the land that we recognised as high conservation value. The leases were revoked 26th April 2001.

The property was purchased for its native tree and shrub seed resource as well as potential as a low impact Alpaca stud enterprise and nature based ecotourism potential. We are currently registered as Mount Yaven Alpaca Stud. The stud comprises of a small but expanding herd. A few stud cows are also run on MtY but are being sold off because of management issues. In traditional terms, MtY may have been described as a marginal sheep property and the previous owners (1926 to 1999) ran a Merino wool enterprise consisting of between 600 and 1000 head of sheep. They also selectively logged the area for fencing and building materials and milled the timber in the sawmill on the property.

There are two pieces of newly introduced state government native vegetation/biodiversity legislation that is of great concern to us in terms of our large financial investment into conservation/agriculture, our future investment patterns and our ability to survive economically either as a farming business or a conservation related business.

The legislation that is of direct concern to our conservation and farming business are;

1. National Park Estate (Southern Region Reservations) Act 2000;
2. Native Vegetation Conservation Act 1997

National Park Estate (Southern Region Reservations) Act 2000

Under this Act our grazing leases were revoked and NPWS now manage that leased portion of land as well as a substantial area of land adjacent to MtY. NSW State

Forests and the Dept of Land and Water Conservation managed Ellerslie Nature Reserve (ENR) prior to NPWS.

This legislation has created uncertainty in regard to our access to our property. It could reduce market value and property potential. It has created fire reduction issues. It has prevented us from making investment decisions both for on-farm and off-farm investment in the region. Without proper access our farm is useless as an economically viable private farming/conservation property. We paid about \$90 per acre whereas NPWS got their land for free. They bring down property values through lack of effective feral animal and weed control. They are not able to manage the vast estate they now manage because their resources (human or financial) have not increased in line with the land area they now manage.

Section 8 of the Act refers to Special provisions as to access roads. This section is open to interpretation and we are fast running out of time to have our road declared open for our use. If NPWS delay this process long enough we will lose our access.

We pay rates for an access road to our property although the legal access follows lines on the map and not the sensible pathway into the property. It is very up-setting for both myself and my wife to have invested in a property to farm in a very responsible manner and to subsidise the conservation of 1500 ha of bushland without cost to the taxpayer only to have the state government destroy our conservation activities and economic viability.

We were to invest in a low impact nature based eco-tourism enterprise. This would create jobs, generate wealth in the area, help pay for conservation and make the so-called public ENR truly accessible to the public. Until the access issue is resolved we are not able to invest any money in either conservation or the alpaca stud.

We have been told by NPWS they have “no intention of denying you continued use of the access road through ENR for the purpose for which it was used immediately prior to dedication of the reserve”. However this statement still leaves us with uncertainty and we are unable to invest further until our access rights are resolved. Furthermore, the road is not being maintained properly so what is currently a two-wheel drive access road is fast becoming a four-wheel drive access road.

Native Vegetation Conservation Act 1997

Section 5 of this Act defines “Clearing”, among other things, as the lopping of branches, limbs etc. Native seed collection of both shrubs and trees require the removal of capsules, pods etc from branchlets and sometimes requires the lopping of small branches. In order for my native seed collection service to be viable RCS needs to lop small branches. This does not hurt the tree in any way. Seed is gathered and sold at discount rates to farmers to grow trees on cleared agricultural land. It helps spread the seed around and improves biodiversity and land rehabilitation. However this Act makes seed collection illegal without the department giving permission to lop the branches.

To obtain a genetically variable and good quality seed supply it is essential to collect seed from a number of parent trees and shrubs. Under the Act it is essential to get

permission from the local authorised government officer to clear trees (collect seed by lopping branches). This makes it uneconomical and very slow process to get enough seed to meet current demand. I suspect much of the seed now used in NSW Landcare projects has been illegally obtained because of lack of permission to lop branches. My seed collection business that has supplied tonnes of native seed to various worthwhile on-farm rehabilitation/conservation projects across NSW is at risk. It is just too difficult to collect seed for conservation purposes under the Act as it is written. I have spoken to DLWC officers about this point and they have told me to use common sense. Common sense is not mentioned in any government legislation or regulations.

We purchased MtY to ensure a seed resource because of difficulty collecting seed without owning a resource eg along roadsides, TSR's, state forests, NP's etc. It is just too slow to get permission for every tree or shrub and it adds a great deal to the cost of seed. Seed collection activity helps the land and helps biodiversity.

There are other issues related to the two Acts mentioned above eg fire control, woody weed control, property rights etc. There are many other new regulations and legislation affecting farming operations and related to health and safety, chemical use, etc that also have an effect on our investment patterns. However, there is so much recently introduced legislation and regulations affecting people in rural and regional area's that I do not have the time or ability to cover all the regulations. Suffice to say country people are drowning in bureaucracy and are expected to unfairly pay for environmental protection while people on the eastern seaboard expect cheap food without knowledge of the negative environmental effects they themselves are causing.

The Commonwealth Tax laws, while not directly related to biodiversity and native vegetation legislation, also has negative impacts on investment in conservation, landcare based activities. I refer specifically to the recent Ralph Report and it's affect on landholders that have work in towns and are trying to build a viable farming/conservation enterprise. In our case our tax losses are being deferred until we prove we can make a profit from our property. The Catch 22 is that we have been hit by drought and NSW government legislation making it difficult for us to make sound financial investment decisions

In my view, the Ralph Report affect's our conservation/farming investment. I am considering leaving my part-time city-based job in part because of the tax laws (specifically the Ralph Report related legislation) that affect our income and our investment into conservation.

Environmental legislation is generally unfair and focuses environmental repair and agricultural sustainability of this country on rural and regional Australian's. It removes responsibility for the richer people living on the eastern side of the great divide. Rural and regional people are lumbered with paying and working to fix all the environmental problems of two hundred years of European settlement. The rich coastal people do not pay for environmental sustainability of the land either through the prices they pay for the food they eat or directly through philanthropic means or taxes. It is about time the cost of food production and environmental health is shared by all Australian's and not just rural and regional Australian's.

Gary Orr