

SUBMISSION

ENQUIRY INTO THE IMPACTS OF NATIVE VEGETATION AND BIODIVERSITY REGULATIONS ON AVON LOCATIONS 5929, 11829 AND 8860

INTRODUCTION

Our property is situated 17 kilometres north west of Toodyay on the Julimar Road and adjoins a large area of Crown Land on most of its northern boundary.

We notified to parkland clear on 27/05/2002, approximately 250.0 ha of native vegetation, with the removal of mainly understorey species to enable us to move through with a tractor and topdresser to spread fertilizer and increase productivity for our beef cattle enterprise.

This was refused on land degradation grounds, the Commissioner alleging that it would lead to an increase in salinity. The Commissioner maintained that an upper figure of 90% in some areas, to 70% in other areas of removal of vegetation, would result from our notification to clear. We then outlined that it would be only 30-35% maximum removal of the mainly understorey species on our original submission. This was refused again on 20/03/2003. In our response, we stated that to achieve any worthwhile outcome to us, we would reduce the area of vegetation to be removed to approximately one sixth of the overall area. Also what the Commissioner had failed to take into account was that all of the area had carried sheep or cattle, or both, for over the previous seventy years, the farm animals always having had access to the total area.

Since our further letter to the Commissioner pointing out that we will only at the very most, be removing approximately one sixth of the mainly understorey vegetation there has been no response.

PRESENT FARMING PRACTICE

Our aim is to maintain a sustainable farming operation over the whole area. As stated earlier, our land is situated south of Crown Land and what was known previously as the Julimar State Forest.

We have had a Deed with the Water and Rivers Commission for many years on the Malkup Brook, which flows through the property and is fenced both sides of the Brook, through Avon location 254. From 1996 onwards we have planted salt tolerant trees, the varieties being recommended by Mr Oldfield of Men of the Trees, on the areas both sides of the Brook and continue to maintain that area free of stock.

There is no doubt whatsoever that we own a property, that for over its lifetime has had very little problem in the way of degradation, being productive, and will continue in that capacity. Any issues that arise, we are quite capable of addressing them without the unwarranted interference from the Office of the Commissioner of Soil and Land Conservation. We are proposing to subdivide the property into smaller paddocks in line with further expanding on our success with Kikuyu, Rhodes Grass, Perennial Rye Grass and various varieties of subterranean clover.

As stated above, our main aim is to continue to improve our level of production. Methods outlined by Ms Nicole Johnston in Pasture Sustainability, Farming Ahead, No.131, November 2002, are those that we intend to implement over the next ten years on portion of the property.

There is no doubt in our minds that the excuse of land degradation occurring from our notification to remove the minimal vegetation is a method of protecting native vegetation, regardless of the loss of income that we will suffer, if we are denied the opportunity to utilise the land in the proposed manner and regardless of the biodiversity value of that vegetation. The notified land has always been available and utilised by sheep, cattle or the intruding goats from the adjacent Crown land. Government appear quite happy to share the goats with us.

Examination of the Western Australian Soil and Land Conservation Act 1945, sections 13 and 14, Functions and Duties, will demonstrate that the Commissioner has no intention whatsoever of fulfilling his total obligations to us under that Act. We requested an opinion on s13 and s14 and were informed that our interpretation is correct. Our ongoing farming practices already allow for the continuing protection of our valuable land resource.

As we believe that there is no requirement under any present State Act for the protection of biodiversity, except for Declared Rare Flora under one Act, as mentioned in paragraph two, the Commissioner endeavours to object to clearing on a land degradation issue and thereby protect the vegetation by that method. He failed to inform us that planting of Tasmanian bluegums will utilise up to double the water that native vegetation will use. He also failed to inform us that coppice regrowth crops of Tasmanian bluegums in a trial area in the south west, at best estimates, are only predicted at 75% of the level of the original estimates of production. The problem of reduced production, the Department of Agriculture believe, is that the water uptake of the original bluegums has made significant inroads into the water availability for the coppice crop. That Farm Tree-Note is available to those interested at the entrance to the Department of Agriculture Office in Jarrah Road, South Perth which we have been informed has applied since we notified our intention to parkland clear.

Another fact that should be recognised by the Committee is that our land is Zoned Rural under our present Shire of Toodyay Town Planning Scheme and generally to produce commodities for sale, land has to firstly have the vegetation removed.

In your background to the Terms of Reference, you mention the *Environment Protection and Biodiversity Conservation Act 1999* as being part of an important transition to more sustainable management of Australia's native vegetation and biodiversity. At present we are not aware of whether there is any affect on farming operations in Western Australia. However as mentioned earlier, it may be the reason for the Commissioner maintaining land degradation is a problem with that Act being the background to the actions of the Commissioner in our case and maybe others. Probably your enquiries will determine in Western Australia, what effect that Act is having, or has already had on notifications of intent to clear land for agriculture by farmers.

When we requested whether our interpretation on s13 an s14 of the Soil and Land Conservation Act 1945 was correct, we were also informed that matters related to Administrative Law were being neglected in many assessments and that may be also apply in our case in the future.

J. C Wroth C. M Wroth

Date: 30 July 2003