

## Native Vegetation and Biodiversity regulation Response to Draft Recommendations

### Draft Recommendation 1

Regulation impact statements should not be allowed to follow the path of "community consultation" which at grass roots level have proved to be nothing more than a part of the bureaucratic process that administrators go through in order to achieve a goal. It is rare that consultation achieves change in the proposed policy.

A risk associated with RIS is that they can be short on fact, underestimate the costs, overestimate the benefits and more importantly usually do not set out mechanisms for monitoring progress particularly a critical analysis of the progress in achievement of goals.

Facts need to be verifiable, hypothesis substantiated and well researched

It is difficult to imagine how a minimum standard of "compliance" with a desirable RIS can be established let alone mandated. (It is a feature of many eco-policies that they are poorly researched, emotionally focussed, often driven to appease noisy special interest groups, and cloudy when verification of claims are sought)

### Draft Recommendation 2

This has been found to be useful in other areas of management. Perhaps policies should also detail what should happen to the policy if particular goals aren't met

### Draft Recommendation 3

The use of intelligence satellites to "spy" on the activities citizens is an abhorrent infringement of civil rights. (Remember the furore over RAAF flights over Tasmania in 1980's?) Coupled with bureaucratic encouragement to inform on neighbours we are in danger of giving succor to a social development that used to be associated with totalitarian regimes.

Yes, better information is needed but within acceptable legal and social norms.

### Draft Recommendation 4

Legislating for morality has its drawbacks. For example, every landholder would agree that weed control is desirable and State Governments are actively legislating to ensure that landholders control weeds and prevent their spread. Yet it seems to have escaped the notice of Governments that weed invasion from Crown or Government lands onto private lands is a bigger threat to the economic wellbeing of farmers than weed invasion into public lands from private lands.

Crown or Government lands could largely be described as "neglected" as insufficient resources are available to maintain land to the standard required by statute (of private landholders) raising the question "Can the community afford more native vegetation or marginally effective conservation measures?".

From this position it is hard to maintain credibility for any information provided by agencies about "information about those responsibilities, and about sustainable land management practices and environmental problems".

In respect of the need to regulate, there is a point at which the regulation must not only be enforceable but must be cognisant of the practicalities and efficiencies required in order to sustain a viable farming enterprise.

Recent changes to the legislative framework in South Australia have created a situation where in order to change land use, eg hay production to horticulture, a farmer will have to deal with at least 3 different agencies (as required by application of the Development Act, Native Vegetation Act and the recently introduced Natural Resource Management Act).

The Development Act provides a very subjective, (potentially) politically affected system. Development Plans are full of pious statements such as

"Land in rural areas should continue to be used primarily for agricultural purposes. Defining land for rural purposes will assist in a more intensive use of the land for food production, prevent land speculation and the uneconomic spread of the metropolitan area."

The City of Playford is on Adelaide's northern metropolitan fringe, is 70% rural and includes areas that produce much of the State's horticultural output and is a developing viticultural area. Yet in the case of City of Playford's Development Plan there are over 330 objectives relating to the environment and conservation but only 98 objectives relating to rural development. This produces a situation in rural planning zones where potential productive rural land becomes non-viable through the application of conservation policies (many having no validity in science being based on "urban myth" rather than sound land management principles).

For example, consider a property in the Hills Face Zone of about 135 acres bounded on three sides by public roads, the verges of which are "Bushcare" sites, and a planted (on the neighbouring property) native shelter belt. Internally there are some small stands of native vegetation. It has extensive water supply and is ideally suited to viticultural development.

Horticultural activities are required by the Development Plan to "be located a minimum distance from the edge of stands of significant native vegetation or native grasses." Implementation of this principle on the external boundaries alone effectively reduces the land available to development by over 20% and creates an unusable boundary zone some of which could end up neglected. (A cynic may say that this is the goal in order to facilitate passive re-vegetation) This policy mandates an involuntary contribution to the "environment" without any compensation.

Although time frames for dealing with application are laid out in the Development Act, there is no timely remedy and enforcement requires an application to the ERD court. The only functional method is a negative response approach ie if the application is not determined within the statutory time then the application should be considered approved.

Agencies of Government are spending huge sums promoting business planning and various industry strategies, the mantra being "Failing to plan is planning to fail." In a multi-layered regulatory environment the costs and time associated with changing the nature of land use may render the change financially ineffective resulting in decisions not being able to be made in a timely manner (the normal commercial criteria) the outcomes of which may be inefficient use of resources and social disruption as the family farm may no longer be able to support as many.

## Draft Recommendation 5

Local knowledge varies according to location and in the main is oral and recorded in family albums. Generally, in areas nearer to urban centres much local knowledge is lost due to the fragmentation of farm lands into rural living. As these areas are in higher rainfall areas it is most likely that native vegetation is more able to proliferate leading to assertions by those without a historical context, that land that has been previously cleared is portrayed as "pristine".

In this context it follows that regional bodies can become highly politicised, politics being most popular for those people with time on their hands, something farmers are not used to.

However, regional variations need to be accounted for in regulatory regimes.

#### Draft Recommendation 6

The environmental awareness of private rural landholders is probably greater than that of most urban dwellers for it is they who wear the consequences of their actions (or inactions). Their future is bound up in the land and the environment at many levels. For example, environmental awareness in the use of chemicals or production methods driven at a particular market niche. The appearance of the property is reflected in its value, so weed control is a high priority.

By their very nature conservation activities are long term investments with uncertain financial outcomes. Currently in South Australia the recent changes to the Native Vegetation Act and regs serve to illustrate that actions taken in the past in good faith can become impediments to the economic performance of the farming entity through unforeseen changes to legislation. It flies in the face of two long standing concepts in land management, plants grown by a landholder can be harvested in accordance with management dictates and vegetation is a chattel that can be dealt with in any manner by the owner of the land. Long established common law property rights are being legislated away without compensation.

#### Draft Recommendations 7 and 8

It is a presumption of our economic system that people will in general spend money in a manner that will benefit them.

With the localised benefits of conservation measures so vague as to be unmeasurable it follows that the community that requires conservation measures to be imposed on a landholder should pay for those measures taking into account the opportunity cost of perpetual production losses, impediments to management, security costs and management inputs. This system has worked well in Britain for decades as "set aside" payments.

To require a landholder to bear the cost of actions creates the situation where a landowner effectively pay twice for the land, land which was presumably "fit for purpose" when purchased.

In simplicity, the concept of trading in conservation measures has some merit, but the longer term practical aspects may exceed the capacity of local groups to organise. (re sale of an "interest" may require a prospectus - who funds the up front costs, what happens when the money runs out?)

Historically, Australian farmers have needed governments to establish market mechanisms and it is probable that due to the establishment costs (for example the cost of establishing the Newcastle Stock Exchange) such mechanisms can only be established by State or Federal Governments and provide guarantees to participating landholders that the funding will continue in perpetuity and accommodate inflation.