

# WENTWORTH GROUP

## OF CONCERNED SCIENTISTS

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Biodiversity Reforms - Have Your Say  
PO Box A290  
Sydney South  
NSW 1232

27<sup>th</sup> June 2016

Dear Sir/Madam,

We wish express our serious concerns with a number of proposed changes to native vegetation laws in NSW, which if not addressed will breach the government's election promise to *"enhance the State's biodiversity for the benefit of current and future generations"*.<sup>1</sup>

NSW has strong laws to protect native vegetation. These laws support the health of the land and the people who rely on it for a living. They were put in place in 2003 because over-clearing of native vegetation in the past has been a prime cause of soil erosion, degradation of rivers and the loss of the state's biodiversity.

The Wentworth Group supported the review of these laws because we saw an opportunity to modernise the 2003 legislation, leading to enhanced biodiversity outcomes and increased financial support for farmers to restore degraded land, while also promoting economic development across NSW.

Over-clearing of the landscape has resulted in NSW today having some of the most degraded land in Australia, with less than 10% of native vegetation across the whole of the state remaining in close to natural condition.<sup>2</sup> The Native Vegetation Act was introduced in 2003 to address this problem. The Act has been remarkably successful in reducing the level of clearing from as much as 100,000 ha per year in the 1980s<sup>3</sup> (the equivalent of half of Sydney's urban area<sup>4</sup>) to less than 12,000 ha per year now.<sup>5</sup> This legislation was supported by the NSW Farmers Association as well as WWF and other environmental groups because it brought an end to broadscale land clearing in a way that also promoted sustainable farming enterprises.

While some of the government's announced changes are most welcome, we believe that key elements will substantially weaken existing protections. These retrograde changes risk returning NSW to an era of unsustainable environmental damage by reinstating broadscale land clearing, resulting in more degraded land, more damage to river systems, increased carbon emissions, and the loss of habitat critical to the survival of threatened species. These changes will damage the reputations of those farmers who want to be good stewards, the vast majority of whom are unaffected by the current laws.

Any loss of important habitat or endangered vegetation types will increase the rate of species extinctions which is inconsistent with government policy. This would be a clear breach of the government's claim that these reforms will 'cut red tape, facilitate ecologically sustainable development and conserve biodiversity across NSW'.<sup>6</sup>

There are three major flaws in the current draft legislation:

- The first major flaw is that the codes (activities allowable without formal application to government) allow broad-scale land clearing. Codes should facilitate farm management with respect to small-scale management actions, such as clearing to allow fencing or buildings, not enable broad-scale clearing. Codes that facilitate broadscale clearing should be removed from the legislation. If broadscale clearing is to occur, it must be consistent with the Biodiversity Review Panel's report which means that it follows the mitigation hierarchy – avoid, minimise and offset. Offsetting is where the loss of native vegetation from clearing is fully compensated for, either on farm or elsewhere in the region.
- The second major flaw is the lack of mapping for areas of high conservation value that was recommended by the Biodiversity Review Panel. These 'Category 3' areas are supposed to be places where clearing is not allowed because of their high conservation value, or for other reasons such as their national park status.

This mapping improves clarity for land managers by identifying places where clearing would not be approved except under extreme circumstances. They are also areas where the government has a responsibility to invest in stewardship arrangements with those landowners. Such areas include places with endangered ecological communities and places that provide habitat for site-restricted threatened native flora and fauna. Such Category 3 zones provide a safety net that ensures land clearing does not facilitate further extinction events that would discredit NSW and its farmers. Category 3 areas also indicate places where investment in land stewardship needs to be prioritised through the new private land conservation fund.

- The third flaw is the design of the \$240 million investment in this new private land conservation. While this program is a most welcome initiative, instead of providing financial support for landholders to restore degraded land and manage land with high conservation values where land clearing is not permitted, it will instead require NSW taxpayers to compensate for the additional land clearing that will result from the weakening of existing clearing controls. As such, it is a taxpayer subsidy to farmers to degrade land.

The increased greenhouse emissions that will result means that taxpayers will be hit twice, because it will make our national commitments to reduce Australia's emissions more difficult, resulting in higher costs to taxpayers and other sectors of the economy.

The watering down of laws to stop broadscale clearing is being driven by a small handful of property owners who believe they have the right to do whatever they wish, irrespective of the long-term damage this might cause to the rest of society. This group is implying that the current laws are unworkable because farmers 'cannot clear a single tree.' These claims are simply not true.

The current Native Vegetation Act allows any farmer, anywhere in NSW, to clear native vegetation to continue their existing farming activities, without interference from government. These exemptions include the ability to clear any vegetation that has regrown on their property in the past 25 years, and to remove trees for routine agricultural practices such as clearing around buildings, fence lines, roads, firewood, etc. What the current laws do is prevent broadscale clearing of high conservation native vegetation if it results in long-term damage to the State's environmental assets.

The current leadership of the NSW Farmers Association also claims '*the level of micro-management is absurd and blocks the intelligent, sustainable development of "mosaic" rural landscapes, where conservation coexists with efficient production*'.<sup>7</sup> This claim is also false. Since the Native Vegetation Act was introduced in 2003, over 7 million ha of invasive native vegetation in western NSW (over 40 times the size of Sydney's urban area) has been approved for improved management<sup>8</sup>. This system, designed by farmers and scientists working together, shows just how effective laws can be in securing the long-term protection of NSW's natural assets while also promoting sustainable agricultural enterprises.

The vast majority of farmers in NSW are, or want to be, good stewards of the land - where healthy landscapes go hand-in-hand with a productive economy. A remarkable 93% of Australian farmers say they practice Landcare on their farms.<sup>9</sup> There are many ways to support these farmers by increasing the extent and quality of the native vegetation in NSW, improving the value of farms, slowing the rate of species extinction, enhancing rural productivity and creating more prosperous rural communities.

It is possible to promote economic development and also restore the health of the state's environmental assets. We ask that the draft legislation be amended so that it does achieve the government's objectives of cutting red tape, facilitating ecologically sustainable development, and enhancing the State's biodiversity for the benefit of current and future generations.

Yours sincerely



Peter Cosier

on behalf of the Wentworth Group of Concerned Scientists

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<sup>1</sup> MOU between the NSW Farmers, and Liberal and Nation Parties, 25<sup>th</sup> March 2015.  
[www.nswnationals.org.au/mou\\_to\\_guarantee\\_farming\\_future\\_of\\_nsw](http://www.nswnationals.org.au/mou_to_guarantee_farming_future_of_nsw)

<sup>2</sup> NSW EPA (2015) NSW State of the Environment <http://www.epa.nsw.gov.au/soe/20150817soe-2015.htm>  
p113.

<sup>3</sup> John Benson (1999) "Setting the Scene – the Native Vegetation of New South Wales – A background paper of the Native Vegetation Advisory Council of NSW", Background Paper Number 1, 1999, Native Vegetation Advisory Council of NSW, p 28.

<sup>4</sup> Sydney urban area = 1,788km<sup>2</sup> = 178,800 hectares. [https://en.wikipedia.org/wiki/Geography\\_of\\_Sydney](https://en.wikipedia.org/wiki/Geography_of_Sydney)  
(100,000/178,800 = 56%)

<sup>5</sup> NSW EPA (2015) NSW State of the Environment <http://www.epa.nsw.gov.au/soe/20150817soe-2015.htm>  
p114

<sup>6</sup> NSW Government (2016) Biodiversity Reforms Overview.  
[www.landmanagement.nsw.gov.au/home/biodiversity-reforms-overview/](http://www.landmanagement.nsw.gov.au/home/biodiversity-reforms-overview/)

<sup>7</sup> NSW Farmers Association (2010) Submission to the Senate Inquiry: The impact of native vegetation laws and legislated greenhouse gas abatement measures on landholders. NSW Farmers Association, Sydney. p6

<sup>8</sup> NSW EPA (2015) NSW State of the Environment <http://www.epa.nsw.gov.au/soe/20150817soe-2015.htm>  
p117. (7,450,090/178,800 = 41.7)

<sup>9</sup> Landcare (2012) Landcare Survey – The Pulse of a Movement, The National Landcare Facilitator.  
[www.landcareonline.com.au/wp-content/uploads/2012/09/Aug-2012-newsletter.pdf](http://www.landcareonline.com.au/wp-content/uploads/2012/09/Aug-2012-newsletter.pdf). p1