

General Purpose Standing Committee No. 5

# **Management of public land in New South Wales**

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## Terms of reference

That General Purpose Standing Committee No 5 inquire into and report on the management of public land in New South Wales, including State Forests and National Park estate, and in particular:

1. The conversion of Crown Land, State Forests and agricultural land into National Park estate or other types of conservation areas, including the:
  - a. Process of conversion and the assessment of potential operational, economic, social and environmental impacts
  - b. Operational, economic, social and environmental impacts after conversion, and in particular, impacts upon neighbours of public land and upon Local Government
  - c. That the following cases be considered in relation to Terms of Reference 1(a) and 1(b):
    - (i) River Red Gum State Forests in the Southern Riverina,
    - (ii) Native Hardwood State Forests in Northern NSW,
    - (iii) Yanga Station in Wakool Shire, and
    - (iv) Toorale Station in Bourke Shire.
2. The adherence to management practices on all public land, that are mandated for private property holders, including fire, weed and pest management practices.
3. Examination of models for the management of public land, including models that provide for conservation outcomes which utilises the principles of “sustainable use”.
4. Any other related matters.<sup>1</sup>

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<sup>1</sup> *LC Minutes* No 78 (1/05/2012), Item 24

## Committee membership

<b>The Hon Robert Brown MLC</b>	Shooters and Fishers Party	<i>Chair</i>
<b>The Hon Rick Colless MLC</b>	The Nationals	<i>Deputy Chair</i>
<b>The Hon Cate Faehrmann MLC</b>	The Greens	
<b>The Hon Luke Foley MLC</b>	Australian Labor Party	
<b>Mr Scot MacDonald MLC</b>	Liberal Party	
<b>The Hon Dr Peter Phelps MLC</b>	Liberal Party	
<b>The Hon Peter Primrose MLC</b>	Australian Labor Party	

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## Chair's foreword

I am pleased to present the Committee's report on the management of public land in New South Wales, which contains 12 recommendations.

The Inquiry was an immense undertaking. An extensive body of evidence was gathered from over 500 written submissions and oral evidence received from approximately 119 witnesses across New South Wales.

The evidence highlights a number of important themes, key of which is the complexity of the current approach to public land management in New South Wales. Another significant theme is the conservation efforts presently being pursued and the role of national parks in contributing to these efforts.

While it is recognised that public land management in any jurisdiction is neither a simple nor straightforward undertaking, it is clear that the current approach to the managing public land in New South Wales is in serious need of improvement and renewal. A call for change is being made, least of all to ensure a more streamlined, consistent and transparent land management system that considers the needs, uses and obligations of both public and private land managers across the State.

I therefore urge the Government to pursue a considered approach to the management of public land in New South Wales into the future, beginning with the timely implementation of all of the Committee's recommendations in this Report.

On behalf of the Committee, I extend my gratitude to the people who made written submissions to the Inquiry. I also acknowledge the efforts taken by individuals who attended the public hearings and site visits across the State. We appreciate your efforts to provide the Committee with the benefit of your knowledge, as well as to share your concerns and experiences.

Finally, I wish to thank each of my fellow Committee members for their hard work and constructive approach to this complex Inquiry.



Hon Robert Brown MLC  
**Committee Chair**

## Summary of key issues

A key theme throughout the Inquiry and this report is the complexity of the current approach to public land management in New South Wales. This is underscored by evidence of inconsistency and variation in the way in which public lands of different tenure are managed, and in the obligations required of public land managers and private land managers. These differences are no more apparent than when examining the impacts of converting Crown land, State forest and agricultural land to national park estate.

The rapid expansion and current management of national parks highlights the growing tension between achieving conservation outcomes and meeting the economic and social needs of communities across the State, particularly those in regional New South Wales. While it is not clear at this stage how public lands should be best managed into the future, it is clear that the current approach in New South Wales requires improvement and renewal.

The key issues considered in this report, and the Committee's recommendations, are summarised hereunder, concluding with the seminal recommendations of this Inquiry.

### **The role of national parks**

A fundamental question raised during this Inquiry was whether national parks provide the best means of conservation and, if so, whether they are indeed fulfilling the conservation objectives they were designed to meet. The Committee received a wealth of conflicting evidence on these issues. The Committee recognises the importance of protecting biodiversity and conserving the many natural and heritage values inherent to the New South Wales landscape. However, the Committee acknowledges the limitations of national parks and questions their ability to solely provide the best conservation outcomes for the State, given the history of recently converted lands that were actively and sustainably managed to produce the very values that are deemed worthy to conserve. In particular, the Committee looks to areas such as the river red gum forests of the Riverina and the Pilliga forest in north-western New South Wales as Case Studies where some evidence suggests that conversion has had adverse impacts on biodiversity.

The Committee concludes that reservation is not the only means to protect biodiversity and that conservation outcomes can be achieved alongside other land uses. The Committee therefore recommends that there be investigation into the wider application of the multiple land-use model in public land management in New South Wales (Recommendation 1.2) in recognition that public lands can be managed for a range of purposes while achieving the best conservation outcomes for that land.

### **A nil-tenure approach**

Evidence received during this Inquiry, particularly in relation to how fire, pests and weeds are currently managed on public and private land, suggests that a nil-tenure approach, also known as a 'cross-tenure' approach, is not only supported by some Inquiry participants but is regarded as necessary to combat these threats and address broader land management issues in New South Wales. The Inquiry also heard evidence that effective conservation management and planning is best done with a tenure-blind approach, working to improve natural vegetation corridors and ecological health across the landscape. While it was recognised that a cross-tenure cooperative approach has been undertaken in limited examples across the State, the Committee believes that the cross-tenure approach needs to be extended

to a nil-tenure standard on all policy areas in land management (Recommendation 1.3), beginning with fire, pests and weeds and conservation management, to ensure consistency and improved land management outcomes for both public and private land managers.

### **The conversion process**

Some Inquiry participants raised particular concerns about the process of converting Crown land, State Forest and agricultural land to national park estate. While the basis upon which lands are identified for reservation in New South Wales seeks to protect areas of the highest conservation value, it is unclear whether economic and social values are equally considered in this process. Many Inquiry participants expressed disappointment and anger at what they perceived to be a disregard of their livelihoods and futures. The Committee is particularly concerned about the public perception that the conversion process has been politicised. To this end, the Committee believes that the conversion process requires considerable improvement and addresses this issue as part of the Committee's seminal recommendations below.

### **Impacts of conversion**

The impacts of converting land to national park estate, particularly of conversions in recent years, have proven significant and long-lasting. The environmental benefits of national parks have been contested throughout this Inquiry, however, as described earlier, the Committee believes that national parks have not always provided the best conservation outcomes for an area. Significantly, what was apparent during the Inquiry was the overwhelming concern about the economic and social impacts that have ensued from conversion. Important industries, such as the timber industry, suffered, communities are now struggling and calls are being made to reconsider the reservation of land as national park estate. The Committee is sympathetic to this cause and believes that some reserved areas should indeed be released to provide enough wood supply to sustain the timber industry and provide the industry with some certainty for the future (Recommendation 10).

In addition, the Committee is aware of the impacts conversion has had on accessing lands for recreational and commercial purposes. While the Committee accepts that some activities may not be appropriate in national park estate, greater flexibility should be afforded to allow access so that national parks can be enjoyed by a wide spectrum of people, as is their purpose, and, where there is no conflict with conservation objectives, provide economic opportunities for those who rely on access to the land to pursue these opportunities, including Indigenous groups, some of whom now seek sole management to increase economic opportunities for Aboriginal communities (Recommendation 12).

### **The way forward**

The Committee urges the NSW Government to pursue a considered approach to the management of public land in New South Wales. The breadth of evidence received during this Inquiry does not provide a clear consensus on the best way to move forward. What is clear, however, is the complexity of the current approach and serious questions about the effectiveness, adequacy and appropriateness of this approach. The key message from this Inquiry is the need for a fresh look at the management approach currently in place.

The Committee notes that a comprehensive review of Crown land management is already underway, including its legislative framework, financial management, governance, and business structure. The Committee understands that the review will consider the constraints imposed by the current Crown lands legislative framework and examine the overlap between Crown lands legislation and legislation administered by other agencies, such as the National Parks and Wildlife Service and the Forestry Corporation of NSW.

The Committee suggests that this review be extended to the management of *all* public lands, in view of the need to streamline the complex and extensive land management system we have today and in recognition of the concerns raised by Inquiry participants regarding current land management practices. To this end, the Committee believes that the review provides a timely opportunity for a whole-of-government approach to be taken to the management of public land in New South Wales.

Therefore the Committee recommends that, as part of a full-scale and comprehensive independent assessment of the management of all public lands in New South Wales, the current Crown land management review be extended to evaluate the management of all national parks and State forests in New South Wales. The Committee calls on the NSW Government to follow the approach taken to the Independent Scientific Audit of Marine Parks in New South Wales, which was undertaken by an Independent Scientific Panel comprised of experts in the field and was headed by an independent chair.

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### **Recommendation 1**

That the NSW Government conduct an independent, full-scale and comprehensive assessment of the management of all public lands in New South Wales, and that this be achieved by extending the current review of Crown land management to include an evaluation of the management of all public lands, including all national parks and State forests in New South Wales. The review should:

- 1.1 be conducted by an independent panel comprised of experts in the relevant fields, and be led by an eminent expert as chair
- 1.2 investigate the wider application of the multiple land-use model in the management of public land in New South Wales, and identify appropriate areas for the multiple land-use model to be implemented
- 1.3 investigate the adoption of a nil-tenure approach to the management of public land in New South Wales
- 1.4 investigate innovative land management models, including the use of private conservancies, for possible application to public land in New South Wales
- 1.5 examine requiring all public land managers to make a financial contribution to maintain local infrastructure, and investigate whether this contribution should be made through council rates or an alternative mechanism
- 1.6 for the sake of simplification of land tenure arrangements in the State, investigate the option of converting all remaining Western Land Leases into freehold title.

The Committee acknowledges the numerous concerns raised by Inquiry participants regarding current management practices on public land in New South Wales, and in particular, the management of national park estate following conversion of land to this tenure. As such, the Committee recommends that, for the duration of the review of public land management in New South Wales, a moratorium on the creation of any new national parks be imposed

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### **Recommendation 2**

That the NSW Government impose a moratorium on the creation of any new national parks or the extension of any existing national parks, for the duration of the review of public land management in New South Wales, with the exception of conversion of existing reserved areas, or a National Park declaration that is currently before the NSW Government.

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The Committee acknowledges the concerns raised by Inquiry participants regarding the process of converting land to national park estate and believes that the current conversion process requires substantial improvement if new national parks are to be created in the future. Therefore, the Committee recommends that a consistent, transparent, inclusive and independent conversion process be developed, and in which the economic and social impacts of conversion decisions are accorded equal weight with conservation objectives. In addition, the conversion process should require a comprehensive Impact Statement outlining the economic, social and environmental impacts of conversion for public exhibition prior to the conversion of land to national park estate.

The Committee is also mindful that some Inquiry participants were disheartened by attempts to engage local communities, including local government, throughout the conversion process. This has highlighted to the Committee the importance of providing a clear and genuine pathway for the community to have their say about the management of public land, including any decisions to be made that may affect the wider community.

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### **Recommendation 3**

That the NSW Government develop a process of converting land to national park estate that:

- 3.1 is consistent, transparent, inclusive and independent, and in which the economic and social impacts of conversion decisions are accorded equal weight with conservation objectives. In addition, the conversion process should require a comprehensive Impact Statement outlining the economic, social and environmental impacts of conversion for public exhibition prior to the conversion of land to national park estate.
  - 3.2 includes the development of a community engagement strategy to guide consultation with local communities prior to making decisions on the conversion of land to national park estate. The strategy should set clear expectations regarding what consultation will occur and mandate consultation with local government throughout the conversion process.
-

## Summary of recommendations

### Recommendation 1

**xix**

That the NSW Government conduct an independent, full-scale and comprehensive assessment of the management of all public lands in New South Wales, and that this be achieved by extending the current review of Crown land management to include an evaluation of the management of all public lands, including all national parks and State forests in New South Wales. The review should:

- 1.1 be conducted by an independent panel comprised of experts in the relevant fields, and be led by an eminent expert as chair
- 1.2 investigate the wider application of the multiple land-use model in the management of public land in New South Wales, and identify appropriate areas for the multiple land-use model to be implemented
- 1.3 investigate the adoption of a nil-tenure approach to the management of public land in New South Wales
- 1.4 investigate innovative land management models, including the use of private conservancies, for possible application to public land in New South Wales
- 1.5 examine requiring all public land managers to make a financial contribution to maintain local infrastructure, and investigate whether this contribution should be made through council rates or an alternative mechanism
- 1.6 for the sake of simplification of land tenure arrangements in the State, investigate the option of converting all remaining Western Land Leases into freehold title.

### Recommendation 2

**xx**

That the NSW Government impose a moratorium on the creation of any new national parks or the extension of any existing national parks, for the duration of the review of public land management in New South Wales, with the exception of conversion of existing reserved areas, or a National Park declaration that is currently before the NSW Government.

### Recommendation 3

**xx**

That the NSW Government develop a process of converting land to national park estate that:

- 3.1 is consistent, transparent, inclusive and independent, and in which the economic and social impacts of conversion decisions are accorded equal weight with conservation objectives. In addition, the conversion process should require a comprehensive Impact Statement outlining the economic, social and environmental impacts of conversion for public exhibition prior to the conversion of land to national park estate.
- 3.2 includes the development of a community engagement strategy to guide consultation with local communities prior to making decisions on the conversion of land to national park estate. The strategy should set clear expectations regarding what consultation will occur and mandate consultation with local government throughout the conversion process.

- Recommendation 4** **152**  
That the NSW Government expand the current joint New South Wales-Victorian thinning trial to initiate a large-scale trial of ecological thinning in the river red gums forests of the southern Riverina, in accordance with the Natural Resource Commission's recommendations, and that commercial operators be engaged to conduct these thinning operations.
- Recommendation 5** **155**  
That the NSW Government commission more independent research into the impact of different forestry management practices on the sequestration of atmospheric carbon dioxide and other greenhouse gases.
- Recommendation 6** **197**  
That the NSW Government, with regard to fire management in New South Wales:
- 6.1 require public land managers to comply with the same fire management requirements as private land managers, and require them to maintain adequate fire breaks on the borders of their property to ensure fires can be suppressed adequately before injury or damage is caused to neighbouring land
  - 6.2 investigate the application of the National Parks and Wildlife Service draft plan of management *Living with Fire in NSW National Parks – A Strategy for Managing Bushfire in National Parks and Reserves to 2021* to all current parks and newly acquired land and support the National Parks and Wildlife Service's five primary fire management objectives.
- Recommendation 7** **229**  
That the NSW Government actively support the apiary and commercial inland fishing industries by enabling continued access to land which has been converted to national park estate.
- Recommendation 8** **233**  
That the NSW Government take urgent action to resolve outstanding disputes between the National Parks and Wildlife Service and its neighbours, particularly in regard to disputes on boundary fences and access roads.
- Recommendation 9** **233**  
That the NSW Government investigate whether the *Dividing Fences Act 1991* should be amended to apply to all public land managers in New South Wales.
- Recommendation 10** **255**  
That the NSW Government immediately identify appropriate reserved areas for release to meet the levels of wood supply needed to sustain the timber industry, and that the NSW Government take priority action to release these areas, if necessary by a 'tenure swap' between national park estate and State forests. In particular, urgent action is required for the timber industry in the Pilliga region.
- Recommendation 11** **273**  
That the NSW Government provide further investment in promoting tourism and developing facilities and infrastructure for national parks, and in particular, those in western and southern New South Wales, created following recent conversion decisions.

**Recommendation 12**

**312**

That the NSW Government improve engagement with Indigenous communities to explore opportunities for the management of public land, including the acceleration and expansion of joint management arrangements and the priority development of sole management opportunities. As part of the priority development of sole management arrangements, the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation should be given the opportunity to solely manage the Werai forest on a trial basis.



# Chapter 1 Introduction

This Chapter provides an overview of the Inquiry process, including the methods the Committee used to facilitate participation of members of the public, government agencies and relevant organisations. It also includes a brief outline of the report structure.

## Conduct of the Inquiry

### Terms of Reference

- 1.1 The Inquiry's terms of reference were adopted on 23 April 2012 under the Committee's power to make a self-reference.
- 1.2 The terms of reference required the Committee to inquire into and report on the management of public land in New South Wales, and in particular focusing on the conversion of Crown Land, State Forests and agriculture land into National Park estate, including the process of conversion and assessment of potential operational, economic, social and environmental impacts, and the impacts that have eventuated to date.
- 1.3 The following cases were listed for consideration in relation to the conversion process and impacts following conversion: River Red Gum State Forests in the Southern Riverina, Native Hardwood State Forests in Northern New South Wales, Yanga Station in Wakool Shire, and Toorale Station in Bourke Shire. In addition, the Committee also considered land reclassification in the Pilliga Forest.
- 1.4 As well as examining management practices for public and private land, the terms of reference required examination of alternative models for the management of public land.
- 1.5 The terms of reference are reproduced in full on page iv.

### Stakeholders

- 1.6 A wide range of individuals and organisations contributed to the Inquiry through a range of means, including making submissions, giving evidence at hearings, accompanying the Committee on site visits, or delivering expert briefings. Stakeholders included environmental groups, community groups, timber industry representatives, local councils, local residents and landholders, Aboriginal representative bodies and various academics and other experts. Other key stakeholders were the NSW Government agencies – the National Parks and Wildlife Service (NPWS), the Forestry Corporation of New South Wales (formerly known as Forests NSW), and the Crown Lands Division of the Catchments and Lands Division, Department of Primary Industries.

### Submissions

- 1.7 The Committee invited submissions by advertising in the *Sydney Morning Herald*, the *Daily Telegraph* and the *Weekly Times* on 9 May 2012, and *The Land* on 10 May 2012. The Committee also placed advertisements in 57 regional publications across the State. A media release announcing the Inquiry was sent to all New South Wales media outlets. In addition, the Committee wrote to a range of key stakeholders inviting them to make a submission to the Inquiry. The closing date for submissions was 3 August 2012, however, the Committee continued to accept submissions after this date.
- 1.8 The Committee received a total of 518 submissions and 13 supplementary submissions from a wide range of stakeholders
- 1.9 A list of submissions is available at Appendix 1.

### Proformas

- 1.10 The Committee received 85 proforma statements from individuals. Three proforma types were received, relaying various opinions about the management and use of public land.
- 1.11 A list of persons who submitted proformas is provided at Appendix 2.

### Hearings

- 1.12 The Committee held eleven public hearings. Hearings were held at Parliament House on 7 September, 14 September, 4 December and 5 December 2012. Hearings were held throughout regional New South Wales, namely at Deniliquin on 1 and 2 August 2012, Bourke on 25 and 26 September 2012, Coonabarabran on 27 September 2012, Port Macquarie on 4 October 2012 and Grafton on 5 October 2012.
- 1.13 A list of witnesses who appeared at the hearings is available at Appendix 3.
- 1.14 Transcripts of the hearings are available on the Committee's website [www.parliament.nsw.gov.au/gpsc5](http://www.parliament.nsw.gov.au/gpsc5).

### Site visits

- 1.15 The Committee travelled extensively throughout New South Wales, to the areas named in the terms of reference. These visits were facilitated by the NPWS and Forests NSW with assistance from local residents and timber industry representatives.
- 1.16 On 31 July to 2 August 2012 the Committee travelled to Balranald and Deniliquin. During the site visit, the Committee toured Yanga National Park in Wakool Shire, accompanied by officers from the NPWS. During the visit Committee members inspected Yanga homestead and met with local volunteers. The Committee also hosted an afternoon tea for local residents at Balranald Ex-Servicemen's Club. Subsequently, the Committee inspected the river red gum forests near the townships of Deniliquin, Mathoura and Barham, accompanied by local

residents, and inspected sawmills in the Mathoura and Gulpa areas. During this inspection, the Committee met with representatives of the Bangerang Nation.

- 1.17** On 25 to 27 September 2012 the Committee travelled to Bourke and Coonabarabran. During this site visit NPWS representatives accompanied Committee members on an inspection of Toorale National Park and Toorale Conservation Area, including an aerial tour by helicopter. The NPWS also provided a briefing on the establishment and management of Toorale. In the Coonabarabran area, local residents accompanied the Committee on a visit to the Baradine Sawmill and nearby sections of the Pilliga forest. Representatives of the NPWS and Forests NSW provided the Committee with a tour of the Pilliga Forest Discovery Centre and also accompanied the Committee on a tour of the Pilliga forest.
- 1.18** On 3 to 5 October 2012 the Committee travelled to Port Macquarie and Grafton and met representatives from Forests NSW and the NPWS, who accompanied the Committee on its inspections. During this time Committee members visited the following area: Queens Lake Nature Reserve, Dooragan National Park, Kerewong State Forest plantation and Middle Brother State Forest and National Park. The Committee also inspected a logging operation in progress in the Queens Lake State Conservation Area.
- 1.19** A list of the Committee's site visits is detailed at Appendix 4.

### **Briefings**

- 1.20** Due to the complexity of this inquiry the Committee sought expert assistance from the outset to inform the Committee's deliberations.
- 1.21** On 26 July 2012 the Committee received a briefing from Dr Leon Bren, Forester and former academic at the University of Melbourne. Dr Bren's briefing covered various forestry and silviculture issues and in particular, as they related to river red gum forests and other forest types.
- 1.22** On 7 September 2012 representatives from the NPWS delivered a briefing to the Committee on the scientific basis for establishing national parks, including conservation planning principles, the policy framework for national parks, and the process behind converting public lands to national parks.
- 1.23** Transcripts of both briefings are available on the Committee's website [www.parliament.nsw.gov.au/gpsc5](http://www.parliament.nsw.gov.au/gpsc5)

### **Report structure**

- 1.24** Chapter 2 provides an overview of the types of public land in New South Wales and how this land is currently managed, including the key agencies responsible for land management activities. The concept of sustainable management and the principle of sustainable use are also briefly outlined.

- 1.25** Chapter 3 discusses the purpose of national parks, the policy framework supporting the national parks system, and the scientific principles underpinning conservation planning in New South Wales. By providing the context within which decisions are made to convert land to national park estate, this Chapter begins to consider evidence on whether national parks are fulfilling their conservation outcomes.
- 1.26** Chapter 4 continues to explore how national parks are established in New South Wales by examining the process of converting Crown land, State forest and agricultural land to national park estate. In particular, this Chapter focuses on the assessments undertaken to evaluate potential impacts following conversion and discusses the adequacy of these assessments. The Chapter concludes by looking at concerns raised by Inquiry participants regarding the politicisation of the conversion process.
- 1.27** The five chapters, Chapters 5 through to 9, contain Case Studies of areas impacted by decisions to convert land to national park estate. Each Case Study begins with an overview of the affected area and a timeline of events leading to the decision, or decisions, to convert land to national park estate. The Case Studies then examine the impacts of conversion, including on the local timber industry, local community, forest health, local government and the tourism industry.
- 1.28** Chapter 5 is a Case Study of the river red gum forests in the southern Riverina. The Case Study includes an account of the Riverina Bioregion Assessment conducted by the Natural Resources Commission, and examines the particular impacts of conversion in the southern Riverina on the local timber industry and communities.
- 1.29** Chapter 6 is a Case Study of the native hardwood forests of the north coast of New South Wales. The Case Study considers the impacts of conversion, and in particular, the ability of the Forestry Corporation of New South Wales to meet wood supply agreements, as well as the impacts of conversion on conservation outcomes and forest health.
- 1.30** Chapter 7 is a Case Study of Yanga Station in the Riverina. The Case Study includes an overview of the Station and its functions prior to its conversion to national park estate.
- 1.31** Chapter 8 is a Case Study of Toorale Station in western New South Wales. The Case Study provides an overview of the Station and its value as an agricultural property prior to its conversion to national park estate.
- 1.32** Chapter 9 is a Case Study of the Pilliga forest in northern New South Wales. The Case Study includes an account of the Brigalow Belt South Bioregion Assessment and the Sinclair Report. The particular impacts of conversion on the local timber industry and communities, are also examined.
- 1.33** Chapter 10 examines the environmental and heritage impacts of converting land to national park estate, and considers issues such as biodiversity and conservation, carbon sequestration and water catchments. In particular, the Chapter discusses the concept of forest health and asks whether national parks are meeting the conservation outcomes they were designed to achieve. The impact of conversion on Indigenous and other heritage values is also examined.

- 1.34** Chapter 11 explores fire management practices across public and private lands, and examines the impact of converting land to national parks on how fires are managed and mitigated. Hazard reduction practices and their adequacy are also considered as is the coordination and resourcing of fire management in New South Wales.
- 1.35** Chapter 12 discusses pest and weed management and looks at the impact of converting land to national park estate on the management of feral animals and weeds. This Chapter also looks at how conversion has impacted on access to national parks for recreational and commercial purposes. The relationship between the National Parks and Wildlife Service and their neighbours and other stakeholders is also examined.
- 1.36** Chapter 13 examines the various economic impacts of converting land to national park estate, including the impact on the timber industry, employment and local businesses, local government and tourism.
- 1.37** Chapter 14 considers the social impact of conversion in local areas and on the broader community. The benefits of national parks are addressed as are the adverse social impacts of conversion raised by Inquiry participants, such as job losses, population decline, reduction in services, and loss of community identity. This Chapter also looks at the engagement of and opportunities for Indigenous communities following conversion of land to national park estate.
- 1.38** The final chapter, Chapter 15, evaluates the current approach to the management of public land in New South Wales based on the evidence presented throughout the Report. The Chapter considers other approaches to land management, including the multiple-land use model and a cross-tenure approach to policy and implementation. Private conservancies, joint management arrangements with Indigenous groups, and a role for the community in public land management are also discussed.

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## Chapter 2 Background

This Chapter defines public land and provides background information on the different types of public land in New South Wales. How public land is currently managed and the key agencies undertaking a land management role in the State are also outlined. In addition, this Chapter considers the concept of sustainable management and explores the principles of sustainable use.

### What is public land?

- 2.1** For the purposes of this Report, public land is any land owned by the State of New South Wales.
- 2.2** The three main types of public land in New South Wales are:
- Crown land (including land in the Western Division of the State, commonly referred to as land under Western Land Leases, as well as land managed by local government)
  - national park estate
  - State forests.
- 2.3** Collectively, public land comprises approximately half of all land in the State.<sup>2</sup>

### Crown land

- 2.4** Crown land accounts for the largest portion of public land in New South Wales, covering a total area of approximately 34 million hectares across the State.<sup>3</sup> For the purposes of this Report, Crown land refers to land managed under the *Crown Lands Act 1989*, *Crown Lands (Continued Tenures) Act 1989*, *Commons Management Act 1989*, and the *Western Lands Act 1901*. It also includes Crown roads under the *Roads Act 1993* and Schools of Arts on public land under the *Trustees of Schools of Arts Enabling Act 1902*.
- 2.5** Crown land under this legislation includes both tenured land and Crown reserves, amongst other types of Crown land.<sup>4</sup> Crown land also includes Travelling Stock Reserves (TSRs), however, the vast majority of TSRs are managed under trust by the Livestock Health and Pest Authorities (LHPA), which will be discussed later in this Chapter.

<sup>2</sup> Catchment and Lands, Department of Primary Industries, accessed 19 February 2013, <[http://www.lpma.nsw.gov.au/crown\\_land/about\\_crown\\_land](http://www.lpma.nsw.gov.au/crown_land/about_crown_land)>; Mr Bob Conroy, Director, Conservation Programs Division, Office of Environment and Heritage, Evidence, 5 December 2012, p 53.

<sup>3</sup> Submission 332, NSW Government, Appendix A, p 63; Answers to questions on notice taken during evidence 7 September 2012, Ms Renata Brooks, Acting Director General, Catchments and Lands, Department of Primary Industries, Question 7.

<sup>4</sup> Submission 332, Appendix A, p 63; Answers to questions on notice taken during evidence 7 September 2012, Ms Brooks, Question 7.

- 2.6** Tenured land is Crown land that is directly leased, licensed, or allowed for use under an enclosure permit for a range of public, private and community uses.<sup>5</sup> These include commercial purposes, residential, sporting and community purposes, grazing and agriculture, tourism and industry, and waterfront occupations. There are almost 60,000 leases, licences and other tenures currently held over Crown land in both urban and rural areas, covering over 30 million hectares of the State.<sup>6</sup> As noted previously, tenured land in the Western Division of New South Wales is commonly known as land held under Western Land Leases.<sup>7</sup>
- 2.7** Crown reserves are parcels of Crown land that contribute to a diverse system of natural, cultural and open space, and are used for various purposes such as town squares and local parks, public halls, sports and showgrounds, and cemeteries.<sup>8</sup> There are currently 35,000 Crown reserves in New South Wales, covering approximately 2.7 million hectares.<sup>9</sup>
- 2.8** Other types of land administered under the Crown lands legislation noted above include minor dams, dividing fences, and submerged land bordering the coast of New South Wales, such as coastal estuaries, large riverbeds, and wetlands.<sup>10</sup>
- 2.9** All Crown land under the *Crown Lands Act 1989* is managed in accordance with fundamental principles contained within the Act, including environmental protection, natural resource conservation, sustainable land and resource management, public use and enjoyment, multiple use and the best interests of the State consistent with other principles.<sup>11</sup>
- 2.10** The management of Crown land is recurrently budgeted at approximately \$60 million.<sup>12</sup>

### **National park estate**

- 2.11** National park estate refers to all land within the national parks system in New South Wales. This includes 863 parks and reserves, and covers approximately seven million hectares or 8.75 per cent of the State.<sup>13</sup> As a significant public asset which supports the tourism industry in

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<sup>5</sup> Catchment and Lands, Department of Primary Industries, accessed 19 February 2013, <[http://www.lpma.nsw.gov.au/crown\\_land/about\\_crown\\_land](http://www.lpma.nsw.gov.au/crown_land/about_crown_land)>

<sup>6</sup> Submission 332, Appendix A, p 63; Answers to questions on notice taken during evidence 7 September 2012, Ms Brooks, Question 7.

<sup>7</sup> Catchment and Lands, Department of Primary Industries, accessed 26 March 2013, <[http://www.lpma.nsw.gov.au/crown\\_land/western\\_region/western\\_land\\_leases](http://www.lpma.nsw.gov.au/crown_land/western_region/western_land_leases)>

<sup>8</sup> Catchment and Lands, Department of Primary Industries, accessed 19 February 2013, <[http://www.lpma.nsw.gov.au/crown\\_land/about\\_crown\\_land](http://www.lpma.nsw.gov.au/crown_land/about_crown_land)>; Submission 332, Appendix A, p 63.

<sup>9</sup> Submission 332, Appendix A, p 63

<sup>10</sup> Catchment and Lands, Department of Primary Industries, accessed 19 February 2013, <[http://www.lpma.nsw.gov.au/crown\\_land/about\\_crown\\_land](http://www.lpma.nsw.gov.au/crown_land/about_crown_land)>

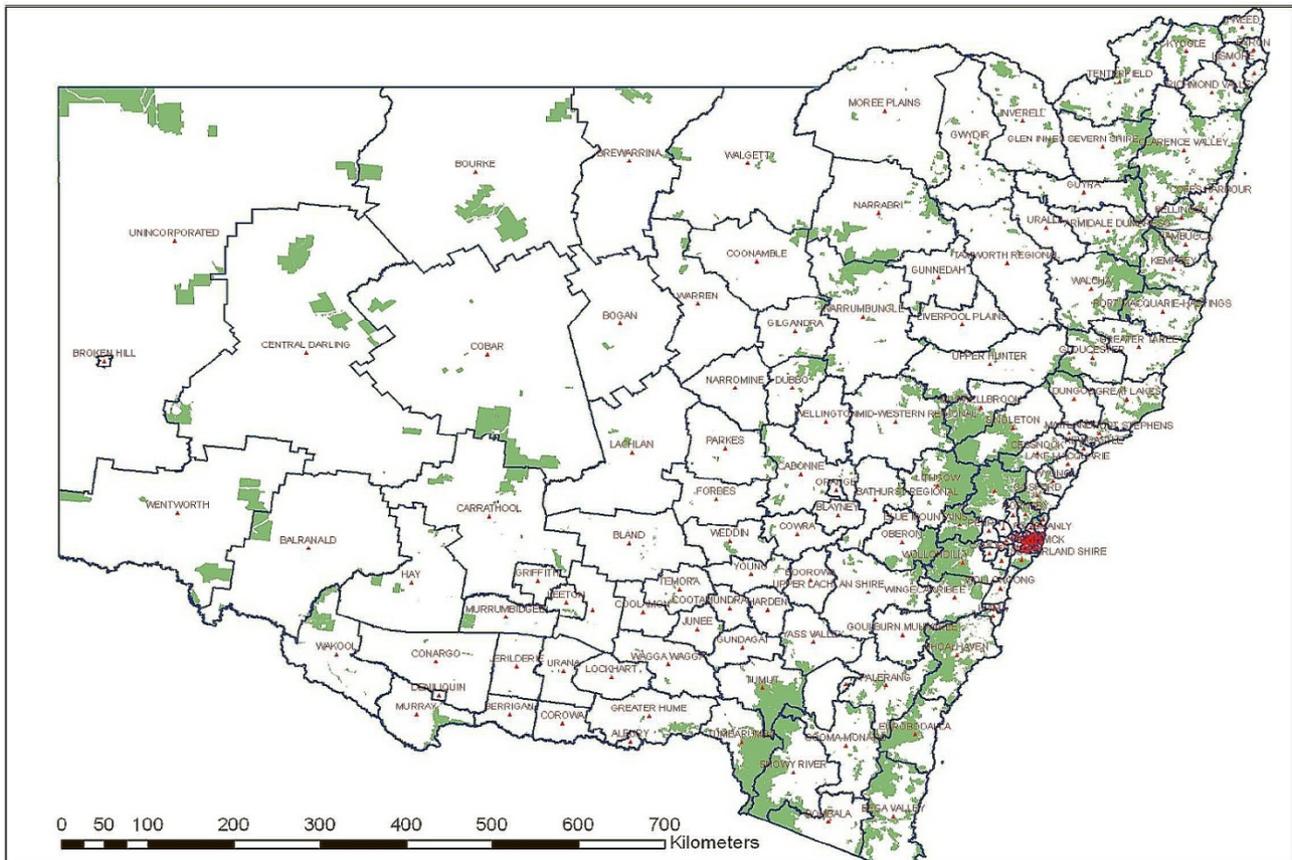
<sup>11</sup> Ms Renata Brooks, Acting Director General, Catchments and Lands, Department of Primary Industries, Evidence, 7 September 2012, p 14.

<sup>12</sup> Submission 332, Appendix A, p 64.

<sup>13</sup> Submission 332, Appendix A, p 59.

New South Wales, national parks were estimated to receive over 34 million visits in 2010.<sup>14</sup> The shaded areas in Figure 1 represent national park estate in New South Wales.<sup>15</sup>

**Figure 1 National park estate in New South Wales**



- 2.12** Land within the national parks system is described as containing ‘some of the most valuable habitats for our native plants and animals’, including representation of 81 per cent of the State’s plant species and 88 per cent of the State’s animal species.<sup>16</sup> In addition, places of cultural value, such as Aboriginal and historic heritage sites, are also found within national park estate.<sup>17</sup>
- 2.13** The national parks system therefore serves two fundamental purposes – the conservation and protection of natural and heritage values, and the provision of opportunities for public enjoyment.<sup>18</sup> Greater consideration of the purpose of national parks is given in Chapter 3.

<sup>14</sup> Submission 332, p 7.

<sup>15</sup> Submission 332, Appendix A, p 61.

<sup>16</sup> Mr Conroy, Evidence, 7 September 2012, p 3.

<sup>17</sup> Mr Conroy, Evidence, 7 September 2012, p 3.

<sup>18</sup> Mr Conroy, Evidence, 7 September 2012, p 3; Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, to Committee Secretariat, 28 November 2012, p 9.

- 2.14** Management of national park estate is primarily governed by the *National Parks and Wildlife Act 1974* (NPW Act). A range of other statutes impose additional obligations for management of the national park system, including the *Threatened Species Conservation Act 1995*, *Heritage Act 1977*, *Wilderness Act 1987*, *Environmental Planning and Assessment Act 1979*, *Rural Fires Act 1997*, *Noxious Weeds Act 1993* and *Game and Feral Animal Control Act 2002*.<sup>19</sup>
- 2.15** Under the NPW Act, there are seven categories of terrestrial reserves within the national parks system, each reflecting a different conservation purpose: national parks, nature reserves, historic sites, state conservation areas, karst conservation areas, Aboriginal areas, and regional parks.<sup>20</sup> These categories, together with additional reserve categories established in 2005 under the *Brigalow and Nandewar Community Conservation Area Act 2005*, are explained in Chapter 3.
- 2.16** In the 2011-2012 financial year, the costs of national park management were valued at \$277 million, with expenses dominated by fire management, pest management and the provision of visitor services and facilities.<sup>21</sup> Over 25 per cent of these costs are funded by revenue from park-use fees, lease and licence fees, and grants such as those awarded by the Commonwealth.<sup>22</sup> In the 2010-2011 financial year, the total revenue from national park estate was approximately \$51 million.<sup>23</sup>

### State forests

- 2.17** State forests are comprised of a wide range of native and planted forest types, covering more than two million hectares of land.<sup>24</sup> Figure 2 presents the State forests of New South Wales.<sup>25</sup>
- 2.18** Among the forest types found within State forests are the coastal native forests dominated by eucalypts, including blackbutt and flooded gum in the north, stringybarks and Sydney blue gum along the central coast, and spotted gum and silvertop ash forests in the south. The tablelands and ranges are characterised by tall forests with a range of timber species such as messmate and brown barrel. In the west, native cypress pine can be found along the plains and river red gum in the Riverina forests, while the tablelands of the central west and south feature radiata pine plantations.<sup>26</sup>
- 2.19** State forests are managed under the principles of Ecologically Sustainable Forests Management (ESFM) for a number of economic, environmental and social values, primarily including planting and regeneration, and timber harvesting for customers within New South Wales, across Australia and overseas.<sup>27</sup>

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<sup>19</sup> Submission 332, Appendix A, p 59.

<sup>20</sup> Submission 332, Appendix A, p 62.

<sup>21</sup> Submission 332, Appendix A, p 59.

<sup>22</sup> Submission 332, Appendix A, p 59.

<sup>23</sup> Submission 332, Appendix A, p 60.

<sup>24</sup> Submission 332, Appendix A, p 62.

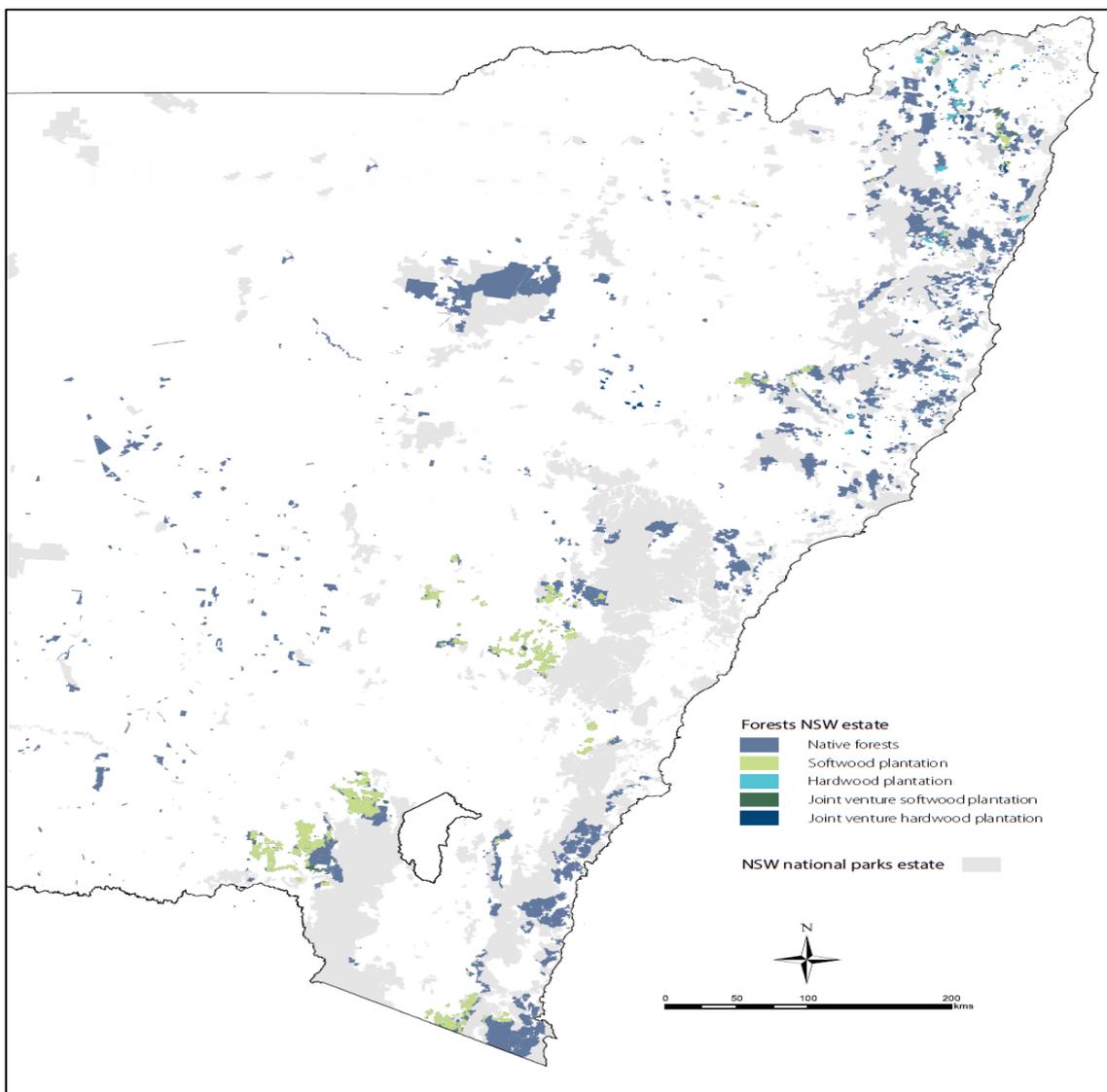
<sup>25</sup> Forests NSW, Annual Report 2011-12, p 14.

<sup>26</sup> Forests NSW, Annual Report 2011-12, p 4.

<sup>27</sup> Submission 332, Appendix A, p 62; Forests NSW, Annual Report 2011-12, p 4.

- 2.20** State forests are also subject to Integrated Forestry Operations Approvals (IFOAs) which describe the conditions under which forestry operations may occur, including where logging may be excluded. IFOAs integrate the regulatory regimes for environmental planning and assessment, the protection of the environment and threatened species conservation.<sup>28</sup>
- 2.21** In the 2011-2012 financial year, total revenue from State forests was reported as \$318 million, with an operating profit of \$14 million.<sup>29</sup>

**Figure 2 State forests of New South Wales**



<sup>28</sup> Office of Environment and Heritage, accessed 17 April 2013, <<http://www.environment.nsw.gov.au/forestageements/agreementsIFOAs.htm>>

<sup>29</sup> Forests NSW, Annual Report 2011-2012, p 16; Submission 332, Appendix A, p 62.

## How is public land managed in New South Wales?

- 2.22** In New South Wales, public land is managed within a complex and extensive system charged with delivering ‘a broad range of objectives and outcomes for optimum overall community benefit’.<sup>30</sup> Across this system, a spectrum of land uses are managed by a number of different agencies, who are each responsible for various types of land within the State.<sup>31</sup> The NSW Government explained that public land managers in New South Wales work both ‘individually and collaboratively’ to ‘protect the environmental, social and economic values associated with public lands’ and to manage various risks such as fire, pests and weeds.<sup>32</sup>
- 2.23** There are three key agencies which together manage the majority of public land in New South Wales:
- Crown Lands Division
  - NSW National Parks and Wildlife Service (NPWS)
  - Forestry Corporation of NSW (formerly, Forests NSW).<sup>33</sup>
- 2.24** Other public land managers or authorities with responsibility for land management activities include the Sydney Catchment Authority, State Water Corporation, Water Administration Ministerial Corporation, Livestock Health and Pest Authorities, Catchment Management Authorities, Biosecurity NSW, and Game Council NSW, who are all responsible to the Minister for Primary Industries.<sup>34</sup> In addition, other land managers or authorities are the Office of Strategic Lands, responsible to the Minister for Planning,<sup>35</sup> the NSW Rural Fire Service, responsible to the Minister for Emergency Services,<sup>36</sup> and local government.

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<sup>30</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>31</sup> Submission 332, NSW Government, p 1; Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>32</sup> Submission 332, p 1.

<sup>33</sup> Submission 332, p 1.

<sup>34</sup> Sydney Catchment Authority, accessed 17 April 2012, <<http://www.sca.nsw.gov.au/about-sca/organisational-structure>>; State Water Annual Report 2011-12, p 5; Office of Water, Department of Primary Industries, accessed 17 April 2013, <<http://www.water.nsw.gov.au/Water-licensing/Corporate-licences/Major-utilities/Sydney-Water-Corporation/Sydney-Water-Corporation/default.aspx>>; Livestock Pest and Health Authority, accessed 17 April 2013, <<http://www.lhpa.org.au/about-us>>; NSW Catchment Management Authorities, accessed 17 April 2013, <<http://cma.nsw.gov.au/ministers-foreword.html>>; Mr Bruce Christie, Executive Director, Biosecurity NSW, Evidence, 7 September 2012, p 37; Mr Brian Boyle, Chief Executive Officer, Game Council NSW, Evidence, 7 September 2012, p 49.

<sup>35</sup> Planning and Infrastructure, accessed 17 April 2013, <<http://www.planning.nsw.gov.au/office-of-strategic-lands>>

<sup>36</sup> NSW Rural Fire Service, accessed 17 April 2013, <[http://www.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1126](http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1126)>

### **Crown Lands Division**

- 2.25** The Crown Lands Division (CLD) is a division of Catchments and Lands, within the Department of Primary Industries. All Crown land managed under the legislation identified earlier, such as the *Crown Lands Act 1989* and the *Crown Lands (Continued Tenures) Act 1989*, is administered by CLD.<sup>37</sup>
- 2.26** As previously described, Crown land includes both tenured land and Crown reserves. Tenured land is managed by a tenure-holder who is responsible for management of the land according to the conditions of their tenure, including obligations for environmental management (discussed in Chapter 10), and often has the right to exclusive occupation and use of the land. Many tenures are held in perpetuity as a form of tradeable land title and include the Western Land Leases.<sup>38</sup>
- 2.27** Crown reserves are managed by reserve trusts which are guided by legislative and policy requirements to make decisions and take action in the interests of the reserve itself and the public. Reserve trusts are managed by a reserve trust manager who is either the Minister administering the *Crown Lands Act 1989*, a trust board (comprised of individual community members, or government and community organisations), an incorporated body (such as a local council, an incorporated association, or charity), or an administrator.
- 2.28** In its submission, the NSW Government advised that a review of Crown land management is currently underway, and is aimed at improving the administration and stewardship of Crown land as well as the benefits and returns to the State and community. The NSW Government explained that the review is expected to result in a new legislative framework for the management of Crown land in addition to better financial, governance and business models of management.<sup>39</sup>

### **NSW National Parks and Wildlife Service**

- 2.29** The NSW National Parks and Wildlife Service (NPWS) manages all national park estate in New South Wales. NPWS is part of the Office of the Environment and Heritage (OEH), within the Department of Premier and Cabinet.
- 2.30** The NPWS was established in 1967, bringing together the management of a range of parks and reserves, wildlife and native plant protection, and an Aboriginal protected site under the one coordinated management arrangement.<sup>40</sup> Today, the NPWS continues to work on the development of the national park system and opportunities for tourism, participation and visitation.<sup>41</sup>
- 2.31** The role of NPWS in the establishment and ongoing management of national park estate will be examined further in Chapter 3 and throughout the Report.

<sup>37</sup> Submission 332, Appendix A, p 63.

<sup>38</sup> Submission 332, Appendix A, p 63; Ms Brooks, Evidence, 7 September 2012, p 14.

<sup>39</sup> Submission 332, p 1.

<sup>40</sup> Mr Conroy, Evidence, 7 September 2012, p 2.

<sup>41</sup> Mr Conroy, Evidence, 7 September 2012, p 2; Office of Environment and Heritage, accessed 26 March 2013, < <http://www.environment.nsw.gov.au/whoweare/structure.htm> >

## Forestry Corporation of NSW

- 2.32** Forestry Corporation of NSW (Forestry Corporation) manages all State forests within New South Wales. Forestry Corporation is a State-owned corporation. Prior to its corporatisation, the agency was a public trading enterprise known as Forests NSW, and was a division of the Department of Primary Industries, which sits within the Department of Trade and Investment, Regional Infrastructure and Services.<sup>42</sup>
- 2.33** Forestry Corporation became a corporation on 1 January 2013, changing its governance structure with the aim to improve commercial performance.<sup>43</sup> The Corporation now reports to a commercial board appointed by and responsible to two shareholder ministers, the Treasurer and Minister of Finance.<sup>44</sup>
- 2.34** While Forestry Corporation is no longer a division within the Department of Primary Industries, the Minister for Primary Industries retains responsibility for policy development on forestry, and implementation and regulation of the forest industry.<sup>45</sup> Furthermore, the nature of the Corporation's business and its relationships with the community and its customers have remained largely the same as when the organisation was a public trading enterprise.<sup>46</sup>
- 2.35** As previously noted, Forestry Corporation manages the public land under its control according to the Ecologically Sustainable Forests Management (ESFM) framework. This framework is explained by Mr Nic Roberts, Chief Executive Officer, Forests NSW (now Forestry Corporation), who stated that 'our general philosophy is to run a safe and financial business while working for the environmental, economic and social benefit of the people of New South Wales'.<sup>47</sup> The NSW Government advised that each region, including planted forests regions, has a specifically tailored ESFM plan.<sup>48</sup>
- 2.36** In addition to the forests managed by Forestry Corporation for production purposes, the agency also manages 121 recreation sites across New South Wales, providing facilities such as camp grounds, picnic sites, caravan parking sites and associated services, as well as facilitating organised recreational and educational activities, including recreational hunting.<sup>49</sup>

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<sup>42</sup> Forestry Corporation of NSW, accessed 20 February 2013, <<http://www.forests.nsw.gov.au/about/corporatisation>>; Submission 332, Appendix A, p 62.

<sup>43</sup> Submission 332, p 1; Forestry Corporation of NSW, accessed 20 February 2013, <<http://www.forests.nsw.gov.au/about/corporatisation>>

<sup>44</sup> Forestry Corporation of NSW, accessed 20 February 2013, <<http://www.forests.nsw.gov.au/about/corporatisation/questions-and-answers>>

<sup>45</sup> Forestry Corporation of NSW, accessed 20 February 2013, <<http://www.forests.nsw.gov.au/about/corporatisation/questions-and-answers>>

<sup>46</sup> Submission 332, p 1.

<sup>47</sup> Mr Nic Roberts, Chief Executive Officer, Forests NSW, Evidence, 14 September 2012, p 25. Please note that all references to Forests NSW witnesses refer to their titles at the time they gave evidence to the Committee, before Forests NSW became Forestry Corporation of NSW.

<sup>48</sup> Submission 332, Appendix A, p 62.

<sup>49</sup> Mr Roberts, Evidence, 14 September 2012, p 25.

### Other public land managers and authorities

- 2.37** There are a number of other authorities in New South Wales responsible for the management of public land or for land management activities. For example, the Sydney Catchment Authority owns and manages land in drinking water catchments, including 370,000 hectares of native bushland.<sup>50</sup> Sydney Water Corporation manages approximately 350,000 hectares of public land, including reserves and leased land.<sup>51</sup> The Water Administration Ministerial Corporation has, over time, acquired significant parcels of land to undertake its functions, including the construction and maintenance of water management works or to acquire rights to water<sup>52</sup>, including an estimated 5,000 properties with a total area of 80,000 hectares.<sup>53</sup>
- 2.38** Other public land managers and authorities such as local government, the Office of Strategic Lands, Livestock Health and Pest Authorities, Catchment Management Authorities, the Rural Fire Service, Biosecurity NSW and Game Council NSW will be considered in greater detail below.

### Local government

- 2.39** Local government plays a significant role in the management of public land and, in particular, of Crown reserves across New South Wales. A substantial number of Crown reserves are managed by local councils as the reserve trust or reserve trust manager.<sup>54</sup> As such, local government is responsible for the management of Crown lands including boat ramps, urban parks, sporting grounds, bushland reserves, areas of cultural heritage, and areas of general community use.<sup>55</sup>
- 2.40** This is in addition to the management of ‘community’ and ‘operational’ lands owned by local government under the *Local Government Act 1993*.<sup>56</sup> These lands are *not* public lands for the purposes of this Report.

### Office of Strategic Lands

- 2.41** The Office of Strategic Lands within the Department of Planning and Infrastructure manages public land in the greater Sydney Metropolitan area. The Office is responsible for identifying, acquiring, managing (on an interim basis) and transferring land to other government agencies, including local government.<sup>57</sup>

<sup>50</sup> Submission 332, Appendix A, p 65.

<sup>51</sup> Submission 332, Appendix A, p 66.

<sup>52</sup> *Water Management Act 2000*, Section 372 Functions of Ministerial Corporation, accessed 22 April 2013, <<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N>>.

<sup>53</sup> Submission 332, Appendix A, p 66-67.

<sup>54</sup> Submission 332, Appendix A, p 63-64.

<sup>55</sup> Submission 203, Local Government and Shires Association of NSW, p 3.

<sup>56</sup> Department of Premier and Cabinet, Division of Local Government, *Practice Note No. 1 - Public Land Management*, p 2.

<sup>57</sup> Submission 332, Appendix A, p 64.

- 2.42** Land administered by the Office of Strategic Lands is used to implement planning and other public purposes, such as providing regional open space, public transport corridors and urban development projects.<sup>58</sup>
- 2.43** Maintenance of these lands is often a shared responsibility. For example, almost half of the regional open space is managed by local councils under the *Local Government Act 1993*, however, local councils may carry out maintenance duties together with the Office of Strategic Lands.<sup>59</sup>

### ***Livestock Health and Pest Authorities***

- 2.44** Livestock Health and Pest Authorities (LHPAs) are responsible for providing frontline livestock health services to safeguard agriculture in New South Wales, including animal health, pest animal and insect control, and management of up to 550,000 hectares of travelling stock reserves (TSRs). Currently, there are 14 LHPAs across the State who work closely with rural producers, the Department of Primary Industries, and other government and industry bodies.<sup>60</sup>
- 2.45** In its submission, the NSW Government advised that a review of the LHPA model had been conducted, resulting in recommendations for significant changes to the broader delivery of rural landholder services in New South Wales.<sup>61</sup> Subsequently, in October 2012, the Minister for Primary Industries announced the introduction of Local Land Services which will amalgamate the functions of and effectively replace the LHPAs, Catchment Management Authorities (CMAs) (considered below) and agricultural advisory services provided by Agriculture NSW.<sup>62</sup> The Local Land Services model aims to ‘link natural resource management to productive primary industries’ by delivering services, information and advice more efficiently to farmers and landholders.<sup>63</sup>
- 2.46** The Local Land Services are due to commence operation in January 2014.<sup>64</sup> While most functions of the previous agencies will be delivered by the new Local Land Services, as discussed previously, a broader review of Crown land management is currently being conducted where the issue of TSRs, in particular, will be considered.<sup>65</sup>

<sup>58</sup> Submission 332, Appendix A, p 64.

<sup>59</sup> Submission 332, Appendix A, p 65.

<sup>60</sup> Submission 332, Appendix A, p 65.

<sup>61</sup> Submission 332, Appendix A, p 65.

<sup>62</sup> Hon K Hodgkinson MP, Minister for Primary Industries, ‘Local Land Services to transform service delivery to NSW farmers and landowners’, *Media Release*, 4 October 2012.

<sup>63</sup> Hon K Hodgkinson MP, Minister for Primary Industries, ‘Local Land Services to transform service delivery to NSW farmers and landowners’, *Media Release*, 4 October 2012; Department of Primary Industries, accessed 19 February 2013, <<http://www.dpi.nsw.gov.au/locallandservices/frequently-asked-questions>>

<sup>64</sup> Hon K Hodgkinson MP, Minister for Primary Industries, ‘Local Land Services to transform service delivery to NSW farmers and landowners’, *Media Release*, 4 October 2012.

<sup>65</sup> Department of Primary Industries, accessed 19 February 2013, <<http://www.dpi.nsw.gov.au/locallandservices/frequently-asked-questions>>

### ***Catchment Management Authorities***

- 2.47** The Catchment Management Authorities (CMAs) are tasked with developing and ensuring the delivery of Catchment Action Plans (CAPs) across the State. CAPs are the key instruments guiding natural resource management activities in New South Wales, including the identification of priority areas and assets, key threats and opportunities as well as the mitigation of these threats.<sup>66</sup>
- 2.48** There are currently 13 CMAs in New South Wales who work towards managing land and natural resources through the priorities identified in their CAPs. Improvements in land condition are an example of outcomes sought by CMAs, and has been described in projects such as the Mulga Creek Constructed Wetlands Project and the Bitou Bush Coastal Project, which aimed to improve both land and water quality, and biodiversity conditions.<sup>67</sup>
- 2.49** As outlined earlier, CMAs will join LHPAs and the advisory services of Agriculture NSW to form the Local Land Services. CAPs are currently being upgraded and will continue until completion in March 2013, but will be adjusted over time to reflect the move to Local Land Services and any other reforms.<sup>68</sup>

### ***NSW Rural Fire Service***

- 2.50** The NSW Rural Fire Service (RFS), under the *Rural Fires Act 1997*, is responsible for preventing, mitigating and suppressing bush and other fires in rural districts. In doing so, the RFS coordinates both bushfire fighting and prevention across the State, and undertakes various land management activities to protect the environment.<sup>69</sup>
- 2.51** As part of its core business, the RFS not only fights fires or manages hazard reduction but engages in a rigorous risk planning process which includes identifying and assessing assets at risk and developing strategies to address those risks.<sup>70</sup>
- 2.52** Bushfire management under the RFS is facilitated by Bushfire Management Committees (BFMCs) who are responsible for developing plans of operation and risk management. BFMCs provide a forum for local involvement in the management of fires in the area and are comprised of a range of stakeholders including local landholders, land managers, such as the NPWS, fire authorities and community organisations.<sup>71</sup>
- 2.53** The RFS also play a significant role in nil-tenure projects such as the Hotspots Fire Project, which is a training program providing local landholders and land managers with the skills and knowledge to participate in a shared approach to fire management planning and

<sup>66</sup> Ms Brooks, Evidence, 7 September 2012, p 13.

<sup>67</sup> Ms Brooks, Evidence, 7 September 2012, p 13; Answers to questions on notice taken during evidence 7 September 2012, Ms Brooks, Question 6.

<sup>68</sup> Department of Primary Industries, accessed 19 February 2013, <<http://www.dpi.nsw.gov.au/locallandservices/frequently-asked-questions>>

<sup>69</sup> Submission 332, Appendix A, p 67-68.

<sup>70</sup> NSW Rural Fire Service, accessed 21 February 2013, <[http://www.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1030](http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1030)>

<sup>71</sup> NSW Rural Fire Service, accessed 21 February 2013, <[http://www.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1196](http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1196)>

implementation. The program is guided by an Advisory Committee but is delivered jointly by the RFS and the Nature Conservation Council of NSW.<sup>72</sup>

- 2.54** The role of the RFS in fire management and in programs such as the Hotspots Fire Project will be further examined in Chapter 11.

### ***Biosecurity NSW***

- 2.55** Biosecurity NSW is a division of the Department of Primary Industries which aims to manage risks to the economy, environment and community from pests and diseases, invasive plants and animals, and chemical contaminants. A draft NSW Biosecurity Strategy is currently being developed which seeks to outline how biosecurity threats can be managed by a range of government agencies, primary producers and the general public.<sup>73</sup>
- 2.56** Some of the threats managed by Biosecurity NSW are those which inform land management activities across the State, and include land-based and aquatic plant and animal diseases, pest animals, insects and weeds. Pests and weeds are described as being ‘among the biggest threats to the survival of Australia’s native plants and animals’,<sup>74</sup> and are discussed in greater detail in Chapter 12.

### ***Game Council NSW***

- 2.57** The Game Council NSW is a statutory authority established under the *Game and Feral Animal Control Act 2002* and is subject to the control and direction of the Minister for Primary Industries. Under the Act, the Game Council NSW’s objectives are ‘to provide for the effective management of introduced species of game animals and to promote responsible and orderly hunting of those game animals on public and private land’.<sup>75</sup>
- 2.58** The Game Council NSW represents the interests of licenced game hunters, administers the licencing system for game hunters, makes recommendations to the relevant Ministers for declaring public land available for hunting and provides advice to the Minister for Primary Industries on game and feral animal control.<sup>76</sup>
- 2.59** Since 2004, more than 98,750 written permissions to hunt in State forests and Crown lands have been issued by the Game Council NSW. Mr Brian Boyle, Chief Executive Officer, Game Council NSW, reported that over 3.2 million animals have been taken by licenced hunters since 2004, including 76,500 animals taken from declared public lands since 2006.<sup>77</sup>
- 2.60** In 2012, the NSW Government extended its feral animal control program to allow licenced hunters to cull pests in national parks.<sup>78</sup> Hunting in national parks will be discussed further in Chapter 12.

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<sup>72</sup> Hotspots Fire Project, accessed 21 February 2013, <<http://hotspotsfireproject.org.au>>

<sup>73</sup> Ms Brooks, Evidence, 7 September 2012, p 14.

<sup>74</sup> Ms Brooks, Evidence, 7 September 2012, p 14.

<sup>75</sup> Mr Boyle, Evidence, 7 September 2012, p 49.

<sup>76</sup> Mr Boyle, Evidence, 7 September 2012, p 49.

<sup>77</sup> Mr Boyle, Evidence, 7 September 2012, p 49.

<sup>78</sup> Submission 332, p 48.

## Sustainable land management

**2.61** Central to the themes considered in this Inquiry is the concept of ‘sustainability’ and, in particular, opportunities for sustainable management of public land in New South Wales. This section explores the meaning of ‘sustainability’ and ‘sustainable land management’, and outlines the principles of ‘sustainable use’.

### What is sustainability and sustainable land management?

**2.62** It is widely acknowledged that ‘sustainability’ is a very broadly used term that is largely defined by the context in which it is used. Indeed, as the Office of Environment and Heritage (OEH) observes, ‘there is no simple definition of “sustainability”’.<sup>79</sup>

**2.63** In Australia, the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) explains the significance of sustainability by stating that, while lands are managed for multiple uses and benefits across the country, land managers need to consider a host of economic, social and environmental factors to ensure the long-term sustainability of land.<sup>80</sup>

**2.64** DSEWPC defines sustainable land management as ‘managing land without damaging ecological processes or reducing biodiversity’.<sup>81</sup> As such, it requires the maintenance of the following key components of the environment:

- **Biodiversity** – the variety of species, populations, habitats and ecosystems
- **Ecological integrity** – the general health and resilience of natural life-support systems, including their ability to assimilate wastes and withstand stresses such as climate change and ozone depletion
- **Natural capital** – the stock of productive soil, fresh water, forests, clean air, ocean, and other renewable resources that underpin the survival, health and prosperity of human communities.<sup>82</sup>

**2.65** As mentioned previously, the OEH acknowledge the complexity of defining sustainability, stating that it ‘can be an idea, a property of living systems, a manufacturing method or a way of life’.<sup>83</sup> They acknowledge, however, that most definitions of sustainability include:

<sup>79</sup> Office of Environment and Heritage, accessed 27 March 2013, <<http://www.environment.nsw.gov.au/sustainability/index.htm>>

<sup>80</sup> Commonwealth Department of Sustainability, Environment, Water, Population and Communities, accessed 27 March 2013, <<http://www.environment.gov.au/land/management/index.html>>

<sup>81</sup> Commonwealth Department of Sustainability, Environment, Water, Population and Communities, accessed 27 March 2013, <<http://www.environment.gov.au/land/management/index.html>>

<sup>82</sup> Commonwealth Department of Sustainability, Environment, Water, Population and Communities, accessed 27 March 2013, <<http://www.environment.gov.au/land/management/index.html>>

<sup>83</sup> Office of Environment and Heritage, accessed 27 March 2013, <<http://www.environment.nsw.gov.au/sustainability/index.htm>>

- living within the limits of what the environment can provide
- understanding the many interconnections between the economy, society and the environment, and
- the equal distribution of resources and opportunities.<sup>84</sup>

**2.66** The *National Parks and Wildlife Act 1974* defines ‘sustainable’, in relation to visitor or tourist use and enjoyment of land, as being in accordance with the principles of Ecologically Sustainable Development, as described in Section 6(2) of the *Protection of the Environment Administration Act 1991*.

**2.67** This *Protection of the Environment Administration Act 1991* states that:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

(a) the precautionary principle-namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(ii) an assessment of the risk-weighted consequences of various options,

(b) inter-generational equity-namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

(c) conservation of biological diversity and ecological integrity-namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

(d) improved valuation, pricing and incentive mechanisms-namely, that environmental factors should be included in the valuation of assets and services, such as:

(i) polluter pays-that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,

(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,

(iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms,

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<sup>84</sup> Office of Environment and Heritage, accessed 27 March 2013, <<http://www.environment.nsw.gov.au/sustainability/index.htm>>

that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.<sup>85</sup>

### Principles of sustainable use and sustainable development

- 2.68** As sustainability is not so easily defined, neither are the principles underpinning sustainable use. According to the Convention on Biological Diversity, to which Australia is a signatory as explained in Chapter 3, sustainable use is ‘the use of components of biological diversity in a way and at a rate that does not lead to the long-term declined of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations’.<sup>86</sup>
- 2.69** The Sustainable Use and Livelihoods Specialist Group (SULSG) of the International Union for the Conservation of Nature (IUCN) further explained the principles of sustainable use. The role of the IUCN in Australia’s international commitments to biodiversity conservation will be explained in Chapter 3.
- 2.70** The SULSG informed the Committee that, in 2000, the IUCN adopted the *Policy Statement of the Sustainable Use of Wild Living Resources*. They advised that the principles of sustainable use outlined in the policy essentially highlight three significant points:
- that decisions of whether to use, or not to use, wild living resources should be consistent with conservation of biological diversity
  - that use, if sustainable, can meet human needs on an ongoing basis while contributing to the conservation of biological diversity
  - that use of wild living resources, if sustainable, is an important conservation tool because the social and economic benefits derived from such use provide incentives for people to conserve them.<sup>87</sup>
- 2.71** The Commonwealth Department of Sustainability, Environment, Water, Population and Communities reflects these principles in their definition of ‘ecologically sustainable development (ESD)’, that is, ‘using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased’.<sup>88</sup>
- 2.72** Similarly, the OEH states that sustainable development aims to ‘meet human needs in the present while preserving the environment so that these needs can also be met in the indefinite future’.<sup>89</sup>

<sup>85</sup> *Protection of the Environment Administration Act 1991*, s 6.

<sup>86</sup> Convention on Biological Diversity, accessed 18 April 2013, <<http://www.cbd.int/sustainable/introduction.shtml>>

<sup>87</sup> Submission 259, International Union for the Conservation of Nature, p 1.

<sup>88</sup> Commonwealth Department of Sustainability, Environment, Water, Population and Communities, accessed 27 March 2013, <<http://www.environment.gov.au/about/esd/publications/strategy/intro.html#WIESD>>

<sup>89</sup> Office of Environment and Heritage, accessed 27 March 2013, <<http://www.environment.nsw.gov.au/sustainability/index.htm>>

**2.73** This Chapter acknowledges the complex and multi-agency management system currently in place for public lands in New South Wales, and the roles played by those various Government agencies and bodies within it. This Chapter provides a basis for further discussion of sustainable management and the principles of sustainable use in our current approach to public land management, as well as discussion of alternative models for consideration in the final chapter of this Report. This Chapter also sets the scene for the following chapter, which details the purpose of national parks, why and how land is converted to national park estate, and the proceeding chapters, which examine the various impacts of conversion in a number of case studies.

## Chapter 3      Establishing national parks

This Chapter discusses the purpose of national parks and the policy framework that supports national parks, including our international and national commitments, and the policy instruments that guide the establishment of national parks in New South Wales. How land is selected for inclusion in the reserve system and, in particular, the scientific principles underpinning conservation planning are also examined. The Chapter also considers the views of some Inquiry participants who question whether national parks are indeed fulfilling their conservation objectives.

By considering how national parks are established and the context within which decisions are made to convert land to this tenure, this Chapter provides a backdrop for the process of conversion as well as the impacts in the areas named in the terms of reference which are to be discussed in the following chapters.

### The purpose of national parks

- 3.1**      Why national parks are established and the role they play within the State's public land system is integral to understanding the way in which land is reserved in New South Wales.
- 3.2**      As noted in Chapter 2, the national park system in New South Wales is designed to serve two fundamental purposes – the conservation and protection of natural and heritage values, and the provision of opportunities for public enjoyment.<sup>90</sup> It is the first of these twin objectives, in particular, that has been central to the growth of the national parks system over the last two decades.
- 3.3**      Further, the purpose of National Parks is laid out in Section 30E of the *National Parks and Wildlife Act 1974*. This states:
- (1) The purpose of reserving land as a national park is to identify, protect and conserve areas containing outstanding or representative ecosystems, natural or cultural features or landscapes or phenomena that provide opportunities for public appreciation and inspiration and sustainable visitor or tourist use and enjoyment so as to enable those areas to be managed in accordance with subsection (2).
  - (2) A national park is to be managed in accordance with the following principles:
    - (a) the conservation of biodiversity, the maintenance of ecosystem function, the protection of geological and geomorphological features and natural phenomena and the maintenance of natural landscapes,
    - (b) the conservation of places, objects, features and landscapes of cultural value,
    - (c) the protection of the ecological integrity of one or more ecosystems for present and future generations,

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<sup>90</sup> Mr Bob Conroy, Acting Deputy Chief Executive of the Office of Environment and Heritage and Acting Head of the NSW National Parks and Wildlife Service, Evidence, 7 September 2012, p 3; Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, to Committee Secretariat, 28 November 2012, p 9.

(d) the promotion of public appreciation and understanding of the national park's natural and cultural values,

(e) provision for sustainable visitor or tourist use and enjoyment that is compatible with the conservation of the national park's natural and cultural values,

(f) provision for the sustainable use (including adaptive reuse) of any buildings or structures or modified natural areas having regard to the conservation of the national park's natural and cultural values,

(fa) provision for the carrying out of development in any part of a special area (within the meaning of the Hunter Water Act 1991) in the national park that is permitted under section 185A having regard to the conservation of the national park's natural and cultural values,

(g) provision for appropriate research and monitoring.<sup>91</sup>

**3.4** As noted in Chapter 2, 'sustainable' use is defined in this Act as being in accordance with the principles of Ecologically Sustainable Development, as described in Section 6(2) of the *Protection of the Environment Administration Act 1991*

### **Conservation aims of national parks**

**3.5** According to the Office of Environment and Heritage (OEH), national parks are considered the 'cornerstone' of conservation efforts both within Australia and around the world.<sup>92</sup> Having developed over a period of more than 130 years, the aim of the national parks system in New South Wales is to contribute to the protection of flora, fauna and ecosystems across the State by providing a secure tenure in which the pressures and threats to these natural values can be removed or reduced.<sup>93</sup>

**3.6** In a presentation to the Committee by the NSW National Parks and Wildlife (NPWS) on the scientific basis for establishing national parks, Ms Melinda Murray, Acting Director, Conservation Programs, NPWS, explained that the value of national parks is supported by a body of science which suggests that having a secure and well-managed system of protected areas is 'essential' for protecting biological diversity.<sup>94</sup> It is on this basis that the OEH states that national parks provide a 'safe bank of natural capital' that must be maintained for the benefit of generations to come.<sup>95</sup>

**3.7** The OEH maintained that reservation is not only an appropriate means of conservation but *the* most appropriate means, not only on conservation grounds, but also on the grounds of financial efficiency:

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<sup>91</sup> *National Parks and Wildlife Act 1974*, s 30E.

<sup>92</sup> Answers to supplementary questions 15 October 2012, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Question 1a, p 8.

<sup>93</sup> Answers to supplementary questions 15 October 2012, Ms Barnes, Question 1a, p 8.

<sup>94</sup> Ms Melinda Murray, Acting Director, Conservation Programs, NSW National Parks and Wildlife Service, Briefing, 7 September 2012, p 2.

<sup>95</sup> Answers to supplementary questions 15 October 2012, Ms Barnes, Question 1a, p 8.

There is an increasing body of evidence demonstrating that publicly managed conservation reserves are a fiscally efficient and effective form of environmental protection compared to other methods, including some forms of private land conservation.<sup>96</sup>

- 3.8** In relation to conservation outcomes and citing various sources of research and review, the OEH stated that reservation in the form of national parks is essential to conservation and a ‘critical action’ under international and national commitments.<sup>97</sup> Furthermore, the NSW Government contends that public ownership and management of national parks, in particular, is internationally recognised as ‘the tenure most likely to deliver conservation objectives’ as they are established in-perpetuity, located strategically and professionally managed with transparency and accountability.<sup>98</sup>
- 3.9** However, the OEH also acknowledged that other types of tenure can also fulfil conservation objectives. The OEH informed the Committee that other forms of public lands, for example public lands managed for forestry operations and timber productions, contribute to conservation outcomes, but that these outcomes are not the primary objective. They argued that only in balancing management objectives and arrangements across all tenures can conservation, as well as social and economic benefit be found, asserting that ‘no one single management or tenure arrangement... can deliver all these benefits on its own’.<sup>99</sup>

## Policy framework around national parks

- 3.10** National parks in New South Wales are established within a policy framework that consists of a number of international and national commitments, and State legislation and policy instruments, including the *National Parks and Wildlife Act 1974* and the NSW National Parks Establishment Plan 2008.

### International commitments

- 3.11** Australia is party to a number of international agreements and conventions relating to the conservation of natural resources and protection of the environment. For example, Australia’s commitments to conservation are in accordance with the 1992 Convention on Biological Diversity (CBD), to which Australia is a signatory.<sup>100</sup> The CBD commits the Australian Government and its states and territories to establishing, managing, and developing guidelines for a system of protected areas to conserve biodiversity.<sup>101</sup> Currently, the CBD has a target of setting aside 17 per cent of land within a protected area network, which includes both public

<sup>96</sup> Answers to supplementary questions 15 October 2012, Ms Barnes, Question 1a, p 8.

<sup>97</sup> Answers to supplementary questions 15 October 2012, Ms Barnes, Question 1a, p 8.

<sup>98</sup> Submission 332, NSW Government, Appendix A, p 57.

<sup>99</sup> Answers to supplementary questions, 15 October 2012, Ms Barnes, Question 1b, p 9.

<sup>100</sup> Ms Murray, Briefing, 7 September 2012, p 3; Australia’s Strategy for the National Reserve System 2009-2030, p 22.

<sup>101</sup> NSW National Parks Establishment Plan 2008, p 12.

and private land.<sup>102</sup> Ms Murray, NPWS, advised that approximately 12 per cent of land within Australia is within the protected area network at present.<sup>103</sup>

**3.12** Australia has also ratified the 1975 Convention Concerning the Protection of the World Cultural and Natural Heritage, also known as the World Heritage Convention. This Convention promotes the identification and protection of heritage sites that are of such ‘outstanding universal value’ that they must be conserved for all time.<sup>104</sup> There are currently five world heritage sites in New South Wales.<sup>105</sup>

**3.13** In addition, Australia has ratified the 1971 Convention on Wetlands of International Importance. Commonly known as the Ramsar Convention, this intergovernmental treaty aims to maintain the ecological character of significant wetlands around the world and to plan for the ‘wise use’, or sustainable use, of these wetlands.<sup>106</sup> There are currently 12 Ramsar sites in New South Wales.<sup>107</sup>

**3.14** The Australian and NSW Governments are also members of the International Union for the Conservation of Nature (IUCN). Recognised as the global authority on protected areas, the IUCN provides a standard definition for protected areas which Ms Murray stated ‘highlights that there must be places managed for conservation and secured through legal or other effective means’.<sup>108</sup>

**3.15** The IUCN has established a system for classifying protected areas and determining management priorities, which includes the identification of a number of categories of protected areas and guidelines for their application.<sup>109</sup> Each with the primary objective of conservation, the IUCN categories are:

- Category Ia – Strict Nature Reserve
- Category Ib – Wilderness Area
- Category II – National Park
- Category III – Natural Monument of Feature
- Category IV – Habitat/Species Management Area

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<sup>102</sup> Ms Murray, Briefing, 7 September 2012, p 10.

<sup>103</sup> Ms Murray, Briefing, 7 September 2012, p 10.

<sup>104</sup> Australian Government, Department of Sustainability, Environment, Water, Population and Communities, accessed 14 March 2013, <<http://www.environment.gov.au/heritage/about/world/convention.html>>

<sup>105</sup> Tabled document, NSW National Parks and Wildlife Service, *NSW National Parks and Wildlife Service presentation: The scientific basis for establishing national parks*, p 19; Australian Government, Department of Sustainability, Environment, Water, Population and Communities, accessed 14 March 2013, <<http://www.environment.gov.au/heritage/about/world/convention.html>>

<sup>106</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 16.

<sup>107</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 19.

<sup>108</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 13; Ms Murray, Briefing, 7 September 2012, p 3.

<sup>109</sup> Ms Murray, Briefing, 7 September 2012, p 3; Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 13.

- Category V – Protected Landscape/Seascape
- Category VI – Protected Area with Sustainable Use of Natural Resources.<sup>110</sup>

**3.16** As noted by the OEH, the IUCN guidelines emphasise that the categories should not be seen as a simple hierarchy, whether in quality or importance. Also according to the IUCN, nor should the categories be changed to downgrade environmental protection or be used to argue for environmentally insensitive development in protected areas.<sup>111</sup>

**3.17** For example, Category VI – Protected Area with Sustainable Use of Natural Resources is aimed at conserving habitats and ecosystems in generally vast areas that also have a small proportion subject to sustainable natural resource management. The OEH drew attention to this category, stating that it was not designed to accommodate industrial-scale activities for resource use.<sup>112</sup> Instead, the OEH suggested that the category reflects use of these protected areas by Indigenous communities across the world, who may live in areas of significant conservation value.<sup>113</sup>

**3.18** It is important to note that, while internationally regarded as providing a model of best practice, the IUCN categories have no legal effect.<sup>114</sup> As Ms Murray explained, they nevertheless provide ‘important guidance on the sort of management regime that should be applied’.<sup>115</sup> As such, the IUCN categories are used as the basis for Australia to measure and report on its international obligations.<sup>116</sup>

**3.19** The OEH advised, however, that a consistent process of applying IUCN categories is yet to be adopted by all Australian jurisdictions. Currently, individual Governments determine the appropriate IUCN designation for the parks and reserves in their state, and report this information to the Commonwealth who then uses it as part of their reporting on obligations under the CBD.<sup>117</sup> Ms Murray informed the Committee that, for example, in New South Wales, nature reserves generally meet the IUCN’s most protected category, Category IA, while most national parks meet the IUCN Category II.<sup>118</sup>

### **National commitments**

**3.20** In addition to our international commitments, the New South Wales national parks system operates within a context of national conservation efforts. For example, in 1992, the Australian Government and all states and territories signed the Intergovernmental Agreement on the Environment, in which they committed to establishing a comprehensive, adequate and

<sup>110</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 19.

<sup>111</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 16.

<sup>112</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 14.

<sup>113</sup> Ms Melinda Murray, Acting Director, Conservation Programs, NSW National Parks and Wildlife Service, Evidence, 7 September 2012, p 5.

<sup>114</sup> Ms Murray, Briefing, 7 September 2012, p 3.

<sup>115</sup> Ms Murray, Briefing, 7 September 2012, p 3.

<sup>116</sup> Ms Murray, Briefing, 7 September 2012, p 3.

<sup>117</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, pp 14-15.

<sup>118</sup> Ms Murray, Briefing, 7 September 2012, p 3.

representative system of protected areas based on biogeographic regions.<sup>119</sup> The scientific principles of comprehensiveness, adequacy and representativeness (CAR) as the basis of conservation planning will be explored later in this Chapter, as will the use of biogeographic regions in biodiversity assessment and planning.

- 3.21** In 1992, the NSW Government also signed the National Forest Policy Statement (NFPS), which commits Governments to sustainable forest management, including protection of forests in the reserve system.<sup>120</sup> The NFPS provided a framework for the development of National Forest Reserve Criteria, commonly known as the JANIS criteria, which helped identify forest areas that needed protection and provided guidance for delivering conservation as well as acceptable social and economic outcomes.<sup>121</sup> The NFPS also set out the process for undertaking what the OEH described as ‘the most comprehensive regional resources assessments ever undertaken in New South Wales’ as the basis for negotiation of Regional Forest Agreements (RFAs).<sup>122</sup> The RFAs are 20-year plans for the conservation and sustainable management of Australia's native forests.<sup>123</sup> Responses to the forest agreements on the north coast of New South Wales, for example, are discussed in Chapter 6.
- 3.22** The NSW Government has also endorsed Australia’s Biodiversity Conservation Strategy 2010-2030, a commitment to further building on the protected area system.<sup>124</sup> The Strategy provides a framework for conserving biodiversity over the coming decades with the vision that Australia’s biodiversity is valued, healthy and resilient to threats.<sup>125</sup>
- 3.23** These, amongst other obligations to conserve and protect our environment, are primarily met through the National Reserve System (NRS), a network of public, Indigenous and private protected areas focused on securing long-term protection for Australia’s terrestrial biodiversity.<sup>126</sup>
- 3.24** The NRS is guided by Australia’s Strategy for the National Reserve System 2009-2030, which sets national targets and identifies priority actions to build the CAR reserve system. For example, the Strategy sets a target of sampling 80 per cent of the number of ecosystems in each bioregion.<sup>127</sup> Sampling and ensuring ecosystems are appropriately represented in national parks is further discussed later in this Chapter.

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<sup>119</sup> NSW National Parks Establishment Plan 2008, p 12.

<sup>120</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 19; NSW National Parks Establishment Plan 2008, p 13.

<sup>121</sup> Answers to supplementary questions, 15 October 2012, Ms Barnes, Question 2, p 10.

<sup>122</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 10.

<sup>123</sup> Australian Government, Department of Agriculture, Fisheries and Forestry, accessed 17 April 2013, <<http://www.daff.gov.au/forestry/policies/rfa>>

<sup>124</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 19.

<sup>125</sup> Australian Government, Department of Sustainability, Environment, Water, Population and Communities, accessed 18 March 2013, <<http://www.environment.gov.au/biodiversity/publications/strategy-2010-30/index.html>>

<sup>126</sup> Australia’s Strategy for the National Reserve System 2009-2030, pp 2 and 10.

<sup>127</sup> Ms Murray, Briefing, 7 September 2012, p 5.

- 3.25** In providing national guidance, the Strategy also supports collaborative action by all land managers of protected areas and key stakeholders, and recognises that the NRS cannot, of itself, ensure that all biodiversity conservation objectives are met. The Strategy maintains that only a full range of conservation measures applied to land of all tenures can ensure successful conservation.<sup>128</sup>
- 3.26** The Strategy is complemented by the Australian Guidelines for Establishing the National Reserve System, developed in 1999, to provide government agencies, non-government organisations and the community with a consistent scientific approach for developing the protected area system across Australia.<sup>129</sup>

### **New South Wales policy**

- 3.27** In New South Wales, the establishment and growth of the national park system is guided by a number of policy instruments and legislation, including the *National Parks and Wildlife Act 1974*, the NSW National Parks Establishment Plan 2008, and *NSW 2021*, the NSW Government's ten-year plan for the State.

### ***National Parks and Wildlife Act 1974***

- 3.28** As outlined in Chapter 2, the management of national park estate is primarily governed by the *National Parks and Wildlife Act 1974* (the Act), which identifies as its primary objectives the conservation of natural and cultural heritage and the fostering of public appreciation and opportunities for enjoyment.<sup>130</sup>
- 3.29** Ms Murray informed the Committee that in New South Wales, as in most other jurisdictions, it is legislation that establishes a set of reserved categories that are accompanied by specific management principles.<sup>131</sup> As such, the Act sets out seven categories of terrestrial reserves and the management principles to be applied to these categories.<sup>132</sup> These categories, together with additional reserve categories established in 2005 under the *Brigalow and Nandewar Community Conservation Area Act 2005*, are explained in Tables 1 and 2.<sup>133</sup> Ms Murray added that, in New South Wales, in broad terms 'this mirrors the IUCN approach'.<sup>134</sup>
- 3.30** However, the OEH commented that, like most other Australian jurisdictions, the reserve categories used in New South Wales under the Act predate the development of the IUCN framework. As a result, reserve categories used in New South Wales 'do not neatly align with IUCN categories'.<sup>135</sup>

<sup>128</sup> Australia's Strategy for the National Reserve System 2009-2030, pp 2 and 10.

<sup>129</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 19.

<sup>130</sup> Mr Conroy, Evidence, 7 September 2012, p 3; Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>131</sup> Ms Murray, Briefing, 7 September 2012, p 3.

<sup>132</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 19.

<sup>133</sup> Department of Environment and Climate Change, Reserve Establishment Guidelines, 2<sup>nd</sup> edition, September 2007, p 21; Tabled document, Natural Resource Commission, *Regional Forest Assessment, South-Western Cypress State Forests*, May 2012, p 214.

<sup>134</sup> Ms Murray, Briefing, 7 September 2012, p 3.

<sup>135</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 15.

**Table 1** Reserve categories under the *National Parks and Wildlife Act 1974*

<b>Reserve category/tenure</b>	<b>Purpose/management objective</b>
Nature Reserve	Areas containing outstanding, unique or representative ecosystems, species and communities or natural phenomena.
National park	Areas containing outstanding or representative ecosystems, natural and cultural features or landscapes or phenomena that provide opportunities for public appreciation and inspiration and sustainable visitor use and enjoyment.
State Conservation Area	Areas that: <ul style="list-style-type: none"> <li>• contain significant or representative ecosystems, landforms or natural phenomena or places of cultural significant;</li> <li>• are capable of providing opportunities for sustainable visitor use and enjoyment, the sustainable use of buildings, and structures research, and</li> <li>• are capable of providing opportunities for uses permitted under other provisions of the NPW Act.</li> </ul>
Regional Park	Areas in a natural or modified landscape that are sustainable for public recreation and enjoyment.
Historic Site	Areas association with a person, event or historic theme, or containing a building, place, feature or landscape of cultural significance.
Aboriginal Area	Areas association with a person, event or historic theme, or containing a building, place, object, feature or landscape of natural or cultural significance to Aboriginal people or of importance in improving public understanding if Aboriginal cultural and its development and transitions.
Karst Conservation Reserve	Areas, including subterranean land, containing outstanding or representative examples of karst landforms and natural phenomena.

**Table 2 Reserve categories under the *Brigalow and Nandewar Community Conservation Area Act 2005***

Reserve category/tenure	Purpose/management objective
Community Conservation Area – Zone 1 (National Park)	Conservation and recreation.
Community Conservation Area – Zone 2 (Aboriginal Area)	Conservation and Indigenous culture.
Community Conservation Area – Zone 3 (State Conservation Area)	Conservation, recreation and mineral extraction.
Community Conservation Area – Zone 4 (State Forest)	Forestry, recreation and mineral extraction.

### ***NSW National Parks Establishment Plan 2008***

- 3.31** The national parks system in New South Wales has also been developed under the guidance of the NSW National Parks Establishment Plan 2008. Within the objectives of the Act as well as State, national and international policy, the Plan presents the directions and priorities for building the reserve system in bioregions across the State over the next ten years.<sup>136</sup>
- 3.32** The Plan also details the scientific approach to reserve systems used nationally and internationally, which guides the NSW Government's acquisition program and includes the CAR principles discussed later.<sup>137</sup> Consistent with these principles, the Plan focuses on what is described by the OEH as 'protecting poorly reserved ecosystems, and improving viability and resilience by supporting critical landscape corridors'.<sup>138</sup> Other reservation priority themes in the Plan include wetlands, floodplains, lakes, rivers and water catchments, and culturally important sites across the State.<sup>139</sup>
- 3.33** The OEH asserted that implementation of the Plan over time is delivering 'key conservation results', stating that the number of poorly conserved subregions is slowly reducing and more are achieving national sampling targets.<sup>140</sup>
- 3.34** Mr Bob Conroy, Acting Deputy Chief Executive, OEH and Acting Head, NPWS, advised that the OEH is currently reviewing the Plan as it is halfway through its intended ten year life span. He assured the Committee that there has been 'no change in internal direction or focus' for the Plan and that it will continue to guide acquisition of new land for reservation and

<sup>136</sup> Submission 332, p 2; Ms Murray, Briefing, 7 September 2012, p 10.

<sup>137</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 10.

<sup>138</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 10.

<sup>139</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 45.

<sup>140</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 11.

incorporation into the national park estate.<sup>141</sup> However, Mr Conroy acknowledged the concerns of local government and communities following recent conversions of land to national park and indicated an intention to address the social and economic impacts in the review of the NPWS Reserve Establishment Guidelines 2007.<sup>142</sup> These NPWS Reserve Establishment Guidelines will be examined later in Chapter 4.

### ***NSW 2021***

- 3.35** Through its plan for the State, *NSW 2021*, the NSW Government has identified a number of goals to strengthen our local environment and communities, including protection of the natural environment, increasing opportunities for people to look after their own neighbourhoods and environments, and enhancing recreational opportunities.<sup>143</sup>
- 3.36** The OEH explained that the NSW Government's commitment to protecting the natural environment and building the national parks system particularly emphasises opportunities to create connections between parcels of land consistent with the Government's Green Corridor commitments.<sup>144</sup> Targeting these lands reflects priorities in the NSW National Parks Establishment Plan, and according to the OEH, improves the resilience and management of existing reserves, which it argues 'ensur(es) greater conservation efficiencies'.<sup>145</sup>

### **Conservation planning and land selection**

- 3.37** The policy framework within which national parks are established in New South Wales is underpinned by the key conservation planning principles of comprehensiveness, adequacy and representativeness (CAR).<sup>146</sup> Grounded in a scientific approach to the selection of land for reservation, the CAR principles are applied to landscapes across the State using biogeographical regions. Together, these form the basis for biodiversity assessment and conservation planning that, according the NSW Government, at its core seeks to protect only those lands of the highest conservation value in New South Wales. As Ms Murray, NPWS, remarked: 'It is not about protecting every piece of land that has value, just the best'.<sup>147</sup> Contrary evidence from Inquiry participants, which rejects the assertion that only lands of high conservation value have been reserved, is discussed in Chapters 6 and 10.

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<sup>141</sup> Mr Conroy, Evidence, 7 September 2012, p 5.

<sup>142</sup> Mr Conroy, Evidence, 7 September 2012, p 5.

<sup>143</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 19; NSW 2021 – 32 Goals, accessed 18 March 2013, <[http://www.2021.nsw.gov.au/sites/default/files/NSW2021\\_Plan%20Goals\\_10.pdf](http://www.2021.nsw.gov.au/sites/default/files/NSW2021_Plan%20Goals_10.pdf)>

<sup>144</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 10.

<sup>145</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 10.

<sup>146</sup> Ms Murray, Briefing, 7 September 2012, p 3; Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 10.

<sup>147</sup> Ms Murray, Briefing, 7 September 2012, p 4.

### Biogeographical regions

- 3.38** Before considering the CAR principles, it is useful to consider the concept of biogeographical regions and how they are used in conservation planning and assessment.
- 3.39** Biogeographical regions, commonly referred to as bioregions, are the basic planning unit used for all conservation initiatives, whether these involve public or private land.<sup>148</sup> Bioregions are large land areas of similar geology, geography and geomorphology, supporting a suite of native flora and fauna distinct from those in other bioregions.<sup>149</sup> There are 85 bioregions in Australia, 18 of which are in New South Wales.<sup>150</sup>
- 3.40** Bioregions are further classified to allow for better measurement of the progress towards achieving a representative reserve system.<sup>151</sup> Within each bioregion are subregions which are based on ‘finer differences in geology, vegetation and other biophysical attributes’.<sup>152</sup> There are 129 subregions in New South Wales.<sup>153</sup> Further to this, the final level of analysis looks at the vegetation types mapped across the landscape, of which there are 623 broad vegetation types in the State.<sup>154</sup>
- 3.41** Ms Murray informed the Committee that the mapping of bioregions is ‘a collaborative endeavor involving all jurisdictions to create a sensible framework for conservation planning’, the key outcome of which is the Interim Biogeographic Regionalisation for Australia (IBRA).<sup>155</sup> She advised that the term ‘interim’ is retained because the mapping is updated regularly as new or more reliable information is provided through improved vegetation and spatial mapping.<sup>156</sup>
- 3.42** According to the NPWS publication, *The bioregions of New South Wales – their biodiversity, conservation and history*, planning for biodiversity at a bioregional scale not only recognises the value of natural processes but ‘gives us the greatest opportunity to conserve biodiversity in sufficient numbers and distribution to maximise its chance of long-term survival’.<sup>157</sup> Moreover, the publication notes that biodiversity, while influenced by administrative boundaries, does not recognise these boundaries. As such, a bioregional approach is deemed more appropriate for assessing biodiversity across all land in the State.<sup>158</sup>

<sup>148</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>149</sup> Submission 332, Appendix A, p 57.

<sup>150</sup> Ms Murray, Briefing, 7 September 2012, p 4; Australia’s Strategy for the National Reserve System 2009-2030, p 13.

<sup>151</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>152</sup> Tabled document, NSW National Parks and Wildlife Service, *The bioregions of New South Wales – their biodiversity, conservation and history*, p 9.

<sup>153</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>154</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>155</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>156</sup> Ms Murray, Briefing, 7 September 2012, p 4; Tabled document, *The bioregions of New South Wales – their biodiversity, conservation and history*, p 9.

<sup>157</sup> Tabled document, *The bioregions of New South Wales – their biodiversity, conservation and history*, p 9.

<sup>158</sup> Tabled document, *The bioregions of New South Wales – their biodiversity, conservation and history*, p 9.

- 3.43** In planning how much land to conserve and where across New South Wales the priorities should lie, each bioregion in New South Wales has been assessed in terms of its current reservation levels. The NSW Government reported that the proportion of lands protected in the New South Wales national parks system is significantly greater in those bioregions to the east and along the coast.<sup>159</sup> In contrast, reservation levels in western New South Wales are either low or very low, prompting Ms Murray to acknowledge that ‘we have more work to do to achieve a suitable sample in these areas’.<sup>160</sup>
- 3.44** Ms Murray stated that where reservation levels are high, more than 15 per cent of each bioregion is reserved, whereas low reservation levels were reservation of less than 5 per cent of each bioregion.<sup>161</sup> The Committee was advised that this has driven the shift in focus away from concentration on coastal and eastern parts of the State towards central and western New South Wales to achieve a more balanced and comprehensive approach to conservation.<sup>162</sup>

### The CAR principles

- 3.45** As previously noted, the key conservation planning principles used to guide the development of the national parks system in New South Wales and the greater reserve system across Australia are comprehensiveness, adequacy and representativeness, or the CAR principles. The CAR principles drive the basic assessment to determine those conservation values that are best protected in national parks, and how and when the park system will be developed into the future.<sup>163</sup>
- 3.46** The CAR principles are defined in Australia’s Strategy for the National Reserve System 2009-2030 as:
- **Comprehensiveness** – the aim of including, within protected areas, samples of the full range of regional ecosystems recognisable at an appropriate scale within and across each IBRA bioregion.
  - **Adequacy** – how much of each ecosystem should be sampled to provide ecological viability and integrity of populations, species and ecological communities at a bioregional scale, for individual protected areas and for the protected area system as a whole.
  - **Representativeness** – comprehensiveness considered at a finer scale (at the IBRA subregion level), recognising that the regional variability within ecosystems is sampled within the reserve system. One way of achieving this is to aim to represent each regional ecosystem within each IBRA subregion.<sup>164</sup>

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<sup>159</sup> Submission 332, Appendix A, p 57.

<sup>160</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>161</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>162</sup> Ms Murray, Briefing, 7 September 2012, p 2.

<sup>163</sup> Ms Murray, Briefing, 7 September 2012, pp 4 and 16.

<sup>164</sup> Australia’s Strategy for the National Reserve System 2009-2030, pp 64-65.

- 3.47** In informing the Committee of what should be included in a reserve system, Ms Murray stated that ‘a CAR reserve system is one that samples all natural environments, including examples of the natural variations that occur across environments’.<sup>165</sup> Referring to the ‘comprehensiveness’ and ‘representativeness’ principles, Ms Murray explained that this means the reserve system should include samples of all types of ecosystems across all climatic zones, from wetlands to heath, scrublands, forests, woodlands, alpine and subalpine areas, estuaries, and floodplains in arid, semi-arid to tropical zones.<sup>166</sup>
- 3.48** In addition to sampling the range of ecosystems, a CAR reserve system is equally concerned with sampling enough of these ecosystems at different scales and to ensure their survival and viability in the long term.<sup>167</sup> Referring to the ‘adequacy’ principle, Ms Murray observed that, while it is difficult to measure adequacy in any quantitative way, qualitative science reveals that size, shape, condition and surrounding land uses are all important factors in determining the ability to provide long-term protection for an area. For example, the Committee was advised that larger reserves are better than smaller reserves at withstanding major disturbances, reserves in closer proximity to each other are better than isolated reserves, connectiveness is better than isolation, and that shapes which minimise edge-to-area ratio are better.<sup>168</sup>
- 3.49** Ms Murray described the ‘adequacy’ principle as a ‘critical factor’ and a ‘major influence’ on whether lands are included in the reserve system for management as a national park.<sup>169</sup> Ms Murray added that improving the adequacy of the reserve system is an on-going task, and that parks are built up over a period of time and then progressively fine-tuned to improve their boundary configuration and extent through the identification of corridors and connectivity.<sup>170</sup> For example, Yanga Station was described as an example of how a property and surrounding lands can be acquired to provide connectivity but are later reduced in area size to rationalise boundaries. The Committee was advised that since 2004, over 10,000 hectares of land purchased in association with Yanga Station were on-sold, and a further 4,000 hectares are planned for disposal.<sup>171</sup>

### ***CAR targets***

- 3.50** There are a number of bioregional targets outlined in Australia’s Strategy for the National Reserve System 2009-2030, endorsed by all jurisdictions, that guide the sampling process for bioregions and subregions according to the CAR principles.<sup>172</sup> Ms Murray drew attention to the fact that these are not targets for hectares of land, rather sampling targets with an aim of protecting samples of environmental values that are capable of long-term management in the national park system.<sup>173</sup>

<sup>165</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>166</sup> Ms Murray, Briefing, 7 September 2012, p 4.

<sup>167</sup> Ms Murray, Briefing, 7 September 2012, pp 6 and 9.

<sup>168</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 33.

<sup>169</sup> Ms Murray, Briefing, 7 September 2012, p 6.

<sup>170</sup> Ms Murray, Briefing, 7 September 2012, p 9.

<sup>171</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 33; Australia’s Strategy for the National Reserve System 2009-2030, p 48.

<sup>172</sup> Answers to questions on notice taken during evidence 7 September 2012, Ms Melinda Murray, Acting Director, Conservation Programs, NSW National Parks and Wildlife Service, p 5.

<sup>173</sup> Ms Murray, Briefing, 7 September 2012, p 5.

- 3.51** For example, in progressing ‘comprehensiveness’, the Strategy has set a target of ‘examples of at least 80 per cent of the number of ecosystems in each bioregion by 2015’. Similarly, in progressing ‘representativeness’, the Strategy has set a target of ‘examples of at least 80 per cent of the number of ecosystems in each subregion by 2020’.<sup>174</sup>
- 3.52** The OEH demonstrated how these targets could be met through an example of a bioregion containing 20 regional ecosystems. They stated that if 16 of those ecosystems existed somewhere within the reserve system in the bioregion, then the ‘comprehensiveness’ target would be met.<sup>175</sup> They went on to say that there may be one ecosystem type out of the 20 that only has 50 hectares left in a suitable location, size and condition that would be considered for reservation. They explained that this would therefore constrain the area of land available for sampling, whereas for other ecosystems, they may have several thousand hectares available. The OEH highlighted with this example that ‘it is therefore not possible, or meaningful, to estimate how much area of land is required to meet the targets’.<sup>176</sup>
- 3.53** While targets can and have been met in some parts of the State, Ms Murray acknowledged that in other bioregions and subregions the CAR targets have not yet been met, or there is ‘no chance’ of achieving these targets.<sup>177</sup>

#### **The ‘science’ of land selection**

- 3.54** Based on the use of bioregional mapping and the CAR principles, Ms Murray argued that greater scientific understanding since the 1970s, and more recently, has led to a more structured and analytical approach to identifying high conservation value lands for reservation in the national parks system.<sup>178</sup>
- 3.55** She referred to the growth of the national park system as being informed by significant developments in the understanding of native flora and fauna, their habitats and the way ecosystems function. Similarly, she spoke of the major advances in on-ground surveys and mapping of plants and animals through satellite and aerial imagery to support bioregional assessments. Ms Murray noted the extensive research into the design of national parks, looking at how big they should be to protect biodiversity, what shape and boundary configurations they should have, and how connected they need to be to other types of land, highlighting the importance of having well-positioned, large reserves to help native species cope with climatic variations.<sup>179</sup>

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<sup>174</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 33; Australia’s Strategy for the National Reserve System 2009-2030, p 13.

<sup>175</sup> Answers to questions on notice taken during evidence 7 September 2012, Ms Murray, p 5.

<sup>176</sup> Answers to questions on notice taken during evidence 7 September 2012, Ms Murray, p 5.

<sup>177</sup> Ms Murray, Evidence, 7 September 2012, pp 5 and 9.

<sup>178</sup> Ms Murray, Briefing, 7 September 2012, p 2-3.

<sup>179</sup> Ms Murray, Briefing, 7 September 2012, pp 2-3.

- 3.56** Science-based tools are also used to provide a contextual filter for land considered for reservation. The NPWS presentation to the Committee on the scientific basis for establishing national parks showed that these tools include regional scale cultural heritage predictive mapping, thematic mapping, vegetation and species databases, and expert opinion.<sup>180</sup>
- 3.57** Ms Murray told the Committee that, collectively, this work, supported and driven by the CAR principles, forms the scientific basis upon which land is selected in New South Wales for inclusion in the national parks system.<sup>181</sup>

### Are national parks fulfilling their conservation objectives?

- 3.58** While Inquiry participants generally acknowledged the value of conserving and protecting biodiversity, a number of Inquiry participants questioned whether national parks are indeed the best means of achieving conservation outcomes. However, many Inquiry participants emphasised the importance of national parks as a means of protecting biodiversity. Mr Pepe Clarke, Chief Executive Officer of the Nature Conservation Council, stated:

The establishment of protected areas and reserves is known to be the single most effective method for protecting conservation values, in particular the habitat of wildlife and the survival of threatened plant and animal species over time.<sup>182</sup>

- 3.59** Some Inquiry participants contended that ‘locking up’ national parks for nature to take its course ultimately leads to poorer – and not better – biodiversity outcomes. For example, the NSW Forest Products Association stated that ‘reservation for the protection of existing forest ecology is an oxymoron’.<sup>183</sup>
- 3.60** Ms Fiona Simson, President of the NSW Farmers’ Association, observed ‘a supposition running through some of the regulations and legislation surrounding national parks in the past that to get good environmental outcomes you need to lock these things away and leave them alone’.<sup>184</sup> In their submission, NSW Farmers highlighted the potential threats not only to national parks but to neighbouring properties once areas are ‘locked up’ as national parks:

There is a very real and legitimate concern that ‘locking up’ parcels of land for the purposes of National Park estates or other types of conservation areas could lead to weed and pest animal incursions that could affect not only the conservation area, but also the lands adjacent.<sup>185</sup>

- 3.61** The role of national parks in the protection of biodiversity will be examined further in Chapter 10.

<sup>180</sup> Tabled document, *NSW National Parks and Wildlife Service presentation*, p 33; Australia’s Strategy for the National Reserve System 2009-2030, p 34.

<sup>181</sup> Ms Murray, Briefing, 7 September 2012, pp 2-3.

<sup>182</sup> Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council, Evidence, 4 December 2012, p 2.

<sup>183</sup> Submission 223, NSW Forest Products Association, p 6.

<sup>184</sup> Ms Fiona Simson, President, NSW Farmers’ Association, Evidence, 14 September 2012, p 72.

<sup>185</sup> Submission 260, NSW Farmers Association, p 5.

- 3.62** Other Inquiry participants, such as Professor Jerome Vanclay, Dean of Science at Southern Cross University, also referred to the ‘locking up’ of national parks, or what he called the ‘fence and forget’ approach, arguing that in Australia this approach reflects a belief that ‘mother nature will restore the land to its primeval condition’.<sup>186</sup> As such, Professor Vanclay contended that in an international context Australian public land managers ‘tend to be “backward looking” seeking to recreate something from the past’.<sup>187</sup>
- 3.63** Professor Vanclay criticised this approach, calling it a ‘double fallacy’. He claimed that, firstly, the assumption of a ‘primeval forest’ fails to acknowledge that forests are constantly changing and overlooks ‘anthropogenic effects of both aboriginal and western societies’.<sup>188</sup> Indeed, this view was shared by a number of community members of the southern Riverina, who contended that the river red gum forests of the area are essentially ‘man made’ and of recent creation and have, therefore, been reserved inappropriately. For example, local resident Mr David Joss asserted that the growth of the river red gums was ‘quite an accident’ resulting in a plantation that only appeared 150 years ago (please refer to the Case Study – River red gums).<sup>189</sup> He commented that ‘it seems to me rather mysterious that anyone would want to put it into a national park’.<sup>190</sup>
- 3.64** The National Parks and Wildlife Service did not describe their management of parks in terms of a ‘locking up’ or ‘fence and forget’ approach, instead stating that ‘the key areas of fire, pest and weed management’ were of the ‘the highest order priority in ongoing management of our parks and reserves’.<sup>191</sup> Mr Bob Conroy, Acting Deputy Chief Executive, OEHL, and Acting Head, NPWS, observed that ‘management of the national parks system is a significant undertaking’ and highlighted that NPWS employs around 1,750 staff.<sup>192</sup>
- 3.65** Similarly, Mr Clarke stated:
- ...protected areas need to be managed effectively to ensure their conservation values are maintained or enhanced over time. On a number of land management indicators the National Parks and Wildlife Service performs strongly when compared with other public land managers and indeed many private managers of land.<sup>193</sup>
- 3.66** Professor Vanclay’s view was shared by a number of community members of the southern Riverina, who contended that the river red gum forests of the area are essentially ‘man made’ and of recent creation and have, therefore, been reserved inappropriately. However, this view of the forests’ origin was rejected by a number of Traditional Owners, who argue that the red gum forests are 10,000 to 15,000 years old (please refer to the Case Study - River red gum forests).

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<sup>186</sup> Submission 471, Professor Jerome Vanclay, Southern Cross University, p 2.

<sup>187</sup> Submission 471, p 2.

<sup>188</sup> Submission 471, p 2.

<sup>189</sup> Mr David Joss, Community member, Mathoura, Evidence, 1 August 2012, p 24.

<sup>190</sup> Mr Joss, Evidence, 1 August 2012, p 24.

<sup>191</sup> Mr Conroy, Evidence, 7 September 2012, p 4.

<sup>192</sup> Mr Conroy, Evidence, 7 September 2012, p 3.

<sup>193</sup> Mr Clarke, Evidence, 4 December 2012, p 3.

**3.67** However, Mr Bryce Wilde, Executive Director of the Natural Resources Commission, the independent advisory body commissioned to assess the river red gum forests prior to conversion, explained that the Commission's assessment was not focussed '...on what may or may not have happened pre-European'.<sup>194</sup> He maintained that it is current values that should determine the future of the river red gum forests in New South Wales:

The future of these forests is not about what happened 200-odd years ago; the future of these forests is meant to be determined by our current values and the future values that can be supported by them.<sup>195</sup>

**3.68** Professor Vanclay went on to explain that the assumption that we can recreate forests by taking a 'fence and forget' approach ignores the reality that '...today's forests are fragmented islands in a sea of agriculture and urbanisation, hampered by weeds and feral animals, hindered by the exclusion or extinction of some native species, and influences by altered fire regimes'.<sup>196</sup>

**3.69** Professor Vanclay, therefore, concluded that 'this reality requires a change in mindset to recognise the need for active management on all land, public and private'.<sup>197</sup>

**3.70** A number of other Inquiry participants shared these views, questioning the ability of national parks to achieve conservation outcomes and instead arguing that active management is necessary for forest health. For example, Mr Warwick Ragg, Senior Policy Advisor, NSW Forest Products Association, and Chief Executive, Australian Forest Growers, challenged the logic that 'you need to preserve to protect'.<sup>198</sup> According to Mr Ragg, there is ample evidence to suggest that 'you can integrate protection into sustainably managed forest systems', despite the current culture in New South Wales to 'preserve, preserve, preserve'.<sup>199</sup>

**3.71** Similarly, NSW Farmers suggested that a 'multiple-use' approach to national park estate could meet conservation objectives while achieving economic and social outcomes. They asserted that 'there are a number of national parks capable of supporting controlled grazing, beekeeping and selective logging (as an example), leading to improved biodiversity, bushfire management and economic outcomes'.<sup>200</sup> As expressed by Ms Simson, managing national parks through a multiple-use approach would provide 'a triple bottom-line benefit to the community, to the region, to the environment and to the State'.<sup>201</sup>

**3.72** Other Inquiry participants raised serious questions about the view that the conservation objectives of national parks can be adequately achieved through management for other primary objectives, such as forestry or agriculture. For example, Mr John Edwards from the Clarence Environment Centre expressed serious concerns with the protection of hollow-

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<sup>194</sup> Mr Bryce Wilde, Executive Director, Natural Resources Commission, Evidence, 14 September 2012, p 10.

<sup>195</sup> Mr Wilde, Evidence, 14 September 2012, p 10.

<sup>196</sup> Submission 471, p 2.

<sup>197</sup> Submission 471, p 2.

<sup>198</sup> Mr Warwick Ragg, Senior Policy Advisor, NSW Forest Products Association, and Chief Executive, Australian Forest Growers, Evidence, 14 September 2012, p 56.

<sup>199</sup> Mr Ragg, Evidence, 14 September 2012, p 56.

<sup>200</sup> Submission 260, p 19.

<sup>201</sup> Ms Simson, Evidence, 14 September 2012, p 72.

bearing trees in forestry operations, stating that despite requirements to ‘retain 10 hollow-bearing trees and 10 recruitment trees per each two hectares’, audits conducted by environment groups ‘have yet to find a forest where there is that number of trees retained’.<sup>202</sup> Mr Clarke stated that the view of the Nature Conservation Council and its members is that ‘native forest logging operations as they are currently conducted in New South Wales are unsustainable in a couple of key regards’.<sup>203</sup>

- 3.73** The multiple-use approach and other models of public land management will be considered in Chapter 15.

### **The role of national parks in the public land system**

- 3.74** Opening up national parks to a range of uses, whether it be timber extraction, agricultural production or recreational activity, was a common proposition made during the course of the Inquiry, with some key stakeholders seeking what they believe to be a better balance between conservation and other objectives in the management of public land, and more specifically, the management of national park estate.
- 3.75** The OEH acknowledged the conflict over competing land uses but explained that ‘national parks are only one component of the NSW public land system’.<sup>204</sup> As indicated in Chapter 2, the management of the public land system, while extensive and complex, is designed to accommodate the spectrum of land uses to deliver a broad range of objectives and outcomes for the overall benefit of the community.<sup>205</sup>
- 3.76** For example, the OEH advised that some public lands are used for intensive, industrial scale primary production while other lands host essential public and private utilities infrastructure and significant built assets. At the other end of the spectrum are those public lands managed primarily for conservation, nature based recreation and ecosystem services.<sup>206</sup>
- 3.77** The OEH stated that, for land declared as national park, ‘this reflects the fact that some public lands are of such environmental significance that conservation and compatible use are the over-riding management objectives’.<sup>207</sup> As such, the OEH argues that national parks must remain dedicated to conservation, alongside the provision of public access and sustainable visitor use, as the priorities of those lands.<sup>208</sup>
- 3.78** Broader questions about the management of public land in New South Wales will be considered in the final chapter, Chapter 15.

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<sup>202</sup> Mr John Edwards, Clarence Environment Centre, Evidence, 5 October 2012, p 19.

<sup>203</sup> Mr Clarke, Evidence, 4 December 2012, p 9.

<sup>204</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>205</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>206</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>207</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>208</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

## Chapter 4 The conversion process

This Chapter details the process for converting land into national park estate, including the assessment of potential impacts of conversion. In particular, criticisms of the assessments conducted on land proposed for conversion are examined, as are concerns raised by some Inquiry participants that the conversion process had been politicised. In considering these issues, this Chapter draws on the Case Studies examined in following chapters of this Report, namely the conversion of land in the river red gum forests of the southern Riverina, native hardwood forests on the north coast of New South Wales, Yanga Station near Balranald, Toorale Station near Bourke, and the Pilliga forest in north-western New South Wales.

Together with Chapter 3, this Chapter aims to complete the picture of how national parks are established in New South Wales and the basis for decisions to convert land to this tenure.

### Steps in the conversion process

- 4.1 As described in Chapter 3, the development of the national parks system in New South Wales is guided by the key conservation planning principles of comprehensiveness, adequacy and representativeness, or the CAR principles. According to the Office of Environment and Heritage (OEH), the application of the CAR principles, in practice, has meant ‘following a carefully targeted and planned process to identify and sample the lands of highest conservation value across NSW for permanent protection’.<sup>209</sup>
- 4.2 In New South Wales, this process is embodied in the NSW National Parks and Wildlife Service (NPWS) Reserve Establishment Guidelines 2007. These guidelines detail the investigation that all land proposed for conversion to national park estate must be subject to.<sup>210</sup> This includes assessments of potential environmental, operational, economic, and social impacts.
- 4.3 As Ms Melinda Murray, Acting Director, Conservation Programs, NPWS, explained, the Guidelines provide the ‘nuts and bolts’ for how new national parks are to be established. For example, she stated that the Guidelines set out details about ‘liaising with landholders, assessing the conservation values of properties on offer, comparing and prioritising properties across the State, and consultation arrangements’.<sup>211</sup>
- 4.4 The following section will examine the conversion process, including the views presented by various Inquiry participants on the effectiveness of this process. In particular, criticisms of how potential social and economic impacts are considered and assessed will be discussed, as will concerns that the conversion process has been politicised.

<sup>209</sup> Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, to Committee Secretariat, 28 November 2012, p 10.

<sup>210</sup> Submission 332, NSW Government, p 2.

<sup>211</sup> Ms Melinda Murray, Acting Director, Conservation Programs, NSW National Parks and Wildlife Service, Briefing, 7 September 2012, p 10.

### Process for establishing national parks

**4.5** The NPWS Reserve Establishment Guidelines 2007 define all aspects and activities leading to the reservation of land under the *National Parks and Wildlife Act 1974* (the Act), known as ‘reserve establishment’. According to the Guidelines, reserve establishment includes:

...the investigation and assessment of land, water, places, sites and buildings; negotiation with land-owners and other Government agencies; acquisition and reservation of land; program administration; and associated legislative and political requirements.<sup>212</sup>

**4.6** The NSW Government advised that the process essentially involves the investigation of potential public and private lands for their conservation value and operational implications, which is then filtered through an assessment and comparison of their contribution to overall Government policy goals.<sup>213</sup>

**4.7** As outlined in the Guidelines, there are five main components in the reserve establishment process:

1. **New Area Investigation** – investigating and documenting the values of an area and assessing its suitability for reservation.
2. **Ranking New Area Investigations** – setting priorities at the regional and state levels for land acquisition and reservation.
3. **Government consultation** – seeking the views and concurrence of other stakeholders, particularly other NSW State Government agencies to ensure a whole-of-government approach to the establishment of reserves.
4. **Land Acquisition** – purchasing freehold and leasehold lands, or transferring Crown or freehold lands to the Department of Environment and Climate Change (now OEH).
5. **Reservation** – finalising financial assessments, selection of appropriate names for new reserves, preparation of detailed boundary descriptions, and gazettal under the *National Parks and Wildlife Act 1974*.<sup>214</sup>

**4.8** The Guidelines note that while there is a desirable sequence of actions, there is ‘considerable flexibility’ such that many of the actions within each component of the process can occur at any stage within the reserve establishment process.<sup>215</sup>

**4.9** It is important to note that once land is reserved under the Act, existing uses that were lawfully being undertaken before reservation can continue under the ‘existing interest’ provisions of the Act,<sup>216</sup> examples of which are found in evidence from apiarists discussed in

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<sup>212</sup> Department of Environment and Climate Change, Reserve Establishment Guidelines, 2<sup>nd</sup> edition, September 2007, p 6.

<sup>213</sup> Submission 332, p 2.

<sup>214</sup> Department of Environment and Climate Change, Reserve Establishment Guidelines, 2<sup>nd</sup> edition, September 2007, p 6.

<sup>215</sup> Department of Environment and Climate Change, Reserve Establishment Guidelines, 2<sup>nd</sup> edition, September 2007, p 6.

<sup>216</sup> Submission 332, p 3.

Chapter 11. Furthermore, under the legislation establishing a national park, adjustments to park boundaries can also take place following reservation to account for local circumstances and to improve park management.<sup>217</sup> Mr Bob Conroy, Acting Deputy Chief Executive, OEH, and Acting Head, NPWS, added that this is done in consultation with neighbours.<sup>218</sup>

- 4.10** Once the establishment process has been completed, the NSW Government explained that land reserved under the Act can only be revoked by an Act of Parliament.<sup>219</sup> Some Inquiry participants, such as the Environmental Defender's Office (EDO) NSW, expressed support for this provision, stating that protection afforded to reserved land should not be easily revoked:

EDO NSW has consistently argued that ecologically and culturally significant land should be afforded the highest level of protection under environmental legislation. Once afforded the appropriate level of protection, it is essential that protection is maintained in perpetuity and not easily revoked.<sup>220</sup>

- 4.11** Also following reservation, a plan of management for a newly established national park must be prepared 'as soon as practicable (generally within 3-5 years)' in accordance with the Act.<sup>221</sup> Plans of management are statutory documents that explain how a park will be managed, and are prepared in consultation with neighbours, local authorities, such as the relevant Regional Advisory Committee, the Rural Fire Service, and the National Parks Wildlife Advisory Council.<sup>222</sup> The draft plan of management is publicly exhibited and submissions are analysed before the plan is adopted by the Minister.<sup>223</sup> They are formally reviewed every 5-10 years and are subject to periodic audit processes.<sup>224</sup>
- 4.12** The NSW Government advised that, as at May 2012, approximately 83 per cent of national parks by area are covered by an adopted plan of management and that a further 4 per cent have a draft plan in advanced stage of preparation.<sup>225</sup>
- 4.13** In accordance with the plans of management for national parks, fire management strategies are also required following reservation. Plans of management stipulate that fire management strategies should help safeguard life and property, promote biodiversity conservation and protect sites of cultural and historical value.<sup>226</sup>

<sup>217</sup> Submission 332, p 3.

<sup>218</sup> Mr Bob Conroy, Acting Deputy Chief Executive, Office Environment and Heritage, and Acting Head, National Parks and Wildlife Service, Briefing, 7 September 2012, p 6.

<sup>219</sup> Submission 332, p 3.

<sup>220</sup> Submission 395, NSW Environmental Defender's Office, p 7.

<sup>221</sup> Submission 332, p 5.

<sup>222</sup> Office of Environment and Heritage, accessed 21 March 2013, <<http://www.environment.nsw.gov.au/parkmanagement/ParkAndFireManagementPlansByCategoryP.htm>>, Submission 332, p 5; Ms Murray, Briefing, 7 September 2012, p 6.

<sup>223</sup> Ms Murray, Briefing, 7 September 2012, p 6.

<sup>224</sup> Submission 332, p 5.

<sup>225</sup> Submission 332, p 5.

<sup>226</sup> Office of Environment and Heritage, accessed 21 March 2013, <<http://www.environment.nsw.gov.au/parkmanagement/ParkAndFireManagementPlansByCategoryP.htm>>

- 4.14** The OEH advised that, as at July 2012, 93 per cent of national parks have an adopted fire management strategy, with approximately a further 6 per cent either in preparation, on exhibition or awaiting adoption.<sup>227</sup>

#### **Considerations in establishing national parks**

- 4.15** In addition to the potential impacts of reservation assessed as part of the conversion process, which will be examined in detail later, a number of other factors are also considered when national parks are established. For example, the sources of land for reservation, funding and the timing of when land is to be added to the reserve system are all significant.
- 4.16** In establishing a national park, consideration is given to the source of land for reservation. The NSW Government informed the Committee that, with regard to its sources of land for the national parks system, the majority of land added since 1995 has been public land either in the form of State forest areas or Crown land. The NSW Government advised that Western Lands leases and perpetual leases, while a form of Crown land, are bought in the open market and are transferred to national park estate once consent is given by the Minister administering the appropriate legislation.<sup>228</sup>
- 4.17** The NSW Government also indicated that purchased freehold land contributes to the reserve system, making up 8 per cent of the total lands reserved since 1995.<sup>229</sup> They stated that NPWS only seeks to acquire private land for reservation where a landholder is willing and interested in selling, emphasising that NPWS ‘does not compulsorily acquire private land’.<sup>230</sup>
- 4.18** The availability of funding is also considered in the decision to convert land to national park estate. The NSW Government gave evidence that funding for private land purchases for the reserve system come from a number of sources. For example, most funding has come from the NSW Environmental Trust and the Commonwealth’s National Reserve System Program in recent years. In 2010-2011, approximately \$13 million was available for land acquisitions, just under half of which was from the Commonwealth.<sup>231</sup>
- 4.19** Ms Murray explained that the Commonwealth only provides funding to purchase land that falls within the IUCN Categories I to IV.<sup>232</sup> She stated that ‘if other agencies were looking at adding land that fits within IUCN Categories V or VI there would be no Commonwealth funding available to leverage towards that purchase’.<sup>233</sup>

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<sup>227</sup> Answers to supplementary questions 15 October 2012, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Question 4b, p 16.

<sup>228</sup> Submission 332, p 2.

<sup>229</sup> Submission 332, p 2.

<sup>230</sup> Submission 332, p 2.

<sup>231</sup> Submission 332, p 2.

<sup>232</sup> Ms Melinda Murray, Acting Director, Conservation Programs, NSW National Parks and Wildlife Service, Evidence, 7 September 2012, p 5.

<sup>233</sup> Ms Murray, Evidence, 7 September 2012, p 5.

- 4.20** Ms Murray also described to the Committee the importance of timing in decisions to add land to the national parks system. She said that this is generally the final part of the ‘reserve planning equation’, following determination of conservation values to be protected and where the priorities might be. Ms Murray remarked that the timing of when lands are reserved has a wide range of influences including the availability of public lands, whether private lands are on offer, the availability of funding, and the Government’s priorities and commitments at the time.<sup>234</sup>

## Assessment of potential impacts

- 4.21** A significant part of the reserve establishment process is the assessment of potential environmental, operational, economic and social impacts of converting land to national park estate.
- 4.22** The NSW Government advised that, since the mid-1990s, one of the main assessment mechanisms has been whole-of-government, regional investigations of public land.<sup>235</sup> This includes the regional assessments for the Brigalow Nandewar region in 1999 to 2002, the river red gum forests in 2009, and the south-west cypress forests in 2009 to 2010, the latter two being conducted by the Natural Resources Commission (NRC) (please refer to the relevant Case Study for specific information about these assessments).<sup>236</sup>

### Environmental assessments

- 4.23** As explained previously, national parks are designed to conserve the State’s natural and cultural values, and to provide access for public enjoyment. The NSW Government declared that every potential new national park is thus ‘comprehensively assessed to determine its environmental values to ensure that it will make the best contribution to the NSW national parks system’.<sup>237</sup>
- 4.24** Essentially based on the CAR principles and the scientific tools used for land selection discussed earlier, the NSW Government stated that assessments of environmental impact occur through both regional scale investigations as well as well individual property appraisals.<sup>238</sup> Where individual properties are considered, the NSW Government stated that these properties are submitted for comment by government agencies and the NSW Minerals Council through the Reserve Referral Program.<sup>239</sup>

<sup>234</sup> Ms Murray, Briefing, 7 September 2012, p 7.

<sup>235</sup> Submission 332, p 3.

<sup>236</sup> Submission 332, p 3.

<sup>237</sup> Submission 332, p 4.

<sup>238</sup> Submission 332, p 4.

<sup>239</sup> Submission 332, p 3.

### **Operational assessments**

- 4.25** Potential operational impacts are also assessed when land is considered for addition to the national parks system. For the purposes of this Report, these impacts refer to the resourcing and day-to-day management of a national park for a range of activities including fire management, pest and weed management, boundary fencing and access to parks for recreational and commercial purposes.
- 4.26** In addition to assessments of potential operational impacts as part of the wider regional assessment of land proposed for conversion, the NSW Government advised that, for individual properties, operational implications are assessed according to the NPWS Reserve Establishment Guidelines. The Guidelines outline the assessment of operational impacts as part of the New Area Investigation process.<sup>240</sup> The NSW Government also informed that the Guidelines draw specific attention to the financial implications of land management and how the cost of future management should be considered.<sup>241</sup>

### **Economic assessments**

- 4.27** Assessments of the potential economic impacts of conversion are also conducted as part of the reserve establishment process. According to the NSW Government, ‘planning for new national parks should take account of the potential economic impacts, both positive and negative, that may accrue to local communities, business and local government’.<sup>242</sup>
- 4.28** The NSW Government stated that, when regional assessments are conducted, detailed investigation and community consultation is undertaken to assess potential economic impacts. For individual properties, relevant information is gathered as part of the New Area Investigation process outlined in the NPWS Reserve Establishment Guidelines.<sup>243</sup>
- 4.29** The NSW Government noted that these processes are currently being adjusted in recognition of the growing need to add under-represented land in central and western New South Wales to the reserve system. They indicated that information regarding the economic contribution of individual properties is being gathered and assessed for land in these areas, particularly for large agricultural properties of significant market value. This information includes consideration of a property’s employee numbers, stocking levels, council rates and local suppliers.<sup>244</sup>

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<sup>240</sup> Submission 332, p 3.

<sup>241</sup> Submission 332, p 3.

<sup>242</sup> Submission 332, p 3.

<sup>243</sup> Submission 332, p 3.

<sup>244</sup> Submission 332, p 3.

### Social assessments

- 4.30** The NSW Government described the investigations of the social implications of reservation as a feature of the regional assessment processes that have been undertaken in New South Wales since the mid-1990s. According to the NSW Government, in all cases, social profiles for communities potentially affected by a conversion were ‘studied in-depth’ and conducted together with extensive consultation to determine the nature and extent of potential impacts. The NSW Government also noted that the decisions made following a regional assessment have usually included a significant industry structural adjustment package and funding for community economic development.<sup>245</sup>

### Criticism of the assessment process in recent conversions

- 4.31** During the course of the Inquiry, many Inquiry participants raised various concerns regarding the assessment of the potential impacts that could flow from the conversion of land to national park estate. These concerns are evident in the Case Studies contained in subsequent chapters of this Report.

### Concerns regarding environmental assessments

- 4.32** Of particular concern to a number of Inquiry participants are the environmental assessments conducted as part of the conversion process. As discussed in Chapter 3, the NSW Government has maintained that, through the CAR principles, ‘only the areas of best conservation or management value proceed to be reserved under the *National Parks and Wildlife Act*<sup>246</sup>. However, a number of Inquiry participants, such as Mr Ken O’Brien, a sawmiller from the southern Riverina, questioned the scientific basis upon which land is identified and ultimately reserved within the national parks system, with Mr O’Brien contending that the environmental assessments conducted on the river red gum forests were ‘totally wrong; the science was absolutely flawed’.<sup>247</sup>
- 4.33** Ms Bronwyn Petrie, a local landholder from Tenterfield, told the Committee about her involvement with environmental assessments done on land in her local area. She described the misrepresentation of vegetation on her land due to inaccurate aerial photography:

On one property of ours it showed we had 95 per cent old growth. We had that ground truthed by departmental people and the figure came back at 15 per cent. We also had a private inquiry done through the Federal Government on the Murwillumbah photo shoots, which gave a 17 per cent accuracy rating.<sup>248</sup>

<sup>245</sup> Submission 332, p 4.

<sup>246</sup> Submission 332, p 11.

<sup>247</sup> Mr Ken O’Brien, Proprietor, O’Brien Redgum Sawmills, Evidence, 1 August 2012, p 3.

<sup>248</sup> Ms Bronwyn Petrie, Evidence, 4 October 2012, p 49.

- 4.34** Ms Petrie expressed doubt over the validity of scientific assessments conducted in her area, stating that the inaccurate results showed ‘that is how good the RFA [Regional Forest Agreements], the Comprehensive Regional Assessment and the CAR reserve system are’.<sup>249</sup> She concluded that, from her personal experience, ‘it is window dressing and it is nonsense’.<sup>250</sup>
- 4.35** Similarly, Mr O’Brien expressed the view that assessments conducted on the river red gum forests prior to their conversion were also flawed. He argued that the forest was going through a drought at the time and ‘that is when they did the study that said we were no longer sustainable’.<sup>251</sup> As outlined in the Case Study – River red gums, he among other local residents felt that the river red gum forests were inaccurately assessed, therefore leading to misguided conclusions about the future health of the forest, and the decision that the forests could only be protected by converting them to national park estate.<sup>252</sup>
- 4.36** Ms Faye Ashwin, another resident of the southern Riverina, shared Mr O’Brien’s concerns, expressing disappointment in the ‘poor science’ and the research conducted by the Natural Resources Commission (NRC).<sup>253</sup>
- 4.37** The NSW Forest Products Association (FPA) also commented on the science of forest assessments, asserting that they are ‘only able to capture a snapshot of many values of some of the forests’. They contended that forest assessments are ‘unable to place those values into context into any relative ordering of dependency or in any dynamic of ecology’. As such, the FPA concluded that these assessments are ‘merely a tool to substantiate an agenda for reservation as an absolute objective’.<sup>254</sup>
- 4.38** Others questioned the thoroughness and comprehensiveness of environmental assessments. For example, another Riverina resident, Mr David Joss, expressed the view that the river red gum assessment conducted by the NRC was inadequate in terms of the time allocated to the assessment, the research involved and its consideration of all the concerns raised by the local community.<sup>255</sup> Mr Joss stated:

We have the very short term given to the Natural Resources Commission to conduct its assessment. Three months was nowhere long enough and it was nowhere near long enough for those of us in the community who wanted to make sure that the facts were right to assemble our research... I do not believe it was an adequate assessment. I do not believe that they were able to do the sort of job we would have liked them to do....<sup>256</sup>

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<sup>249</sup> Ms Petrie, Evidence, 4 October 2012, p 49.

<sup>250</sup> Ms Petrie, Evidence, 4 October 2012, p 49.

<sup>251</sup> Mr O’Brien, Evidence, 1 August 2012, p 3.

<sup>252</sup> Mr O’Brien, Evidence, 1 August 2012, p 3; Mr Chris Crump, Proprietor, Mathoura Redgum Sawmill, Evidence, 1 August 2012, p 4.

<sup>253</sup> Ms Faye Ashwin, Proprietor, O’Brien Redgum Sawmills, Evidence, 1 August 2012, p 8.

<sup>254</sup> Submission 225, NSW Forest Products Association, p 8.

<sup>255</sup> Mr David Joss, Evidence, 1 August 2012, p 22.

<sup>256</sup> Mr Joss, Evidence, 1 August 2012, p 22.

- 4.39 Mr Joss contended that, given the time constraint on the original assessment, if the assessment were to be conducted again, 'I firmly believe, with the information we have available now... we would get a very different set of recommendations'.<sup>257</sup>

#### Concerns regarding operational assessments

- 4.40 Some Inquiry participants commented negatively on the assessment of potential operational impacts. For example, Mr Vic Jurskis, a retired forester, criticised assessments of operational impacts as having 'routinely neglected to consider inevitable negative impacts as a result of non-maintenance of infrastructure and human resources'. Mr Jurskis cited the example of fire management to demonstrate how, he believes, assessments have failed to account for losses in access and resources:

The outstanding example is fire management which has universally suffered as a consequence of lost access, lost resources for fuel reduction and other prevention of wildfires and lost resources for firefighting.<sup>258</sup>

- 4.41 Mr Grant Johnson, Policy Manager at the Australian Forest Products Association (AFPA), suggested that inadequate knowledge of the landscape prior to conversion had resulted in detrimental environmental outcomes:

Due to inadequate management national parks have become reservoirs of weeds, feral animals and very high fuel loads, which threaten not only the environmental values for which the forest was originally preserved. This situation is perverse as the dedication of these additional reserves has not resulted in improved land management and conservation outcomes ... These problems are founded upon a political environment that has promoted the reservation of large tracts of forest land for short-term goals without adequate planning and scientific knowledge of landscape dynamics and the longer term implication of those decisions.<sup>259</sup>

- 4.42 In relation to fire management, some Inquiry participants suggested that insufficient thought was given to this issue prior to converting land to national park estate. For example, Mr Peter Laird, President, Western Division Councils of New South Wales, cited a lack of firefighting resources in the Western Division:

At Willandra and some of the other parks there are no firefighters. They are in Griffith, 200 kilometres away. Usually they arrive by the time we have put the fire out; they come trundling in from Griffith at the end of it. They cannot afford to put people on these parks. They just have not got the resources. If you talks to Parks and Wildlife people they just say that they are stretched, they cannot do it physically. They do not have the resources to man these parks. So what do we do with them?<sup>260</sup>

<sup>257</sup> Mr Joss, Evidence, 1 August 2012, p 22.

<sup>258</sup> Submission 460, Mr Vic Jurskis, p 8.

<sup>259</sup> Mr Johnson, Manager, Policy, Australian Forest Products Association, Evidence, 14 September 2012, p 51.

<sup>260</sup> Mr Laird, President, Western Division Councils of NSW, Evidence, 14 September 2012, p 63.

- 4.43 While the National Parks and Wildlife Advisory Council argued that there are ‘robust’ assessment processes in place, they acknowledged that ‘there is a need for improved analysis of total and ongoing resourcing needs when new reserves are being created’.<sup>261</sup>

#### **Concerns regarding social and economic assessments**

- 4.44 Several Inquiry participants heavily criticised the Government’s assessment of potential social and economic impacts, which are often conducted together. For example, Mr Jurskis declared that ‘assessments of socio-economic impacts of conversion have not been soundly based or objective’.<sup>262</sup> He argued that ‘there has been no attempt to identify genuine stakeholders or rank interested parties according to potential impacts’, contending that ‘feelgooders’ in Sydney have a greater influence on the process than those directly affected by proposed conversions.<sup>263</sup> Similar concerns that the conversion process has been politicised will be discussed later in the Chapter.
- 4.45 Some commented on the perceived overstatement of potential positive social and economic impacts in the lead up to conversion. For example, Mr Jurskis spoke of how, since 1978, ‘all assessments have purported to identify potential positive socio-economic impacts as a result of increased visitation and tourism, and funds have been provided for publicity, signage and visitor facilities’. However, he argued that ‘no positive socio-economic impacts have actually occurred’.
- 4.46 Similarly, the NSW FPA stated that the suggestion that tourism could offset the value of lost industry ‘has proven to be a failure’.<sup>264</sup>
- 4.47 The NSW Farmers’ Association who addressed this issue as well, commented on ‘scepticism within the local community’ regarding the social and economic impacts of conversion because the projected benefits ‘fail to be realised’.<sup>265</sup> NSW Farmers called for the costs of conversion to be recognised and considered in conjunction with the potential benefits. They stated that one of the fundamental difficulties in assessing the value of establishing national parks is the ‘difficulty in determining the potential benefits’. They maintained that while different modelling processes have been conducted to estimate these benefits, the costs of national parks are clearer.<sup>266</sup>
- 4.48 Some Inquiry participants drew attention to assessments of the particular economic impact of converting commercial properties to national park estate. Mr Geoff Wise, General Manager of Bourke Shire Council, gave evidence that when the Government purchases what was once a commercial property the potential impact is so widespread that consideration must be given to structural adjustment offsets to help local government and the community cope with the change. Mr Wise stated:

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<sup>261</sup> Submission 169, National Parks and Wildlife Advisory Council, p 2.

<sup>262</sup> Submission 460, p 8.

<sup>263</sup> Submission 460, p 8.

<sup>264</sup> Submission 225, p 14.

<sup>265</sup> Submission 260, NSW Farmers’ Association, p 7.

<sup>266</sup> Submission 260, pp 10-11.

...when the Government is the purchaser and the land is converted to public land, there are invariably major secondary operational, economic social and environmental impacts due to the change of use of that land. To my mind this principle is the crux of what governments must understand and for which government must commit to secondary structure adjustment offsets when commercial lands are converted to national park estate ...<sup>267</sup>

### Concerns regarding community engagement

**4.49** When assessing the various potential impacts of converting land to national park estate, as described above, the NSW Government has maintained that extensive consultation with various stakeholders is undertaken prior to reservation. During the course of the Inquiry, however, a number of residents of areas affected by conversion criticised the extent to which they were engaged in the lead up to and during the conversion process.

**4.50** Local government representatives, for example, contended that they were not sufficiently engaged in the conversion process. For example, Mr Wally Mitchell, former Mayor of Bourke Shire Council and member of the Western Division Councils of NSW, stated that he could not recall any consultation prior to the reservation of the Lachlan Valley State Conservation Area, Hunthawang, Toorale Station or other surrounding areas. He said:

I was mayor during that period and previous to it and, no, I cannot recall any [consultation]... Across the river, that green area was another national park that was declared in those days and it was another surprise.<sup>268</sup>

**4.51** Cr Norman Brennan, Mayor of Conargo Shire and representative of the Deniliquin Business Chamber, spoke of his frustration at having decisions made about the local area without any local input. He stated:

It is very frustrating from a local government and a business perspective to have these people coming here and making decisions without satisfactory consultation and getting local knowledge about what is happening around here. They make decisions that affect us and then go back to Sydney and lie low. We are the one who have to cope with the long-term results of those decisions.<sup>269</sup>

**4.52** As such, the Local Government and Shires Association of NSW (LGSA) strongly advocated for consultation with local government during the process of conversion. They argued that changing land use 'will have an impact on the local environment, local economy and the local community', and maintained that 'it is vital that any proposed land conversion that has the potential to have significant impacts on the local level...be reviewed by the council'.<sup>270</sup> The LGSA therefore recommended that consultation with the relevant council be a legislative requirement of any conversion of land to national park estate.<sup>271</sup>

<sup>267</sup> Mr Geoff Wise, General Manager, Bourke Shire Council, Evidence, 26 September 2012, p 3.

<sup>268</sup> Mr Wally Mitchell, former Mayor of Bourke Shire Council and member of the Western Division Councils of NSW, Evidence, 14 September 2012, p 69.

<sup>269</sup> Cr Norman Brennan, Mayor of Conargo Shire and representative of the Deniliquin Business Chamber, Evidence, 1 August 2012, p 12.

<sup>270</sup> Submission 203, Local Government and Shires Association of NSW, p 3.

<sup>271</sup> Submission 203, p 3.

- 4.53** This view was shared by Mr Matt Rogers, Director of Development and Environmental Services, Port Macquarie-Hastings Shire Council, who, while acknowledging ‘excellent relationships’ with land management agencies on some issues, observed that statutory mechanisms for engagement would be useful: ‘...if there are opportunities through legislation or guidelines to put in place statutory mechanisms where engagement is reinforced that would be a positive thing’.<sup>272</sup>
- 4.54** Another key stakeholder group, the NSW Farmers’ Association, advised of their limited involvement in the consultation around conversion. The Association’s President, Ms Fiona Simson, remarked: ‘It seems extraordinary to me. I would think that farmers should most definitely be consulted. We are land managers. We are the people...who have the experience in managing the land’.<sup>273</sup>
- 4.55** Other Inquiry participants highlighted the limited consultation with individual members of potentially affected communities. According to Ms Louise Burge, a resident of the Riverina, ‘those most affected by the decisions have the least opportunity to have genuine community engagement in the decisions’.<sup>274</sup>
- 4.56** Similarly, the NSW FPA supported the view that consultation with communities across the State during forest assessments was inadequate. For example, they argued that in coastal assessments, community reference groups were ignored; the input of Brigalow communities was rejected, and the views of river red gum communities were disregarded.<sup>275</sup>
- 4.57** Inquiry participants thus repeatedly called for early and better engagement of local communities, in particular, as part of the process of converting land to national park estate. The National Parks and Wildlife Advisory Council, for example, suggested that, while there are some examples of good practice in this area, community consultation relating to proposed acquisitions could generally be improved, ‘particularly with park neighbours, Aboriginal community members and local government’.<sup>276</sup>
- 4.58** NSW Farmers also stated they would strongly support any moves to better involve the local community and affected landholders in early discussions about proposed conversions, ‘rather than after a decision has been made from on high’.<sup>277</sup> They asserted that, ultimately, decisions to convert land to national park estate ‘must be made *with* the community rather than *on behalf* of the community’.<sup>278</sup>
- 4.59** NSW Farmers acknowledged that this will necessitate ‘innovative and effective community engagement strategies to ensure authorities listen and respond to the community’, particularly

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<sup>272</sup> Mr Matt Rogers, Director of Development and Environmental Services, Port Macquarie-Hastings Shire Council, Evidence, 4 October 2012, p 8.

<sup>273</sup> Ms Fiona Simson, President, NSW Farmers’ Association, Evidence, 14 September 2012, p 76.

<sup>274</sup> Submission 485, Ms Louise Burge, p 6.

<sup>275</sup> Submission 225, p 9.

<sup>276</sup> Submission 169, p 2.

<sup>277</sup> Submission 260, p 6.

<sup>278</sup> Submission 260, p 8.

in the wake of ‘reform fatigue’ experienced by many of their members who are currently being asked to respond to a raft of natural resource management reforms.<sup>279</sup>

### **Response to criticisms of the assessment process**

**4.60** The OEH and NRC responded to a number of the concerns raised by Inquiry participants over the process of converting land to national park estate, including the assessments of potential impacts and the process of community engagement.

**4.61** For example, Dr John Williams, former Commissioner of the NRC, responded to the criticism of assessments conducted for the Government during his time at the NRC, which included both the river red gum assessment in the Riverina and the assessment of the south-western cypress forests. Dr Williams maintained that the NRC delivered reports that ‘showed clearly that we based our analysis on science and showed clearly that one size does not fit all’.<sup>280</sup> He contrasted the recommendations for the river red gum forests, which proposed reserves in certain configurations with geomorphology and flooding as ‘absolutely essential’, with recommendations for the cypress forests which stated that reserves ‘were usually not required’.<sup>281</sup>

**4.62** Dr Williams expressed a firm belief in the validity and strength of the NRC’s scientific assessments and the recommendations that followed, stating:

The Natural Resources Commission’s recommendations were based on the best ecological, social and economic knowledge in an open peer reviewed process that was comprehensively documented, and it was world’s best practice. It is documentation that you can have confidence in when making the decisions you will need to take forward into the future.<sup>282</sup>

**4.63** Mr Bryce Wilde, Executive Director, NRC, expressed similar sentiments, declaring that the ‘NRC prides itself on its independence and its objectivity’.<sup>283</sup> He also responded to concerns regarding the river red gum assessments, in particular, maintaining that the NRC had ‘put forward a thorough, scientifically based rigorous analysis, which weighed up all the facts and listened to all parties and stakeholders’.<sup>284</sup> As discussed in the Case Study – River red gums, Mr Wilde informed the Committee that the NRC’s assessment had found that the forests and the industries were in decline ‘beyond the particular drought conditions then prevailing’ and that ‘this decline was predicted to worsen in the future’.<sup>285</sup>

<sup>279</sup> Submission 260, p 6.

<sup>280</sup> Dr John Williams, Former Commissioner, Natural Resources Commission, Evidence, 14 September 2012, p 40.

<sup>281</sup> Dr Williams, Evidence, 14 September 2012, p 40.

<sup>282</sup> Dr Williams, Evidence, 14 September 2012, p 40.

<sup>283</sup> Mr Bryce Wilde, Executive Director, Natural Resources Commission, Evidence, 14 September 2012, p 7.

<sup>284</sup> Mr Wilde, Evidence, 14 September 2012, p 7.

<sup>285</sup> Mr Wilde, Evidence, 14 September 2012, p 2.

- 4.64** Mr Wilde also raised the point that, while the NRC provides independent advice to the Government, the decision to convert land to national park estate ultimately lies with the Government of the day.<sup>286</sup>
- 4.65** In order to demonstrate how potential social and economic impacts are considered prior to the decision to convert land to national park estate, Mr Wilde described the regional assessment conducted for the river red gum forests. Mr Wilde told the Committee that two consultancies were engaged by the NRC to analyse economic and social impacts to ensure these impacts ‘were taken into account very thoroughly in our assessment’.<sup>287</sup>
- 4.66** Mr Wilde advised that, under the direction of the NRC, one consultancy was engaged to undertake a socio-economic analysis and confidential industry survey, and consulted with all of the large mill operators and their workers, Indigenous representatives, local council and community representatives. The other consultancy conducted a vulnerability assessment and examined the adaptive capacity of six key communities, looking at their human, financial and social capital as well as a range of other indicators.<sup>288</sup> Mr Wilde asserted that the reports not only considered the impacts of conversion on direct employment, but also considered the wider contribution of the timber industry to the regional economy and the multiplier effects on downstream industries.<sup>289</sup>
- 4.67** Commenting on the process for assessing potential social and economic impacts, the OEH acknowledged the criticism raised by Inquiry participants of a ‘perceived lack of attention provided to the social and economic consequences of establishing national parks’ and stated that they recognised the need for improvement in their assessment of these impacts, in particular.<sup>290</sup> This view was shared by the National Parks and Wildlife Advisory Council, who called for ‘greater consideration of economic and social issues...during the assessment process when new lands are being added to the reserve system’.<sup>291</sup>
- 4.68** While highlighting the depth of their past assessments in accounting for the likely environmental, economic and social outcomes of conversion, the OEH informed the Committee that: ‘It is recognised that continual improvement is needed in this area to ensure that the full implications of reserving high conservation value lands and future management obligations are considered.’ Further, the OEH advised that work is ‘currently underway in this area’.<sup>292</sup>
- 4.69** For example, the OEH told the Committee that, as previously noted, the NPWS Reserve Establishment Guidelines 2007 are being reviewed, a key objective of which is to update the approaches used to identify and consider the potential social and economic impacts of national parks.<sup>293</sup> Mr Bob Conroy, Acting Deputy Chief Executive, OEH, and Acting Head, NPWS, also referred to the increased focus on considerations of social and economic factors,

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<sup>286</sup> Mr Wilde, Evidence, 14 September 2012, pp 11 and 12.

<sup>287</sup> Mr Wilde, Evidence, 14 September 2012, p 3.

<sup>288</sup> Mr Wilde, Evidence, 14 September 2012, p 3.

<sup>289</sup> Mr Wilde, Evidence, 14 September 2012, p 3.

<sup>290</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 12.

<sup>291</sup> Submission 169, p 2.

<sup>292</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 12.

<sup>293</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 12.

including the implications for local communities and councils, and advised that work in this area will build on the efforts previously noted to gather and assess a greater range of information regarding the status of properties prior to conversion.<sup>294</sup>

- 4.70** Further to this, the OEH outlined how greater emphasis is being given to the unique stresses and vulnerabilities present in smaller rural and regional areas, many of which rely on agriculture and are therefore susceptible to external factors such as drought and changing commodity prices.<sup>295</sup>
- 4.71** The OEH also acknowledged the concerns of Inquiry participants regarding stakeholder engagement, namely engagement with local communities most affected by conversion decisions. The OEH reported that the current review of the NSW Reserve Establishment Guidelines 2007 would ‘examine opportunities for enhanced stakeholder or community input into significant national parks proposals’.<sup>296</sup>
- 4.72** While the OEH advised that efforts are being made to better account for the social and economic implications of conversion, some Inquiry participants argued that these impacts can only be appropriately considered if they are transparent, accessible way prior to the conversion of any land to national park estate. The NSW Farmers’ Association recommended that the publication of a Better Regulation Statement be required before legislation establishing a national park is considered.<sup>297</sup> Ms Brianna Casey, Environmental Policy Director, NSW Farmers’ Association, explained that a Better Regulation Statement would be akin to a regulatory impact statement which already exists in some policy processes. The Statement would contain all the projected impacts on the community, environment and economy for public exhibit and consideration. NSW Farmers argued that ‘it is very difficult for us to respond to government processes without understanding the rationale for them’.<sup>298</sup>

### Concerns that the conversion process has been politicised

- 4.73** As noted previously, the decision to convert land to national park estate is ultimately one for the NSW Government: ‘the decision to acquire and reserve lands under the *National Parks and Wildlife Act 1974*, whether in the past or the future, is always subject to the approval of the Government of the day’.<sup>299</sup> For some Inquiry participants, their perception of flaws in the science of the environmental assessments, together with the other criticisms of the assessment process, have fed their perception that the Government did not make recent conversion decisions on the basis of sound public policy, but rather, in the pursuit of a political agenda to convert certain lands to national park.

<sup>294</sup> Mr Bob Conroy, Acting Deputy Chief Executive, Office of the Environment and Heritage, and Acting Head, NSW National Parks and Wildlife Service, Evidence, 7 September 2012, p 4.

<sup>295</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 12.

<sup>296</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 12.

<sup>297</sup> Submission 260, p 10.

<sup>298</sup> Ms Brianna Casey, Environmental Policy Director, NSW Farmers’ Association, Evidence, 14 September 2012, p 72.

<sup>299</sup> Answers to questions on notice taken during evidence 7 September 2012, Mr Bob Conroy, Acting Deputy Chief Executive, Office of the Environment and Heritage and Acting Head, National Parks and Wildlife Service, p 6.

- 4.74** The NSW FPA expressed this view, attributing the negative social and economic impacts on regional areas to ‘Green agendas’:

The greatest burden has been the sustainability and resilience of many country towns to the economic stress that has been imposed by city based Green agendas and political preference deals.<sup>300</sup>

- 4.75** Likewise, the Wakool Landholders Association raised concerns about the impact of the ‘green political vision’ they saw as driving the conversion of land to national park estate:

The Wakool Landholders Association would like to express their concern that regional Communities are being sacrificed for the sake of a green political vision that is devised in large urban areas, that do not take into consideration the huge negative impact that these decisions have on the social fabric.<sup>301</sup>

- 4.76** The NSW Farmers’ Association stated that, while early conversions have been driven by ‘a range of motives and involved varying levels of community engagement’, they believe that conversions in the past decade have ‘been typified by political expediency and poor community engagement’.<sup>302</sup>

- 4.77** NSW Farmers stated that the significant increase in lands added to the reserve system since 1995 occurred at such a rapid pace that some communities felt ‘disengaged from the process, perceiving that conversions in some instances were dictated by political agendas rather than local community input’.<sup>303</sup> They cited the decision to convert the river red gum forests as an illustration of how poor processes can be and were driven by ‘real or perceived political agendas’.<sup>304</sup>

- 4.78** In relation to the Pilliga forest, Mr Patrick Paul of Gunnedah Timbers and Baradine Sawmilling Company, expressed the view that the decision to convert parts of the Pilliga forest to national park estate ‘was a purely political decision’ and had ‘nothing to do with the environment’:

It was nothing to do with the environment back in 2005 because of all the evidence that they had, were given and was completely ignored. They could not make a decision so far as we could gather, so Bob Carr overruled everyone and he just signed off on his 348,000 hectares of national parks. All this that went on back in the early days amounted to nothing.<sup>305</sup>

- 4.79** Mr Douglas Head of Australian Solar Timbers also reflected the view that the conversion process has been politicised, arguing that this has ultimately devalued national park estate and damaged its credibility as a means to conserve and protect the environment. He cautioned:

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<sup>300</sup> Submission 225, p 14.

<sup>301</sup> Submission 136, Mr John Lolicato, Wakool Landholders Association, p 1.

<sup>302</sup> Submission 260, p 6.

<sup>303</sup> Submission 260, pp 6- 7.

<sup>304</sup> Submission 260, p 8.

<sup>305</sup> Mr Patrick Paul, Gunnedah Timbers and Baradine Sawmilling Company, Evidence, 27 September 2012, p 29.

...national park declarations have been totally politicised in this process. Not only has this damaged the industry but in my view it has damaged the title and the credibility of the national parks estate. They have become political pieces rather than the fine tradition that they were intended to serve. I think we will regret that eventually. We have devalued our estate by the way we have done it.<sup>306</sup>

- 4.80** A significant number of participants to the Inquiry acknowledged the politicisation of the debate around national parks and their management, and raised concerns that the Inquiry itself was politicised. For example, the Colong Foundation for Wilderness raised strong concerns that ‘this Upper House Inquiry will favour the critics of national parks and sustainable land management practices’. It suggested that this perception of politicisation prevented many from participating in the Inquiry:

The terms of reference and the membership of the committee are biased toward findings that will confirm greater resource exploitation of public lands set aside for conservation and identify faults with the reservation processes of particular parks and reserves in NSW. Many citizen conservationists from all political backgrounds are aware of the pre-conceived intent of this Inquiry and will have nothing to do with the Committee’s processes.<sup>307</sup>

#### **Committee comment**

- 4.81** The Committee notes the evidence from the NSW Government that it pursues a thorough approach to converting land to national park estate, part of which is the assessment of potential environmental, operational, economic and social impacts. However, the Committee acknowledges that numerous concerns were raised regarding this process by a significant number of Inquiry participants, particularly residents living in areas affected by recent conversion, and even by the National Parks Advisory Council. These concerns centre on the adequacy of assessments of potential economic and social impacts, and on the extent to which the community is engaged in the conversion process. These Inquiry participants believe that these concerns around the conversion process negate the validity of decisions to convert land to national park estate.
- 4.82** While the Committee understands that the process of conversion aims to identify and sample lands of the highest conservation value, the Committee questions whether the economic and social values of an area have been equally considered in this process. The Committee concludes that the potential economic and social impacts should be given greater weight and placed at the forefront of decision making.
- 4.83** A number of Inquiry participants also raised concerns that the conversion process has been politicised. The Committee is concerned that perceived politicisation devalues national park estate and damages its credibility as a means to conserve and protect biodiversity and the environment.

<sup>306</sup> Mr Douglas Head, Australian Solar Timber, Evidence, 4 October 2012, p 41.

<sup>307</sup> Submission 317, The Colong Foundation for Wilderness, pp 1-2.

- 4.84** The Committee acknowledges that the NSW Government has recognised the need to improve the assessment of potential impacts following conversion, and that work is underway in this area. In undertaking this work, the Committee strongly suggests that the process of conversion, and in particular the assessment of potential impacts, be consistent, transparent, inclusive and, significantly, independent.
- 4.85** The Committee also notes the evidence from the NSW Farmers' Association suggesting that a Better Regulation Statement be required before legislating the establishment of a new national park. The Committee agrees with this approach and urges that a statement outlining the economic, social and environmental impacts of conversion be required for public exhibition prior to conversion. The statement should be analogous to the Environmental Impact Statement currently required under the *Environmental Planning and Assessment Act 1979*, but encompass the broader implication of converting land to national park estate.
- 4.86** The Committee acknowledges the concerns of numerous Inquiry participants regarding consultation with affected local communities was limited and inadequate. In particular, the Committee is disappointed that communities affected by recent conversions did not feel heard, and that their representatives, namely local government, felt excluded from the conversion process. The Committee, therefore, recommends that a community engagement strategy be developed to guide consultation with local communities prior to making decisions on the conversion of land to national park estate.
- 4.87** The Committee, therefore, recommends in Recommendation 3 that 'the NSW Government implement a process of converting land to national park estate that:
- is consistent, transparent, inclusive and independent, and in which the economic and social impacts of conversion decisions are accorded equal weight with conservation objectives. In addition, the conversion process should require a comprehensive Impact Statement outlining the economic, social and environmental impacts of conversion for public exhibition prior to the conversion of land to national park estate.
  - includes the development of a community engagement strategy to guide consultation with local communities prior to making decisions on the conversion of land to national park estate. The strategy should set clear expectations regarding what consultation will occur and mandate consultation with local government throughout the conversion process'.

## Chapter 5 Case Study – River red gum forests

This Case Study examines the conversion to national park estate of the river red gum forests in the southern Riverina. The first section provides an overview of the area including the forests and principal towns. The second section then provides a timeline of events in the area focusing on use of the forests from early settlement to conversion. Last is an examination of the impacts of conversion on the local communities and industries of the Riverina.

- 5.1** The river red gum national and regional parks in the southern Riverina contain the largest river red gum forests in Australia. Also known generally as the NSW Central Murray Forests, the river red gum forests in this area are comprised of the Werai Forests, the Koondrook-Perricoota and Campbell's Island Forests, and the Murray Valley National Park and Murray Valley Regional Parks, formerly the Millewa Forest.
- 5.2** The river red gum forests sit within the Riverina Bioregion, which extends across south-west NSW, northern Victoria and north-east South Australia. The NSW portion of the Riverina Bioregion includes approximately 401,000 hectares of river red gum forests.<sup>308</sup> These forests are associated with most of the major channels and floodplains of the bioregion's major river catchments, namely the Murray, Murrumbidgee and Lachlan.<sup>309</sup> The Murray Valley Regional and National Parks are ecologically linked through an unbroken riparian corridor along the Murray and Edward Rivers.<sup>310</sup> The Millewa group of forests, together with the Barmah forest in Victoria, form the largest continuous river red gum forest in the world.<sup>311</sup> Figure 1 presents the Central Murray Forests of the southern Riverina.<sup>312</sup>
- 5.3** The Riverina Bioregion consists of six subregions. The forests and communities which are the focus of this Case Study are located in the Murray Fans subregion and the southern part of the Murrumbidgee subregion along the Edward River. The Murray Fans subregion includes the principal towns of Barham, Mathoura and Deniliquin.<sup>313</sup>

<sup>308</sup> Submission 332, New South Wales Government, p 11.

<sup>309</sup> Tabled document, Dr John Williams, Former Commissioner of the Natural Resources Commission, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Final Assessment Report*, December 2009, p 19.

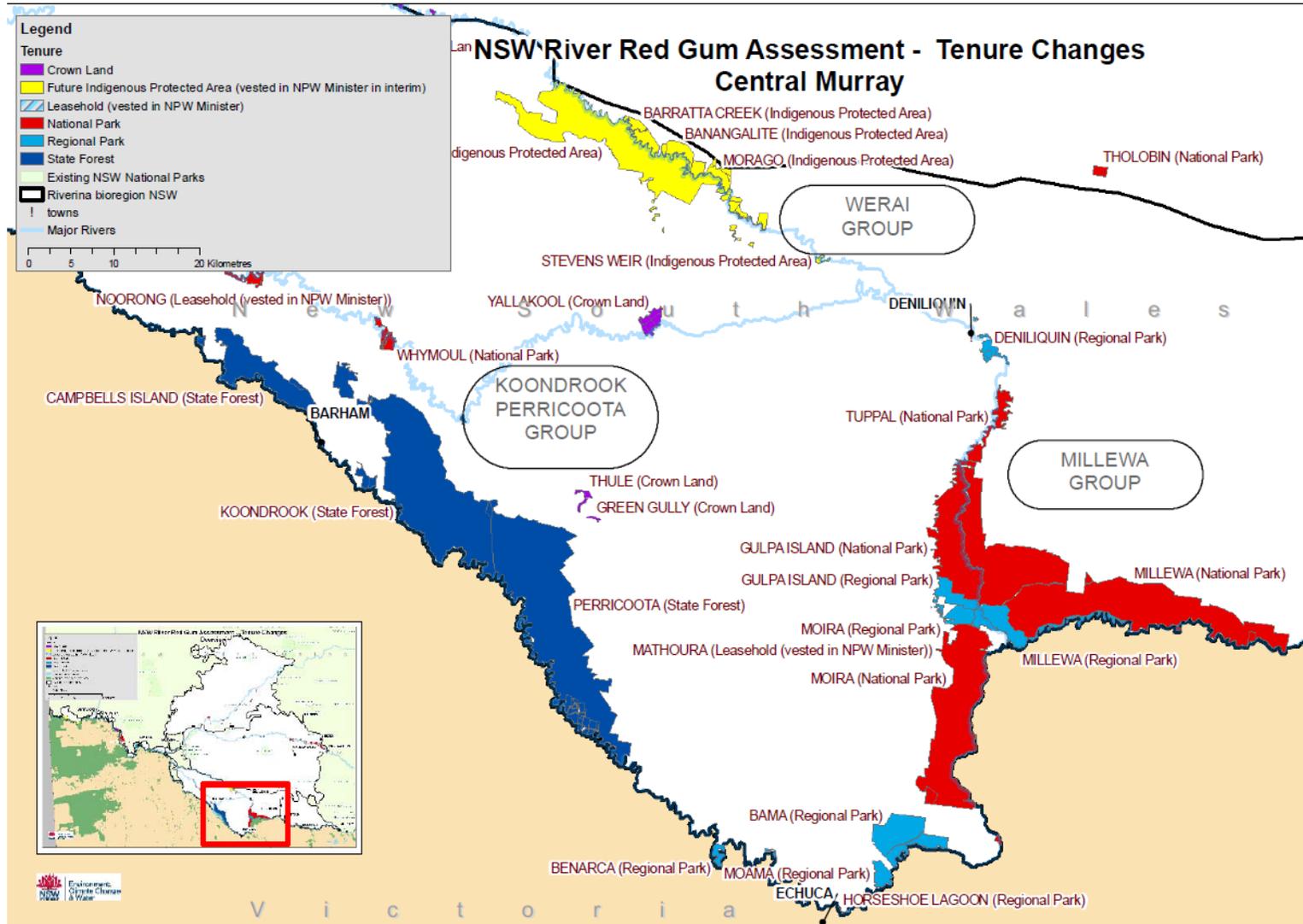
<sup>310</sup> Tabled document, Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service, *The bioregions of New South Wales – their biodiversity, conservation and history*, 2003, p 95.

<sup>311</sup> New South Wales Government, River Red Gums, accessed 28 February 2013 <[www.riverredgums.nsw.gov.au/nature\\_and\\_culture/river\\_red\\_gums](http://www.riverredgums.nsw.gov.au/nature_and_culture/river_red_gums)>

<sup>312</sup> New South Wales Government, River Red Gums, accessed 26 March 2013 <<http://www.riverredgums.nsw.gov.au/management/maps/CentralMurray.pdf>>

<sup>313</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, Final Assessment Report*, December 2009, p 51.

Figure 3 Central Murray Forests of the southern Riverina



- 5.4** The river red gum forests of the Riverina have long been recognised for their ecological value, with a character very much shaped by the availability of and access to water.<sup>314</sup> The forests sit within vast areas of floodplain, featuring wetlands that have formed one of the most beautiful and ecologically important features of the area.
- 5.5** In 2003, the NSW Central Murray forests were listed under the Ramsar Convention of ‘Wetlands of International Importance’. This listing recognised the wetlands for ‘their significance based on their ecological values, as well as acknowledging the significant social, cultural and economic resources and a long history of management for multiple uses’.<sup>315</sup>
- 5.6** Given the space to spread, river red gums have quite stunted trunks before spreading out, into what is considered their true iconic form.<sup>316</sup> In ideal conditions the river red gum is a fast growing tree and when grown for timber production, grows tall and straight. Professor Richard Kingsford, Director of the Australian Wetlands, Rivers and Landscape Centre at the University of New South Wales Management, gave evidence that management for timber production leads to forests with dense, tall, young trees, and fewer older, hollow bearing habitat trees.<sup>317</sup>
- 5.7** High value is placed on the red gum forests for their conservation values and the habitat they can provide. The Riverina Bioregion contains 50 threatened terrestrial fauna species and 18 listed migratory bird species. Many of these species are dependent on habitat provided by the red gum forests, such as wetlands (25 species), hollow bearing trees (18 species), or dead fallen timber (13 species). Twenty-eight listed threatened species are considered to be dependent on two or more of the habitats provided by the red gum forests<sup>318</sup>
- 5.8** Likewise, significant economic and social value has been placed on the river red gum forests as a source for timber production. River red gum timber is valued for its durability and distinctive appearance, and, as such, has produced a variety of products including structural timber, railway sleepers and furniture.<sup>319</sup>

## Timeline

- 5.9** Several traditional owners, including representatives of the Bangerang Nation and the Yorta Yorta Nation, informed the Committee of the rich cultural heritage and connection their people have with the red gum forests of the Riverina, as evident in the various midden sites, burial grounds and scar trees throughout the forests. Other indigenous Inquiry participants

<sup>314</sup> New South Wales Government, River Red Gums, accessed 29 January 2013 <[www.riverredgums.nsw.gov.au/nature\\_and\\_culture/wetlands](http://www.riverredgums.nsw.gov.au/nature_and_culture/wetlands)>

<sup>315</sup> New South Wales Government, River Red Gums, accessed 29 January 2013 <[www.riverredgums.nsw.gov.au/nature\\_and\\_culture/wetlands](http://www.riverredgums.nsw.gov.au/nature_and_culture/wetlands)>

<sup>316</sup> Mr David Joss, community member, Mathoura, Evidence, 1 August 2012, p 25.

<sup>317</sup> Professor Richard Kingsford, Director, Australian Wetlands, Rivers and Landscape Centre, University of New South Wales, Evidence, 14 September 2012, p 16.

<sup>318</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, Final Assessment Report*, December 2009, p 24.

<sup>319</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, Final Assessment Report*, December 2009, p 117.

also spoke of traditional stories and creation stories centred on the river red gum forests that have been passed down through generations.<sup>320</sup>

- 5.10** River red gum forests have a rich indigenous history. Research suggests that Indigenous groups actively managed the landscape long before European settlement. In particular, their use of fire has been identified as a feature of the forests' development and is said to have had some impact on the character of the red gum forests today.<sup>321</sup>
- 5.11** The first Europeans to explore the area came in the early 1800s and included John Oxley, Charles Sturt and Thomas Mitchell.<sup>322</sup> Use of the red gum forests at this time was unrestricted to support early settlement and industry. According to the Natural Resource Commission (NRC), soon after, widespread grazing and ringbarking of larger trees to open pastures, combined with major flooding in the 1870s brought significant change to the forest structure, as natural expansion of river red gums occurred. It is important to note that the state of the river red gum forests prior to and upon European settlement has been widely contested throughout the Inquiry.
- 5.12** From 1900 to 1980 levels of both formal public forest management and river regulation increased. Changes in flooding regimes saw red gum seedlings invade the grass plains and led to full forest cover on areas that were previously grass plains. By the 1980s most mature forests had been harvested and timber production focused on thinning. From this period there was an increasing emphasis on forest values other than wood production, including the creation of flora reserves, the cessation of ringbarking larger trees, managed flooding of specific wetlands and the delineation of forest management zones to differentiate between of conservation and timber harvesting.<sup>323</sup>
- 5.13** In the 1990s an Australia-wide environmental mapping exercise was undertaken which created the Interim Biogeographic Regionalisation of Australia to enable conservation assessment on a bioregional scale. In 2003, the Riverina Bioregion was identified as having only 1.76 per cent of its area managed for conservation, the smallest proportion of all the NSW bioregions.<sup>324</sup> Being acutely under-represented in the reserve system, the *National Parks Establishment Plan 2008* identified the 'riverine forest communities of the Murray, Murrumbidgee, Lachlan and Darling rivers' as being 'poorly reserved environments' that required 'high priority for better protection within reserves over the next decade'.<sup>325</sup>

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<sup>320</sup> Submission 429, Cummeragunja Local Aboriginal Land Council, p 1; Mr Neville Atkinson, Chair, Yorta Yorta Nation Aboriginal Corporation, Evidence, 2 August 2012, p 15; and Ms Debbie Flower, Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation, Evidence, 2 August 2012, p 20.

<sup>321</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, Final Assessment Report*, December 2009, p 24.

<sup>322</sup> Tabled document, *The bioregions of New South Wales – their biodiversity, conservation and history*, 2003, p 96.

<sup>323</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, Final Assessment Report*, December 2009, pp 24-26.

<sup>324</sup> Tabled document, *The bioregions of New South Wales – their biodiversity, conservation and history*, p 96.

<sup>325</sup> Tabled document, National Parks and Wildlife Service, 2008, *National Parks Establishment Plan 2008*, p 17.

- 5.14** In 2009, the then Government instructed the NRC to ‘assess and make recommendations on the management of the Riverina red gum forests to determine a sustainable future for the forests, the forestry industry and the local communities’.<sup>326</sup> As a result, the Riverina Bioregion Forest Assessment was conducted.

### **Riverina Bioregion Forest Assessment**

- 5.15** Among the key findings of the Riverina Bioregion Forest Assessment, the NRC found that river red gum forests and the industries and social systems they support were in decline beyond the particular drought conditions then prevailing. The NRC suggested that this decline was predicted to worsen in the future.<sup>327</sup>
- 5.16** The Commission asserted that current logging rates were unsustainable, and indicated that a return to a sustainable yield would require a 50 per cent reduction in timber volume.<sup>328</sup> As a result, it was recommended that the Government provide assistance to enable some mills to voluntarily exit the industry or adapt to significantly reduced volumes of high quality sawlog timber.<sup>329</sup>
- 5.17** Based on confidential surveys and meetings with members of the timber industry, Mr Wilde stated:

Without a restructure ... the profitability of some of the mills, such as those outside the central Murray area—Barmah-Millewa and Koondrook-Perricoota—was questionable and that they would have left the business, because there just was not enough timber in those forests and within what was agreed to be the forest prescriptions. There would have been a consolidation of the industry over time. At the same time there would have been a fastening, a rapid use and depletion of the timber stock which would have denied further regrowth and regeneration in those areas.<sup>330</sup>

- 5.18** In addition, the Assessment found that the river red gum forests possess a wide range of environmental values and are ‘potentially the main primary producers in the river floodplain ecosystems, supporting and driving other ecosystem processes’.<sup>331</sup> As such, the NRC suggested that the forests required active management, particularly around water access, as poor health of the river red gums was largely as a result of ‘substantially reduced river flows and altered flooding regimes’.<sup>332</sup>

<sup>326</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, Final Assessment Report*, December 2009, p 7.

<sup>327</sup> Mr Bryce Wilde, Executive Director, Natural Resources Commission, Evidence, 14 September 2012, p 2.

<sup>328</sup> Mr Wilde, Evidence, 14 September 2012, p 2.

<sup>329</sup> Tabled document, Dr John Williams, Former Commissioner of the Natural Resources Commission, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 9.

<sup>330</sup> Mr Wilde, Evidence, 14 September 2012, p 7.

<sup>331</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, Final Assessment Report*, December 2009, p 19.

<sup>332</sup> Submission 332, p 11.

- 5.19** The NRC expressed the view that land tenure affected access to environmental water flows and that conversion to national park estate would enhance water sustainability by ensuring the forests would have priority access to water.<sup>333</sup>
- 5.20** The Assessment also recommended large scale ecological thinning trials to assess the potential for ecological thinning to enhance forest health and biodiversity outcomes.
- 5.21** The Riverina Bioregion Forest Assessment concluded that the prosperity of the timber industry was closely linked to the health of the forests and that change of land tenure in some of the forests to national or regional parks was necessary to save the forest and allow a 'boutique' timber industry to continue to operate.<sup>334</sup> Mr Bryce Wilde, Executive Director of the Natural Resources Commission, described the evidence of the Assessment as presenting 'a stark choice for public policy':
- ...restructure the red gum timber industry and ensure its long-term viability at a reduced scale or have it continue unchanged and exhaust the resource for the foreseeable future.<sup>335</sup>
- 5.22** Many Inquiry participants from the area, in particular the timber industry, were heavily critical of the Riverina Bioregion Forest Assessment and its findings. For example, several witnesses expressed anger over the recommendation that the forests become national park estate on the basis of their ecological value, claiming that their value exists as a direct result of active management by the timber industry and Forests NSW (now Forestry Corporation of NSW).<sup>336</sup>
- 5.23** Some Inquiry participants expressed shock that the Assessment found the industry was unsustainable. Mr Ken O'Brien, Proprietor of O'Brien Redgum Sawmills stated that timber production in the Riverina was 'a \$70 million-a-year industry that works on a sustainable basis'. He stated that river red gums respond favourably to active forestry management, arguing that the timber industry is 'good for the economy, it is good for our communities and most of all it is good for the forests and for the environment'.<sup>337</sup> Mr O'Brien described the conversion to national park estate as putting the forests on 'welfare'.<sup>338</sup>
- 5.24** Evidence provided by other Inquiry participants did not support the assertion that the environmental values of forests are a result of management for silvicultural purposes. As discussed below, Professor Kingsford gave evidence that:

We know that as a result of past management we have long thin poles, very high stem density across river red gum forests and a tendency not to have large old trees that develop hollows. As a result, the scientific evidence indicates that the biodiversity is declining because there are not enough habitats.<sup>339</sup>

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<sup>333</sup> Mr Wilde, Evidence, 14 September 2012, p 6.

<sup>334</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, Recommendations Report*, December 2009, p 9.

<sup>335</sup> Mr Wilde, Evidence, 14 September 2012, p 2.

<sup>336</sup> Mr Victor Eddy, Former forest manager Yanga Station, Evidence, 2 August 2012, p 36 and Mr Christopher Crump, Proprietor, Mathoura Redgum Sawmill, Evidence, 1 August 2012, p5.

<sup>337</sup> Mr Kenneth O'Brien, Proprietor, O'Brien Redgum Sawmills, Evidence, 1 August 2012, p 3.

<sup>338</sup> Mr O'Brien, Evidence, 1 August 2012, p 3.

<sup>339</sup> Professor Kingsford, Evidence, 14 September 2012, p 16.

- 5.25** Others from the local timber industry, such as Ms Faye Ashwin, Proprietor of O'Brien Redgum Sawmill, expressed concerns that the Riverina Bioregion Forest Assessment was based on a presumption of a 'water-scarce future' and that, since conversion, the region has experienced significant flooding.<sup>340</sup> Mr Todd Gelletly, General Manager of Gelletly Redgum Barham, shared these concerns, stating that at the time of the Assessment the region had been through a 'one-in-20 year drought that turned into a one-in-100 year drought'.<sup>341</sup> Moreover, Mr David Joss, a member of the Mathoura community, told the Committee that the three month period of assessment was not long enough to gather data on the red gum forests and asserted that the NRC would reach different conclusions were they to undertake another assessment now.<sup>342</sup>
- 5.26** Mr John Williams, former Commissioner of the Natural Resources Commission, disputed these claims, saying that:
- Our modelling recognised that there would be some 1974-type years—which we had in 2010 and 2011. They were part of the range of rainfall patterns that were in the modelling task.<sup>343</sup>
- 5.27** Mr Wilde contended that the NRC was asked to look at the future, and not just the current conditions of the river red gum forests.<sup>344</sup> Mr Wilde told the Committee that the NRC had modelled a range of climate change scenarios and had based their recommendations on a 'medium-term climate change scenario' and on modelling over a '100-year time frame'.<sup>345</sup> Mr Wilde explained that this was a 'conservative assessment on what was going to happen with future climate variability' and not based solely on the extreme drought conditions experienced at the time of assessment.<sup>346</sup> Mr Wilde also explained that 'the important point with planning for future trajectories is to look over the long-term trend, not what happens for one or two years'.<sup>347</sup> Mr Wilde added that, while the recent floods have been 'great for the forests' the 'real impact on timber resources will only be known in decades to come'.<sup>348</sup>

## The decision to convert to national park estate

- 5.28** The recommendation of the Riverina Bioregion Forest Assessment ultimately led to the conversion of several river red gum State forests to national park estate, as prescribed by the *National Park Estate (Riverina Red Gum Reservations) Act 2010*. The Act, which became effective on 1 July 2010, established more than 100,000 hectares of river red gum parks in the Riverina. This included approximately 15,000 hectares of regional parks and 65,000 hectares of national

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<sup>340</sup> Ms Ashwin, Proprietor, O'Brien Redgum Sawmills and Mr Crump, Evidence, 1 August 2012, p 10.  
<sup>341</sup> Mr Todd Gelletly, General Manager, Gelletly Redgum Barham, Evidence, 1 August 2012, pp 9-10.  
<sup>342</sup> Mr Joss, Evidence, 1 August 2012, p 22.  
<sup>343</sup> Dr John Williams, former Commissioner, Natural Resources Commission, Evidence, 14 September 2012, p 39.  
<sup>344</sup> Mr Wilde, Evidence, 14 September 2012, p 7.  
<sup>345</sup> Mr Wilde, Evidence, 14 September 2012, p 8.  
<sup>346</sup> Mr Wilde, Evidence, 14 September 2012, p 8.  
<sup>347</sup> Mr Wilde, Evidence, 14 September 2012, p 8.  
<sup>348</sup> Mr Wilde, Evidence, 14 September 2012, p 2.

park. Around 20,000 hectares were identified for the future creation of Indigenous Protected Areas.<sup>349</sup>

- 5.29** The most significant land tenure changes occurred in the NSW Central Murray forests. As a result of the conversion, the Millewa Forest, which consisted of Millewa, Gulpa Island and Moira State Forests, were identified for conservation and became the Murray Valley Regional and National Parks. The Werai State Forest was identified as a potential Indigenous Protected Area, with work currently underway to complete this process. The Act allowed timber harvesting to continue in the Koondrook, Campbell's Island and Perricoota State Forests under an Integrated Forestry Operations Approval (IFOA).<sup>350</sup>
- 5.30** The Act also allowed boundary adjustments to be made up until 30 June 2012. Adjustments that have been made include 3,700 hectares removed from national park reservation to allow continuation of existing grazing and cultivation activities and 1,117 hectares of national park estate that has become Regional Park to take account of the historical use of the area for dog-walking.<sup>351</sup>
- 5.31** As part of the process of conversion, the New South Wales Government provided a support and management package of \$97 million, which included a \$51.5 million Industry Structural Adjustment Program to enable some mills and mill workers to voluntarily exit the industry or to adapt their business to operate with a reduced volume of high quality sawlogs.<sup>352</sup>

### Response to the decision

- 5.32** The Committee received evidence from a number of Inquiry participants reflecting on the response to the decision to convert river red gum forests to national park estate. Some questioned the motive for the decision, arguing that it was purely political; while others asserted that the community was not adequately considered or consulted prior to conversion. Other Inquiry participants had a positive response to the declaration of the parks, with the National Parks Association describing them as 'an important step forward in creating a comprehensive, adequate and representative system of protected areas'.<sup>353</sup>
- 5.33** Several Inquiry participants expressed the view that the decision to convert was purely political. It was asserted that the then Minister for Climate Change and the Environment, the Honourable Frank Sartor, told local residents he was going to give them a 'lesson in politics' explaining that a red gum national park was necessary to securing 'Green' votes.<sup>354</sup> In response to these claims, the Hon Frank Sartor said that the decision was based on government policy, outlined in the *National Parks Establishment Plan 2008*. Furthermore he maintained that forestry

<sup>349</sup> Submission 332, p 11; New South Wales Government, Office of Environment and Heritage, River Red Gums, accessed 29 January 2013  
<[www.riverredgums.nsw.gov.au/management/regional\\_parks](http://www.riverredgums.nsw.gov.au/management/regional_parks)>; New South Wales Government, Office of Environment and Heritage, River Red Gums, accessed 29 January 2013  
<[www.riverredgums.nsw.gov.au/management/national\\_parks](http://www.riverredgums.nsw.gov.au/management/national_parks)>

<sup>350</sup> Submission 332, p 11.

<sup>351</sup> Submission 332, p 13.

<sup>352</sup> Submission 332, p 11.

<sup>353</sup> Submission 406, National Parks Association of NSW, p 34.

<sup>354</sup> Mr O'Brien, Evidence, 1 August 2012, p 3 and Mr Crump, Evidence, 1 August 2012, p 4.

practices at the time were completely ‘unsustainable’, and contended that a return to sustainable logging would result in a 50 per cent reduction in wood volume, whether a national park was established or not:

It was agreed by Forests NSW, as well as the National Resources Commission, that the logging that had occurred in the five years prior to the declaration was probably twice the rate it should have been. In other words, even if you went back to sustainable logging and you did not create a national park you would have had a 50 per cent reduction in wood volumes.<sup>355</sup>

- 5.34** Others raised the timeline of the announcement to convert, which was made on 3 December 2009, and the presentation of the final report of the Riverina Bioregion Forest Assessment, which was provided on 21 December 2009, questioning whether the decision was truly well-informed and based on the Assessment. Indeed, some Inquiry participants expressed concern that the decision was predetermined, asserting that ‘the decision had already been made’.<sup>356</sup> Furthermore, some expressed their doubt regarding the objectivity of the Natural Resources Commission’s report, saying there was ‘too much personal opinion’.<sup>357</sup>
- 5.35** Others conveyed disappointment at the level of community consultation prior to the conversion. Mr O’Brien, for example, commented that ‘instead of having these abhorrent decisions thrust upon us I would like our community to have consultation and for us to have input into the process’.<sup>358</sup>
- 5.36** In response to these concerns, Mr Wilde told the Committee that the NRC ‘prides itself on its independence and its objectivity’ and that the recommendations were based upon ‘scientifically based rigorous analysis’.<sup>359</sup> He said that in conducting the Riverina Bioregion Forest Assessment the NRC had to ‘meet requirements of both New South Wales and Australian Government legislation’ and that the consultation process had been thorough:
- The NRC consulted with key stakeholders, constituted an expert panel including Forests and social scientists, visited the region nine times during the assessment and four times after, visited 50 State forests, held public forums and received over 5,500 public submissions, of which 259 were unique.<sup>360</sup>
- 5.37** Mr Wilde added that while the NRC had made recommendations in the Riverina Bioregion Forest Assessment, the decision to convert State forest to national park estate rested with the Government of the day.<sup>361</sup>

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<sup>355</sup> The Hon Frank Sartor, former Minister for Climate Change and the Environment, Evidence, 14 September 2012, p 24.

<sup>356</sup> Mr Crump, Evidence, 1 August 2012, p 4.

<sup>357</sup> Mr Gelletly, Evidence, 1 August 2012, p 10.

<sup>358</sup> Mr O’Brien, Evidence, 1 August 2012, p 4.

<sup>359</sup> Mr Wilde, Evidence, 14 September 2012, p 7.

<sup>360</sup> Mr Wilde, Evidence, 14 September 2012, p 2.

<sup>361</sup> Mr Wilde, Evidence, 14 September 2012, p 11.

## Results of conversion

- 5.38** Some Inquiry participants raised a range of concerns about the negative impact of converting the river red gum forests to national park estate. These include impacts on the timber industry, the local economy, and employment. Other concerns were expressed over the impact on the local community, including indigenous communities, access to the parks for firewood collection, tourism, and forest health and management.
- 5.39** Other participants identified positive environmental, social and economic outcomes of the conversion. These included the importance of this conversion and ongoing engagement between communities and government in delivering positive outcomes for Indigenous communities, investment by the government in local businesses and the River Red Gum Nature Tourism Action Plan, and the potential for improved environmental outcomes through management for conservation purposes.

### Timber industry

- 5.40** Mr Nic Roberts, Chief Executive Officer of Forests NSW (now Forestry Corporation of NSW), informed the Committee that conversion of the river red gum forests ‘resulted in the transfer of 80 per cent or 107,000 hectares of red gum forests’ to national park, which reduced timber volume from ‘60,000 cubic metres of sawlog to about 10,000 cubic metres of sawlog and 117,000 tonnes of residue to about 65,000 tonnes of residue’.<sup>362</sup> Mr Roberts advised that, consequently, the number of supply mills was ‘reduced from more than 20 to two’.<sup>363</sup>
- 5.41** The Committee received evidence from a number of Inquiry participants who highlighted the significant impact of conversion on the timber industry in the Riverina. Mr O’Brien, for example, commented that the decision had destroyed his community and gave ‘the battlers in the timber industry an 85 per cent haircut’.<sup>364</sup>
- 5.42** However, the Hon Frank Sartor asserted that the decline in the timber industry was not due solely to the conversion to national park estate:
- But the misleading component of this is that there was an 85 per cent cut. It had to be cut. It was unsustainable. The industry was acknowledging that privately to me. It was always going to drop by 44 per cent, even if no national parks had been declared.<sup>365</sup>
- 5.43** According to Mr Wilde, the direct contribution of the river red gum industry to the local and regional economy, which relied on timber harvested from public land, was \$23 million, less than one per cent of the total regional economy. The total contribution, including the flow-on

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<sup>362</sup> Mr Nic Roberts, Chief Executive Officer, Forests NSW (now Forestry Corporation of NSW), Evidence, 7 September 2012 p 26. Please note that all references to Forests NSW witnesses refer to their titles at the time they gave evidence to the Committee, before Forests NSW became Forestry Corporation of NSW.

<sup>363</sup> Mr Roberts, Evidence, 7 September 2012, p 26.

<sup>364</sup> Mr O’Brien, Evidence, 1 August 2012, p 3.

<sup>365</sup> The Hon Frank Sartor, Evidence, 14 September 2012, p 24.

effects to the regional economy, was \$86 million, which is 0.2 per cent of the wider regional economy.<sup>366</sup>

**5.44** However, while the forestry industry that relied on river red gum wood from public land made a relatively minor economic contribution at the regional and State level, the Government acknowledged in their submission that, at a local level, the industry's contribution was significant.<sup>367</sup> Mr Wilde acknowledged that 'key towns were significantly reliant upon the red gum timber industry'.<sup>368</sup>

**5.45** Several local residents, including Mr O'Brien, spoke to the Committee about the contribution of his particular sawmill to his community. He explained:

We had a range of subcontractors. We turned over \$7 million to \$8 million a year and spent most of that within 100 kilometres of Barham. It does not sound like much money but in a little town of 1,000 to 1,500 people it is a lot.<sup>369</sup>

**5.46** Mr O'Brien also acknowledged that he did not use the money he received from the business exit assistance package to exit the industry, but 'put every cent of that so-called compensation money back into our business because we are not going to lie down... We have put every cent back in and we are employing over 20 people and we are trying to stay in business'.<sup>370</sup>

**5.47** Furthermore, many local Inquiry participants expressed the view that the Government support package was insufficient compensation for the loss to the economy experienced as a result of conversion. According to Ms Ashwin, '\$97 million as a total package does not replace the \$70 million per annum that the red gum timber industry contributed to the local and regional economies'.<sup>371</sup> Mr Norman Brennan, Vice-Chair of the Deniliquin Business Chamber and Mayor of Conargo Shire, echoed Ms Ashwin's sentiments, remarking that 'it does not add up in the long term'.<sup>372</sup>

**5.48** In response to these criticisms, the Hon Frank Sartor asserted that the aim of the package was to invest in projects that would create ongoing jobs:

Richard Bull's brief and his committee's brief was to look at those where we could pay for entry costs to businesses that then could create ongoing recurrent jobs. The idea was to try to kick-start some businesses that would provide sustainable jobs, not to throw money into little programs that would fizzle after about a year or two.<sup>373</sup>

**5.49** The economic impact of conversion upon the timber industry, local government and communities across the State is discussed further in Chapter 13.

<sup>366</sup> Mr Wilde, Evidence, 14 September 2012, p 5.

<sup>367</sup> Submission 332, p 11.

<sup>368</sup> Mr Wilde, Evidence, 14 September 2012, p 5.

<sup>369</sup> Mr O'Brien, Evidence, 1 August 2012, p 3.

<sup>370</sup> Mr O'Brien, Evidence, 1 August 2012, p 3.

<sup>371</sup> Ms Ashwin, Evidence, 1 August 2012, p 2.

<sup>372</sup> Mr Norman Brennan, Vice-Chair, Deniliquin Business Chamber and Mayor of Conargo Shire, Evidence, 1 August 2012, p 15.

<sup>373</sup> The Hon Frank Sartor, Evidence, 14 September 2012, p 27.

## Employment

- 5.50** A number of Inquiry participants raised the issue of employment following the conversion of the river red gums forests to national park estate. At the time of the Riverina Bioregion Forest Assessment, employment directly related to the management, harvesting and milling of river red gum timber from public land was reported as equating to 304 full-time equivalent staff.<sup>374</sup>
- 5.51** The Hon Frank Sartor gave evidence that he had been advised that NPWS had created approximately 39 positions, and that ‘nine or 10 of those were actually redeployed from forestry’.<sup>375</sup> The NSW Government stated that an initial allocation of \$9.5 million in grants from the Riverina Red Gum Regional Employment and Community Development Fund was:
- ... estimated to support over 100 direct jobs and a further 120 indirect jobs. A further \$2.5 million in grants were provided to 27 projects in early 2012. These were expected to create and/or retain a further 90 direct jobs in the region.<sup>376</sup>
- 5.52** Following conversion, a number of Inquiry participants observed that this figure reduced significantly. For example, Mr Des Bilske, General Manager of the Deniliquin Shire Council, advised that, in Deniliquin, prior to the 2010 national park decision, there were around 250 people employed in the timber industry and that this figure has been reduced to ‘something less than 50 people’.<sup>377</sup> Mr Murdoch, General Manager of the Murray Shire Council, gave evidence that in Mathoura 25 jobs directly involved in the timber industry in a town of 600 residents were lost.<sup>378</sup> Similarly, Ms Ashwin told the Committee that O’Brien Redgum Sawmill in Barham currently employed 20 people, whereas it had previously employed 30 people. She highlighted the relative employment loss on her small community, stating that ‘In a little community like Barham-Koondrook it is a significant number of people to be employed’.<sup>379</sup>
- 5.53** The resulting social impacts of unemployment are considered in Chapter 14, in particular, the significance of such losses for small communities.

## Community

- 5.54** The conversion of river red gums forests to national park estate also had a number of social impacts. For example, population loss as a result of unemployment was identified by some Inquiry participants. Mr Bilske, General Manager of Deniliquin Shire Council, indicated that this has been a particular concern for Deniliquin, which had already been suffering the effects of the drought. Mr Bilske told the Committee that ‘the loss of population is probably slightly two-fold: one is the final impact of a 10 year drought and the two is the loss of the timber industry on top of that’.<sup>380</sup>

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<sup>374</sup> Submission 311a, Natural Resources Commission, p 7.

<sup>375</sup> The Hon Frank Sartor, Evidence, 14 September 2012, pp 26-27.

<sup>376</sup> Submission 332, pp 15-16.

<sup>377</sup> Mr Desmond Bilske, General Manager, Deniliquin Shire Council, Evidence, 2 August 2012, p 6.

<sup>378</sup> Mr Greg Murdoch, General Manager, Murray Shire Council, Evidence, 2 August 2012, p 5.

<sup>379</sup> Ms Ashwin, Evidence, 1 August 2012, p 2.

<sup>380</sup> Mr Bilske, Evidence, 2 August 2012, p 5.

**5.55** Closure of businesses also impacted upon communities with a reduction in available retail services. The Committee heard from Mr David Keech, President of the Chamber of Commerce of Mathoura, that all that was left of business in the town of Mathoura was a grocer and service station and that other businesses such as the local café had closed down.<sup>381</sup> The Committee was also told that this flowed on to local sporting groups and associations who struggled to get numbers and sponsorship for their teams.<sup>382</sup>

**5.56** Other Inquiry participants spoke of the impact on the social fabric of the communities whose livelihoods were not only dependent on the forests but whose character was defined by them as well. Mr Ian Fisher, Secretary of the Mathoura Chamber of Commerce and Citizens Incorporated, explained the impact of conversion on the local identity of Mathoura;

At a community level we have red gum in the blood...The town is known as the timber cutters' town. The football club is called the Timber Cutters. We have a big red gum log at each end of the town. The school emblem on the children's uniform is a red gum tree. It has a great, proud history. If you take that away, it will be devastating for the town.<sup>383</sup>

**5.57** The conversion to national park and its impact on the social fabric of local communities is discussed further in Chapter 14.

### **Firewood collection**

**5.58** Firewood collection is a unique issue to the Riverina where firewood accounts for up to 95 per cent of domestic heating.<sup>384</sup> A number of Inquiry participants stated that their access to traditional firewood collection points had been restricted following conversion of the river red gum forests to national park estate.<sup>385</sup>

**5.59** In particular, Inquiry participants advised that access to firewood in national parks by commercial operators had ceased.<sup>386</sup> Consequently, commercial operators have been required to travel further afield, spending more on cartage costs, thereby increasing the cost of firewood.

**5.60** Mr Bilske gave evidence that in Deniliquin the cost of firewood had increased from \$80 to \$280 per tonne.<sup>387</sup> Similarly, Mr Murdoch remarked that prices for firewood in the Murray Shire have risen from \$120 to \$170 to \$280 per tonne, adding that in a low socio-economic area, such increases are considerable for a number of people.<sup>388</sup>

<sup>381</sup> Mr David Keech, President, Chamber of Commerce of Mathoura, Evidence, 1 August 2012, p 13.

<sup>382</sup> Mr Murdoch, Evidence, 2 August 2012, p 6.

<sup>383</sup> Mr Ian Fisher, Secretary, Mathoura Chamber of Commerce and Citizens Incorporated, Evidence, 1 August 2012, p 12.

<sup>384</sup> Cr Alan Purtill, Mayor, Balranald Shire Council, Evidence, 2 August 2012 and Mr Bilske, Evidence, 2 August 2012, pp 9-10.

<sup>385</sup> Mr Murdoch, Evidence, 2 August 2012, p 7, Cr Purtill, Evidence, 2 August 2012, p 2.

<sup>386</sup> Mr Murdoch, Evidence, 2 August 2012, p 7.

<sup>387</sup> Mr Bilske, Evidence, 2 August 2012, p 10.

<sup>388</sup> Mr Murdoch, Evidence, 2 August 2012, p 5.

- 5.61** Inquiry participants highlighted that the increased cost of firewood is a particular concern for the elderly or less mobile people, who may be on fixed incomes or pensions, and rely on commercial operators to source their firewood.<sup>389</sup>
- 5.62** Ms Sally Barnes, Chief Executive of the Office of Environment and Heritage (OEH), acknowledged that ‘there are people who do not have a lot of money who rely on those natural resources’ but explained that ‘it is not a question of firewood not being available’.<sup>390</sup> She stated that heavy rains over an extended period of time – and not change of land tenure – had resulted in less access to what were traditionally the areas where people collected firewood. Ms Barnes maintained that the firewood program and permit system in operation when the area was State forest has been continued by the NSW National Parks and Wildlife Service (NPWS).
- 5.63** Moreover, Ms Barnes informed the Committee that, because of market forces, local timber cutters and local timber mills are getting more money for their firewood by sending it to Melbourne and selling it at higher prices.<sup>391</sup> She remarked that ‘it is a very complex issue’ but indicated ‘we are looking longer term at how we can help them’.<sup>392</sup>
- 5.64** Conservation groups noted that excessive firewood collection can have ecological impacts, particularly on threatened species such as the Southern Bell Frog which rely on fallen timber and debris as habitat. Removal of dead wood and dead trees, including collecting fallen timber for firewood, has been listed as a Key Threatening Process by the NSW Scientific Committee.<sup>393</sup> NPWS aims to manage these impacts by maintaining a level of 45 tonnes per hectare of coarse woody debris on the ground at collection sites.<sup>394</sup>
- 5.65** The issue of access to national park estate for a range of purposes, including firewood collection, is discussed further in Chapter 12.

### **Indigenous communities**

- 5.66** Several Inquiry participants discussed the outcomes of conversion for the local indigenous communities. Some spoke about management of the national parks and the role traditional owners could play in it. Mr Neville Atkinson from the Yorta Yorta nation described the creation of national parks in the Riverina as the impetus for traditional owners to actively seek a role in the joint management of national parks:

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<sup>389</sup> Mr Murdoch, Evidence, 2 August 2012, p 7.

<sup>390</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 50.

<sup>391</sup> Ms Barnes, Evidence, 5 December 2012, p 51.

<sup>392</sup> Ms Barnes, Evidence, 5 December 2012, p 51.

<sup>393</sup> Submission 406, pp 40-41.

<sup>394</sup> Submission 332, p 15.

We see the national parks that have been established as providing common ground and an avenue for the Yorta Yorta people and other traditional owners to have a role in the joint management of the national parks. It will provide the impetus for those groups and the wider community, councils and so forth, to work together on social and economic issues.<sup>395</sup>

**5.67** However, he also described the challenges traditional owners face in seeking this role, stating that there has not been any avenue for local indigenous groups to discuss joint management opportunities at a local government level. He added that even when organised, indigenous groups are often ‘small funded organisations’ that are limited in their capacity to participate in the decision-making process.<sup>396</sup>

**5.68** Mr David Crew, Manager of the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation, also spoke about engagement with traditional owners, both prior to and following conversion and expressed some disappointment that the Government did not initiate opportunities for active participation by the local indigenous. According to Mr Crew, this suggested that there is not a ‘priority process for the development of comprehensive management plans that fully engage with local traditional owners’.<sup>397</sup>

**5.69** However, Mr Crew also acknowledged:

... the important work being undertaken by both the New South Wales and Federal Governments to achieve a positive result for our community, which includes the support for the Werai Aboriginal Negotiating Team, the partnership work with the Murray Catchment Management Authority and the continuing support of the Commonwealth Department of Sustainability, Environment, Water, Population and Communities through the Indigenous Protected Area Program.<sup>398</sup>

and stated that ‘Yarkuwa remains committed to working with all levels of government to improve outcomes for our community’.<sup>399</sup>

**5.70** Mr Sandy Atkinson, an Elder of the Bangerang Nation and Chairperson of the Cummeragunja Local Aboriginal Land Council, also expressed concerns regarding consultation and engagement with traditional owners, particularly highlighting the traditional ownership of the Bangerang people and contesting their representation by the Yorta Yorta Nation in discussions with Government agencies. Mr Atkinson stated in his submission that the Yorta Yorta Nation was ‘unknown’ to his family and that a ‘lot of the members are not even from this area’ and ‘therefore are not recognised by the Bangerang people’. Further, Mr Atkinson contended that the ‘Government’s decision supported by the Yorta Yorta to make the Red Gum Forest a National Park has been detrimental to the Bangerang people’ and expressed disappointment that the views of ‘the Bangerang people have again been ignored’.<sup>400</sup>

<sup>395</sup> Mr Atkinson, Evidence, 2 August 2012, p 13.

<sup>396</sup> Mr Atkinson, Evidence, 2 August 2012, p 13.

<sup>397</sup> Mr David Crew, Manager, Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation, Evidence, 2 August 2012, p 18.

<sup>398</sup> Mr Crew, Evidence, 2 August 2012, p 18.

<sup>399</sup> Mr Crew, Evidence, 2 August 2012, p 19.

<sup>400</sup> Submission 429, pp 1-2.

- 5.71** Others expressed deep commitment to further changes to the parks' status with some such as Ms Debbie Flower from the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation calling for the Werai Forest to become an Indigenous Protected Area. She spoke of the benefits of forest management being in the hands of traditional owners, asserting that 'if we have control of the forest there will be economic opportunities for our communities'.<sup>401</sup> Mr Crew agreed, explaining that Indigenous Protected Areas offered indigenous communities greater benefits than are available from national park tenure: 'It allows for multi-use of those areas with the very clear provision that it is about conserving those values while allowing communities to use the land'.<sup>402</sup>

### **Tourism**

- 5.72** According to many Inquiry participants, when the decision to convert the river red gum forests to national park estate was announced, local communities were told that tourism would increase and visitor numbers would generate income to offset the loss of the timber industry.
- 5.73** However, many Inquiry participants asserted that there has not been an increase in tourism. Mr Bilske stated that Deniliquin had not had any increase in visitor numbers despite having spent significant amounts of money in trying to attract tourists to the area.<sup>403</sup> Some witnesses, such as Mr O'Brien, did not believe that tourism could replace the revenue previously generated for the local community by the timber industry. He asked, 'Why would they point to tourism as being the saviour of a \$70 million a year industry?'.<sup>404</sup> Others spoke about the economic hardship created by what they described as at best, an incremental increase in tourism as opposed to the direct and sudden loss of the revenue from the timber industry.<sup>405</sup>
- 5.74** The Committee heard concerns that rather than increasing visitor numbers, conversion to national park estate had a detrimental effect on the local tourism industry. Witnesses attributed the decline to restrictions placed on recreational activities that were previously allowed under the tenure of State forests, particularly prohibitions on dogs and some restrictions on direct access to river frontage.<sup>406</sup> For example, Mr Murdoch explained that, 'we have had a traditional tourism base here and there is a long history of that. That base has been changed by restrictions with pets and access direct to the river'.<sup>407</sup> Similarly, Mr Malcolm Poole, Chairman of the Recreational Fishing Alliance of NSW, declared that the river red gum conversion had impacted adversely on not only the anglers themselves but their contribution to tourism revenue, explaining that, 'The river red gum forest areas offered that opportunity to actually camp beside a river system and actually fish it. Those things we cannot experience anymore'.<sup>408</sup>

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<sup>401</sup> Ms Flower, Evidence, 2 August 2012, p 20.

<sup>402</sup> Mr Crew, Evidence, 2 August 2012, p 20.

<sup>403</sup> Mr Bilske, Evidence, 2 August 2012, p 3.

<sup>404</sup> Mr O'Brien, Evidence, 1 August 2012, p 3.

<sup>405</sup> Mr Murdoch, Evidence, 2 August 2012, p 5.

<sup>406</sup> Mr Murdoch, Evidence, 2 August 2012, p 5.

<sup>407</sup> Mr Murdoch, Evidence, 2 August 2012, p 12.

<sup>408</sup> Mr Malcolm Poole, Chairman of the Recreational Fishing Alliance of NSW, Evidence, 4 December 2012, p 30.

- 5.75** As part of the conversion process, approximately 15,000 hectares of regional parks, which allow activities such as fishing and dog walking, were created.<sup>409</sup> Adjustments following the declaration included the transfer of 1,117 hectares from national park estate to regional park because of the historical use of the area for dogwalking.<sup>410</sup>
- 5.76** An alternative view of the effects of conversion to national park estate on attracting tourists was presented by Mr Keith Stockwell, Secretary and Acting Conservation Officer, Birdlife Australia Echuca District Branch, who stated that:
- There is no doubt that more people will be attracted to a national park. The term in itself will attract more birders and bushwalkers than a State forest will, especially because a national park is likely to be better habitat and be more pleasant in which to walk.<sup>411</sup>
- 5.77** He also noted the success of tourism in Gunbower, Victoria, following the Red Gum national park declarations in Victoria.<sup>412</sup> He suggested the success of national parks in attracting tourism ‘depends on the community getting behind promotions’.<sup>413</sup>
- 5.78** The NSW Government has maintained that it has a strong commitment to promoting tourism in the Riverina, advising that over \$2.7 million has been invested in projects in the area, as part of the NSW River Red Gum Tourism Nature Action Plan.<sup>414</sup>
- 5.79** Tourism in national parks is further discussed in Chapter 13.

### **Forest health and management**

- 5.80** The National Parks Association stated that:

The Riverina bioregion, in which the park is located, is an area of very high national and state conservation priority. It is one of the most highly threatened bioregions in the country. More than 80% of the subregion along the Murray River has been cleared of native vegetation since 1788. About 50% of the Riverina bioregion has been cleared for agriculture. Before the creation of the River Red Gum National Parks, only 1.8% of the bioregion in NSW was protected in NPWS-managed conservation reserves.<sup>415</sup>

- 5.81** Some Inquiry participants questioned whether management as a national park was appropriate for the river red gums, and may have a deleterious effect. For example, Dr Leon Bren, Forester and former academic at the University of Melbourne, stated, ‘Having red gum in national parks does not sit easily with the concept of national parks’, suggesting that limited human intervention in natural ecological processes may not be an appropriate conservation

<sup>409</sup> Office of Environment and Heritage, River Red Gums, accessed 29 January 2013, <[www.riverredgums.nsw.gov.au/management/regional\\_parks](http://www.riverredgums.nsw.gov.au/management/regional_parks)>

<sup>410</sup> Submission 332, p 13.

<sup>411</sup> Mr Keith Stockwell, Secretary and Acting Conservation Officer, Birdlife Australia Echuca District Branch, Evidence, 2 August 2012, p 33.

<sup>412</sup> Mr Stockwell, Evidence, 2 August 2012, p 31-32.

<sup>413</sup> Mr Stockwell, Evidence, 2 August 2012, p 34.

<sup>414</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 3.

<sup>415</sup> Submission 406, p 34.

model for river red gum forests.<sup>416</sup> Indeed, several witnesses argued that active management is required to promote tree growth and forest health, and that, without it, the forests become an ‘overgrown tangled mess’ of high density thin stands which ‘locks up’ resulting in negligible growth.<sup>417</sup> However, Ms Barnes, Chief Executive, OEH, maintained that a healthy river red gum forest is considered to be a mosaic of different aged patches, including both high density stands, which may consist of fairly young even-aged trees, as well as more open stands containing large old trees. She argued that high density stands are not inherently unhealthy, but noted concerns that the current proportion of the forest containing large old trees may not be sufficient to support all indigenous hollow-dependent fauna species.<sup>418</sup>

**5.82** Some Inquiry participants suggested that early explorers and graziers alluded to areas now populated with river red gums as once being vast grasslands, and that river red gum forests grew as a result of intense management practices. As such, they believe that the river red gum forests are essentially man made.<sup>419</sup>

**5.83** This view was contested by other inquiry participants. Several representatives of indigenous communities stated that traditional owners maintain that the forests are 10,000 to 15,000 years old and that the existence of the red gum forests is evident in the ‘stories that have been passed down from Elders for generations’, as in the existence of ‘lots of scar trees’.<sup>420</sup> Mr Neville Atkinson observed that European activities may have increased red gum or had a ‘changing effect’ on the landscape, but stated:

Scientific evidence also says, and even Aboriginal knowledge says that just from the story I gave you, the forests are 10,000 to 15,000 years old. There is a description of red gum being in the landscape and being associated with the wetland. That is a natural tree for that type of environment.<sup>421</sup>

**5.84** The National Parks Association of NSW, in their submission to the Inquiry, referenced western scientific evidence ‘suggesting that prior to European settlement, forest structure was dominated by large, spreading trees, some over 500 years old, interspersed with a mosaic of mixed and even-aged patches.’<sup>422</sup>

**5.85** As previously mentioned, the Riverina Bioregion Forest Assessment recommended a large scale trial of ecological thinning to determine whether this technique could play a role in maintaining the health of the river red gum forests. Currently there is a small-scale ecological thinning trial being conducted jointly with Victoria to analyse the outcomes and possible benefits of ecological thinning for the health and biodiversity of the river red gum forests. The OEH advised that a scientific result from the small-scale trial is expected in ‘3-5 years from the commencement of thinning’.<sup>423</sup>

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<sup>416</sup> Dr Leon Bren, Consultant, Evidence, 26 July 2012, p 6.

<sup>417</sup> Mr O’Brien, Evidence, 1 August 2012, p 10; Mr Eddy, Evidence, 2 August 2012, p 36.

<sup>418</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Question 5.

<sup>419</sup> Mr Joss, Evidence, 1 August 2012, p 25.

<sup>420</sup> Ms Flower, Evidence, 2 August 2012, p 20.

<sup>421</sup> Mr Atkinson, Evidence, 2 August 2012, p 16.

<sup>422</sup> Submission 406, p 38.

<sup>423</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 21.

**5.86** The timber industry in particular, has called to be included in thinning practices. Several Inquiry participants from the timber industry argued that their years of experience in river red gum forests best places them to undertake the thinning and that it would benefit both the forests and their communities. Mr Gelletly reflected on his involvement in thinning river red gums prior to conversion:

The forests were in a poor state and their health was suffering because they were overstocked. The tree population was too high. Areas that had been actively managed were showing signs of improvement in health because the appropriate stocking levels were brought to bear by Forests NSW in their management techniques. The industry removed the product, took it to town and put it through the sawmill which provided economic prosperity for our communities.<sup>424</sup>

**5.87** Mr Stockwell, on the other hand, stated that ‘past forestry practices were not perfect’, leading to ‘an inadequate number of good habitat trees’.<sup>425</sup> Dr Bren expressed doubts about the effectiveness of thinning for achieving conservation outcomes like encouraging hollow formation, stating: ‘The retained trees will get certainly bigger and healthier, that is the nature of thinning, but if they are healthy they probably will not perform hollows quite as easily’.<sup>426</sup>

**5.88** Mr Wilde from the NRC noted that there are significant differences in the thinning practices used by foresters and those used by conservationists. He explained that ecological thinning looks for a conservation benefit by reducing competition, particularly around habitat trees, whereas commercial silviculture thinning takes out the lower profitability timber to maximize the return on investment on the more profitable trees.<sup>427</sup> Professor Kingsford, Director of the Australian Wetlands, Rivers and Landscape Centre at the University of New South Wales reflected on the outcomes of ‘managing for timber as opposed to nature conservation’:

We know that as a result of past management we have long thin poles, very high stem density across river red gum forests and a tendency not to have large old trees that develop hollows. As a result, the scientific evidence indicates that the biodiversity is declining because there are not enough habitats.<sup>428</sup>

**5.89** These key differences have raised the question of whether it is possible or appropriate to use sawmillers in ecological thinning practices in national parks. Dr John Williams, former Commissioner of the Natural Resources Commission, who led the Riverina Bioregion Forest Assessment, said that once the outcomes of the trial are known and the techniques are proven, he did not think there was any reason not to use commercial operators, provided it is properly regulated and the techniques complied with.<sup>429</sup> Ms Barnes advised the Committee that if commercial operators were included in ecological thinning in national parks, they would not be permitted to remove or mill the product. Instead, timber from ecological thinning that was not left as coarse woody debris would be included in the NPWS firewood collection program.<sup>430</sup>

<sup>424</sup> Mr Gelletly, Evidence, 1 August 2012, pp 9-10.

<sup>425</sup> Mr Stockwell, Evidence, 2 August 2012, p 33.

<sup>426</sup> Dr Bren, Briefing, 26 July 2012, p 7.

<sup>427</sup> Mr Wilde, Evidence, 14 September 2012, p 9.

<sup>428</sup> Professor Kingsford, Evidence, 14 September 2012, p 16.

<sup>429</sup> Dr Williams, Evidence, 14 September 2012, p 44.

<sup>430</sup> Ms Barnes, Evidence, 5 December 2012, p 54.

**Committee comment**

- 5.90** The Committee recognises the significant value placed on the river red gum forests by many Inquiry participants, including the local communities at large, conservationists, members of the timber industry and from the Indigenous community.
- 5.91** The Committee acknowledges the strong concerns raised by Inquiry participants regarding the assessment of the forests by the NRC, especially concerning the future availability of water in these forests, and the questions raised by Inquiry participants regarding the impartiality, scientific adequacy and level of consultation involved with the assessment. Inquiry participants raised concerns that the NRC assessment took place during a significant period of drought and that this was responsible for the declining health of the forests, not unsustainable forestry practices.
- 5.92** The reliance of towns in the region on timber from the river red gum forests was highlighted by Inquiry participants. The Committee recognises the at times dramatic and devastating impact that the contraction of the timber industry had, especially on smaller towns where the concentrated loss of employment was most felt.
- 5.93** Inquiry participants discussed the management of the forests since conversion to national park estate, and a number suggested that the management approach was having a detrimental effect. The Committee notes with interest the current ecological thinning trial taking place in the forests, which is discussed in detail in Chapter 10. The Committee believes that there should a large scale trial of ecological thinning in the river red gum forests, as was recommended by the NRC in their Assessment Report. In addition, the Committee supports commercial operators being involved in these thinning operations. These issues are reflected in Recommendation 4.
- 5.94** Further, the Committee sees merit in re-evaluating the management of the river red gum forests and believes that the recommendation to comprehensively and independently review the management of all national parks and State forest, as contained in Recommendation 1, will provide the opportunity to reconsider the current management approach.

## Chapter 6 Case study – Native hardwood forests

This Case Study examines a particular event concerning the native hardwood forests of the north coast of New South Wales, namely the conversion of some State forests, native forests, plantation forests and Crown lands to conservation-focussed tenures. The first section provides an overview of the area including the forests and principal towns. The Case Study then provides a broad timeline of events in the area focusing on the development of forestry agreements and the conversion of some State forests to national park estate and other conservation tenure. Last is an examination of the social, economic and environmental outcomes of this conversion.

- 6.1** The North East region of New South Wales comprises two areas covering nearly 10 million hectares: the Lower North East and Upper North East. It stretches from around Gosford to Murwillumbah along the coast, west to beyond Tenterfield and then south to Putty.<sup>431</sup> The Upper North East Region extends from approximately Sawtell to west of Guyra, then north to the Queensland border.<sup>432</sup> The Lower North East region extends from approximately Sawtell to Newcastle, and west to the Wollemi National Park and New England Tablelands.<sup>433</sup>
- 6.2** The North East region is part of the North Coast Bioregion, which covers northern NSW from the shoreline to the Great Escarpment. It is bordered by the Sydney Basin Bioregion in the south and the Nandewar and New England Tablelands Bioregions in the west.<sup>434</sup> Major river catchments include the Tweed, Richmond, Clarence, Bellinger, Nambucca, Macleay, Hastings and Manning River catchments.
- 6.3** The North Coast Bioregion is one of the most diverse in New South Wales.<sup>435</sup> Typically, there is a sequence from coastal sand barrier, through low foothills and ranges, to the steep slopes and gorges of the Escarpment. The bioregion features woodlands, rainforests, coastal dunes and wetlands, each of which support a variety of plant and animal species including some that have been identified as vulnerable or threatened.<sup>436</sup>
- 6.4** The area is home to the World Heritage listed Gondwana rainforests, which are situated predominantly along the Great Escarpment in southeast Queensland and northeast New South Wales. They were recognised for their outstanding geological features and the high number of rare or threatened rainforest species of international significance for science and conservation.<sup>437</sup> In addition, forests in northeast New South Wales have been recognised ‘as part of the 39th global biodiversity hotspot’.<sup>438</sup>

<sup>431</sup> Submission 332, New South Wales Government, p 17.

<sup>432</sup> New South Wales Government, Office of the Environment and Heritage, accessed 9 April 2013 <<http://www.environment.nsw.gov.au/forestagreements/une.htm>>

<sup>433</sup> New South Wales Government, Office of the Environment and Heritage, accessed 9 April 2013 <<http://www.environment.nsw.gov.au/forestagreements/lne.htm>>

<sup>434</sup> Tabled document, NSW National Parks and Wildlife Service, *The Bioregions of New South Wales – their biodiversity, conservation and history*, 2003, p 171.

<sup>435</sup> Tabled document, *The Bioregions of New South Wales – their biodiversity, conservation and history*, p 172.

<sup>436</sup> Tabled document, *The Bioregions of New South Wales – their biodiversity, conservation and history*, p 171.

<sup>437</sup> United Nations Educational, Scientific and Cultural Organisation, accessed 15 April 2013, <<http://whc.unesco.org/en/list/368>>

<sup>438</sup> Mr Ashley Love, President, National Parks Association of New South Wales, Coffs Harbour-Bellingen Branch, Evidence, 4 October 2012, p 24.

- 6.5** The bioregion is illustrative of an environment that is so complex that it provides a wide diversity of niches, both ecologically and in terms of the land-use potential available within the bioregion'.<sup>439</sup> This is particularly demonstrated in the region's environmental and timber values. The timber industry in the North East region is the largest in New South Wales. The area is also known for its history of environmental activism, being home to the first forestry blockade, at what is now known as Protesters Falls in the Whian Whian State Conservation Area in 1979.<sup>440</sup> Indeed, the region is as much known for its environmental outlook as for the value of its timber industry, and where the dynamics of both have shaped the nature and uses of the forests today.
- 6.6** The North East region includes coastal towns which are popular holiday and retirement destinations, such as Port Macquarie, Ballina, Coffs Harbour, Byron Bay, Tweed Heads, Lismore, Alstonville, Dorrigo, Forster and Taree as well as inland towns with significant timber and agricultural industries such as Grafton and Armidale.<sup>441</sup>

## Timeline

- 6.7** John Oxley first explored the region by land around 1818 and was soon followed by early settlers. A penal settlement was located at Newcastle and was moved to Port Macquarie in 1823, where convicts grew the first experimental crops of maize and sugar. The Port Macquarie penal settlement was removed in 1833, enabling the government to open up the land around Port Macquarie to free settlement, prompting the start of the pastoral occupation of the North Coast Bioregion. The early farming settlements were concentrated on the small areas of land suitable for grazing. Beginning in the 1840s, the expanding pastoral industry formed the basis for several towns such as Casino and Kempsey along the north coast. Towards the turn of the century the dairy industry also became highly successful, though today the beef cattle industry occupies much of the former dairying land.<sup>442</sup>
- 6.8** The timber industry began with cedar cutters who were initially stationed around the Hunter. They moved north, reaching the Macleay River in 1837, the Clarence River in 1838 and moving further north to the Richmond River in 1842. Major river ports included Ballina on the Richmond River and Grafton on the Clarence. They were based on the cedar industry and were the first settlements on the rivers of the north coast.
- 6.9** In the 1960s the tourism industry accelerated, particularly along the coastal areas, and it is still major component of the regional economy today.
- 6.10** In 1982, the Rainforest National Parks and Reserves were established,<sup>443</sup> and in 1986 the Gondwana Rainforests along the east coast of Australia, in the south of Queensland and the north of New South Wales, were listed as World Heritage Sites.<sup>444</sup>

<sup>439</sup> Tabled document, *The bioregions of New South Wales – their biodiversity, conservation and history*, p 174.

<sup>440</sup> Councillor Jennifer Dowell, Mayor, Lismore City Council, Evidence, 5 October 2012, p 2.

<sup>441</sup> Tabled document, *The bioregions of New South Wales – their biodiversity, conservation and history*, p 171.

<sup>442</sup> Tabled document, *The bioregions of New South Wales – their biodiversity, conservation and history*, p 174.

<sup>443</sup> Submission 357, Coffs Harbour Bellingen Branch National Parks Association of NSW, p 8.

<sup>444</sup> Mr Love, Evidence, 4 October 2012, p 24; United Nations Educational, Scientific and Cultural Organisation, accessed 15 April 2013, <<http://whc.unesco.org/en/list/368>>

- 6.11** In the 1990s an Australia-wide environmental mapping exercise was undertaken which created the Interim Biogeographic Regionalisation of Australia to enable conservation assessment on a bioregional scale<sup>445</sup> and in 1992 the National Forest Policy Statement was signed by the Commonwealth and State Governments. It set out broad environmental and economic goals for the conservation and management of Australia's forests and determined that comprehensive regional assessments of forest regions be undertaken with the purpose of establishing a comprehensive, adequate and representative forest reserve system.<sup>446</sup>
- 6.12** In 1996, timber supply allocations on the north coast were reduced by 30 per cent.<sup>447</sup> This reduction was an initial step to reduce yields to what was thought to be a likely sustainable yield.<sup>448</sup>

### **Comprehensive regional forest assessments**

- 6.13** In 1995-96 an Interim Forest Assessment was undertaken to identify areas of State forests that may be required as part of the CAR reserve system in New South Wales. The aim of the Interim Forest Assessment was to provide some certainty for the major stakeholders until completion of the comprehensive regional assessments.
- 6.14** Comprehensive regional assessments (CRAs) were undertaken in the Upper and Lower North East from 1996 to 1999, including over sixty specialist studies covering environmental, economic and social issues. This is different to the Pilliga and Riverina where one comprehensive assessment was undertaken by the Natural Resources Commission. Community engagement in decision-making was facilitated through regional forest forums.

### **Decisions to convert to national park estate**

- 6.15** The following section considers the outcomes from the 1998 NSW North East Forest Agreements and outcomes arising from later initiatives which resulted in further additions of land to the national park estate in the north east region.

#### **North East Forest Agreements 1998**

- 6.16** The comprehensive regional assessments, beginning in 1996, ultimately led to the creation of the NSW Forest Agreements for the Upper and Lower North East regions, which included the conversion of some areas of State forest and crown land to national park estate, and the reservation of some areas within State forests to flora reserves and special management zones. These conversions resulted in the restructure of the timber industry. These agreements were legislated through the *Forestry and National Park Estate Act 1998*. According to the submission

<sup>445</sup> Tabled document, National Parks and Wildlife Service, 2008, *National Parks Establishment Plan 2008*, p 17.

<sup>446</sup> Submission 225, NSW Forest Products Association, p 2; Commonwealth Department of Agriculture, Fisheries and Forestry, accessed 15 April 2013, <<http://www.daff.gov.au/forestry/policies/statement>>

<sup>447</sup> Submission 225, p 20.

<sup>448</sup> Submission 225, p 20.

of the NSW Government, these agreements ‘were developed to balance the protection of natural and cultural heritage with support for a sustainable timber industry’.<sup>449</sup> Integrated Forestry Operations Approvals were also established to regulate the conduct of harvesting operations. These measures were supported by the Commonwealth Government through the Regional Forest Agreements.

**6.17** According to the submission of the NSW Government, the conservation outcomes achieved through the inclusion of land in the national park system as part of the 1998 North East Forest Agreement and the Regional Forest Agreements include the following:

- all 361 identified forest ecosystems were represented;
- 57 per cent of old growth forests in the Upper North East and more than 70 per cent in the Lower North East were included in the reserve system;
- more than 109 threatened and/or forest dependent plant species and 144 animal species were protected;
- the whole of the World Heritage listed Gondwana Rainforests was contained within the reserve system;
- 59 per cent of high quality wilderness in the Upper North East and 84 per cent in the Lower North East was within dedicated reserves; and
- sites of historic and Aboriginal cultural heritage value were protected.<sup>450</sup>

**6.18** Since that time, further steps were taken as part of the continued implementation of recommendations flowing from the North East Forest Agreement and RFA.<sup>451</sup>

**6.19** The Forest Agreements for the Upper and Lower North East Regions of New South Wales included the transfer of ‘370,000 hectares of State Forest to conservation tenure’.<sup>452</sup> The agreements were signed in March 1999 and included 20-year wood supply commitments, which were aimed at providing ‘an environment in which the forest industries and the communities that depend on them could plan their future with an improved sense of certainty and security’.<sup>453</sup>

**6.20** These 20 year agreements for the supply of timber to the industry were entered into at a determined yield of 269,000 cubic metres per annum of large high quality sawlogs to 2018, after which time the yield would reduce by 40 per cent.<sup>454</sup>

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<sup>449</sup> Submission 332, p 17.

<sup>450</sup> Submission 332, p 17.

<sup>451</sup> Submission 332, p 17.

<sup>452</sup> Mr Nic Roberts, Chief Executive Officer, Forests NSW (now Forestry Corporation of NSW), Evidence, 7 September 2012, p 24. Please note that all references to Forests NSW witnesses refer to their titles at the time they gave evidence to the Committee, before Forests NSW became Forestry Corporation of NSW.

<sup>453</sup> New South Wales Government, Office of the Environment and Heritage, accessed 9 April 2013, <<http://www.environment.nsw.gov.au/forestagreements/une.htm>>

<sup>454</sup> Submission 225, p 21.

**6.21** A range of measures worth more than \$120 million were provided by the joint Commonwealth and State Government Forest Industry Structural Adjustment Package to support industry transition<sup>455</sup> and ‘to accommodate the loss of timber available’.<sup>456</sup> This package included compensation for those who chose to exit the industry or assistance for remaining businesses to invest in new equipment and value-add lines of production.

### **Further reservation of State forests 2003**

**6.22** In 2003, the NSW Government identified further areas of state forests for inclusion in the reserve system, as prescribed by the *National Park Estate (Reservations) Act 2003*. 68,000 hectares of State forest on the north coast was transferred to national park or conservation tenure.<sup>457</sup> This decision reserved icon areas of the north east region of New South Wales including high conservation value old-growth forest and rainforest, as well as protecting one of the largest koala populations on the north coast.<sup>458</sup>

**6.23** According to the NSW Forest Products Association, a Resource Review of available timber on the north coast was conducted in 2003 which ‘determined that timber production could be sustained at previous levels, and with adjustments to Wood Supply Agreements could be extended until 2023’.<sup>459</sup> To secure the supply of timber to the industry to 2023, the NSW Government made the following commitments:

- ‘Commitment to 269,000 m3 of **high quality large sawlogs**
- To add up to 20,000 m3 of additional timber from Forest Management Zone 8 areas
- To hold in reserve 15,000 m3 of timber that had been forfeited
- Add 5,000 m3 of timber per year from private forest purchases to the annual supply
- Amendments to the IFOA to increase access to buffer areas providing an additional 50,000 m3 of high quality sawlogs
- Investment by Boral into new hardwood plantations
- Extended transport subsidies to 2005
- Extended Wood Supply Agreements by 5 years to 2023’.<sup>460</sup>

**6.24** The NSW Forest Products Association informed the Committee that based on the following commitments from the Government, ‘mills on the North Coast again invested hundreds of millions of dollars in plant and equipment’.<sup>461</sup>

<sup>455</sup> Submission 332, p 17.

<sup>456</sup> Mr Roberts, Evidence, 7 September 2012, p 24.

<sup>457</sup> Mr Roberts, Evidence, 7 September 2012, pp 25-26.

<sup>458</sup> Ms Susie Russell, President, North Coast Environment Council, Evidence, 4 October 2012, p 23.

<sup>459</sup> Submission 225, p 21.

<sup>460</sup> Submission 225, p 23 (emphasis as per original).

<sup>461</sup> Submission 225, p 23.

### Response to the decisions

- 6.25** The conversion decisions affecting the north coast have been met with criticism from both industry and conservation participants. Conservationists have been most critical of the 1998 Forest Agreements, contending that they were based on overestimated timber yields. Some Inquiry participants from the timber industry have expressed the view that additional reservations, particularly the decisions of 2003, were based on flawed science and have brought into question the balance between social, economic and environmental values, which were addressed in the earlier agreements,<sup>462</sup> while others have claimed the Forest Agreements failed to give adequate consideration to economic and social impacts in the first place and the assessments were too vast to be useful.
- 6.26** The North East Forest Alliance was particularly critical of the 1998 Forest Agreements. Spokesperson, Mr Dailan Pugh, said that the agreement reached between the industry and the Government was to ‘deliberately and intentionally overlog’ native forests. Mr Pugh pointed to the projected reduction in timber yields after 2018 as evidence that the agreements were ‘unsustainable’ from the beginning and contends that ‘they could have taken a lesser volume at the time and maintained it in perpetuity’. Mr Pugh informed that Committee that the conservation movement was not ‘party to that decision’ and ‘did not agree to it at the time because the promised reserve system was not delivered’ and because they ‘did not agree with the intentional overcutting’.<sup>463</sup>
- 6.27** Mr Douglas Head, Principal of Australian Solar Timbers expressed the view that the assessments for the north east region did not take into account the economic impact of conversion, saying that ‘when the agreement was signed, the draft socio-economic report had not even been drawn up’. Mr Head reasoned that in the suggested absence of these considerations, the reservation decisions on the north coast were ‘political’ and based on ‘marginal seats’.<sup>464</sup> Further to this, Mr Head contended that the assessments for the north east region were too vast to effectively inform the decisions within the north east forest agreement. Mr Head described the comprehensive regional assessments as a ‘massive amount of research that no-one possibly can comprehend’ and argued:
- You have still got to be able to digest it. Someone, some process has got to be able to make a meaningful outcome from it. Having more and more and more information does not always help you.<sup>465</sup>
- 6.28** Mr Head criticised the process of establishing national parks on the north coast, describing them as ‘an absolute patchwork...’. Mr Head said the process was ‘never coherent’, and added that the result is that we have national parks that are ‘unmanaged’, ‘unfunded’ and ‘without purpose’.<sup>466</sup>
- 6.29** Mr Pepe Clarke, Chief Executive Officer of the Nature Conservation Council informed the Committee that the reservation decisions included only ‘a small fraction of the lands that they

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<sup>462</sup> Submission 225, p 25; Submission 237, North Coast Forest Taskforce, p 4; Submission 427, Australian Solar Timbers, p 2.

<sup>463</sup> Mr Dailan Pugh, Spokesperson, North East Forest Alliance, Evidence, 5 October 2012, p 35.

<sup>464</sup> Mr Douglas Head, Principal, Australian Solar Timbers, Evidence, 4 October 2012, p 44.

<sup>465</sup> Mr Head, Evidence, 4 October 2012, p 45.

<sup>466</sup> Mr Head, Evidence, 4 October 2012, pp 44-45.

identified as being of high conservation value' and far from achieving all environmental goals, Mr Clarke said 'the outcomes in the north-east did not even meet the Federal government standards, let alone the desires of the conservation movement'. He said the outcomes of forest agreements involving reservation and industry provisions are 'a compromise between the interests and needs of industry on the one hand, and the value that the broader public of New South Wales place on the conservation of natural areas'.<sup>467</sup>

- 6.30** Other Inquiry participants have raised the inclusion of plantations in the reserve system as evidence of there being flaws in the science used to identify areas of high conservation value, as well as asserting that it has placed greater pressure on the supply of sawlogs. Mr Russell Ainley, Executive Director of the NSW Forest Products Association, told the Committee that 'plantations have gone into the reserve system as old growth icons', naming 'Pine Creek, Queens Lake, Myall River, Wollumbin, Whian Whian (and) Tuggalo'<sup>468</sup> and advocated a 'return of reserved plantation forests to production'.<sup>469</sup>
- 6.31** Environmental groups disputed claims that plantations were incorrectly identified and reserved as old growth forests, informing the Committee: 'areas like Pine Creek were iconic because it is the home to the largest koala population on the North Coast'. Ms Susie Russell, President of the North Coast Environment Council, contended that the plantations did not impact on the timber industry's supply of sawlogs because plantations 'were established primarily for 'pulp wood' and therefore 'do not produce sawlogs to meet specifications'.<sup>470</sup> Ms Sally Barnes, Chief Executive of the Office of Environment and Heritage, informed the Committee that plantations in the reserve system represent 'a very small percentage', adding that at the time of reservation 'there were some options available to State Forests...to come and log those areas' but that 'those options were not taken up because it was not economical at the time to do that'.<sup>471</sup>

## Results of conversion

- 6.32** Inquiry participants on the north coast raised concerns about the impact of conversion in relation to two key issues: the impacts of conversion on the timber industry and the impacts of timber supply pressure on the environment. Another issue raised was the outcomes of conversion for the significant tourism industry on the north coast.

<sup>467</sup> Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council, Evidence, 4 December 2012, p 7.

<sup>468</sup> Mr Russell Ainley, Executive Director, NSW Forest Products Association, Evidence, 14 September 2012, p 62.

<sup>469</sup> Submission 225, p 26.

<sup>470</sup> Ms Russell, Evidence, 4 October 2012, p 23.

<sup>471</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 51.

### **Timber industry**

- 6.33** Overwhelmingly the response from Inquiry participants from the timber industry on the north coast is that conversion of state forest to national park estate has adversely impacted on the supply of timber, with detrimental impacts on their businesses currently, and with severe implications for future viability, resource security and hence investment.

#### ***Level of reservation***

- 6.34** Inquiry participants have pointed to the additional levels of reservation implemented after the 1998 Forest Agreements, as having the most detrimental impact on the industry, particularly in 2003, as conversion in this instance came after wood supply agreements were signed and subsequent industry investment was made.
- 6.35** The Forestry Corporation of NSW (formerly Forests NSW) gave evidence that the ‘269,000 cubic metres committed under the north coast Regional Forest Agreements was based on the Forestry Commissions 100-year sustainable yield projections given the estimated timber volumes after the proposed transfers to the national park estate’ and that ‘subsequent reservations impacted on the ability to supply that volume’.<sup>472</sup>
- 6.36** However, this view was disputed by Inquiry participants from environmental groups. Mr Pugh contended that sustainable yields of timber volumes were identified as ‘217,000 cubic metres per annum’.<sup>473</sup> He stated that the industry reached an agreement to ‘deliberately overcut the public native forest available for logging at that time’.<sup>474</sup> Mr Pugh stated that the industry ‘knew that after 2018 they were going to have a major reduction in resource’ and argued: ‘That was their decision to do so. They could have taken a lesser volume at the time and maintained it in perpetuity’.<sup>475</sup>
- 6.37** Mr Conley attributed the pressures on the timber industry to the impacts of conversion in 2003 saying that ‘the industry has lost a lot of quality areas’. He added that the loss of those areas puts ‘enormous pressure’ on supply and has created ‘difficulties’ for Government agencies such as the Forestry Corporation to supply the timber industry with the contracted quotas.<sup>476</sup>
- 6.38** Some Inquiry participants have contended that the supply pressure experienced currently by the industry is also due to areas within State forests being protected from timber harvesting, such as flora reserves, thus making the area available for timber harvesting much lower than was seemingly indicated by the forest agreements. Inquiry participants have also pointed to the restrictions placed on logging operations through the Integrated Forestry Operations Approvals, as placing constraints on the available timber volumes. Greensill Bros Pty Ltd said that they ‘invested heavily in the outcomes of Forest Agreements on the basis that all of the forest determined for timber production would be managed that way, not just a third of it.’ They added that ‘unless regulations are substantially eased...businesses will be unsustainable

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<sup>472</sup> Answer to questions on notice taken during evidence 5 December 2012, Mr Nic Roberts, Chief Executive Officer, Forests NSW, Question 7.

<sup>473</sup> Mr Pugh, Evidence, 5 October 2012, p 34.

<sup>474</sup> Mr Pugh, Evidence, 5 October 2012, p 34.

<sup>475</sup> Mr Pugh, Evidence, 5 October 2012, p 34.

<sup>476</sup> Mr Ian Conley, North Coast Forest Taskforce, Evidence, 4 October 2012, p 15.

in the near future.<sup>477</sup> Mr Notaras, Managing Director of sawmilling company J Notaras & Sons Pty Ltd, highlighted this figure relative to the area of the State forests on the north coast, saying that the area available to industry is ‘about 30 per cent of the 840,000 hectares’, attributing this partly to ‘exclusion zones’ within state forests<sup>478</sup>. He added that if additional areas within State forests were placed in reservation his business ‘would probably have to close.’<sup>479</sup> The NSW Forest Products Association informed the Committee that the actual harvestable area of regrowth hardwood forest within State forests is ‘314,000 hectares’. They pointed to the Auditor General’s Report ‘Sustaining Native Forest Operations’ which found that ‘the 69,000 hectares reserved in 2003 had become 107,000 hectares’. The NSW Forest Products Association also said that a review of the forest agreements in 2010 reported ‘extraordinary levels of reservation with State forests’.<sup>480</sup>

### *Fulfilling the Wood Supply Agreements*

- 6.39** The NSW Forest Products Association informed the Committee that following the 2003 Resource Review, Forests NSW (now Forestry Corporation of NSW) ‘varied the previous Wood Supply Agreements’. This included reducing ‘each high quality sawlog allocation by 2 per cent’ and substituting ‘21.2 per cent of allocation volumes of high quality large sawlogs with high quality small sawlogs’. According to the NSW Forest Products Association the result was that commitments to the industry for the supply of large high quality sawlogs were reduced from 269,000 cubic metres to 196,149 cubic metres which is ‘substantially (73 per cent) less than the commitments of the NSW forest Agreements, the Regional Forest Agreement and the 2003 Resource Review’.<sup>481</sup>
- 6.40** Further, the NSW Forest Products Association have asserted that industry commitments are not being met, stating that ‘in 2010-11 Forests NSW, in the Upper and Lower North East regions, was only able to produce a total of 172,150 m<sup>3</sup> of both large and small high quality sawlogs, 78 per cent of committed Wood Supply Agreement volumes and less than 50 per cent of commitments of Forest Agreements’.<sup>482</sup>
- 6.41** Mr Nic Roberts, Chief Executive Officer, Forests NSW (now Forestry Corporation of NSW), responded to industry concerns saying ‘we believe the wood is there to meet the legal requirements of all of our contracts on the North Coast’ in terms of ‘total volume terms’<sup>483</sup> but acknowledged that ‘it is going to be challenging between now and 2023’ especially with regards to ‘preferred species which are going to be very tight in supply’.<sup>484</sup>

<sup>477</sup> Submission 440, Greensill Bros Pty Ltd, p 1.

<sup>478</sup> Submission 288, J Notaras & Sons Pty Ltd, p 1.

<sup>479</sup> Mr Spiro Notaras, Managing Director, J Notaras & Sons Pty Ltd, Evidence, 5 October 2012, p 28.

<sup>480</sup> Submission 225, p 24.

<sup>481</sup> Submission, 225, p 23.

<sup>482</sup> Submission 225, p 25.

<sup>483</sup> Mr Roberts, Evidence, 5 December 2012, p 27. Please note that all references to Forests NSW witnesses refer to their titles at the time they gave evidence to the Committee, before Forests NSW became Forestry Corporation of NSW.

<sup>484</sup> Mr Roberts, Evidence, 7 September 2012, p 28.

**6.42** The Forestry Corporation informed the Committee that these difficulties in supply are attributable to the conversion of areas of State forest in 2003, which came after commitments regarding supply given in the NSW Forest Agreement and Regional Forest Agreements:

The largest negative impacts on the Forestry Corporation of NSW business since 2000 are attributable to the 2003 reduction in total volume by about 30,000 m<sup>3</sup> pa of High Quality (HQ) sawlogs. This overall reduction also increased the difficulty of supplying preferred species, particularly Blackbutt.<sup>485</sup>

**6.43** According to the Forestry Corporation, out of the '87 areas of north coast State forest' that have been 'transferred to national park estate since the establishment of the Regional Forest Agreements (RFA) in 2000', twenty of these areas 'account for 99 per cent of the total volume of High Quality sawlogs available' for harvesting, and that 'ten of these areas account for 100 per cent of the available Blackbutt species timber in the transferred areas.'<sup>486</sup>

**6.44** The evidence from the timber industry indicated that high quality large sawlogs are significantly more valuable than high quality small sawlogs, having a higher rate of return, and in some instances smaller logs do not meet the specification for the production of certain products. Some Inquiry participants have expressed particular concern over the supply of large high quality sawlogs. Koppers Wood Products Australia, for example, informed the Committee that their core business is 'manufactured poles and timbers' and that the 'availability of timber resource...is critical' to the company.<sup>487</sup> Mr Notaras highlighted the impact that the reduction in available high quality sawlogs has had on his business, informing the Committee that when his mill's quota was reduced from 'about 18,000 cubic metres of high quality large wood' to '4,600 and 10,000 of high quality small,' he had to 'invest another \$2 million or \$3 million on a parquetry line' in order 'to survive'.<sup>488</sup>

**6.45** Industry pressures regarding preferred species and sawlog sizes are discussed in detail in Chapter 13.

### *Sustainability*

**6.46** Serious concerns over the sustainability of current logging practices have been raised by inquiry participants from the timber industry with particular concerns over future resources. Greensill Bros Pty Ltd expressed that the view that 'under the current regulations restricting access, the small area of forests is being overcut'.<sup>489</sup> Newells Creek Sawmilling Company similarly said that 'we are overcutting the bush because we are limited to a small area for sustainable forestry while vast areas have been locked up for timber production and placed under the management of National Parks'.<sup>490</sup> Mr Notaras highlighted the long term implications for the industry, contending that 'they will not have high quality large logs in the future'.<sup>491</sup>

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<sup>485</sup> Answers to questions on notice taken during evidence 5 December 2012, Mr Nic Roberts, Chief Executive Officer, Forests NSW, Question 11.

<sup>486</sup> Answers to questions on notice taken during evidence 5 December 2012, Mr Roberts, Question 11.

<sup>487</sup> Submission 381, Koppers Wood Products Australia, p 1.

<sup>488</sup> Mr Notaras, Evidence, 5 October 2012, p 29.

<sup>489</sup> Submission 440, p 2.

<sup>490</sup> Submission 350, Newells Creek Sawmilling Co, p 1.

<sup>491</sup> Mr Notaras, Evidence, 5 October 2012, p 29.

- 6.47** Mr Roberts responded to claims that current logging operations are being carried out at an unsustainable rate, informing the Committee that sustainability is often interpreted as ‘even flow’, and said that ‘we are not cutting at an even flow rate.’ Mr Roberts told the Committee that ‘the log harvest rates are determined by the contracts and the area that we have to harvest’, and in consequence ‘we have to harvest at a particular rate’ to 2023. Mr Roberts said that when the current commitments given regarding supply expire in 2023, volume of supply would ‘drop-off to a much lower volume of close to...200,000 to 220,000 cubic metres of high quality sawlog’.<sup>492</sup>
- 6.48** Given supply issues, several timber industry participants have called for former State forest areas included within the reserve system to be returned to production. The North Coast Forest Taskforce, for example, recommends an ‘assessment of forest areas that have been placed into reserves that are not relevant or necessary to protect environmental values that may be returned to forest production’.<sup>493</sup> Mr Notaras expressed a similar view saying, ‘we would like to see a few national parks opened up. Not all national parks; you would only pick the ones that needed thinning or needed a bit of silviculture and management’.<sup>494</sup>
- 6.49** While Inquiry participants from the timber industry have attributed what they perceive as over-logging to conversion decisions, environmentalists contend that difficulties in supply and over-logging are due to overestimated timber yields.
- 6.50** As noted previously, Mr Pugh expressed the view that ‘logging of public forests in north-east New South Wales has never been undertaken on a sustainable yield basis’. Mr Pugh contended, despite sustainable yields of timber volumes being identified as 217,000 cubic metres per annum, the decision was made to ‘log at the unsustainable rate of 269,000 cubic metres per annum until 2018 before reducing down to an estimated sustainable yield of 183,500 cubic metres per annum thereafter’.<sup>495</sup> Mr Ashley Love, President of the National Parks Association of New South Wales, Coffs Harbour-Bellingen Branch, expressed a similar view saying that there is ‘clearly an over-allocation of the timber resource’.<sup>496</sup> Ms Susie Russell told the Committee that previous forestry management plans ‘have always overestimated’ timber yields which she contends demonstrates that ‘forestry has always operated on an unsustainable basis in this State’. Ms Russell said:

It has always had over-allocations... It is nothing new. It is like most extractive industries. The people who are involved overestimate the size of the resource because it generates investment possibilities and jobs, but sooner or later you hit the wall.<sup>497</sup>

- 6.51** Mr Pugh recommended that there should be an:

...urgent reduction in allocations of sawlogs from native forests and State forests down to the estimated long-term sustainable yield and the refocus of silviculture from liquidating the large sawlog resource to sustaining it in multi-aged forests.<sup>498</sup>

<sup>492</sup> Mr Roberts, Evidence, 5 December 2012, p 25.

<sup>493</sup> Submission 237, North Coast Forest Taskforce, p 4.

<sup>494</sup> Mr Notaras, Evidence, 5 October 2012, p 28.

<sup>495</sup> Mr Pugh, Evidence, 5 October 2012, p 34.

<sup>496</sup> Mr Love, Evidence, 4 October 2012, p 24.

<sup>497</sup> Ms Russell, Evidence, 4 October 2012, p 29.

<sup>498</sup> Mr Pugh, Evidence, 5 October 2012, p 35.

**6.52** Commenting on the calls for reserved areas to be returned to timber production, Ms Russell and Cr Jennifer Dowell, Mayor of the Lismore City Council, spoke of the history of environmental activism in the north east region, highlighting the importance placed on the protection of forests in the reserve system by conservationists. Ms Russell reflected particularly on the prospect of returning Bongil Bongil national park to logging remarking that ‘the idea that it is to be opened up for logging I find is one that is really quite extraordinary and is clearly something that underestimates the extent of popular sentiment around the issue.’<sup>499</sup> Cr Dowell expressed the view that if protected areas in the Lismore local government area were opened up to logging, it would likely result in protests.<sup>500</sup>

### *Employment*

- 6.53** Inquiry participants have raised concerns that employment in the timber industry has also been adversely affected. For example, the NSW Forest Products Association cautioned that because ‘log supplies are restrained to about 70 per cent of the industry’s entitlements...mills are slowing down and jobs are being shed at an alarming rate.’<sup>501</sup>
- 6.54** On the broader implications for north coast communities, Mr Desmond Schroder, Deputy General Manager of the Clarence Valley Shire Council explained that ‘timber mills are some of the biggest employers’ and forestry, in Grafton for example, accounts for approximately 1,000 jobs out of 21,000’. He highlighted the importance of job security for the town of Grafton in light of recent losses to the community with the closure of the gaol and local abattoir, saying that ‘the whole mind of this valley is on keeping jobs’.<sup>502</sup>
- 6.55** Mr Notaras highlighted the impact on employment in his business informing the Committee that in addition to having to ‘downsize’ twelve positions in April 2012, he also had to reduce hours and restrict overtime for his remaining staff in order to keep them employed. Mr Notaras described the impact on his staff saying that ‘sawmillers do not get paid a lot of money; they average about \$700 to \$750 a week’ and that overtime ‘gave them \$100 or \$120 extra a week’. Mr Notaras told the Committee that reducing hours to a ‘four-day week’ was ‘was probably the hardest thing’ he had to do.<sup>503</sup>
- 6.56** In a case study of Whian Whian State Forest, Mr Pugh asserted that ‘tourism far outweighed... the value of logging to the regional economy and to regional employment’.<sup>504</sup>

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<sup>499</sup> Ms Russell, Evidence, 4 October 2012, p 24.

<sup>500</sup> Cr Dowell, Evidence, 5 October 2012, p 14.

<sup>501</sup> Submission 225, p 25.

<sup>502</sup> Mr Desmond Schroder, Deputy General Manager, Clarence Valley Shire Council, Evidence, 5 October 2012, p 3.

<sup>503</sup> Mr Notaras, Evidence, 5 October 2012, p 30.

<sup>504</sup> Mr Pugh, Evidence, 5 October 2012, p 34.

## Environmental impacts

- 6.57** Inquiry participants gave evidence on the environmental impacts of conversion on the north coast.

### *Compliance with environmental obligations*

- 6.58** Several Inquiry participants from the environmental movement on the north coast have expressed serious concerns over the current logging practices in north coast native hardwood forests. As outlined below, these concerns have included a reduction in return times to previously harvested areas, breaches of conduct and in some cases a deliberate misapplication of prescribed guidelines intended to limit damage caused by forestry operations and promote more positive environmental outcomes.
- 6.59** Ms Jane Watson from the Oxygen farm expressed concern over the ‘mismanagement that is occurring’ with neighbouring and other State forests in the area. She said that ‘current logging practices are known locally...as "flogging", due to what she describes as ‘ever-shortening logging cycles—10 years compared to the previous 20 to 25 or 30 years’ and further to this claims that breaches of ‘environmental licence conditions’ results in operations which are ‘practically clear-felling’.<sup>505</sup>
- 6.60** Mr John Edwards from the Clarence Environment Centre made similar allegations, saying that logging operations are not following the guidelines of the forest agreements to achieve sustainable results that were intended, so while they are sticking to the prescriptions they are ignoring the intended outcomes. For example, Mr Edwards said the agreements specify a maximum average of ‘40 per cent of basal area being logged in a forest in any one logging period’, but asserts that ‘Forests NSW are logging 80 per cent of basal area in places and leaving half of the forest unlogged so that the average is 40 per cent.’ Mr Edwards also asserted that audits of state forest operations by the Clarence Environment Centre have revealed that the requirement stipulated in the ‘Integrated Forest Operations Agreement to retain 10 hollow-bearing trees and 10 recruitment trees per each two hectares’ is not being complied with. He alleged that habitat trees ‘have been knocked over for occupational health and safety reasons’ or burned to increase tree density. He said:

We had evidence at Clouds Creek, for example, where old growth trees, really big habitat trees had actually been torched. In other words, the tree was burned post-harvest and the ground around them was not burned, so the evidence suggests that they were deliberately set fire to...so more trees can come up. Any suggestion that they keep all of the trees is absolute rubbish.<sup>506</sup>

- 6.61** Further to this Mr Edwards told the Committee that the Integrated Forest Operations Agreement needs to be rewritten. He explained that because it does not have a ‘limited return period’ harvesters are able to ‘take 40 percent now and...come back in five years’ time and take 40 per cent of what is left’.<sup>507</sup>

<sup>505</sup> Ms Jane Watson, The Oxygen Farm, Evidence, 4 October 2012, p 35.

<sup>506</sup> Mr John Edwards, Clarence Environment Centre, Evidence, 5 October 2012, p 19.

<sup>507</sup> Mr Edwards, Evidence, 5 October 2012, p 22.

## Tourism

- 6.62** Tourism is a major industry in the North East region of New South Wales, with many Inquiry participants highlighting the role of national parks as a particular attraction to visitors to the region.
- 6.63** Mr Schroder from the Clarence Valley Shire told the Committee that tourism contributes around '\$280 million' to the regional economy and commented that 'even with the downturn' tourism has been 'growing at about 10 per cent a year'. He particularly identified ecotourism as a 'growing industry' commenting that the council has been 'promoting it heavily'.<sup>508</sup> In particular, Mr Schroder noted 'Yuraygir walk', between Coffs Harbour to Yamba, which is a new enterprise led by the NSW National Parks and Wildlife Service (NPWS).
- 6.64** Cr Besseling, Mayor of the Port Macquarie-Hastings Shire highlighted the contribution of national parks to the 'attractiveness of the area', and commented that the 'opportunities for tourism' are 'quite large'. In particular, Cr Besseling noted the benefits of the close proximity of the national parks and reserves to the town of Port Macquarie, commenting:
- It allows for things like the koala hospital to operate within the Macquarie Nature Reserve essentially right in the heart of town, which makes a big difference because people do not have to get in the car and travel vast distances. We have got Sea Acres, which is a great tourist attraction with the boardwalk there. It plays a significant role in tourism, there is no doubt about that. People come to this area because of its natural beauty.<sup>509</sup>
- 6.65** Mr Matthew Rogers, Director of Development and Environment Services, Port Macquarie-Hastings Shire Council, supported this view, adding that the national parks and reserves contribute 'to the sense of place for the people that live here' and that 'it is something as a community we leverage on fairly significantly to attract tourism'.<sup>510</sup>
- 6.66** Indeed, during a site visit to Port Macquarie, the Committee met with officers from Forest NSW and the National Parks and Wildlife Service who reflected on the popularity of forests and reserves with local residents and tourists. In particular, the Committee was told that State forests has instituted a range of initiatives to attract people to the recreational opportunities afforded by State forests, with signs highlighting permissible activities such as camping, fishing, dog walking and horse riding.
- 6.67** Representatives from the Lismore City Council also reported a similar contribution of national parks to tourism. In particular they noted the importance of national parks in their area to 'passive' recreational activities, saying that tourists are particularly attracted to the pristine quality of the parks.<sup>511</sup> Mr Lindsay Walker, Strategic Property Project Manager, Lismore City Council, informed the Committee that 'more than 10,000' tourists visit the Nightcap National

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<sup>508</sup> Mr Schroder, Evidence, 5 October 2012, p 5.

<sup>509</sup> Cr Peter Besseling, Mayor, Port Macquarie-Hastings Shire Council, Evidence, 4 October 2012, pp 4-5.

<sup>510</sup> Mr Matt Rogers, Director of Development and Environment Services, Port Macquarie-Hastings Shire Council, Evidence, 4 October 2012, p 5.

<sup>511</sup> Cr Dowell, Evidence, 5 October 2012, p 2.

park 'because it is such a fantastic rainforest; it is so pristine.'<sup>512</sup> Cr Jennifer Dowell, Mayor, Lismore City Council, said that Protesters Falls in particular, 'is one of the most highly visited sites in our local government area', remarking that it is 'highly used for picnics, for bird watching, for photography, for tourist experiences particularly in times...of high rainfall when the falls are all magnificent'<sup>513</sup>.

**6.68** Some Inquiry participants on the north coast discussed the economic contributions of national parks through tourism in comparison to the revenue generated by State forests through the timber industry. Mr Pugh contended that the 'comprehensive regional assessment...identified that you only need a relatively small increase in tourism to outweigh the economic benefit of logging'. He said that in the case of Whian Whian State Conservation Area, the contribution of tourism to the regional economy and to regional employment 'far outweighed' the value of logging, by about '10 times'.<sup>514</sup>

**6.69** However, Mr Head gave the example of Wauchope to highlight that the tourism benefits generated by national parks does not always flow to the areas or communities that have been affected by conversion. Mr Head told the Committee that in comparison to Port Macquarie, which used to be a 'little fishing village', Wauchope 'was the vibrant centre'. However, according to Mr Head, the timber 'industry has effectively died out there'. Mr Head remarked that 'there has not been a new hotel room built in Wauchope in my lifetime' and that 'the regeneration of tourism...has not happened'. Further, the 'expectations and the promises' of the tourist attraction Timbertown 'have not been delivered':

There is a promise given. Timbertown was created. Timbertown has gone bankrupt twice. It has cost the council, local investors. It has been a disaster. Now, is it recovering? Yes, 30 years later it is beginning to pull itself out, but it has not been a rational outcome.<sup>515</sup>

**6.70** The economic contribution of national parks and the tourism generated by national parks is discussed further in Chapter 13.

### **Committee comment**

**6.71** The Committee notes the protracted history of the conservation movement and timber industry existing alongside each other in north east New South Wales. Inquiry participants described the increase in reserved land and decrease in area available for forestry, which has taken place since the 1980s, but accelerated during the late 1990s and early 2000s.

**6.72** The Committee recognises that this Case Study differed to the other Case Studies in this Report with regard to the potential of national parks to attract tourism to an area, with Inquiry participants presenting evidence which suggested an important role for national parks in drawing tourists to these coastal regions.

<sup>512</sup> Mr Lindsay Walker, Strategic Property Manager, Lismore City Council, Evidence, 5 October 2012, p 6.

<sup>513</sup> Cr Dowell, Evidence, 5 October 2012, p 2.

<sup>514</sup> Mr Pugh, Evidence, 5 October 2012, p 36.

<sup>515</sup> Mr Head, Evidence, 4 October 2012, pp 43-44.

- 6.73** The Committee acknowledges the evidence received from Inquiry participants from the timber industry which expressed the view that the conversion of land had significantly restricted timber supply, with Inquiry participants suggesting the Forestry Corporation of NSW is experiencing difficulty in meeting the wood supply volumes required by the forestry agreements. The Committee notes the corroborating statements from both the timber industry and conservationists suggesting that this has led to smaller areas being subject to increased logging effort in order to meet commitments regarding the volume of supply.

## Chapter 7 Case Study – Yanga Station

This Case Study examines the conversion of Yanga Station to national park estate. The first section provides a description of Yanga and an overview of the surrounding areas including the principal towns. The second section then provides a timeline of Yanga from its early pastoral heritage to conversion. Last is an examination of the impacts of conversion on the local communities and industries.

- 7.1** Yanga Station, now known as the Yanga precinct of the Murrumbidgee Valley National Park, is located in the Riverina in south-western New South Wales. While Yanga spans two local government areas, being located mostly in the Wakool Shire (94 per cent) and partly in the Balranald Shire (6 per cent), it is geographically closest to the town of Balranald in Balranald Shire.
- 7.2** Yanga is approximately 70,000 hectares and has 170 kilometres of Murrumbidgee River frontage.<sup>516</sup> Along with the Murray and Lachlan, the Murrumbidgee is one of the Riverina Bioregion's major river catchments.<sup>517</sup> Yanga includes four significant lakes – Yanga Lake, Tala Lake, Piggery Lake, and Irrigation Lake – extensive river red gum forest along the Murrumbidgee River, black box and lignum woodland and hundreds of waterways including canals and creeks.<sup>518</sup> Yanga is valued by conservationists as one of the most important breeding areas for water birds in Australia.<sup>519</sup> It is part of a large complex of nationally significant wetlands in the Lower Murrumbidgee, which also support remnant populations of the nationally vulnerable southern bell frog and other threatened species including the Australasian bittern, freckled duck and blue-billed duck.<sup>520</sup>
- 7.3** Yanga is situated in the Riverina Bioregion. Yanga has been affected by river flows and regulation. Reduced flooding across the Lower Murrumbidgee floodplain, as a result of river regulation and floodplain development, resulted in declines in waterbirds, native fish, frogs and the condition of river red gum trees.<sup>521</sup>
- 7.4** Agriculture is a major industry in the Riverina, with total agricultural and horticultural production being worth more than \$1 billion in a normal year.<sup>522</sup>

<sup>516</sup> Submission 332, New South Wales Government, p 23.

<sup>517</sup> Tabled document, Dr Williams, Former Commissioner of the Natural Resources Commission, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Final Assessment Report*, December 2009, p 19.

<sup>518</sup> Wen L, Saintilan N and Ling J 2011. Description of wetland ecological character: Yanga National Park. Rivers and Wetlands Unit, Office of Environment and Heritage, Department of Premier and Cabinet. Sydney, Australia, p 9.

<sup>519</sup> Professor Richard Kingsford, Director, Australian Wetlands, Rivers and Landscape Centre, University of New South Wales, Evidence, 14 September 2012, p 14.

<sup>520</sup> Wen L, Saintilan N and Ling J, 2011. Description of wetland ecological character: Yanga National Park. Rivers and Wetlands Unit, Office of Environment and Heritage, Department of Premier and Cabinet. Sydney, Australia, p 20.

<sup>521</sup> Submission 332, p 27.

<sup>522</sup> NSW Government, Trade and Investment, accessed 12 March 2013, <<http://www.business.nsw.gov.au/invest-in-nsw/regional-nsw/nsw-regions/riverina>>

## Timeline

- 7.5** Yanga station was owned by the same family from 1919 to 2005. Having been purchased by Sims Cooper Pty Ltd in 1919, it was owned by the descendants of Messrs Arthur Sims and Arthur Cooper until its sale and subsequent conversion to national park estate.<sup>523</sup> Yanga was a pastoral property with a history of extensive irrigation from the Murrumbidgee River and Lake Yanga. Cattle and sheep were major enterprises, taking up about 40,000 hectares of the property. The property's carrying capacity was reducing over time as environmental conditions and access to water, declined.<sup>524</sup> Yanga Station operated on environmentally sensitive farming, where only sites possessing suitable soils were used for cropping, which accounted for approximately 10 per cent of the land, with the remaining 90 per cent left in its natural state.<sup>525</sup> Lake Yanga, a major source of irrigation water, had been dry for five years before the property was sold.<sup>526</sup>
- 7.6** According to the NSW Government, it was Mr Graeme Black, the principal company director of Yanga Pty Ltd, who approached the NSW National Parks and Wildlife service (NPWS) to express an interest in the possible sale of the property to the NPWS.<sup>527</sup>
- 7.7** NPWS officers undertook a thorough inspection of the property, including the botanical condition, plants and animal habitat values. Land valuations and business assessments were completed in February and March 2005. Final Government approval to purchase Yanga Station was granted on 6 June 2005 for the negotiated price of \$25.5 million. As water allocations were tied to the land, all water entitlements were also acquired at the time of purchase.<sup>528</sup> These comprised stock and domestic licences, non-transferable irrigation entitlements, general security entitlements and supplementary entitlements. Contracts were exchanged on 6 July 2005 and the purchase settled on 23 November 2005.<sup>529</sup>
- 7.8** Yanga National Park was reserved on 28 February 2007 and officially opened to the public on 28 May 2009. Of the 76,350 hectares purchased, 65,080 were reserved as Yanga National Park (31,190 hectares) and Yanga State Conservation Area (33,890 hectares). At the time of conversion, the NSW Government advised that the Riverina Bioregion was under represented in the New South Wales reserve system.<sup>530</sup>
- 7.9** As part of the conversion to national park estate, Yanga has undergone some boundary adjustments. Four areas comprising cultivation land in the southern section of Yanga, totalling 6,891 hectares, were sold by NPWS at auction in June 2007 to local land owners, with a gross value of \$5.83 million. These sales were well received by the local community.<sup>531</sup> In addition, Kieeta, a neighbouring property, which included some land that separated areas of Yanga, was

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<sup>523</sup> Yanga Station, accessed 12 March 2013, <<http://www.yanga.com/>>

<sup>524</sup> Submission 332, p 23.

<sup>525</sup> Yanga Station, accessed 12 March 2013, <<http://www.yanga.com/>>

<sup>526</sup> Submission 332, p 23.

<sup>527</sup> Submission 332, p 24.

<sup>528</sup> Mr Kevin Shanahan, Manager, Key Initiatives, National Parks and Wildlife Service, Briefing, 7 September 2012, p 12.

<sup>529</sup> Submission 332, p 25.

<sup>530</sup> Submission 332, pp 23-25.

<sup>531</sup> Submission 169, National Parks and Wildlife Advisory Council, p 2.

purchased to improve the management efficiency of Yanga, and the remaining parts were onsold. In a separate arrangement the water entitlements associated with Lake Tala were also acquired.<sup>532</sup> The New South Wales Government advised the Committee that other areas with cropping potential are currently being considered for disposal.<sup>533</sup>

- 7.10** In its submission to this Inquiry, the NSW Government stated that ‘the reservation of Yanga as a national park has opened up a significant property to the public and NPWS has allocated substantial resources to implement pest management programs, restore wetland communities and support visitor access’.<sup>534</sup>

## Results of conversion

- 7.11** Inquiry participants raised several concerns regarding the impacts of the conversion of Yanga to national park estate. These included local government concerns regarding the loss of rates, the impacts on timber and other industries, and tourism.

### Economic

- 7.12** Prior to its purchase by NPWS, Yanga was the largest freehold property in the southern hemisphere.<sup>535</sup> As such, it contributed to the rate base of both the Wakool and Balranald Shire Councils. On its conversion to national park estate, rates were no longer payable on the Yanga property, which resulted in economic loss to these Councils and their communities.
- 7.13** This loss was most significant to Wakool Shire Council, as 94 per cent of the Yanga property was located in that Shire. Mr Bruce Graham, General Manager of Wakool Shire Council told the Committee that Yanga is ‘a significant piece of the Shire’ comprising ‘about 10 per cent of the whole of Wakool Shire’,<sup>536</sup> and that the rates lost as a result of conversion were \$50,000 per annum.<sup>537</sup>
- 7.14** The NSW Government, however, provided evidence that questioned the figures provided by Wakool Shire Council, contending that Yanga’s contribution represented only 1.25 per cent of the total revenue from rates and 0.37 per cent of Wakool Shire’s total ordinary revenue.<sup>538</sup> The Council rates payable for Yanga in 2004 to the Balranald Shire Council were \$10,600, which is 0.69 per cent of rate revenue and 0.15 per cent of total revenue.<sup>539</sup>

<sup>532</sup> Mr Shanahan, Briefing, 7 September 2012, p 13.

<sup>533</sup> Submission 332, p 25.

<sup>534</sup> Submission 332, p 25.

<sup>535</sup> Mr Bruce Graham, General Manager, Wakool Shire Council, Evidence, 2 August 2012, p 3.

<sup>536</sup> Mr Graham, Evidence, 2 August 2012, p 3.

<sup>537</sup> Mr Graham, Evidence, 2 August 2012, p 8.

<sup>538</sup> Submission 332, p 28.

<sup>539</sup> Submission 332, p 28.

**7.15** However, Mr Graham explained that one of the impacts of the loss of rates from Yanga is a reduction in services which places significant pressure on local communities.<sup>540</sup> Mr Graham also highlighted that the economic impact of conversion to council is twofold, as council is required to continue to provide services to Yanga with reduced revenue from rates. Mr Graham highlighted the impact on his community with the example of Waugorah Road, which is the main access road to the northern section of Yanga, and is maintained by the Wakool Shire Council:

Prior to the sale council provided a range of services in the Yanga area. Primarily that was in terms of road and related infrastructure, and that continues today. There is a significant burden on council in terms of maintaining the Waugorah Road and the seven bridges along that road. There are other roads in the vicinity as well that council has maintained.<sup>541</sup>

**7.16** In his submission Mr Graham outlined that the road is sealed for 23km and unsealed for a further 28km. He informed the Committee that the Wakool Shire Council prepared a submission to NSW Government, along with Shires of Hay and Balranald, proposing a number of measures to offset the impact of the conversion of Yanga to national park estate, which included completion of the construction and sealing of Waugorah Road, however, this proposal was not accepted. Mr Graham expressed the view that the Wakool Shire should have received 'adjustment assistance' as compensation for the sale of Yanga and the subsequent adverse economic impacts to his community.<sup>542</sup> Further discussion of road maintenance is contained in Chapter 13.

**7.17** In light of the economic loss sustained by the Wakool Shire, Mr Graham conveyed his concerns to the Committee regarding the potential conversion of other agricultural land into national park estate, and referred to potential conversions in the Nimmie-Caira area in the Wakool and Hay Shires. Mr Graham estimated the loss of rates to each shire if land in the Nimmie-Caira were to be converted to national park would be \$35,000 per annum. Mr Graham stated, 'We would be concerned if that was the case that the lessons from Yanga are learnt and we have a better outcome moving forward'.<sup>543</sup>

**7.18** According to the NSW Government, however, there have been some positive economic benefits to the local communities around Yanga, particularly from the 'purchase of goods and services by NPWS, as well as salaries for local staff' which can 'provide significant inputs for local businesses, with associated flow-on and multiplier benefits'.<sup>544</sup> The NSW Government estimated that between 2005 and 2012 they spent \$8 million across the local governments of Hay, Balranald and Wakool. The NSW Government also said that local businesses in Wakool and Balranald benefited from the NPWS policy of buying locally, because Yanga Station tended to purchase its goods and services from larger regional centres.<sup>545</sup> This view was supported by Cr Alan Purtill who highlighted the positive contribution made by the NPWS to businesses in Balranald:

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<sup>540</sup> Mr Graham, Evidence, 2 August 2012, p 11.

<sup>541</sup> Mr Graham, Evidence, 2 August 2012, p 8.

<sup>542</sup> Submission 265, Wakool Shire Council, p 2.

<sup>543</sup> Mr Graham, Evidence, 2 August 2012, p 4.

<sup>544</sup> Submission 332, p 28.

<sup>545</sup> Submission 332, p 28.

...when Yanga was a private enterprise they bought most of their products in Melbourne or elsewhere. National Parks is buying locally and the hardware store is providing them with all the building materials and fencing materials. They have really benefited as well as some of the grocer shops because National Parks is buying everything it can in town.<sup>546</sup>

- 7.19** The National Parks and Wildlife Advisory Council ‘acknowledged that the local government has been disadvantaged by the loss of rates previously paid for the Yanga property’ and recommended that ‘potential options to ameliorate the impacts on local government income when creating substantial new parks’ should be explored.<sup>547</sup> However, they ‘applauded’ the NPWS policy to purchase goods and services locally and also commented on the payment of Livestock Health and Pest Authority rates as ‘positive’.<sup>548</sup>

### **Timber industry**

- 7.20** Prior to its purchase by the NPWS, Yanga Station had a privately managed river red gum forest, with ‘timber was harvested from an area of about 16,000 hectares of managed forest’. According to the NSW Government, yields were ‘in decline, with sawn timber volumes falling from 10,000 cubic metres in 1987 to 4,500 cubic metres in 2004’.<sup>549</sup>
- 7.21** Mr Victor Eddy was responsible for the management of the Yanga Station private forest from 1989 to 2005. He told the Committee that Yanga harvested 4,500 cubic metres of timber a year from 8,000 hectares and that the value, including both logs and firewood was in the order of \$250,000 to \$300,000 a year.<sup>550</sup> Cr Purtill informed the Committee that the closure of the local sawmill ‘particularly impacted the town of Balranald’, as the people who worked there ‘lost their jobs’.<sup>551</sup>

### **Employment**

- 7.22** According to the NSW Government, employment was not substantially impacted by the conversion of Yanga to national park estate. The NSW Government stated that at the time Yanga was purchased there were ‘around 14 people employed’ to run the property, and in addition, there was some seasonal casual employment for timber harvesting and shearing.<sup>552</sup> The Committee was informed that ‘all full time staff working on Yanga who would have otherwise been displaced as a result of the purchase were offered employment with NPWS’ and that ‘there are currently 8 former Yanga staff employed by NPWS’.<sup>553</sup>
- 7.23** However, the Wakool Landholders Association contended that ‘the reason Yanga is such a jewel is because of its previous management and its earning capacity’, arguing that not only

<sup>546</sup> Cr Alan Purtill, Mayor, Balranald Shire Council, Evidence, 2 August 2012, p 7.

<sup>547</sup> Submission 169, p 6.

<sup>548</sup> Submission 169, p 5.

<sup>549</sup> Submission 332, p 24.

<sup>550</sup> Submission 63, Mr Victor Eddy, p 1.

<sup>551</sup> Submission 265, p 4.

<sup>552</sup> Submission 332, pp 24-25.

<sup>553</sup> Submission 332, p 25.

have ‘previous employment opportunities and wealth generation’ opportunities been lost, they ‘cannot be replaced’.<sup>554</sup>

### **Other industries**

- 7.24** Some Inquiry participants informed the Committee that their businesses, including fishing and beekeeping, have traditionally relied on access to Yanga. While some have expressed concern over the future continuation of access, others asserted that conversion has detrimentally impacted their business and livelihood.
- 7.25** For example, commercial fisherman Mr Henry Davies informed the Committee that he is no longer able to fish at Yanga as a result of the conversion, despite having had access to the property since childhood. He stated that he had fished at Yanga ‘as a boy’ with his grandfather, and later ‘with other fisherman from 1950 till Yanga was bought by ‘National Parks’ 2005’. Mr Davies described the effect of conversion on himself and his family in his submission, stating that no longer being able to fish in national parks ‘has ruined our whole life’.
- 7.26** Mr Brian Rich, ‘4<sup>th</sup> generation commercial apiarist’, emphasised that access to Yanga for his business and for ‘the honey producing industry in Australia’ is of the ‘utmost importance’. Mr Rich informed the Committee that he has been positioning beehives at areas in and around Yanga, particularly for ‘red gum’ and ‘black box’ honey production, since the 1970s. He expressed ‘pride’ in the care he has demonstrated for the environment and in his responsible conduct on the property. Mr Rich insisted that access to Yanga should remain ‘open to apiarists, currently and into the future’.<sup>555</sup>
- 7.27** Ways in which to improve access for commercial fisherman and apiarists is discussed in Chapter 12.

### **Environmental**

- 7.28** Yanga is valued for its river red gum forests and for its wetlands, both of which have suffered the effects of drought and other water restrictions as a result of managed river flows and regulation. The NSW Government observed Lake Yanga, for example, ‘had been dry for 5 years before the property was sold’,<sup>556</sup> and reduced flooding had resulted in declines in waterbirds, native fish, frogs and the condition of river red gum trees.<sup>557</sup> Since conversion, the NSW Government advised that a primary environmental objective has been to restore the ‘health of the wetlands’, which among other positive environmental outcomes, will ‘assist in the recovery of waterbird populations in the Murray-Darling Basin’, that have had ‘limited opportunities to breed successfully’.<sup>558</sup>

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<sup>554</sup> Submission 136, Wakool Landholders Association, p 1.

<sup>555</sup> Submission 50, Mr Brian Rich, p 1.

<sup>556</sup> Submission 332, p 23.

<sup>557</sup> Submission 332, p 27.

<sup>558</sup> Submission 332, p 27.

- 7.29** The NSW Government noted that to date, there have been several releases of environmental water, which have resulted in ‘significant improvement’ in the ‘environmental condition and ecosystem function’ of ‘wetland habitat and river red gum forest’.<sup>559</sup> Ms Sally Barnes, Chief Executive of the Office of Environment and Heritage praised the environmental restoration work of the NPWS, commenting that ‘the work at Yanga in particular around water, birds and the recovery of species is exemplar’.<sup>560</sup>
- 7.30** Professor Richard Kingsford, Director of the Australian Wetlands, Rivers and Landscape Centre at the University of New South Wales stated that Yanga is ‘undoubtedly one of Australia’s most important wetland systems’, but contended that it is also a ‘major water resource challenge’, observing that it ‘had large areas of dying red gums when I was doing research through there in the nineties’.<sup>561</sup> Professor Kingsford expressed the view that conversion has resulted in positive environmental outcomes for Yanga, commenting that, ‘as a result of being part of a national park it has improved in terms of water resource management’.<sup>562</sup>
- 7.31** Some Inquiry participants, however, criticised the management of Yanga’s river red gum forests since conversion. Mr Graham asserted that ‘it is evident that the forest is not being managed well and is becoming increasingly choked with too many trees’.<sup>563</sup> Mr Vic Jurskis, Retired Forester, contended that ‘under current management...those trees are declining in health’.<sup>564</sup> The NSW Forest Products Association expressed the view that reservation of the red gum forests at Yanga, ‘has not, and cannot, produce a sustainable conservation outcome, because reservation operates in a paradigm of non-management or benign neglect’.<sup>565</sup>
- 7.32** NPWS explained in a briefing to the Committee that there will likely be a small reduction in the red gum forests in the park. Mr Shanahan advised that previous water management on Yanga, in the form of levees and gates resulted in red gums expanding into areas they would not naturally grow. Mr Shanahan said that the NPWS intends to ‘re-establish the more natural water flows and water inundation patterns’ which will result in some loss of red gum forest and instead allow species such as ‘black box to re-establish itself on areas where red gum had in effect artificially grown’.<sup>566</sup>
- 7.33** Other Inquiry participants have raised concerns that since conversion, Yanga’s bush fire risks have increased. Ramps Ridge Rural expressed the view that ‘the park is not managed with proper consideration for fire abatement and control’.<sup>567</sup> The Wakool Shire Council also expressed concern at what they describe as the ‘perilous state of the Yanga National Park in

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<sup>559</sup> Submission 332, p 28.

<sup>560</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 44.

<sup>561</sup> Professor Kingsford, Evidence, 14 September 2012, p 14.

<sup>562</sup> Professor Kingsford, Evidence, 14 September 2012, p 14.

<sup>563</sup> Submission 265, p 4.

<sup>564</sup> Mr Vic Jurskis, Retired Forester, Evidence, 4 December 2012, p 45.

<sup>565</sup> Submission 225, NSW Forest Products Association, p 47.

<sup>566</sup> Mr Shanahan, Briefing, 7 September 2012, p 18.

<sup>567</sup> Submission 60, Ramps Ridge Rural, p 1.

relation to bush fire control', asserting that 'Yanga is now a tinderbox of grass and timber ready to explode'.<sup>568</sup>

- 7.34** However, Mr Bill Moller, Chairman of the NPWS Western Rivers Regional Advisory Committee (RAC), was supportive of the fire management at Yanga since conversion. He stated that 'many hundreds of kilometres of fire trail ...have been established on Yanga, and that all bushfires since 2005 have been contained within Yanga'. The RAC also commented positively on the training and preparedness of NPWS staff at Yanga to deal with the threat of fire.<sup>569</sup>

### Community

- 7.35** According to the National Parks and Wildlife Advisory Council, good community consultation occurred during the establishment of the then Yanga National Park.<sup>570</sup> The NSW Government highlighted the establishment of the 'Yanga National Park Working Group' in 2006, which provides advice to NPWS on park management and community relation issues associated with the development of the Yanga National Park Plan of Management. According to the NSW Government, up to 20 community members represent all stakeholder groups on the Working Group, including the 'Mayors and council staff from Wakool and Balranald Shires, neighbouring landholders, the local Aboriginal community, tourism bodies, and other public agencies such as NSW RFS, and the Livestock Health and Pest Authorities'.<sup>571</sup> Further to this, the NSW Government highlighted that 'because many NPWS staff worked previously on Yanga Station, solid working relationships between staff and neighbours and issues have been established'.<sup>572</sup>
- 7.36** Further, the NSW Government stated that community involvement with Yanga is also facilitated through the Friends of Yanga, which is 'a group of committed, and predominantly retired, locals who meet weekly to restore and recreate the colonial gardens that existed at Yanga in the 1950's, with the guidance of the Royal Botanic Gardens'. The Friends group comprises 10 volunteers who meet weekly. The NSW Government noted that the Friends of Yanga were recently recognised for their contribution to the local community when they won an Australia Day award in 2012, granted for their work in rebuilding the historic gardens at Yanga Homestead.<sup>573</sup>
- 7.37** Other Inquiry participants, however, challenged the view that there was sufficient community consultation, contesting that there was no community consultation prior to the sale of Yanga. The Wakool Shire Council, for example stated that 'the Shires of Balranald, Hay and Wakool...indicated their extreme disappointment at the total lack of consultation prior to the purchase announcement in September 2005'.<sup>574</sup>

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<sup>568</sup> Submission 265, p 3.

<sup>569</sup> Submission 464, NPWS Western Rivers Regional Advisory Committee (RAC), p 2.

<sup>570</sup> Submission 169, p 2.

<sup>571</sup> Submission 332, p 25.

<sup>572</sup> Submission 332, p 28.

<sup>573</sup> Submission 332, p 29.

<sup>574</sup> Submission 265, p 2.

### Indigenous communities

**7.38** The NSW Government informed the Committee that the ‘NPWS is committed to developing a co-management arrangement with the local Aboriginal community to foster and develop a strong relationship that provides opportunities for working and participating in park management activities and programs on Country’ and that ‘discussions with Aboriginal elders are ongoing in an effort to enter into co-management arrangements in the future’. In particular, the NSW Government noted that ‘work with Aboriginal elders and local Aboriginal representatives on significant sites on Yanga is helping to protect sites and inform visitors of the land’s cultural significance’.<sup>575</sup>

### Firewood

**7.39** Several Inquiry participants reported restrictions on community access to firewood, traditionally collected from Yanga. Cr Purtill advised the Committee that firewood is particularly important to the community as it accounts for approximately 95 per cent of domestic heating.<sup>576</sup> He commented that ‘Balranald people traditionally have been able to gather firewood in the parks and that is not allowed to happen now’. Cr Purtill added that ‘there is wood there that we think could be of economic value to the park, if people were allowed to gather it’.<sup>577</sup>

**7.40** Similarly, local resident Mrs Margaret VanZanten told the Committee that since conversion ‘it has become almost impossible for families to collect fire wood legally in our area.’ She also described the social impact for her family saying, ‘it has been a family tradition in my family to go out for the day and cut our fire wood for winter. We went as family, took a picnic lunch and enjoyed the day’.<sup>578</sup>

**7.41** Mr Chris Littlemore also raised this issue saying ‘There are no places in Balranald Shire where people can take firewood for domestic use from crown land’ adding that ‘access to freehold land for the collection of firewood is extremely restricted’.<sup>579</sup>

### Tourism

**7.42** Prior to conversion, Yanga was a private property and access to the general public was restricted. Yanga is now one of the largest national parks in the region. According to the NSW Government:

- it provides opportunities for recreational fishing along the Murrumbidgee River
- access has increased since it was acquired and opened to the public
- since Yanga Lake has filled, water based recreation opportunities have increased, particularly with recently enhanced boating facilities.

<sup>575</sup> Submission 332, p 27.

<sup>576</sup> Cr Purtill, Evidence, 2 August 2012, p 10.

<sup>577</sup> Cr Purtill, Evidence, 2 August 2012, p 2.

<sup>578</sup> Submission 105, Mrs Margaret VanZanten, p 4.

<sup>579</sup> Submission 467, Balranald Shire Council, p 4.

- visitors are also drawn to Yanga's wonderful display of woodland and water birds and rich wildlife, especially following the recent drought and subsequent floods, which covered most of the park.
- a bird hide allows visitors to view birds up close in a secluded and natural environment.<sup>580</sup>

**7.43** The Committee was advised that NPWS has made significant investment in visitor facilities and supported marketing of tourism opportunities, including a new lookout over Yanga Lake, a new picnic and camping area named 'Woolpress Bend' and improved boating facilities. In addition, the NSW Government said that restoration works in the gardens have benefited the local community, with the new gardens attracting weddings, visitor coaches and other special events, including the 2011 NSW Inland Tourism Awards.<sup>581</sup>

**7.44** In 2010, NPWS started monitoring visitor numbers. The NSW Government said that analysis of data from traffic counters indicates annual visitation to Yanga during 2010 and 2011 is estimated at approximately 19,000 visits per annum, with 5,000 visitors up to May 2012.<sup>582</sup>

**7.45** Several Inquiry participants, however, have contended that visitation to Yanga has fallen far short of the projected numbers, while others raised particular concerns about the adequacy of visitor monitoring systems. The Riverina and Murray Regional Organisation of Councils (RAMROC), for example, expressed disappointment in the 'unfulfilled promises' of tourism at Yanga, commenting that the predicted 50,000 tourists per annum was 'ridiculous'.<sup>583</sup>

**7.46** Cr Purtill expressed the view that on the whole Balranald has 'received a lot of gain...with the national parks', but expressed disappointment at the low visitor numbers. He told the Committee that he was advised an estimate of 50,000 visitors each year could be expected at Yanga once it became a national park, but that currently visitor numbers are around 7,000 people each year.<sup>584</sup> Further, the Balranald Shire Council gave evidence that there is an inherent problem with the method of tracking visitor numbers, which uses 'primitive counters' that count axles and make assumptions regarding the number of visitors per axle. They also stated that there are three of these access counters and it could be quite possible for a single car to cross all three in the one visit to the park, significantly misrepresenting the actual number of visitors per day. The Council added that the counters do not distinguish between visitor vehicles and NPWS and contractor vehicles, which can also skew the numbers. Given this situation they state that their 'confidence in visitor numbers is severely eroded'.<sup>585</sup> The state of Waugorah Road was also raised by Balranald Shire as adversely impacting on tourism development in Yanga, who state in their submission that in addressing the issues of accessibility to Yanga, 'there is no substitute for bitumen seal to the main attractions of the park'.<sup>586</sup>

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580 Submission 332, pp 28-29.

581 Submission 332, p 29.

582 Submission 332, p 29.

583 Submission 254, Riverina and Murray Regional Organisation of Councils (RAMROC), p 2.

584 Cr Purtill, Evidence, 2 August 2012, p 8.

585 Submission 265, p 1.

586 Submission 467, p 2.

- 7.47** The Wakool Shire Council expressed the view that the economic benefits generated by tourism are unlikely to offset the adverse economic impacts it has sustained from losing Yanga's rates as a result of conversion, given that the town closest to Yanga, and therefore most likely to benefit from tourism to the park is Balranald, which is located in the neighbouring Balranald Shire:

Yanga National Park is geographically located adjacent to the township of Balranald in Balranald Shire. The NSW Government has overlooked the obvious inequity arising from creating a National Park in Wakool Shire which is only of direct benefit to the Balranald Shire community. Effectively the ratepayers of Wakool Shire have to bear the costs of a Balranald tourism asset.<sup>587</sup>

- 7.48** Many Inquiry participants told the Committee that tourism opportunities at Yanga are being lost or wasted through mismanagement or a lack of vision. Ms Jan Harris, for example, expressed disappointment that Yanga Woolshed was neither properly maintained nor utilised for its tourism and educational potential. Ms Harris claims that while many tools and artefacts of the shearing heritage of Yanga have been left behind for people to see, there are no labels, signs or descriptions of what they are or what they were used for:

It is a pity that no signage has been erected to educate the visitor – laminated sheets are all that are needed in each area to explain the process of shearing...A visitor to this area of the shed learns nothing! A great opportunity missed!<sup>588</sup>

- 7.49** Ms Harris has also asserted that other buildings around the woolshed are in a state of disrepair. She describes the kitchen and dining room as 'covered in dust and deteriorating' and she said that the 'toilets and wash rooms are home to vermin'.<sup>589</sup> Ms Harris blames these issues on insufficient funding and staffing; 'There is no evidence at the Yanga Woolshed to show preservation, protection, nor even respect for our immediate heritage'.<sup>590</sup>

- 7.50** Opinions on tourism promotion and funding have varied regarding Yanga. Some Inquiry participants have expressed the view that while funding should be provided by government, the responsibility for the promotion and branding of Yanga should lie with the community, who hope to directly benefit from tourism to the park and whose connection to Yanga best places them to promote its unique values. Ms Connie Mallet, Community Development and Events Manager of Balranald Inc. for example stated, 'Funding and assistance needs to be provided directly to the local community for the coordination of a relevant and targeted promotional campaign'.<sup>591</sup>

- 7.51** Balranald Inc. also expressed concern that not enough is being done to promote Yanga's heritage values as distinct from other newly created national parks in the region; 'a continued and concerted effort is required to build Yanga as a brand and icon in its own right and not just part of a generic Parks promotion'.<sup>592</sup>

<sup>587</sup> Mr Graham, Evidence, 2 August 2012, p 3.

<sup>588</sup> Submission 413, Ms Jan Harris, pp 2-3.

<sup>589</sup> Submission 413, p 5.

<sup>590</sup> Submission 413, p 6.

<sup>591</sup> Submission 393, Balranald Inc. p 1.

<sup>592</sup> Submission 393, p 1.

- 7.52** Mrs VanZanten reflected positively on the changes to recreational access to Yanga since conversion saying ‘overall there are still a lot of recreational activities continuing with better controls and safety for the users’.<sup>593</sup> She also praised the improvements to the park since conversion saying, ‘you only have to visit the many sites to see where the dollars have been spent. The Facilities provided so far are wonderful and the community is starting to realise this’.<sup>594</sup>
- 7.53** The tourism generated by national parks and its associated economic benefits are discussed in detail in Chapter 13.

#### **Committee comment**

- 7.54** The Committee recognises the long agricultural history of Yanga Station and the important environmental values existing on the property, including nationally significant wetlands as well as river red gum forests. The Committee notes the evidence from some Inquiry participants that current management practices may be adversely impacting the health of river red gum forests in the national park estate, and that more active management is required.
- 7.55** The Committee acknowledges that the NPWS is attempting to develop the tourism industry around Yanga, but notes the concerns raised by some Inquiry participants regarding the extent to which this industry will generate income for the area, and the strain put on available tourism budgets caused to an extent by competing national park locations.
- 7.56** The evidence indicated that the conversion of the property to national park estate had a negative financial impact on local councils, especially Wakool Shire Council. The Committee acknowledges that local councils are expected to continue to deliver services in the region despite a reduction in the contributions to council rates. This issue is addressed in Recommendation 1.5.

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<sup>593</sup> Submission 105, p 1.

<sup>594</sup> Submission 105, p 2.

## Chapter 8 Case study – Toorale Station

This Case Study examines the acquisition of Toorale Station in western New South Wales. In 2008, the agricultural property was purchased jointly by the New South Wales and Commonwealth Governments and converted to national park estate. This Chapter begins with a timeline of Toorale's history and the decision to convert, and concludes with an examination of the impacts following conversion raised by Inquiry participants.

- 8.1** Toorale Station was a significant agricultural property of 91,383 hectares located approximately 83 kilometres south west of Bourke in western New South Wales. In 2008 a decision was made to purchase and convert the land to national park estate to preserve its conservation values, significant historic heritage and cultural importance to Aboriginal people and communities. Toorale National Park and State Conservation Area are shown in Figure 4.
- 8.2** Before the property was purchased by the NSW Government it was owned and managed by Clyde Agriculture Limited, who had held the property since 1983.<sup>595</sup> The company were growing irrigated crops such as cotton, sorghum and wheat and also operated livestock enterprises between this property and others which the company owned, including beef cattle and merino sheep.
- 8.3** The NSW Government estimated that the carrying capacity of Toorale was equivalent to 33,000 flock sheep.<sup>596</sup> Mr David Boyd, the former Chairman and Chief Executive Officer of Clyde Agriculture informed the Committee that at its peak Clyde was Australia's largest wool grower, its fourth-largest cotton grower, seventh-largest wheat producer and one of New South Wales' largest beef producers.<sup>597</sup>

### Timeline

- 8.4** The country around Toorale was originally inhabited by the Kurnu Baakandji / Paakandji Aboriginal people and the area of the lower Warrego River forms a highly significant part of their cultural landscape, with the land between the Warrego and Darling Rivers being central to Kurnu creation stories and traditional cultural practices.<sup>598</sup>
- 8.5** The first European visitors to the area were Charles Sturt and his party in 1828.<sup>599</sup> When Toorale Station was established in 1857 it was one of the first properties along the Darling River. By the late 1850s most of the land along the Darling River had been leased and by the 'end of the 1860s most of the country away from the river was occupied'.<sup>600</sup>

<sup>595</sup> Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, to Committee Secretariat, 28 November 2012, Attachment A, Toorale Vegetation Survey, p 6.

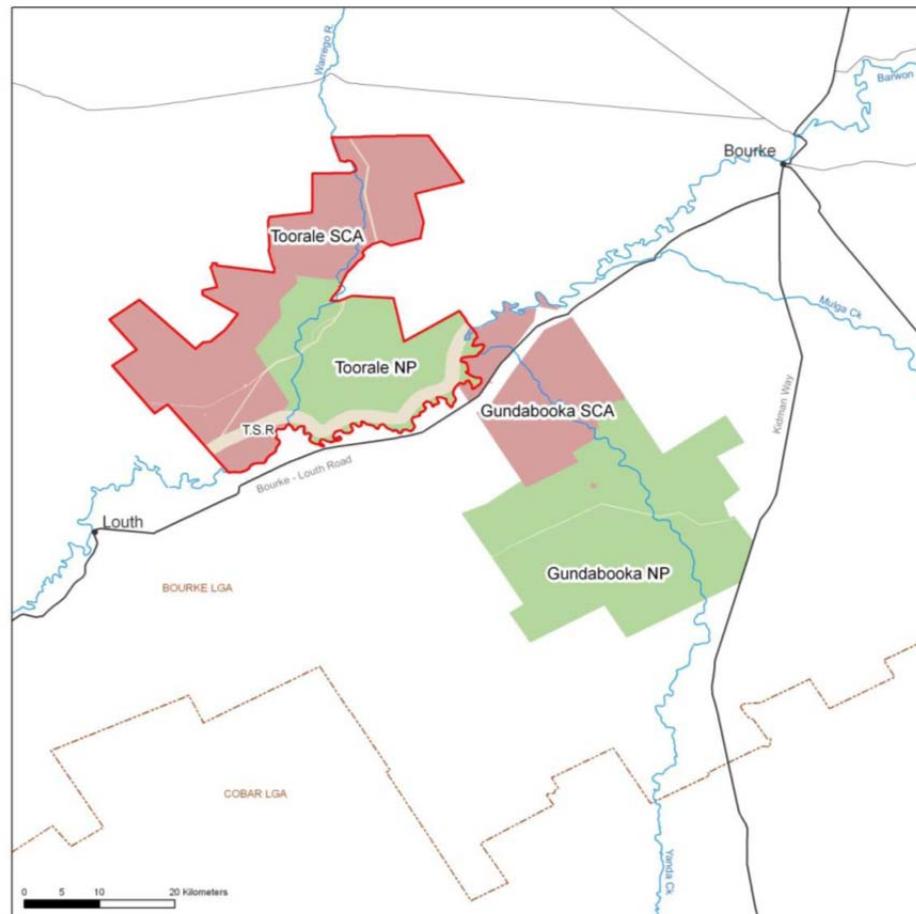
<sup>596</sup> Submission 332, NSW Government, p 30.

<sup>597</sup> Mr David Boyd, former Chairman and Chief Executive Officer, Clyde Agriculture Limited, Evidence, 25 September 2012, p 2.

<sup>598</sup> Submission 332, p 31.

<sup>599</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, Attachment A, Toorale Vegetation Survey, p 5.

<sup>600</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, Attachment A, Toorale Vegetation Survey, p 5.

**Figure 4 Toorale National Park and State Conservation Area following conversion<sup>601</sup>**

- 8.6** Further, the NSW Government explained that there is a rich Indigenous and pastoral history associated with the property and that it is considered an ‘icon of Australian pastoral heritage’. The property contains a heritage-listed historic homestead and a shearing shed built in 1873 where the writer and poet Henry Lawson worked during the 1890s.<sup>602</sup>
- 8.7** In 2008 Clyde Agriculture expressed an interest in selling the property. The Land and Property Information Valuation Services undertook a valuation of Toorale and estimated a market value of between \$21 million to \$23 million for both the property and its water. The NSW Government informed the Committee that this valuation included the ‘value of land, fixed improvements and water, reflecting the tied link between water entitlements and land titles’.<sup>603</sup>

<sup>601</sup> Submission 332, p 30.

<sup>602</sup> Submission 332, p 31.

<sup>603</sup> Submission 332, p 32.

- 8.8 The land, comprising 91,383 hectares, was purchased by the NSW Government in September 2008 through a joint funding scheme with the Commonwealth Government for \$23.75 million and in November 2010, the land was formally gazetted under the *National Parks and Wildlife Act* to create:
- Toorale National Park (30,866 hectares)
  - Toorale State Conservation Area (54,385 hectares).<sup>604</sup>
- 8.9 In May 2012 a Memorandum of Understanding (MOU) between NSW National Parks and Wildlife Service (NPWS) and the Kurnu Baakandji / Paakandji people was signed which commenced formal joint management of the park. The MOU ‘sets out the principles and agreements for how NPWS and the Kurnu Baakandji / Paakandji people will work together to manage Toorale and ensures involvement of Aboriginal people in the protection and conservation of important cultural values’.<sup>605</sup>

### The decision to convert to national park estate

- 8.10 In addition to the Indigenous and European settlement cultural heritage the NSW Government stated that the park contains some of the best habitat in the area which represented significant wetland, floodplain and riparian habitat natural heritage values. Further, the NSW Government indicated that the property covered three bioregions which were poorly represents in the national parks system and the land provides a corridor connecting with Gundabooka National Park and State Conservation Area on the other side of the river.<sup>606</sup>
- 8.11 According to the NSW Government the conservation values of Toorale were first formally recognised in 1983 when 49,190 hectares of the property was established by the then owners as a Wildlife Refuge under the *National Parks and Wildlife Act*. They informed the Committee that during 2002 to 2004 a number of landscape assessments and biodiversity surveys were undertaken of the property and these confirmed the significant conservation values present.<sup>607</sup>
- 8.12 As noted previously, the purchase of the property in December 2008 was achieved through a funding agreement between the Commonwealth and NSW Governments. The cost of the purchase was met through three separate programs:
- Commonwealth Water for the Future program (48 per cent)
  - Commonwealth National Reserve System (NRS) program (35 per cent)
  - NSW funding contribution of \$4.13 million (17 per cent), derived from repayments from the Commonwealth NRS program for other properties already acquired using State funds and also capital funds already held in the reserve establishment program.<sup>608</sup>

<sup>604</sup> Submission 332, p 33.

<sup>605</sup> Submission 332, p 35.

<sup>606</sup> Submission 332, p 31.

<sup>607</sup> Submission 332, p 31.

<sup>608</sup> Submission 332, p 32.

- 8.13** The NSW Government explained to the Committee that under the Toorale Funding Agreement:
- The land titles to the property are vested with the State to be reserved in perpetuity under the NPW Act.
  - The transferrable water entitlements purchased on the Warrego and Darling Rivers are held by the State and managed at the direction of the Commonwealth until such time as they are permanently transferred to the Commonwealth.<sup>609</sup>

## Results of conversion

- 8.14** Inquiry participants gave evidence regarding the impact of conversion on the region in the form of lost income from the property, both to the local council and the wider economy of the area, the impact on employment and community facilities. Concerns were also raised regarding the water and fire management on the property. Inquiry participants however acknowledged that there had been positive outcomes following conversion with regard to access to culturally significant Indigenous sites on the property.
- 8.15** Following conversion, the NSW Government began to develop a Plan of Management for the park in 2012. Work undertaken following conversion included ‘ensuring an on-site management presence, developing infrastructure, acquiring equipment, and initiating community programs and visitor experiences’.<sup>610</sup>
- 8.16** Further, NPWS have established ‘a works depot, chemical and fuel storage areas, replacement of all sewage systems for houses on park, fencing and stabilisation of the historic homestead, new park entry signs, as well as erosion mitigation works for fire trail construction’ and have initiated maintenance works on buildings, roads and other structures on the property and pest, weeds and fire management works.<sup>611</sup>
- 8.17** During the process of purchase and reservation, the NSW Government advised that the NPWS met with the Darling Livestock Health and Pest Authority (LHPA) and also Bourke Shire Council. Following these discussions it was agreed that certain areas of the property would not be reserved, for example to allow access to an existing gravel quarry and for travelling stock routes.<sup>612</sup>
- 8.18** However, Mr Wally Mitchell, former Mayor of Bourke Shire Council and member of the Western Division Councils of NSW, who was Mayor at the time of conversion, suggested to the Committee that he could not recall any consultation.<sup>613</sup>

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<sup>609</sup> Submission 332, p 32.

<sup>610</sup> Submission 332, p 33.

<sup>611</sup> Submission 332, p 33.

<sup>612</sup> Submission 332, p 32.

<sup>613</sup> Mr Wally Mitchell, former Mayor of Bourke Shire Council, and member of the Western Division Councils of NSW Evidence, 14 September 2012, p 69.

## Economic

- 8.19** In evidence to the Committee Mr Boyd, formerly of Clyde Agriculture, advised that the company had decided to sell the property and a number of its other western bases which were ‘principally sheep properties’ as a part of a wider strategy to ‘de-emphasise their dependence on livestock, sheep in particular, and to reapply those funds to grain production’.<sup>614</sup>
- 8.20** According to the NSW Government, at the time of purchasing the property Clyde Agriculture employed 6 full-time permanent staff on Toorale.<sup>615</sup> However, a number of Inquiry participants suggested that the number of people employed at the property were often bolstered by seasonal and contract employees and, taking these people into account, employee numbers would have been higher.
- 8.21** On the issue of employee numbers, Mr Boyd suggested to the Committee that:
- Let us just deal with the staff issue first. As I inferred in my opening comment, we always separated our cotton business as a separate division to the grazing. On the grazing side we had a manager, an overseer, nearly always a couple of jackaroo’s and a fair few contractors, so there was probably at least five equivalents in the general staff plus, of course, your shearing contractors and your lamb marking contractors—so there are a lot of additions to the five that you are talking about. On the cotton farm the permanent staffing manager, overseer, probably as a minimum four and at peak seasons up to 10 or 12 depending on what was happening.<sup>616</sup>
- 8.22** Similarly, Bourke Shire Council suggested that the numbers employed could actually increase to ‘30 personnel at times of shearing and other routine activities such as lamb & calf marking, dipping and crutching’.<sup>617</sup>
- 8.23** The NSW Government gave evidence to the Inquiry that following conversion the purchase of goods and services by NPWS would ‘mean significant incomes for local businesses’. They advised that in 2010-2011 ‘approximately \$2.24 million was expended on salaries and capital projects at Toorale’.<sup>618</sup>
- 8.24** However, despite this evidence, Mr Wise, General Manager of Bourke Shire Council asserted that part of the negative impact of the conversion came because Clyde Agriculture had a policy of purchasing goods and services locally ‘irrespective of whether it was at a premium price. I would suspect that a very high proportion of that was spent locally’.<sup>619</sup>
- 8.25** Mr Boyd expressed the view that as ‘arguably the Bourke district’s most productive property’ the loss of Toorale Station as a productive property is ‘greatly resented by the Bourke community’.<sup>620</sup>

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<sup>614</sup> Mr Boyd, Evidence, 25 September 2012, p 4.

<sup>615</sup> Submission 332, p 30.

<sup>616</sup> Mr Boyd, Evidence, 25 September 2012, p 6.

<sup>617</sup> Submission 329, Bourke Shire Council, p 13.

<sup>618</sup> Submission 332, p 35.

<sup>619</sup> Mr Geoff Wise, General Manager, Bourke Shire Council, Evidence, 26 September 2012, p 12.

<sup>620</sup> Mr Boyd, Evidence, 25 September 2012, p 2.

**8.26** Further, Mr Boyd provided information regarding the turnover of Toorale Station (Grazing) and Toorale Farm (Cotton) from 2001, the year before the regional drought which Mr Boyd suggested 'could be regarded as an indicative year'. This information is shown in Table 3. Mr Boyd stated that Clyde Agriculture 'purchased all of its fuel, chemical and veterinary supplies locally'<sup>621</sup> spending approximately \$3.7 million in 2001. Tables 4 and 5 show information regarding the purchase of these goods and services.

**Table 3 Turnover of Toorale Station (Grazing) and Toorale Farm (Cotton), 2001<sup>622</sup>**

Turnover	\$000's	
Lint Proceeds	6036	11,237 bales
Seed Proceeds	484	4731 tonnes
Cattle Proceeds	487	933 head
Sheep Proceeds	385	14093 head
Wool Proceeds	742	1005 bales

**Table 4 Local purchases by Toorale Station, 2001<sup>623</sup>**

Purchases	\$000's
Contractors-Shearing etc	224
Labour	205
Fodder	130
Fuel	35
Drenches	18
Freight	11

**Table 5 Local purchases by Toorale Farm, 2001<sup>624</sup>**

Purchases	\$000's
Chemicals	788
Fertilizer	265
Fuel	260
Labour	284
Seed	69
Contractors	437
Freight	170
Ginning	727
Agronomy	101

**8.27** In its submission to the Inquiry, the NSW Government acknowledged that concerns regarding the property had been raised by Bourke Shire Council, in particular regarding the loss of council rates and the impact of the closure of agricultural production on the local economy, put forward differing figures regarding the actual impact on council rates.<sup>625</sup>

<sup>621</sup> Answers to questions on notice taken during evidence 25 September 2012, Mr David Boyd, former Chairman and Chief Executive Officer, Clyde Agriculture Limited, p 1.

<sup>622</sup> Answers to questions on notice taken during evidence 25 September 2012, Mr Boyd, p 1.

<sup>623</sup> Answers to questions on notice taken during evidence 25 September 2012, Mr Boyd, p 1.

<sup>624</sup> Answers to questions on notice taken during evidence 25 September 2012, Mr Boyd, p 1.

<sup>625</sup> Submission 332, p 35.

- 8.28** The NSW Government reported that based on data from Bourke Shire Council to the Division of Local Government, which showed that the total revenue from rates and annual charges in 2008-2009 Bourke Council was \$2.925 million and that \$46,196 was payable in rates from Toorale, in that period rates from Toorale represented 1.6 per cent of the total rates.<sup>626</sup>
- 8.29** Bourke Shire Council put forward contrary evidence regarding the rates received from Toorale, stating in its submission that the property contributed 4 per cent of the total rates for the council.<sup>627</sup> Mr Boyd also supported this view and suggested that Toorale ‘contributed 4 per cent of the shire’s rate income and has been estimated to contribute 10 per cent of the shire’s gross domestic product’.<sup>628</sup> However, the NSW Government argued that, at least with regards to the council rates, this figure was not accurate. They stated that at the time of conversion:
- ... Bourke Shire Council publicly reported that this represented 4% of its rating income. It is understood that this related to income from farmland rates only, and did not include all rates income to the Council.<sup>629</sup>
- 8.30** The economic impact of the conversion of land to national park and the issues which this can raise is discussed in detail in Chapter 13.

***Proposal to return part of the national park estate to agricultural land***

- 8.31** In evidence to the Committee Mr Mitchell, put forward a proposal to return part of the Toorale State Conservation area to agricultural use as a means of mitigating the economic impact of conversion. In describing his proposal he called for a sensible approach to managing Toorale which ‘would allow the National Park to remain, allow the water license to be kept in Government ownership and allow part of the property to be returned to productive agriculture’.<sup>630</sup>
- 8.32** Mr Mitchell suggested that the area of national park would remain as it currently is, as would the State Conservation Area to the north of the national park. The area which is currently State Conservation Area to the west of the national park, bounded by other agricultural properties would be returned to agricultural use ‘under the provision of its existing western lands leases’.<sup>631</sup>
- 8.33** According to Mr Mitchell, the return of this land to agricultural property would result in 54,385 hectares of land for prime grazing production, allow rates to be paid again to Bourke Shire Council and would create employment in agricultural fields such as shearing, stock handling and stock transportation.<sup>632</sup>

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<sup>626</sup> Submission 332, p 35.

<sup>627</sup> Submission 329, p 4.

<sup>628</sup> Mr Boyd, Evidence, 25 September 2012, p 2.

<sup>629</sup> Submission 332, 35.

<sup>630</sup> Submission 509, Mr Wally Mitchell, p 1.

<sup>631</sup> Submission 509, p 1; see also Mr Mitchell, Evidence, 14 September 2012, p 64.

<sup>632</sup> Submission 509, p 1.

### Community

- 8.34** According to the NSW Government, since acquiring Toorale, NPWS has ‘engaged with Aboriginal traditional owners and provided opportunities for access’ to the property.<sup>633</sup> For example, Mr Wise described his attendance at an event on the property where he noted that local Aboriginal people were ‘commenting on how well the Aboriginal culture has been preserved on the property and how excited they were about the graves and the Aboriginal artefacts ... preserved on the property’.<sup>634</sup>
- 8.35** However, while acknowledging that it was positive that local Indigenous people were now involved with the management of the park, Bourke Shire Council argued that the benefits of this social impact was ‘very limited compared to the overall social impacts’.<sup>635</sup> For example, the Council put forward the view that the reduction in the number of families now living at the property had impacted the viability of a local school.<sup>636</sup>
- 8.36** The Committee heard evidence from a number of Inquiry participants who discussed the depth of feeling in the local community regarding the loss of the property for agricultural production. Indeed, Mr Boyd asserted that the ‘depth of feeling by Bourke residents in the loss of Toorale as a commercial enterprise is very deep’.<sup>637</sup>

### Tourism

- 8.37** The NSW Government informed the Committee that the Toorale and Gundabooka Visitation Strategy was launched in 2012. The strategy sought to establish a framework for the development and communication of visitor experiences in the parks over the next five years. According to the NSW Government the rich pastoral history, significant Aboriginal heritage, scenic landscapes, rivers and wetlands, and wildlife will provide attractions for tourism and access to the Darling River will be allowed ‘for fishing, camping, wildlife viewing and sight-seeing’. Further, they advised, works will commence in 2012-2013 to develop visitor facilities in the park.<sup>638</sup>
- 8.38** A number of Inquiry participants expressed concern regarding the current and potential tourism industry in the park. For example, Bourke Shire Council asserted that there was ‘no evidence that there has been any tangible increase in tourism as a consequence of the acquisition’.<sup>639</sup>

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<sup>633</sup> Submission 332, 35.

<sup>634</sup> Mr Wise, Evidence, 26 September 2012, p 4.

<sup>635</sup> Submission 329, p 2.

<sup>636</sup> Submission 329, p 2; see also Mr Wise, Evidence, 26 September 2012, p 10.

<sup>637</sup> Mr Boyd, Evidence, 25 September 2012, p 2.

<sup>638</sup> Submission 332, p 36.

<sup>639</sup> Submission 329, p 2.

- 8.39** Mr Peter Laird, President of the Western Division Councils of New South Wales, expressed a similar view, and stated that, because the Western Division does not receive the same numbers of tourists as other parts of New South Wales, it would be very difficult to attract tourist to Toorale:

What sort of tourism do we get out there? According to statistics ... 96 per cent of tourists go to the eastern parks, whether Kosciusko—I suggest the 38 million they talk about are predominantly skiers not park visitors—Lane Cove or Ku-ring-gai. The other 4 per cent go elsewhere. I suggest that if we are lucky we might get 1 per cent in the western area; we would be battling to get 1 per cent.<sup>640</sup>

- 8.40** According to Mr Mitchell, while NPWS had improved some of the areas of the park, he felt that a considerable amount of the property would not be of interest to tourists:

The tourism factor along the Warrego and the road right through it is great. They have done up the shearers' quarters and there is accommodation and it is all looking good. The rest of it is just open floodplain country where you can see four or five miles without a tree in one or two areas, with no real appeal. The kangaroo you see on the road is the only one that you will get your eye on. So we believe that that can't be a goer.<sup>641</sup>

### Conservation values

- 8.41** The NSW Government explained that the national park estate at Toorale covers three bioregions: the Darling Riverine Plains, Mulga Lands, and a small area of the Cobar Peneplain bioregion. According to the NSW Government, at the time of purchase, the Darling Riverine Plains bioregion was the State's least reserved bioregion at 1.7 per cent of its total area, which increased to 2.46 per cent following the conversion of Toorale.<sup>642</sup>
- 8.42** According to the Office of Environment and Heritage (OEH) 288 native vascular plant species have been recorded on the property and a total of 27 vegetation communities were described and mapped in a 2011 vegetation survey.<sup>643</sup> Although no comprehensive survey of fauna has been undertaken at Toorale, the OEH advised that previous surveys and records suggest that a total of 211 native species have been recorded. The OEH stated that 'fourteen species listed as threatened in NSW under the *Threatened Species Act* have been recorded' as well as a 'further 17 species identified as being of conservation concern in the Western Division'.<sup>644</sup>
- 8.43** Following conversion, the NSW Government advised, NPWS began to implement a comprehensive pest and weed management program on the property, including the management of feral pigs, feral goats, locusts and a number of weed species.<sup>645</sup>

<sup>640</sup> Mr Peter Laird, President, Western Division Councils of New South Wales, Evidence, 14 September 2012, p 63.

<sup>641</sup> Mr Mitchell, Evidence, 14 September 2012, p 64.

<sup>642</sup> Submission 332, p 31.

<sup>643</sup> Tabled document, Toorale National Park and State Conservation Area, Information package for NSW Upper House Parliamentary Inquiry site visit, 25 September 2012, p 6.

<sup>644</sup> Tabled document, Toorale National Park and State Conservation Area, Information package for NSW Upper House Parliamentary Inquiry site visit, 25 September 2012, p 7.

<sup>645</sup> Submission 332, p 34.

**Water access**

**8.44** The OEH has noted that the Warrego River flows through most of the property, from north to south and joins the Darling River at its southern boundary. There are extensive floodplains, occupying two thirds of the property, which flow from the Warrego and Darling. There are also five dams along the Warrego River on the property.<sup>646</sup>

**8.45** The NSW Government stated that there is an ongoing focus on water management at Toorale, ‘particularly the floodplains, wetlands and in-stream aquatic environments’. Further they advised that the current water infrastructure of the park is ‘currently managed by NPWS in accordance with licence conditions and any directions issued by the Commonwealth’ and added:

Water recovered from the environment will also contribute to increased flows in both the Warrego and Darling rivers to Menindee Lakes, enhancing the ecological health, water supply security and water quality of a significant part of the Darling River system ... Future management of water infrastructure, and potential partial decommissioning options to improve environmental flows, are under active discussion with the Commonwealth.<sup>647</sup>

**8.46** In evidence to the Committee, Professor Richard Kingsford, Director, Australian Wetlands, Rivers and Landscape Centre, University of New South Wales, stated that there had been positive consequences for water management on the property and in the surrounding region following conversion:

The Warrego went into the large dam on Toorale and then emerged through some pipes. My understanding is that a lot of the water that was bought is now flowing down. Landholders downstream on the Darling towards Wilcannia are benefiting from that in terms of water quality. As people know, this is a highly variable system. We have been lucky enough to have had some big floods recently. However, this will be an important input into the Darling during dry periods. One of the things we have seen in the Darling in recent times is increased blue-green algal blooms and salinity. Having dilution flows like this is important.<sup>648</sup>

**8.47** However, Mr Mitchell suggested that the decision to purchase the property in order to acquire the water which came with the property may not necessarily yield the expected water flows. He asserted that:

... it was sold to the Federal and State governments, in a move to get the unknown amount of water which was supposedly coming out of the Warrego—whereas we that live there know that, honestly, the Warrego very seldom gets into the Darling River.

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<sup>646</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, Attachment A, Toorale Vegetation Survey, p 3.

<sup>647</sup> Submission 332, p 34.

<sup>648</sup> Professor Richard Kingsford, Director, Australian Wetlands, Rivers and Landscape Centre, University of New South Wales, Evidence, 14 September 2012, p 15.

... The thing about it ... it is an ephemeral stream. And all of the streams west of the Darling are. The only one that is a regular contributor of water is the Culgoa, because it picks up water from the heavier Queensland side, over the border, and down into the Darling just north of Bourke. But all of the other streams ... do not run into a river ... all of those western rivers are ephemeral.<sup>649</sup>

- 8.48** The acquisition of the property and its impact on water access is discussed further in Chapter 10.

### **Fire management**

- 8.49** The NSW Government advised that a Fire Management Strategy for Toorale was completed in June 2009 and stated that prior to conversion the property did not have ‘any known fire management plan or strategy in place’. According to the NSW Government, following conversion the fire management capability of the property was developed and work was undertaken to reduce fire risk, including ‘fire trail maintenance and road side slashing’ and ‘works to reduce fuel hazards’.<sup>650</sup>

- 8.50** However, a number of Inquiry participants expressed concern at what they felt is an increasing level of fuel load on the property following the conversion to national park estate. For example, Mr Mitchell stated that:

That [Toorale] is now so heavily loaded with fire fuel that my fire control officer in the Bourke area last week told me the average of that area is between 6 and 10 tonnes per hectare but the unstocked part ... would be 20 tonnes per hectare. That is an unprecedented level ... It is an unbelievable figure. The fire risk in that is just so big that we have to negate it.<sup>651</sup>

- 8.51** While Bourke Shire Council asserted that neighbours of the park had reported that there was an ‘increased risk of bush fires, with increased fuel loads ... and less effort by Parks management to construct fire breaks’.<sup>652</sup>

- 8.52** The NSW Government stated that two bush fires have occurred on Toorale since conversion, both caused by lightning strikes. According to the NSW Government both of these fires were ‘contained within Toorale, burning an area of 108.67 hectares in total’.<sup>653</sup>

- 8.53** The challenges raised by fire management in New South Wales, including the necessity of maintaining adequate fire breaks around the borders of public land estate, are discussed in Chapter 11.

<sup>649</sup> Mr Mitchell, Evidence, 14 September 2012, p 64.

<sup>650</sup> Submission 332, pp 33-34.

<sup>651</sup> Mr Mitchell, Evidence, 14 September 2012, p 64.

<sup>652</sup> Submission 329, p 3.

<sup>653</sup> Submission 332, p 34.

**Committee comment**

- 8.54** The Committee notes the long agricultural history of Toorale Station. From the evidence presented to the Inquiry it is clear the property played an important role in the community both symbolically and economically. Likewise, the Committee recognises the importance of both the Indigenous and pastoral heritage at Toorale and welcomes the preservation and access to this heritage.
- 8.55** The Committee notes that several Inquiry participants discussed the economic impact that the conversion to Toorale National Park and State Conservation Area had on the local area. While the NSW Government stated that the management of the estate by NPWS will have economic benefits, in terms of employing local residents and purchasing local goods and services, evidence from other Inquiry participants suggested that this benefit will be significantly less than that contributed by Toorale Station when it was in commercial production. In addition, the Committee is concerned that Bourke Shire Council reported a negative financial impact through the loss of rates from Toorale Station.
- 8.56** The Committee acknowledges the work being undertaken by the NPWS to develop the tourism industry around Toorale, but notes the concerns raised by Inquiry participants regarding the extent to which this industry will generate income for the area.

## Chapter 9 Case study – Pilliga forest

This case study concerns the Pilliga forest in north western New South Wales, with a focus on its recent conversion to national park estate. This Chapter consists of two parts: first, an overview of the history of the Pilliga forest area and the timeline leading to the decision to convert State forest to national park, and second, concerns raised by Inquiry participants regarding the conversion process and the subsequent impacts of conversion on local communities.

- 9.1** The Pilliga forest, also referred to as the Pilliga Scrub, is an area of forest in north western New South Wales located between Coonabarabran and Narrabri. The forest covers an area of approximately 830,000 hectares and comprises National Park, Nature Reserve, Aboriginal Area, State Conservation Area and State Forest.
- 9.1** The Pilliga forest sits within the Brigalow Belt South bioregion, which predominantly covers southern Queensland but also extends into northern NSW, as far south as Dubbo. Although the Pilliga subregion forms the southernmost part of the Brigalow Belt South bioregion it is ‘not dominated by Brigalow (*Acacia harpophylla*)’,<sup>654</sup> as much of the main Brigalow Belt South bioregion is.
- 9.2** The landscape is derived from ‘extensive basalt flows and quartz sandstones and consequently has very variable soils and vegetation depending on the local rock type or sediment source’.<sup>655</sup> For example, on the basalt hills are white box with white cypress pine and kurrajong, while blue-leaved ironbark, white gum, black cypress pine, whitewood and rough-barked apple can be found on the stony sandstone plateau and streams. The gentler sandstone slopes feature narrow-leaved ironbark, white cypress pine, red stringy bark, patches of mallee and broom heath. On heavier soils in the west and north of the region, pilliga box with grey box occurs as well as poplar box, fuzzy box, bull oak, rosewood, wilga and budda. All streams are lined with river red gums.<sup>656</sup>
- 9.3** The Pilliga forest is considered ‘one of the iconic landscapes’ of Australia.<sup>657</sup> Featuring low rocky hills and iron bark woodland, the forest forms the ‘largest remaining dry sclerophyll forest west of the Great Dividing Range’.<sup>658</sup> It is connected to Warrumbungle National Park by 10 kilometres of mostly private, forested land which creates a bridge between the two areas. The expansive heathlands, river red gum-lined sandy creeks, and forests are home to more than 350 species of birds, mammals, reptiles, and amphibians, several of which are threatened or vulnerable species.<sup>659</sup> Figure 5 presents the Pilliga area of the Brigalow Belt South bioregion.<sup>660</sup>

<sup>654</sup> Tabled document, NSW National Parks and Wildlife Service, *The Bioregions of New South Wales – their biodiversity, conservation and history*, 2003, p 131.

<sup>655</sup> Tabled document, *The Bioregions of New South Wales – their biodiversity, conservation and history*, p 131.

<sup>656</sup> Tabled document, *The Bioregions of New South Wales – their biodiversity, conservation and history*, p 137.

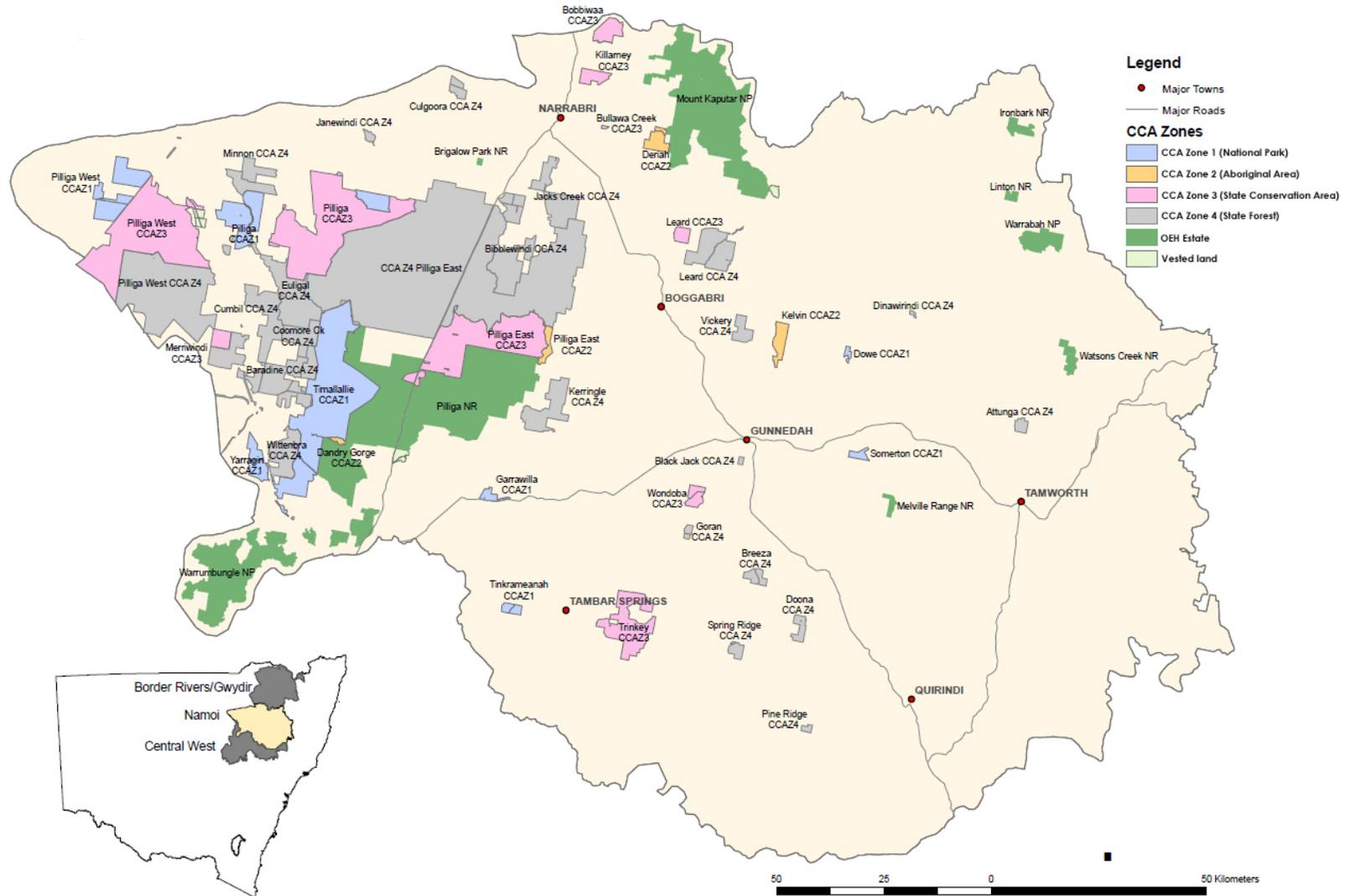
<sup>657</sup> Office of Environment and Heritage, Pilliga National Park, accessed 25 March 2013, <<http://www.environment.nsw.gov.au/NationalParks/parkHome.aspx?id=N1064>>

<sup>658</sup> NSW National Parks and Wildlife Service, *Pilliga Nature Reserve: Plan of Management*, 2002, p 4.

<sup>659</sup> NSW National Parks and Wildlife Service, *Pilliga Nature Reserve: Plan of Management*, 2002, p 7.

<sup>660</sup> Office of Environment and Heritage, Community Conservation Areas, accessed 22 January 2013, <<http://www.environment.nsw.gov.au/parktypes/CommunityConservationAreas.htm>>

**Figure 5 The Pilliga area of the Brigalow Belt South bioregion (Community Conservation Areas (CCA) Zones)**



## Timeline

- 9.4** Prior to European settlement, the Pilliga area was inhabited by the Gamilaraay people. As outlined in the Pilliga Nature Reserve Plan of Management, the area contains evidence of Aboriginal occupation and important Aboriginal sites including ‘grinding grooves, rock engravings and rock art’.<sup>661</sup> The area is considered to be an ‘important and valuable resource of Aboriginal culture as there has been minimal human disturbance to sites due to difficult access’.<sup>662</sup>
- 9.5** The first Europeans arrived in 1818 when John Oxley’s exploring party passed through the Pilliga and in the following decades European settlers arrived in search of land to graze sheep and cattle. During the 19th and 20th centuries the timber industry grew in the area, with the first timber reserve being declared south of Wee Waa in 1876 and the first forest ranger appointed to control timber cutting in 1877. In addition to its economic values, the area has also long been recognised for its conservation value. The Pilliga Nature Reserve, for example, was established in 1968.<sup>663</sup>

### Brigalow Belt South Bioregion Assessment

- 9.6** Following an Australia-wide environmental mapping exercise during the 1990s, the NSW Resource and Conservation Assessment Council, on behalf of the NSW Government, undertook bioregion assessments of the Brigalow Belt South Bioregion in 1999 to 2002 and the neighbouring Nandewar Bioregion in 2002 to 2004 to guide future environmental management. Both areas were found to contain significant white cypress resources.<sup>664</sup>

### The Sinclair Report and the BRUS option

- 9.7** Following the Brigalow Belt South Bioregion Assessment, the Rt Hon Ian Sinclair was appointed by the then Government to consider nine reserve options for future land use of the Pilliga forest and report his conclusions to the NSW Government.<sup>665</sup> Three of the nine options considered by Mr Sinclair had been prepared by the local community.<sup>666</sup>

<sup>661</sup> NSW National Parks and Wildlife Service, *Pilliga Nature Reserve: Plan of Management*, 2002, p 5.

<sup>662</sup> NSW National Parks and Wildlife Service, *Pilliga Nature Reserve: Plan of Management*, 2002, p 5.

<sup>663</sup> Office of Environment and Heritage, NSW National Parks and Wildlife Service, History since colonization, , accessed 15 January 2013, <<http://www.environment.nsw.gov.au/NationalParks/parkHistory.aspx?id=N1064>>

<sup>664</sup> Tabled document, Natural Resource Commission, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, May 2012, p 214.

<sup>665</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Ted Hayman, President, Baradine District Progress Association, Draft Brigalow Belt South Bioregion Assessment Report, p 1.

<sup>666</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, Draft Brigalow Belt South Bioregion Assessment Report, p 4.

- 9.8** The most prominent of the nine options was that put forward by the Brigalow Region United Stakeholders (BRUS) Group, a collection of local residents, representatives of the timber industry, Indigenous representatives, and hunters, fishermen and recreational users of the area.
- 9.9** In essence, the BRUS Option sought to support the continuation of the timber industry, while also contending that the proposed allocation of land to new conservation reserves would achieve beneficial conservation outcomes. According to Mr Ted Hayman, President of the Baradine District Progress Association, who was a member of the BRUS Group, the BRUS option sought to achieve a 'triple bottom line' of economic, social and environmental outcomes.<sup>667</sup> Mr Hayman argued that the BRUS proposals 'offered better conservation outcomes while maintaining communities'.<sup>668</sup>
- 9.10** In relation to the continuation of the timber industry, Mr Hayman gave evidence that the BRUS option would have resulted in only a 3 per cent reduction in available wood volumes.<sup>669</sup> He advised that the option would 'maximis[e] access to existing areas of State forests' to allow a sustainable yield of 68,000 cubic metres per year of cypress sawlogs.<sup>670</sup> The BRUS Option also proposed a continuation of access to ironbark resources in the State forests of the Pilliga and Goonoo, as well as 20 year wood supply agreements 'guaranteeing yield at or about current levels of sustainability'.<sup>671</sup>
- 9.11** On the issue of the conservation benefits of the BRUS Option, Mr Hayman informed the Committee that the BRUS Group proposed an allocation of 157,600 hectares of new conservation reserves and a further 31,700 hectares of State forest from which 'timber harvesting would be excluded by management prescription'.<sup>672</sup> Mr Hayman maintained that these areas comprised 'areas mentioned in the scientific surveys as having the highest biodiversity of all public lands in the bioregion'.<sup>673</sup> Mr Hayman argued that the BRUS Option would achieve a biodiversity outcome which was 'only about 3% less than that of reserving all available public land in the bioregion'.<sup>674</sup>

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<sup>667</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Ted Hayman, President, Baradine District Progress Association, The BRUS option for the Brigalow Belt South, p 20.

<sup>668</sup> Mr Ted Hayman, President, Baradine District Progress Association, Evidence, 27 September 2012, pp 15-16.

<sup>669</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, The BRUS option for the Brigalow Belt South, p 9.

<sup>670</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, The BRUS option for the Brigalow Belt South, p 6.

<sup>671</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, The BRUS option for the Brigalow Belt South, p 6.

<sup>672</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, The BRUS option for the Brigalow Belt South, p 6.

<sup>673</sup> Mr Hayman, Evidence, 27 September 2012, p 15.

<sup>674</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, The BRUS option for the Brigalow Belt South, p 9.

- 9.12** Mr Sinclair's findings and final recommendations to the NSW Government were never made public. However, in his draft report assessing the nine options Mr Sinclair recommended on balance that the BRUS Option should be accepted. Mr Sinclair contended that the option had several policy advantages, including:
- The NSW Government being seen to support a response developed by the local community
  - Availability of funding for 'forest management with beneficial conservation results' thus reducing the need for government funding
  - A continuation of the timber industry with reinvestment ensuring better percentage yields and protecting employment in smaller towns
  - Introducing Aboriginal Management Committees which Mr Sinclair stated were 'more generally endorsed by Aboriginal Land Councils'.<sup>675</sup>

### The decision to convert to national park estate

- 9.13** In 2005 the NSW Government published proposals regarding the environmental and economic values of the region, commonly referred to as the 'Brigalow decision', which led to the creation of the *Brigalow and Nandewar Community Conservation Area Act 2005*.<sup>676</sup>
- 9.14** The Act reclassified State forest previously used for forestry and other land uses. Some of the land extended the Pilliga Nature Reserve and the majority was reclassified into four different Community Conservation Area (CCA) zones. CCA Zone 1 became designated National Park, CCA Zone 2 became designated Aboriginal Area, land in CCA Zone 3 became State Conservation Area and land in CCA Zone 4 remained State Forest. The NSW National Parks and Wildlife Service (NPWS) assumed responsibility for the management of land in Zones 1 to 3, in addition to existing responsibility for the Pilliga Nature Reserve. Forests NSW (now Forestry Corporation of NSW) retained responsibility for the management of Zone 4 land.<sup>677</sup>
- 9.15** The Brigalow decision reduced the area supporting cypress timber production in the Brigalow Belt South and Nandewar regions from 620,000 hectares to 273,000 hectares (a reduction of 56 per cent) and reduced the sustainable yield estimates from approximately 70,000 cubic metres per year to an interim sustainable yield of 40,000 cubic metres per year (a reduction of 43 per cent).
- 9.16** In 2005 the NSW Government directed Forests NSW to make available 57,000 of cubic metres of cypress resource per year to mills harvesting timber from the Brigalow Belt South and Nandewar State Forests. The necessary supply could not be found in the remaining CCA Zone 4 (State Forest) area and so in order to meet supply the Forests NSW created a new wood supply area by combining the 'Brigalow Belt South bioregion and Nandewar and south-

<sup>675</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Ted Hayman, President, Baradine District Progress Association, Draft Brigalow Belt South Bioregion Assessment Report, p 7.

<sup>676</sup> Tabled document, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, p 214.

<sup>677</sup> Tabled document, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, p 214.

western cypress state forest supply areas'.<sup>678</sup> This wood supply area is known as the Western Region Supply Area.

- 9.17** Following the *Brigalow and Nandewar Community Conservation Area Act 2005*, over the course of 2005 and 2006, the local timber industry was offered either assistance packages to leave the industry or 20 year wood supply agreements, to be supplied from the Western Region Supply Area. Industry assistance funding of \$41 million was made available, with \$15 million of this available for timber industry development, \$14 million available for industry exit assistance and \$12 million for timber industry job creation.<sup>679</sup>
- 9.18** Prior to the Brigalow decision 17 cypress mills were reliant on timber from State forests across NSW. After the decision 12 mills operating at the time either left the industry or changed the nature of their business. The mill owners who chose to remain entered into 20 wood supply agreements in 2006.<sup>680</sup>
- 9.19** The Brigalow decision increased the area of land managed for reservation and Indigenous use by 173 per cent, and reduced the area of land managed for forestry by 56 per cent.<sup>681</sup>
- 9.20** The current classification of land in the Pilliga forest, including the management objectives, legislation and area size can be found in Table 6.<sup>682</sup>

### Response to the decision

- 9.21** As outlined previously, following the Brigalow Belt South Bioregion Assessment, the NSW Government appointed Mr Sinclair to examine nine options for land use in the Pilliga forest. Mr Sinclair stated that he consulted extensively and that he recommended the NSW Government adopt the BRUS Option. According to Mr Sinclair the BRUS Option called for recognition of existing users and highlighted how logging had helped shape the local community.<sup>683</sup>
- 9.22** Inquiry participants such as Mr Hayman expressed frustration that despite the extensive consultation with local community members, their input had been 'seemingly ignored' in the Government's final decision.<sup>684</sup>

<sup>678</sup> Tabled document, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, p 215.

<sup>679</sup> Tabled document, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, p 214.

<sup>680</sup> Office of Environment and Heritage, NSW National Parks and Wildlife Service, History since colonization, accessed 15 January 2013, <<http://www.environment.nsw.gov.au/NationalParks/parkHistory.aspx?id=N1064>>; see also Tabled document, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, p 217.

<sup>681</sup> Tabled document, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, p 33.

<sup>682</sup> Tabled document, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, p 214.

<sup>683</sup> The Rt Hon Mr Ian Sinclair, Evidence, 4 December 2012, p 20.

<sup>684</sup> Mr Hayman, Evidence, 27 September 2012, p 16.

**Table 6 Current land classification and area in the Pilliga, following the Brigalow decision**

Tenure	Management objective	Relevant legislation	Area (ha)
Community Conservation Area – Zone 1 (National Park)	Conservation and recreation	National Parks and Wildlife Act 1974	120,000
Community Conservation Area – Zone 2 (Aboriginal Area)	Conservation and Indigenous culture	National Parks and Wildlife Act 1974	22,000
Community Conservation Area – Zone 3 (State Conservation Area)	Conservation, recreation and mineral extraction	National Parks and Wildlife Act 1974	185,000
Community Conservation Area – Zone 4 (State Forest)	Forestry, recreation and mineral extraction	Forestry and National Park Estate Act 1998 and Forestry Act 1916	273,000
Reserve System	Conservation, recreation and mineral extraction	National Parks and Wildlife Act 1974	240,000

- 9.23** Other local residents, such as Mrs Heather Andrews, V & HD Andrews Haulage, told the Committee that the final Brigalow decision had left many in the community ‘floundering’.<sup>685</sup>
- 9.24** Some members of the local community questioned the conservation benefits of the NSW Government’s Brigalow decision. The BRUS option, Mr Hayman explained, argued that while national parks ‘as a vehicle for conservation is for the most part valid, it is not necessarily the best in all situations’.<sup>686</sup> Indeed, Mr Hayman asserted that creating a national park in the Pilliga would not ‘deliver the conservation values needed in these forests’.<sup>687</sup>
- 9.25** Mr Sinclair advised the Committee that he felt that when the final NSW Government proposals were published they did not ‘recognise existing use or the benefits there were from the management that had been undertaken over the years in that area’.<sup>688</sup> Indeed, in his draft report Mr Sinclair cautioned that ‘management is more significant than tenure’.<sup>689</sup>

## Results of conversion

- 9.26** Inquiry participants expressed a number of concerns regarding what they perceived as the negative impacts of converting State forest in the Pilliga area to national park. These concerns included the impact on the timber industry, employment, the local community, tourism and on forest health.

<sup>685</sup> Mrs Heather Andrews, V & HD Andrews Haulage, Evidence, 27 September 2012, p 28.

<sup>686</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, p 3.

<sup>687</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, p 4.

<sup>688</sup> Mr Sinclair, Evidence, 4 December 2012, p 20; see also Submission 225, NSW Forest Products Association, p 30.

<sup>689</sup> Answers to questions taken on notice taken during evidence 27 September 2012, Mr Hayman, Draft Brigalow Belt South Bioregion Assessment Report, p 8.

### Timber industry

- 9.27** The Committee received evidence from Inquiry participants from the local timber industry that wood supply agreements had been entered into after the Brigalow decision, but that these agreements proved inadequate.
- 9.28** As noted previously, assistance packages were offered to timber businesses and their employees exiting the industry. The Committee was told that the structural adjustment program included ‘business exit assistance, timber worker assistance and industry development assistance and was used, for example, to transition to cypress thinning and the construction of a new Visitor and Information Centre in Baradine’.<sup>690</sup>
- 9.29** For the remaining mill owners, wood supply agreements were designed to give a guaranteed supply of wood until 2025. Up to 57,000 cubic metres of cypress pine per year was to be made available to the cypress industry, as well as up to 2,050 cubic metres of ironbark sawlogs and fencing, and other wood products such as firewood.<sup>691</sup> Mr Patrick Paul, Director of Gunnedah Timbers and Baradine Sawmill, informed the Inquiry that the NSW Government provided investment for those companies which remained, providing ‘two for one, for every dollar sawmills invested in plant and machinery to make it safer and easier for the staff and it was \$2 by the Government for every dollar the mills put in’.<sup>692</sup>
- 9.30** A number of Inquiry participants expressed a deep concern, however, that the wood supply agreements have been inadequate, with at least two sawmills having closed since 2006 due to supply problems.<sup>693</sup> In his submission to the Committee, Mr George Paul of Gunnedah Timbers claimed that a smaller land allocation for timber production has led to an increased recurrence of logging, which in turn has led to a decrease in average log size.<sup>694</sup> According to Mr Patrick Paul, ‘if we continued at the rate we are going ... the log size average is diminishing. As I have said, we signed up in good faith in 2005 that the average log size would not become the minimum requirement as per the wood supply agreement’.<sup>695</sup>
- 9.31** Mr Patrick Paul maintained that the decrease in log size has created an economic strain because these logs are ‘becoming virtually unmarketable in the market place: we cannot sell them. It is becoming harder for the contractor to log and maintain his viability because he is cutting that many more pieces per load to get a load of logs and he is covering that much more area’.<sup>696</sup> Mr George Paul cautioned that if new areas of forest were not made available for logging that the remaining mills in the Pilliga would be forced to close in 2014.<sup>697</sup>

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<sup>690</sup> Office of Environment and Heritage, NSW National Parks and Wildlife Service, *Brigalow and Nandewar western regional assessment*, accessed 23 January 2012, <<http://www.environment.nsw.gov.au/forestagreements/BrigalowNandewar.htm>>

<sup>691</sup> Office of Environment and Heritage, NSW National Parks and Wildlife Service, *Brigalow and Nandewar western regional assessment*, accessed 23 January 2012, <<http://www.environment.nsw.gov.au/forestagreements/BrigalowNandewar.htm>>

<sup>692</sup> Mr Patrick Paul, Director, Gunnedah Timbers, Evidence, 27 September 2012, p 27.

<sup>693</sup> Mr Paul, Evidence, 27 September 2012, p 29.

<sup>694</sup> Submission 289, Mr George Paul, Gunnedah Timbers Pty Ltd, p 2.

<sup>695</sup> Mr Paul, Evidence, 27 September 2012, p 30.

<sup>696</sup> Mr Paul, Evidence, 27 September 2012, p 30; see also Mr Daniel Clissold, Pilliga Natural Timbers, Evidence, 4 October 2012, p 59.

<sup>697</sup> Submission 289, p 3.

- 9.32** As one possible solution, Mr George Paul suggested that adequate logs of sufficient size and quantity could be accessed through a 'land swap'. He proposed that 18,000 hectares of land currently in Zone 3 (State Conservation Area) be transferred back to Zone 4 (State Forest) in exchange for 70,000 hectares of land currently in Zone 4 (State Forest) which would be reclassified as Zone 3 (State Conservation Area).<sup>698</sup>
- 9.33** Some Inquiry participants, such as Cr Peter Shinton, Mayor of Warrumbungle Shire Council, expressed support for the proposal,<sup>699</sup> however, others questioned the conservation value of the land proposed for reservation. For example, Mr Pepe Clarke of the Nature Conservation Council suggested that the environmental value of the land would be dependent on when it was last logged, amongst other factors. He observed that as a general rule 'the conservation values of forest areas increase over time ... and are highest in those areas that are in fact old growth or that have not been logged for a very long time'.<sup>700</sup> He argued that a land swap is not something which would be 'supported from a conservation perspective'.<sup>701</sup>
- 9.34** Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, informed the Committee that concerns about wood supply are 'a decision for the government of the day' but maintained that the classification of land, such as in the Pilliga, involved 'the best science available and relied on figures supplied by the foresters as to how much timber would be required for an ongoing timber industry'.<sup>702</sup> She insisted that if a land swap was pursued a range of sustainability issues needed to be considered and acknowledged 'it would be a big change, but it would be up to the government of the day to work out the drivers for those changes'.<sup>703</sup>

### Employment

- 9.35** Several Inquiry participants raised the impact of the Brigalow decision on employment in the local area. According to Cr Shinton around '40 jobs were lost when the forestry industry was closed down in the Pilliga'.<sup>704</sup> Cr Shinton said that limited alternative employment is available in the area compounding the effect of employment loss on small communities, such as Baradine.<sup>705</sup>

<sup>698</sup> Submission 289, p 1; See also Mr Paul, Evidence, 27 September 2012, p 30.

<sup>699</sup> Cr Peter Shinton, Mayor, Warrumbungle Shire Council, Evidence, 27 September 2012, p 8; see also Mr Clissold, Evidence, 4 October 2012, p 59.

<sup>700</sup> Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council Evidence, 4 December 2012, p 7.

<sup>701</sup> Mr Clarke, Evidence, 4 December 2012, p 7; see also Ms Beverly Smiles, Evidence, 27 September 2012, p 43.

<sup>702</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 53.

<sup>703</sup> Ms Barnes, Evidence, 5 December 2012, p 53.

<sup>704</sup> Cr Shinton, Evidence, 27 September 2012, p 2.

<sup>705</sup> Cr Shinton, Evidence, 27 September 2012, p 10.

- 9.36** While jobs became available with the NPWS following the conversion, many Inquiry participants suggested that these required a completely different set of skills<sup>706</sup> and that induction training was insufficient for those who did receive employment,<sup>707</sup> with some Inquiry participants explaining to the Committee that literacy levels were often a barrier to alternative employment.<sup>708</sup> NPWS, however, stated that ‘10 displaced forestry workers gained employment with NPWS following the Brigalow decision’.<sup>709</sup>
- 9.37** Cr Shinton explained in evidence that unemployment was high in his local government area, informing the Committee that current levels stand at around 5% in the region and 8% in Baradine. This point was supported by the NSW Forest Products Association which asserted that jobs ‘have been lost, businesses closed and towns in virtual collapse. More than \$60 million per year in economic value to the region has been lost’.<sup>710</sup>
- 9.38** Some Inquiry participants commented that alternative employment could be sought in the mining industry and Cr Shinton informed the Committee that, in fact, many people in Coonabarabran were employed to work in interstate mines.<sup>711</sup> However, other Inquiry participants expressed concern over the difficulty in maintaining the few remaining timber industry workers because of the competitive pay offered by mining companies.<sup>712</sup> As Mr Hyde explained:
- ... we train these guys up from scratch, teach them the control systems and things like that, the mines are obviously able to offer a larger, better package for them. So, we lose those guys. It is really hard, not so much to train our guys but to keep them in our industry.<sup>713</sup>
- 9.39** In addition to the closure of a number of sawmills in the area, Inquiry participants gave evidence of the flow-on effect to other local businesses, many of whom were forced to close in the following years.<sup>714</sup> Mr Rick Warren, General Manager of Coonamble Shire Council, explained to the Committee that the decision was:

... quite a blow to the community. What we have also seen and carried on was a down trade in other businesses that depended on those sorts of things—it affects things like school teacher numbers and those sorts of things.<sup>715</sup>

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<sup>706</sup> Cr Shinton, Evidence, 27 September 2012, p 2.

<sup>707</sup> Submission 225, p 31.

<sup>708</sup> Mr Paul, Evidence, 27 September 2012, p 26.

<sup>709</sup> Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage to Committee Secretariat, 28 November 2012, p 6.

<sup>710</sup> Submission 225, p 32.

<sup>711</sup> Cr Shinton, Evidence, 27 September 2012, p 11; see also Mr Clissold, Evidence, 4 October 2012, p 56.

<sup>712</sup> Cr Shinton, Evidence, 27 September 2012, p 11; see also Mr Paul Hyde, Hyde Haulage, Evidence, 27 September 2012, p 26 and Mr Clissold, Evidence, 4 October 2012, p 55.

<sup>713</sup> Mr Hyde, Evidence, 27 September 2012, p 26.

<sup>714</sup> Cr Shinton, Evidence, 27 September 2012, p 11.

<sup>715</sup> Mr Rick Warren, General Manager, Coonamble Shire Council, Evidence, 27 September 2012, p 4.

- 9.40** Witnesses reported a decrease in the population of local towns as residents left.<sup>716</sup> Mr Hayman informed the Committee that there was a ‘drop in the [Baradine] district's population of 15 per cent, with a drop of 12 per cent in full-time employment’.<sup>717</sup> Cr Shinton also informed the Committees that changes in the census boundaries had presented a challenge in comparing changes in population in recent years.<sup>718</sup>

### **Community**

- 9.41** Many Inquiry participants expressed concern regarding the social impact of the decision on the local community. They told the Committee that the impact of the closure of much of the local timber industry was felt further than simply the direct employees themselves.
- 9.42** The Committee heard that the industry adjustment package provided to employees to assist their transition out of the timber industry had itself had negative impacts. Employees were offered either a cash payment or a smaller cash payment and education. As Cr Shinton observed:

I can remember when the whole thing happened and we were told to try to convince people—they offered you a cash payment and there was a payment with education attached—and I tried to convince everybody at a public meeting the best option would be to take a small amount and educate yourself, but we noticed that boat sales increased and new car sales went up and they blew the money. That is all there was to it, there was no education.<sup>719</sup>

- 9.43** Mrs Andrews of Andrews Haulage, further commented on the negative impact of the closures and the loss employment had on the community:

After the decision ... we had a lot of social problems. We had three domestic violence cases, which happened because of the loss of jobs and the financial situation. As stated, a lot of them opted not to take the training; they took the money and spent it on new cars, alcohol and drugs.<sup>720</sup>

### **Tourism**

- 9.44** Inquiry participants argued that the expected tourism industry had yet to develop in the region and that this industry had yet to replace the revenue lost from the timber industry which existed before the Brigalow decision.
- 9.45** According to Mr Hayman, the local community were told at the time of the decision that the reclassification of land would ‘deliver a sustainable timber industry, an increase in the employment base and a more viable community as a result of National Parks and Wildlife Service spending and greatly increased tourist income’.<sup>721</sup>

<sup>716</sup> Cr Shinton, Evidence, 27 September 2012, p 12.

<sup>717</sup> Mr Hayman, Evidence, 27 September 2012, p 15.

<sup>718</sup> Cr Shinton, Evidence, 27 September 2012, p 10.

<sup>719</sup> Cr Shinton, Evidence, 27 September 2012, p 9.

<sup>720</sup> Mrs Andrews, Evidence, 27 September 2012, p 25.

<sup>721</sup> Mr Hayman, Evidence, 27 September 2012, p 15.

- 9.46** Many Inquiry participants asserted, however, that the tourist income, in particular, has not materialised. Although Cr Shinton reported an increase in the number of visitors to his local government area, he also pointed out that this has not necessarily meant that tourism dollars were being spent on local businesses. For example, he told the Committee that many tourists do not stay or stop in Coonabarabran or Baradine, instead passing through on the way to camping areas in the Pilliga after stopping in Dubbo.<sup>722</sup>

### **Forest health and management**

- 9.47** Many Inquiry participants raised concerns regarding the impact that conversion to national park had taken on the health of the Pilliga forest, suggesting that not removing smaller logs had led to a decrease in biodiversity. For example, Cr Shinton suggested to the Committee that areas such as the Pilliga would ‘eventually become uninhabitable monocultures’.<sup>723</sup> Similarly, Mr Clissold contended that the ‘Pilliga needs to be thinned ... The problem is now that this is not getting thinned. Nothing is happening to it at all. We are going to end up with a sick forest’.<sup>724</sup>
- 9.48** This is an issue which was raised with the Committee by numerous Inquiry participants across the State, in particular, areas which were visited during the course of the Inquiry. The impact of converting areas of land to national park estate has on the health of forests will be discussed further in Chapter 10.

### **Committee comment**

- 9.49** The Committee notes the deep disappointment felt by many Inquiry participants regarding the consultation process which preceded the conversion of land in the Pilliga forest to national park estate. It is clear from the evidence given to the Committee that many Inquiry participants in the Pilliga felt that their views had been ignored in the final recommendations regarding the conversion of land. Of particular concern was the apparent dismissal of the BRUS Option recommended by the independent Sinclair Report, chaired by the Rt Hon Ian Sinclair.
- 9.50** The Committee recognises the evidence from Inquiry participants that the contraction of the timber industry in the Pilliga region had significant economic and social consequences, which were at times dramatic and devastating.
- 9.51** As with other Case Studies in this report, the Committee notes that Inquiry participants asserted that the health of the forest post conversion to national park estate had declined, and called for active management of the cypress forests in Pilliga reserves.
- 9.52** The Committee acknowledges the proposal to make areas of land currently within the national park system available for commercial forestry and supports this call for greater access to areas which were previously State forest estate, possibly as part of a ‘tenure swap’. This proposal is reflected in Recommendation 10.

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<sup>722</sup> Cr Shinton, Evidence, 27 September 2012, p 13.

<sup>723</sup> Cr Shinton, Evidence, 27 September 2012, p 2.

<sup>724</sup> Mr Clissold, Evidence, 4 October 2012, p 56.

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## Chapter 10 Environmental and heritage impacts

This Chapter discusses the environmental and heritage impacts of the conversion of Crown land, State forest and agricultural land to national park estate. This includes the impact of conversion on biodiversity and conservation outcomes, carbon dioxide sequestration, water catchments and access to water and on Indigenous and other heritage values. At times, Inquiry participants provided conflicting evidence regarding the health of forests converted to national parks and what constitutes a healthy forest. This issue is at the core of whether national parks are delivering the environmental outcomes they are designed to produce.

### Responsibility for managing environmental outcomes

- 10.1** The *Environmental Planning and Assessment Act 1979* (EP&A Act) and a range of separate issue-specific Acts govern how private and public land holders in New South Wales manage, use and develop land. There is considerable interplay between the Acts, which contain similar obligations on both private and public landholders with respect to environmental conservation aims and objectives.<sup>725</sup>
- 10.2** In addition, the *Threatened Species Conservation Act 1995* and the *Fisberies Management Act 1994* both contain provisions relating to environmental outcomes that are specific to public authorities and additional to private landholder obligations. Public authorities have a responsibility to ensure their activities are consistent with Threatened Species Recovery Plans and Threat Abatement Plans.<sup>726</sup>
- 10.3** The following section considers the environmental responsibilities of the three main public land managers in New South Wales.

#### Crown Lands Division

- 10.4** The *Crown Lands Act 1989* sets out the principles by which Crown land is managed in New South Wales. The NSW Government indicated that these principles are broadly ‘environmental protection, natural resource conservation, sustainable land and resource management, public use and enjoyment and multiple use, and the best interests of the State consistent with the other principles’.<sup>727</sup>
- 10.5** Further, they stated that the principles also provide for the multiple use of Crown land (and where appropriate the development of individual Crown land parcels). The NSW Government explained that the conservation of natural resources and their values is ‘an inherent part of these principles’. Plans of management, the NSW Government informed the Committee, are prepared by reserve trusts established to manage reserves and by the Minister responsible for the *Crown Lands Act 1989* and establish appropriate use of that land.<sup>728</sup>

<sup>725</sup> Submission 332, NSW Government, p 52.

<sup>726</sup> Submission 332, p 52.

<sup>727</sup> Submission 332, p 53.

<sup>728</sup> Submission 332, p 53.

- 10.6** As outlined in Chapter 2, according to the NSW Government, leases and licences are granted to facilitate the valid use of Crown land. These leases and licenses can be ‘conditioned to provide for environmental management on these lands. This could include works to manage noxious weeds, feral pests, bushfire hazards, soil erosion, contaminated land and coastal management and rehabilitation’.<sup>729</sup> Where areas of Crown land are untenanted and unallocated, the Crown Lands Division directly manages the environmental responsibilities for this land. The NSW Government advised that the Crown Lands Division also manages the Western Lands leases, described in Chapter 2, to contribute to sustainable grazing and environmental outcomes.<sup>730</sup>

### **NSW National Parks and Wildlife Service**

- 10.7** The NSW Government explained that every year the NSW National Parks and Wildlife Service (NPWS) undertakes a wide range of land management works and activities across the national park estate. Further, they advised these activities must be ‘planned, assessed and implemented to ensure impacts on the environment are either avoided or mitigated’.<sup>731</sup>
- 10.8** According to the NSW Government, NPWS has developed a comprehensive and rigorous system for the ‘environmental assessment of all activities within the national parks system, ensuring compliance with the suite of legislative requirements’. The NSW Government stated that NPWS prepares guidelines for planning authorities to assist when considering development proposals in land adjoining national parks.<sup>732</sup>

### **Forestry Corporation of NSW**

- 10.9** The Committee received evidence from the NSW Government that Forestry Corporation of NSW (formally Forests NSW) implements environmental management practices through the Ecologically Sustainable Forest Management Plans (ESFM) for each region, which are dealt with more specifically in each region’s supplementary plans.<sup>733</sup>
- 10.10** The NSW Government advised that all of Forestry Corporation’s operations have ‘achieved and continue to maintain certification to the international standard for Sustainable Forest Management’ and added that all ‘environmental management on State forests is subject to an Environmental Management System (AS 14001)’.<sup>734</sup>

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<sup>729</sup> Submission 332, p 53.

<sup>730</sup> Submission 332, p 53.

<sup>731</sup> Submission 332, p 52.

<sup>732</sup> Submission 332, p 52.

<sup>733</sup> Submission 332, p 53.

<sup>734</sup> Submission 332, p 53.

## Biodiversity

- 10.11** During the course of the Inquiry, Inquiry participants argued that by reserving land, ecosystems and biodiversity are protected. The NSW Government informed the Committee that in New South Wales over ‘800 species, 35 populations and 75 ecological communities are listed as threatened’ and that since settlement the State has experienced ‘declines and extinctions in a broad suite of native plants and animals’.<sup>735</sup> As previously explained in Chapter 3 one of the aims of establishing national parks is to protect and enhance ecosystems and the biodiversity within them.

### The importance of biodiversity

- 10.12** The National Parks Association of NSW informed the Committee that biodiversity is a ‘concept that represents life on Earth’.<sup>736</sup> They quoted the Millennium Ecosystem Assessment from 2005 which defines biodiversity as the ‘the diversity of all organisms, be they plants, animals, or microorganisms, the diversity within and among species and populations, and the diversity of ecosystems’.<sup>737</sup> The National Parks Association expressed the view that ‘biodiversity is required for resilience and functioning of the ecosystem’.<sup>738</sup>

- 10.13** In their submission to the Inquiry, the Environmental Defender’s Office Ltd (EDO) NSW explained why they felt biodiversity was important:

The reasons for conserving nature, and in particular biodiversity, are many and include recognition of nature’s intrinsic value; maintenance of ecosystem services; aesthetic and recreational enjoyment; economic value; and future uses ... Ecosystems perform many important ‘services’ which directly benefit the community. For example, healthy productive landscapes depend on ecosystem processes which maintain water quality in catchments; moderate the atmosphere; conserve soil fertility; maintain coastal function; pollinate crops; and sequester carbon.<sup>739</sup>

- 10.14** Further, EDO NSW argued that protected areas contribute to ‘biodiversity conservation by assisting species to adapt to climate change’<sup>740</sup> and argued that protecting land was the most effective way to safeguard biodiversity:

The benefits of biodiversity are indisputable, so too is the most effective means of safeguarding it into the future: protecting land in perpetuity. In 2005, the Secretariat to the Convention on Biological Diversity acknowledged this link, resolving that the only way to significantly reduce biodiversity loss and to conserve ecosystems, species and habitats was to create a global system of protected areas. The reason is clear: protected areas control and in some instances eliminate the major threats to biodiversity.<sup>741</sup>

<sup>735</sup> Submission 332, p 10.

<sup>736</sup> Submission 406, National Parks Association of NSW, p12.

<sup>737</sup> Submission 406, p12.

<sup>738</sup> Submission 406, p12.

<sup>739</sup> Submission 395, EDO NSW, p 4.

<sup>740</sup> Submission 395, p 8.

<sup>741</sup> Submission 395, p 5.

- 10.15** Mr Frederick Edwards of the Clarence Environment Centre stated to the Committee that healthy ecosystems are ‘essential to maintain resilience, particularly in the face of climate change’<sup>742</sup> and further argued that once an ecosystem is damaged it can take many years to recover:

It is important to understand that a properly functioning ecosystem takes hundreds of years to develop. The damage from clearing forests for mining, loss of habitat through excessive logging, or the negative impacts of other activities that destroy biodiversity cannot be undone in an instant by rehabilitation of the site once the damage is done.<sup>743</sup>

- 10.16** The OEH explained that, given the importance of protecting biodiversity, the reservation of land is necessary. They argued that reservation:

... protects in-perpetuity and by secure legal means, threatened species, habitats, and ecosystems thereby providing a secure basis for working towards long-term recovery. By placing the primary emphasis on conservation, threats to these values are reduced and what would otherwise be competing uses and objectives are avoided.<sup>744</sup>

### **Potential impacts of forestry practices on biodiversity**

- 10.17** A number of Inquiry participants argued that unsustainable logging practices in State forests represent a significant threat to biodiversity and raised concerns regarding the long term viability of regional wood supply agreements, to be explained in Chapter 13. For example, EDO NSW argued that current forestry activities would not pass a ‘sustainable use’ test, suggesting that:

Seventy percent of Australia’s remaining forests – including state forests - are ecologically degraded from logging. Kingsford et al have identified the loss and degradation of habitat as the first of six major threatening processes driving biodiversity decline in Oceania, threatening more terrestrial species than any other process. EDO NSW submits that current forestry activities in NSW would not pass a “sustainable use” test.<sup>745</sup>

- 10.18** Referring to the forests in the north east of the State, the North East Forest Alliance contended that public forests ‘have never been managed on a sustainable yield basis’.<sup>746</sup> Ms Susie Russell, President, North Coast Environment Council Inc., put forward a similar view, suggesting that forestry in New South Wales had ‘always operated on an unsustainable basis’ and had always had ‘over-allocations’. Ms Russell said that:

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<sup>742</sup> Mr Frederick Edwards, Clarence Environment Centre, Evidence, 5 October 2012, p 16.

<sup>743</sup> Mr Edwards, Evidence, 5 October 2012, p 16.

<sup>744</sup> Answers to supplementary questions 15 October 2012, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Question 1b, p 9.

<sup>745</sup> Submission 395, p 13.

<sup>746</sup> Submission 304, North East Forest Alliance, p 5.

If you go to the management plans that were created in the 1960s, 1970s, 1980s about how much timber they thought they were going to get out, they have always overestimated. They have always had rose-coloured glasses on when it looked at how much wood that they thought they were going to have available to them.<sup>747</sup>

- 10.19** Mr Ashley Love, President of the Coffs Harbour-Bellingen Branch of the National Parks Association NSW, suggested that over-allocation and over-harvesting resulted in forest degradation:

The most commonly applied silvicultural technique is called Australian single-tree selection under which up to 80 per cent of the trees in any particular area can be removed. That is close to clear-felling. You can clear-fell under single-tree selection on the North Coast and they are doing it to meet the timber shortfall. Unfortunately the forests are left in a pretty dire state ... The forests are being degraded by over-harvesting and future sustainability yields will be dramatically reduced.<sup>748</sup>

- 10.20** Mr Edwards of the Clarence Environment Centre expressed the view that over-logging is contributing to the dieback of the forest by opening up too much of the canopy. Discussing Ramornie forest in north east New South Wales, he explained that:

... you have got to remember that a lot of our national park estate was State forest previously ... That forest I reckon would take about 50 years to recover and probably 30 years before there was anything worth logging there because it was so heavily logged. It was so heavily logged the canopy was reduced to an extent that has allowed sunlight into the forest floor. There is a serious lantana problem, which is an invasive weed, as a result. Bell miner birds are already present. There is bell miner dieback in the neighbouring Ramornie State Forest. That entire forest is now under threat from the dieback as a result of overlogging opening up that canopy.<sup>749</sup>

- 10.21** According to EDO NSW there is an 'inherent tension' between the aims of ecologically sustainable forest management and the need to harvest specific volumes of timber per year. They put it to the Committee that while logging conducted under the *Forestry and National Parks Estates Act* (1988):

... must promote ecologically sustainable forest management (ESFM), it has been observed that there is an inherent tension between the adaptive management regime underpinning ESFM and statutory requirements to produce, without exception, specific volumes of timber every year.<sup>750</sup>

<sup>747</sup> Ms Susie Russell, President, North Coast Environment Council Inc., Evidence, 4 October 2012, p 29.

<sup>748</sup> Mr Ashley Love, President, National Parks Association of New South Wales, Coffs Harbour-Bellingen Branch, Evidence, 4 October 2012, pp 24-25.

<sup>749</sup> Mr Edwards, Evidence, 5 October 2012, pp 19-20.

<sup>750</sup> Submission 395, p 14.

### **Biodiversity and hollow-bearing trees**

- 10.22** A number of Inquiry participants highlighted that the presence of ‘hollow bearing trees’ was integral to the health of a forest.<sup>751</sup> For example, the North East Forest Alliance advised the Committee that hollow bearing trees provide habitat for a range of native animals and argued that their loss is a key threatening process to fauna:

A plethora of forest animals depend upon the trunk and branch hollows provided by big old trees for their survival. Approximately 20% of the Australian bird fauna, 75% of arboreal marsupial fauna and an undetermined proportion of the bat, reptile and invertebrate fauna are dependent on the hollows provided by old trees for roosts, nests and shelter. The loss of the hollows provided by large old trees has been identified as a primary threat to a variety of priority species in north east NSW.<sup>752</sup>

- 10.23** The North East Forest Alliance argued that it has ‘long been recognised that to mitigate the impact of logging operations upon some hollow dependent fauna it is necessary to manage for provision of habitat trees in perpetuity’.<sup>753</sup> They recommended that:

The inquiry needs to recognise that the maintenance of large old hollow-bearing trees in perpetuity is the single most important requirement for ecologically sustainable forestry.<sup>754</sup>

- 10.24** Mr Edwards, Clarence Environment Centre, suggested that the pressure to increase yields led the Forestry Corporation to ignore environmental safeguards, such as the requirement to retain a certain number of hollow bearing trees. He asserted that the Forestry Corporation are:

... only required under the Integrated Forest Operations Agreement to retain 10 hollow-bearing trees and 10 recruitment trees per each two hectares. We have done a lot of audits of State forest logging in the past three years and we have yet to find a forest where there is that number of trees retained, in fact ... We had evidence at Clouds Creek, for example, where old growth trees, really big habitat trees had actually been torched. In other words, the tree was burned post-harvest and the ground around them was not burned, so the evidence suggests that they were deliberately set fire to. This is, of course, to get rid of the trees so more trees can come up. Any suggestion that they keep all of the trees is absolute rubbish.<sup>755</sup>

- 10.25** Ms Russell expressed a similar view, raising concerns that the Forestry Corporation removes old growth forest to promote the regrowth of trees:

The State forests had a policy which was called liquidating the old growth. That was their actual policy, that they were going forth, and they were basically focusing on old growth forest in order to liquidate it, and then they were going to come back and deal with the regrowth.<sup>756</sup>

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<sup>751</sup> Submission 304, p 97; see also, Submission 317, The Colong Foundation for Wilderness, p 96.

<sup>752</sup> Submission 304, p 97.

<sup>753</sup> Submission 304, p 99.

<sup>754</sup> Submission 304, p 5.

<sup>755</sup> Mr Edwards, Evidence, 5 October 2012, p 19.

<sup>756</sup> Ms Russell, Evidence, 4 October 2012, pp 26-27.

- 10.26** The North East Forest Alliance contended that despite retention requirements there was ‘a war of attrition being waged against hollow-bearing trees’:

Despite retention requirements being specified for the retention of hollow-bearing trees, and recruitments to grow into the hollow-bearing trees to replace them when they die, the achievement of requirements are often grossly inadequate and there appears to be a war of attrition being waged against hollow-bearing trees ...Despite the aims of silvicultural prescriptions being the maintenance of multi-aged forests, Forests NSW are rorting the intent by practicing virtual clearfelling of large tracts of forests to convert them into single-aged regrowth monocultures. This is contrary to the intent of the legal requirements and the basic precepts of ecologically sustainable forestry.<sup>757</sup>

- 10.27** Ms Jane Watson of the Oxygen Farm, expressed concern that the neighbouring Bulga State Forest was being mismanaged and that:

There is breaching of environmental licence conditions all the time, ever-shortening logging cycles—10 years compared to the previous 20 to 25 or 30 years—and practically clear-felling of the areas they log. Even the loggers of our district, who have never been sympathetic to the conservation cause, expressed their disgust and disbelief at the logging practices last year on some areas that were being logged. The current logging practices are known locally and probably further afield as "flogging" ... I used to believe it was possible for the State forest agency to be responsible for managing areas for conservation values. I no longer believe that this is possible because there is too much pressure for product when there is a profit factor involved.<sup>758</sup>

- 10.28** South East Forest Rescue echoed this view asserting that for the Forestry Corporation with regard to Integrated Forestry Operations Approvals (IFOAs), explained in Chapter 2, ‘non-compliance is situation normal’:

... Non-compliance is par for the course during forestry operations. It is obvious that warning letters are issued but the issues of non-compliance are taken no further.<sup>759</sup>

- 10.29** Mr Ted Hayman, President of the Baradine and District Progress Association acknowledged that the harvesting of hollow ironbark trees in the Pilliga had been a problem in the past. He stated that: ‘There was a definite problem with the harvesting of the hollow ironbark trees – that is accepted. In hindsight everybody says that should never have happened’.<sup>760</sup>

<sup>757</sup> Submission 304, pp 5-6.

<sup>758</sup> Ms Jane Watson, The Oxygen Farm, Evidence, 4 October 2012, p 35.

<sup>759</sup> Submission 271, South East Forest Rescue, p 21.

<sup>760</sup> Mr Ted Hayman, President, Baradine District Progress Association, Evidence, 27 September 2012, p 22.

**Monitoring of Forestry Corporation compliance with environmental obligations**

**10.30** As evidenced, a number of Inquiry participants have questioned the compliance of the Forestry Corporation with regard to their environmental obligations. How the Forestry Corporation is monitored in this regard was discussed during the Inquiry. The NSW Environment Protection Authority (EPA) are responsible for ensuring compliance with the requirements of the IFOAs. The NSW Government stated that the EPA maintains an active audit and compliance program to help ensure these requirements are met by the Forestry Corporation of NSW. The EPA explained to the Committee that non-compliances can range from 'administrative matters, such as failure to keep records of operational activities, through to regulatory breaches that may result in environmental harm'.<sup>761</sup>

**10.31** Mr Michael Hood, Manager of Forestry Operations Policy and Programs at the NSW EPA discussed the resources available to the EPA to monitor compliance:

I would note that our resources have increased in the past 12 months in terms of the amount of resources we have on the ground. There is obviously a network of enthusiastic community members who spend a lot of time in the forests reviewing the activities of Forests NSW against the licence and drawing their conclusions about how compliant or not they might be in any particular case. We are putting a lot of work into getting a strategic forward program of auditing, so I guess there is always a balance of responding to community complaints and trying to get out and do our own proactive audit program.<sup>762</sup>

**10.32** Mr Nic Roberts, Chief Executive Officer of Forests NSW (now Forestry Corporation of NSW), explained that Forests NSW (now Forestry Corporation of NSW) ecologists do undertake an 'assessment of the block as to what threatened species might be evident' before logging commences.<sup>763</sup> However, using koala habitats, which are indicated by 'scats' or koala faeces, as an example he explained the difficulty these ecologists sometimes faced:

We have 10 hours of survey time per every 200 hectares ... It is possible, given that you are doing a sampling process when you go into a block, that you can miss a scat. Two hundred hectares of native bush to find every scat would be a very difficult thing to do.<sup>764</sup>

**10.33** Mr Roberts was questioned regarding the recent verdict in a case against Forests NSW that concluded the number of convictions suggests either a pattern of continuing disobedience in respect to environmental laws generally or, at the very least, a cavalier attitude to compliance with such laws. Mr Roberts responded:

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<sup>761</sup> Answers to questions on notice taken during evidence 7 September 2012, Mr Michael Hood, Manager Forestry Operations Policy and Programs, NSW Environment Protection Authority, Office of Environment and Heritage, Question 3, p 2.

<sup>762</sup> Mr Michael Hood, Manager Forestry Operations Policy and Programs, NSW Environment Protection Authority, Evidence, 7 September 2012, p 10.

<sup>763</sup> Mr Nic Roberts, Chief Executive Officer, Forests NSW, Evidence, 7 September 2012, p 27. Please note that all references to Forests NSW witnesses refer to their titles at the time they gave evidence to the Committee, before Forest NSW became Forestry Corporation of NSW.

<sup>764</sup> Mr Roberts, Evidence, 7 September 2012, p 27.

I was extremely disappointed that we were in the position of being prosecuted in the first place. There were a number of features of that particular incident that we regret and basically it should not have happened. We were conducting a post-harvest burn in Nullica State Forest and the burn was started in May; it was quite cold weather. The guys responsible for the burn lit it up and it was going very slowly. They came back two days later and it had hardly moved. They came back a week later and it had hardly moved. They came back 10 days later and it had burned through the smoky mouse habitat, so we had not provided the adequate supervision that we should have done and accordingly I am very upset that that happened. It should not have happened in our business.

We are disappointed with the comment in the sense that the last prosecution Forests NSW had had been 10 years prior to that prosecution. If we had had a series of prosecutions in the intervening years I would have felt that the comment was valid but as we had not had a prosecution for at least 10 years, we felt that was quite a harsh comment in terms of disregard for the regulatory environment, which I would like to think that we certainly do not have and that we take our responsibilities very seriously.<sup>765</sup>

### **Impact of active management on biodiversity**

- 10.34** A number of Inquiry participants argued that forests in New South Wales needed active management to achieve the best environmental outcomes. Further, they suggested that conversion to national park estate had in fact had a detrimental effect on forest health and biodiversity, especially where forests had previously been State forest.
- 10.35** For example, Mr Vic Jurskis, a retired forester, discussing the World Heritage-listed forests of north east New South Wales, cautioned the Committee that he had seen previously ‘beautiful open grassy forests’ that had been damaged as ‘a result of bad management’ by the new land managers.<sup>766</sup>
- 10.36** Further, Mr Jurskis stated that the ‘lack of frequent low-intensity burning or an ecological analogue is destroying our forests’<sup>767</sup> and suggested that the new management regime of State forests which had been converted into national park estate had resulted in ‘pest and weed control problems, gross changes in vegetation, megafires, extreme soil erosion and huge damage to infrastructure’.<sup>768</sup> He explained what he viewed as being the major environmental impacts of converting land to national park estate:

... damage to soils and water catchments, loss of biodiversity, chronic decline of eucalypts and proliferation of pests, parasites, diseases and megafires as a consequence of excluding frequent low intensity fire from the landscape and failing to employ ecologically analogous practices such as grazing or slashing to mimic natural ecosystem processes.<sup>769</sup>

<sup>765</sup> Mr Roberts, Evidence, 7 September 2012, p 34.

<sup>766</sup> Mr Vic Jurskis, retired forester, Evidence, 4 December 2012, p 40.

<sup>767</sup> Mr Jurskis, Evidence, 4 December 2012, p 41.

<sup>768</sup> Submission 460, Mr Vic Jurskis, p 9.

<sup>769</sup> Submission 460, pp 10-11.

- 10.37** Mr Peter Rutherford, a local resident, asserted that ‘passive parks management has not always resulted in positive biodiversity outcomes for threatened species’.<sup>770</sup> Further, he expressed the view that:

There is long-term evidence to show that even threatened species of flora and fauna, can co-exist with other forest uses, including harvesting for forest products. For many bird, mammal and reptiles, predation by exotic predators is the key threatening process, not harvesting.<sup>771</sup>

- 10.38** The NSW Forest Products Association (FPA) expressed frustration at what it saw as the irony that forests managed well under active management practices were ear-marked for conversion to national park:

Ironically, many of the forests that have been added to the National Parks and conservation estate, over the past fifteen or so years, were sustainably managed regrowth (or production) forests. The fact that these regrowth (and, in some instances, plantation) forests continue to maintain the ecological/biodiversity values that renders them suitable for conservation, highlights the effectiveness of the sustainable forest management practices and the RFA [Regional Forest Agreement] process.<sup>772</sup>

- 10.39** As discussed above, other Inquiry participants disputed that current forestry practices have a positive effect on biodiversity. Mr Keith Stockwell considered past forestry practices in the red gum forests were ‘not perfect’, and led to ‘an inadequate number of good habitat trees’.<sup>773</sup> Ms Beverly Smiles, a representative of the National Parks Association of NSW, discussed the fundamental different objectives of different land managers:

The view of people who harvest timber and manage an area of land to obtain harvestable timber revolves around silviculture. They look at how to manage an area to grow good logs. The fact that some native species can use some of those elements in those forests is a sideline to the consideration of the way those forests are managed. Managing an area for the benefit or survival of threatened species is totally different.<sup>774</sup>

- 10.40** Mr Jurskis echoed this view, highlighting the perceived paradox that ‘lands assessed as having high environmental values after up to a century of multiple use management have been taken out of that management ostensibly to protect those same values’.<sup>775</sup>

- 10.41** Mr Ainley of the NSW FPA told the Committee that ‘plantations have gone into the reserve system as old growth icons’ including ‘Pine Creek, Queens Lake, Myall River, Wollumbin, Whian Whian, Tuggalo’.<sup>776</sup>

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<sup>770</sup> Submission 88, Mr Peter Rutherford, p 3.

<sup>771</sup> Submission 88, p 3.

<sup>772</sup> Submission 216, NSW Forest Products Association, p 6.

<sup>773</sup> Mr Stockwell, Evidence, 2 August 2012, p 33.

<sup>774</sup> Ms Beverly Smiles, National Parks Association, Evidence, 27 September 2012, p 42.

<sup>775</sup> Submission 460, p 8.

<sup>776</sup> Mr Russell Ainley, Executive Director, NSW Forest Products Association, Evidence, 14 September 2012, p 61.

- 10.42** However, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, stated that only ‘a very small percentage’ of the reserve system comprises plantations.<sup>777</sup>
- 10.43** Mr Grant Johnson, Policy Manager, Australian Forest Products Association (AFPA), accepted that areas of pristine or unique forest should be preserved, but argued that the management and sustainable use of some forests would not ‘necessarily have to be in conflict with conservation outcomes’.<sup>778</sup> Further, he agreed with the view that using sustainable management principles would ‘enhance and maintain the biological and biodiversity outcomes and values of that forest’.<sup>779</sup> He stated:

I think a properly managed and sustainably managed multiple-use forest is able to reach a range of high conservation value outcomes. That must be recognised by the fact that, for instance, in Tasmania and New South Wales a range of forests that were previously managed as sustainable native forest operations were recognised for their high conservation values and subsequently were incorporated into national parks. It would seem that if you can manage the landscape over a long period of years, many decades, and that land is still deemed suitable for preservation because of its high conservation values. It would seem to make sense there does not seem to be too much of a conflict.<sup>780</sup>

#### **Stem density and biodiversity – river red gum and cypress forests**

- 10.44** Inquiry participants raised concerns regarding the impact of conversion on the density of tree stems in forests, or so called ‘lock up’ of forests, and the impact this had on biodiversity. Concerns were raised regarding the increase in stem density and the ecological effect this was having in forests, in particular, in the river red gum forests and the Pilliga forest.
- 10.45** Mr Max Rheese, Executive Director, Australian Environment Foundation explained to the Committee how this ‘lock up’ of forests affected the river red gum region after its conversion to national park estate:

This thickening of the forest is turning forests that have been reserved or protected into biodiversity deserts. When the investigation was going on for the Riverina red gum national parks the foundation invited Dr John Williams down to the Nyah-Vinifera forest, which is just over the river near Robinvale, and we did a tour through the forest. We wanted Dr Williams to see the Nyah-Vinifera forest because we believe that is what the future of the Millewa forest would be if it was declared a national park. The question put to the tour guide, forester Vic Eddy, was how many trees he believed were there in a particular part of the forest we were at, how many trees per hectare. He replied, “About 2,000 trees to the hectare.” He was then asked how many trees he believed should be there to represent the natural forest to which he replied, “About 200.”<sup>781</sup>

<sup>777</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 51.

<sup>778</sup> Mr Grant Johnson, Policy Manager, Australian Forest Products Association, Evidence, 14 September 2012, p 52.

<sup>779</sup> Mr Johnson, Evidence, 14 September 2012, p 52.

<sup>780</sup> Mr Johnson, Evidence, 14 September 2012, p 52.

<sup>781</sup> Mr William Rheese, Executive Director, Australian Environment Foundation, Evidence 2 August 2012, p 41.

- 10.46** Mr Daniel Clissold, Director of Pilliga Natural Timbers, suggested to the Committee that the conversion of areas of Pilliga State Forest to national park estate and the subsequent introduction of the management practice of not removing smaller logs, had contributed to a reduction in biodiversity there too:

We can protect all the warbler birds that we have out there. We have our rufous bettong or our rat-kangaroo if you want to call it that. We have our Pilliga mouse. We have all these things but they are no good without a forest. They need the forest to live. But the way these forests are choked up—they have been choked up a lot in the forestry's time too obviously before it became a community conservation area. However, the areas that were grabbed into community conservation were areas that they have managed and been able to manage and they are a lot better. They are a lot healthier. They are a lot cleaner.<sup>782</sup>

- 10.47** Mr Hayman also expressed the view that conversion to national park had contributed to the decline of species in the Pilliga forest. He observed:

What has to be looked at ... when you look at the list of birds that are supposed to be declining in the area ... so many of those birds require a different habitat to the habitat that is there now. They require a more open habitat. If I could just go back to the decline of the barking owls, there has been increases apparently in the number of barking owls in the forest but they are not in the national park areas; they are actually in the areas that are being logged.<sup>783</sup>

- 10.48** Mr Jurskis argued that the increased density of tree stems in forests that are now managed as national parks was also a contributing factor in the lack of new habitat trees. He informed the Committee that although habitat trees would eventually develop in forests growing at high numbers of stems per hectare, broad, hollow habitat trees would not develop. He stated that 'if you were growing habitat trees specifically you would be growing them at extremely wide spacing'.<sup>784</sup>

- 10.49** Cr Peter Shinton, Mayor of Warrumbungle Shire Council, described a visit he had recently undertaken to the converted sections of the Pilliga forest where a forester explained that these areas now 'lacked biodiversity and would eventually become uninhabitable monocultures'.<sup>785</sup> Further, Cr Shinton suggested that with no forest management in the Pilliga forest 'productive capacity is reduced, its biodiversity is stifled' and put forward the view that the areas of land converted to national park and community conservation area should be 'revisited to determine their real worth in conservation versus their worth as a sustainable well-managed timber resource'.<sup>786</sup>

- 10.50** Other Inquiry participants however, argued that the increase in stem density or 'locking up' of forests in the river red gum and Pilliga forests was simply the forest going through the process of returning to a natural state. For example, Ms Beverley Smiles, a member of the NSW National Parks Association, expressed the view that this was the forest 'getting back into balance':

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<sup>782</sup> Mr Daniel Clissold, Director, Pilliga Natural Timbers, Evidence, 4 October 2012, p 56.

<sup>783</sup> Mr Hayman, Evidence, 27 September 2012, p 21.

<sup>784</sup> Mr Jurskis, Evidence, 4 December 2012, p 38.

<sup>785</sup> Cr Peter Shinton, Mayor, Warrumbungle Shire Council, Evidence, 27 September 2012, p 2.

<sup>786</sup> Cr Shinton, Evidence, 27 September 2012, p 2.

... these areas have been hugely disturbed and it will take a long time for them to get back to any sort of balance. That really thick regrowth is part of getting back into balance. While there is still scientific debate around the mosaic management of fire, mechanical thinning and so on, it is still experimental. We cannot say categorically whether areas are worse off in terms of conservation. They have not been managed for conservation for long enough for us to be able to come to those conclusions because they have been so disturbed for so long.<sup>787</sup>

- 10.51** Dr Leon Bren, Forester and former academic at the University of Melbourne, argued that the concerns about forest ‘lock up’ were simply a question of whether people were happy to accept ‘nature at work’ :

The term “stagnant” is a pejorative term. It is a human term but it is not a natural term. In a dense forest the crowns interlock and heavy birds can build nests in the crowns because there is more mechanical strength. It is an interesting environment under them ... You might have concerns about visitors and the hazard of falling limbs and what have you. People say, “Look at the dead trees”; but it is nature at work. That takes you back to the question of whether you are happy to accept nature at work. That is what I am getting at.<sup>788</sup>

- 10.52** The OEH and Parks Victoria acknowledged, however, that the natural process of ‘self-thinning’ may take too long, resulting in negative conservation impacts in the meantime:

It is postulated that in the absence of active management, self thinning of thickened stands would occur in which some trees may die as a result of competition for water (contest model of competition, in which only some individuals in the population obtain sufficient resource to survive and reproduce (Nicholson 1954)). As a result of self thinning, coarse woody debris volumes would likely increase and gaps for tree recruitment and understorey establishment may be created. Competition for water amongst mature trees would be reduced, and surviving trees may then grow to hollow bearing size. The concern is that this process will take decades to centuries to occur (Vesk et al. 2008), during which time key habitat elements are insufficient in the landscape to support viable populations of indigenous flora and fauna.<sup>789</sup>

### **Thinning as a mechanism for managing stem density**

- 10.53** Of the Inquiry participants who expressed concerns regarding an increase in stem density after conversion to national park, many put forward ‘thinning’ or the selective removal of stems to allow healthy growth of remaining stems, as a possible solution to the ‘lock up’ of forests in national parks.
- 10.54** For example, Mr Clissold of Pilliga Natural Timbers, suggested to the Committee that the selective removal of smaller logs was necessary to avoid ending up ‘with a sick forest’, at least in the Pilliga region:

<sup>787</sup> Ms Beverley Smiles, National Parks Association, Evidence, 27 September 2012, p 42.

<sup>788</sup> Dr Leon Bren, Forester and former academic at the University of Melbourne, Briefing, 26 July 2012, p 10.

<sup>789</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Question 4, Attachment B, *Ecological Thinning Trial in NSW and Victorian River Red Gum Reserves*, 2012, pp 14-15.

Different forests are different. There may be forests on the coast that need to be treated differently. The Pilliga needs to be thinned ... The problem is now that this is not getting thinned. Nothing is happening to it at all. We are going to end up with a sick forest.<sup>790</sup>

- 10.55** Mr Hayman expressed a similar view with regard to the Pilliga forest, suggesting that thinning of dense stands of cypress pine can deliver an increase in biodiversity:

Scientific studies had shown that thinning dense stands of cypress pine can deliver a 50 per cent gain in biodiversity, with the wildlife surveys showing endangered species such as barking owls, koalas and many species of woodland birds preferred the more open conditions of a managed forest. None of the surveys commissioned by the Government showed that the timber industry as now practised in the region was detrimental. Collectively all stakeholders agreed with the evidence that for most of the forest some form of active management would offer the best conservation outcome.<sup>791</sup>

- 10.56** In the south west of the State, a number of Inquiry participants commented on the overcrowding or overstocking of trees in the river red gum forests and how thinning programmes were needed to ensure forest health.<sup>792</sup> For example, Ms Louise Burge, a resident from the Riverina, explained to the Committee that:

In a forest with a protracted history of active management (forests grown for timber), a new regime of management based on conservation only may lead to an unnatural density of trees per hectare. As tree health declines from overcrowding, an incorrect assumption might be that trees need more water at the expense of thinning programs.<sup>793</sup>

- 10.57** Discussing the NRC assessment of the river red gum forests Mr Todd Gelletly, General Manager, Gelletly Redgum Barham, argued that the poor health of the forests was due to the drought in the preceding years, not forest management practices:

At the time of the assessment we had been through a one-in-20 year drought that turned into a one-in-100 year drought. The forests were in a poor state and their health was suffering because they were overstocked. The tree population was too high. Areas that had been actively managed were showing signs of improvement in health because the appropriate stocking levels were brought to bear by Forests NSW in their management techniques.<sup>794</sup>

- 10.58** Mr Ken O'Brien, Proprietor of O'Brien sawmill cautioned the Committee that if thinning did not take place in the river red gum forests they 'will turn into an overgrown tangled mess'.<sup>795</sup>

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<sup>790</sup> Mr Clissold, Evidence, 4 October 2012, p 56.

<sup>791</sup> Mr Hayman, Evidence, 27 September 2013, p 16.

<sup>792</sup> See for example, Mr Todd Gelletly, General Manager, Gelletly Redgum Barham, Evidence, 1 August 2012, p 4.

<sup>793</sup> Submission 485, Ms Louise Burge, p 15.

<sup>794</sup> Mr Gelletly, Evidence, 1 August 2012, pp 9-10.

<sup>795</sup> Mr Ken O'Brien, Proprietor, O'Brien Redgum Sawmills, Evidence, 1 August 2012, p 10.

- 10.59** Indeed, the OEH admitted that there was some ‘some concern’ regarding the current proportion of river red gum forest containing large old trees, which could become hollow-bearing trees in the future:

A healthy River Red Gum forest is considered to be characterised by a mosaic of difference aged patches, including both high stem density stands which may consist of fairly young even-aged trees as well as more open stands containing large old trees. High stem density stands are not inherently ‘unhealthy’ and they do contain features of value for biodiversity. However, there is some concern that the current proportion of the forest existing as more open stands containing large old trees (and trees that will become hollow-bearing in the medium term) may not be sufficient to support all indigenous hollow-dependent fauna species into the future.<sup>796</sup>

- 10.60** The role thinning could play within the river red gum forests was highlighted by the NRC in their final Assessment Report on the forests, which found that the ‘river red gum forests of the Riverina require active management’ and recommended a large-scale trial of ecological thinning in the river red gum forests.<sup>797</sup> The NRC’s Assessment Report concluded that:

Future management of river red gum forests under all forms of tenure must also address the ecosystem as a whole. In many cases, we will need to rethink our current approach to forest management. Depending on the management objectives, targeted and active management interventions across all tenures can achieve outcomes with a greater degree of control and certainty than naturally occurring processes or passive approaches. Ecological thinning may provide a useful tool to enhance conservation and/or production outcomes.<sup>798</sup>

- 10.61** Recommendations 3 and 4 of the NRC Assessment Report discuss the implementation of active forest management practices and recommend a large-scale trial of ecological thinning to maintain forest health.<sup>799</sup>

- 10.62** Professor Richard Kingsford, Australian Wetlands, Rivers and Landscapes Centre, supported the view that ecological thinning is necessary in the river red gum forests:

Ecological thinning is underpinned by an objective to promote nature conservation; that is, how we get a forest that better supports things such as superb parrots, that allows for natural production of timber on the ground and that provides more places for organisms such as bats. To do that you have to manage the forest towards nature conservation. That means you have to thin some areas because the densities are simply too high. If you leave them there it will not deal with your objective to further nature conservation and ultimately you might not even get new river red gum

<sup>796</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Barnes, Question 5, p 6.

<sup>797</sup> Tabled document, Dr John Williams, Former Commissioner of the Natural Resources Commission, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Final Assessment Report*, December 2009, p 6.

<sup>798</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Final Assessment Report*, December 2009, p 8.

<sup>799</sup> Tabled document, Dr John Williams, Former Commissioner of the Natural Resources Commission, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 6.

seedlings establishing and coming up. In my view, we need to do ecological thinning of these forests.<sup>800</sup>

### Joint New South Wales-Victorian thinning trial

- 10.63** The Committee was advised that a joint New South Wales-Victorian thinning trial is currently underway, as a part of an adaptive management plan for the river red gum forests. The OEH advised that Adaptive Management is a ‘structured, iterative process of decision making for on-ground management’<sup>801</sup> and that ecological thinning is a ‘feature of adaptive management of the river red gum forests in national parks’.<sup>802</sup>
- 10.64** In 2012 the OEH and Parks Victoria began the joint small-scale trial of thinning in the river red gum forests in south western New South Wales (and northern Victoria). The aim of the trial is to ‘determine whether the thinning of trees in certain circumstances will result in health improvements for the remaining trees’.<sup>803</sup> The trial will take place across 22 sites and cover 396 hectares across the New South Wales-Victorian border.<sup>804</sup> The OEH advised that a scientific result from the trial is expected in ‘3-5 years from the commencement of thinning’.<sup>805</sup>
- 10.65** The report discussing the joint New South Wales-Victorian thinning trial explained that widespread thickened stands may ‘adversely affect the regional persistence of indigenous species through a paucity of key habitat features and a reduction in the diversity of habitats present’.<sup>806</sup> It suggested that the ‘restoration of River Red Gum forests is dependent, in part, on re-establishing a diversity of forest structures’ and that certain characteristics were of conservation concern in areas of thickened stands. These concerns included a ‘paucity of hollow bearing trees’ necessary for native fauna, reduced levels of ‘coarse woody debris’ as a habitat for invertebrates, ground mammals and some birds and ‘reduced complexity in vegetation strata’,<sup>807</sup> creating a reduced number of habitats.
- 10.66** The commencement of the thinning trial in the river red gum forests led a number of Inquiry participants from the timber industry to propose that this thinning was something that could be undertaken by commercial foresters. For example, Mr O’Brien contended that he would welcome the opportunity to carry out the proposed thinning of the forests and that this would be good for the local community and the forests:

<sup>800</sup> Professor Richard Kingsford, Director, Australian Wetlands, Rivers and Landscape Centre, University of New South Wales, Evidence, 14 September 2012, p 16.

<sup>801</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Barnes, Question 4, Attachment B, *Ecological Thinning Trial in NSW and Victorian River Red Gum Reserves*, 2012, p 9.

<sup>802</sup> Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage and Acting Head, NSW National Parks and Wildlife Service, Evidence, 7 September 2012, p 7.

<sup>803</sup> Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, to Committee Secretariat, 28 November 2012, p 21.

<sup>804</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 21.

<sup>805</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 21.

<sup>806</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Barnes, Question 4, Attachment B, *Ecological Thinning Trial in NSW and Victorian River Red Gum Reserves*, 2012, p 14.

<sup>807</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Barnes, Question 4, Attachment B, *Ecological Thinning Trial in NSW and Victorian River Red Gum Reserves*, 2012, p 14.

We would like some security over resource and we would love the opportunity to thin some of these national parks ... My company's experience in thinning red gums is extensive. We have thinned thousands of hectares in the Riverina with great success and not only are the trees surviving, they are thriving. It is good for the economy, it is good for our communities and most of all it is good for the forests and for the environment.<sup>808</sup>

**10.67** Mr Gregory Murdoch, General Manager of Murray Shire Council also supported the proposal that the thinning be undertaken by local foresters. He suggested that this would provide 'opportunities for commercial operations to put some income and industries back into the local economy by having a multi-use forest'.<sup>809</sup>

**10.68** Mr Gelletly further contended that thinning by local foresters will 'create positive environmental and economic outcomes for all stakeholders'.<sup>810</sup> He argued:

It is my experienced opinion that as a starting point current Industry be utilised to conduct Ecological thinning operations in the Noorong, Niemur and Wetuppa National Parks. Not just little trial plots here and there, the entire net harvest area within apart from normal exclusions such as creeks etc that would apply to normal harvesting operations within an actively managed State Forest ... Ecological thinning will result in residue being left behind that is suitable for local people to collect for their own firewood use ... Ecological Thinning can in this instance serve a dual purpose, firstly to improve the Forest and secondly provide local access to a resource that has been historically available since the area was settled.<sup>811</sup>

**10.69** Mr Jurskis explained in his submission, that the practice of 'thinning' or removing smaller stems (as well as firewood collection) 'were cultural activities that helped to maintain natural values including biodiversity and healthy trees as well as socioeconomic values such as real jobs, access to cheap energy and revenue to maintain rural infrastructure'. Mr Jurskis expressed concern that through the joint New South Wales-Victorian ecological thinning trial, NPWS 'is now proposing to waste tax payers money, contribute to carbon emissions, increase fire hazards, impede public access and destroy aesthetic values by "ecological" thinning to waste in red gum forests'.<sup>812</sup>

**10.70** Further, Mr O'Brien raised concerns that the task is 'beyond the capability' of NPWS:

Millions of dollars have been spent on national parks with only ... two compartments of nine hectares having been ecologically thinned ... This thinning task is well beyond the capability of National Parks. They have demonstrated that in the last two years. They have had millions of dollars to spend and they cannot finish two nine-hectare plots out of 40,000 hectares.<sup>813</sup>

<sup>808</sup> Mr O'Brien, Evidence, 1 August 2012, p 3.

<sup>809</sup> Mr Gregory Murdoch, General Manager, Murray Shire Council, Evidence, 2 August 2012, p 5.

<sup>810</sup> Submission 316, Mr Todd Gelletly, RSN Pty Ltd, p 7.

<sup>811</sup> Submission 316, pp 12-13.

<sup>812</sup> Submission 460, p 6.

<sup>813</sup> Mr O'Brien, Evidence, 1 August 2012, p 3.

- 10.71** Some Inquiry participants however gave evidence to the Committee that thinning for ecological purposes and thinning for silvicultural purposes are not compatible. According to the OEH ecological thinning is the ‘selective removal of stems to achieve conservation goals, such as restoring ecosystem structures or processes’ which aims to ‘mimic the natural process of self-thinning ... driven by intraspecific competition for resources, but over a shorter time-frame’<sup>814</sup> whereas silvicultural thinning ‘involves reducing stem density to increase growth of selected trees into a commercial timber resource’.<sup>815</sup> The OEH observed that:

Alleviating competition for resources is the mechanism by which both ecological and silvicultural thinning seek to modify the growth of retained trees ... Generally speaking, silvicultural thinning seeks to promote straight trees, whereas ecological thinning seeks to promote trees with a spreading form where hollow development is the goal. Therefore ecological and silvicultural thinning may require different thinning protocols, including different tree retention criteria, spatial arrangement of retained trees, thinning intensity and method of tree removal. Ecological thinning should reduce competition for resources and thereby reduce the occurrence of canopy dieback and promote growth rates of retained trees, and potentially promote the development of large and hollow bearing trees.<sup>816</sup>

- 10.72** Mr Bryce Wilde, Executive Director, Natural Resources Commission, supported the contention that the type of thinning protocols used should depend on the desired outcome:

Ecological thinning is being undertaken for a conservation benefit. That conservation benefit is to reduce competition for the trees, particularly around habitat trees, for instance. You might have a large habitat tree with many hollows and the object in a drying climate is to take away competition from around that large tree. You would clear the competition so that that large habitat tree has the maximum chance of getting water and surviving into the future.

For a commercial silviculture thinning process the objects are different. The object is not primarily conservation; the object is to take out lower profitability timber and maximise the return on investment on the more profitable trees ... Another difference, for instance, is habitat. In ecological thinning, once you have cleared the timber you might leave a higher proportion of coarse woody debris—150 tonnes per hectare—on the ground, again for habitat. If you were running a forest for commercial benefit as well as for sustainable forest management you would want to be able to get a commercial return on that coarse woody debris. There are different management outcomes and different principles.<sup>817</sup>

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<sup>814</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Barnes, Question 4, Attachment B, *Ecological Thinning Trial in NSW and Victorian River Red Gum Reserves*, 2012, p 24.

<sup>815</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Barnes, Question 4, Attachment B, *Ecological Thinning Trial in NSW and Victorian River Red Gum Reserves*, 2012, p 24.

<sup>816</sup> Answers to questions on notice taken during evidence 5 December 2012, Ms Barnes, Question 4, Attachment B, *Ecological Thinning Trial in NSW and Victorian River Red Gum Reserves*, 2012, p 24.

<sup>817</sup> Mr Bryce Wilde, Executive Director, Natural Resources Commission, Evidence, 14 September 2012, p 8.

- 10.73** Professor Richard Kingsford advised that ‘the core of the issue is your objectives’. He cautioned that if the desired objective is nature conservation, ‘then a lot of the other land uses that have been put forward to be done in national parks would be incompatible’. He also noted that past forestry management practices in red gum forests had resulted in ‘a tendency not to have large old trees that develop hollows’.<sup>818</sup>
- 10.74** Mr Pepe Clark, Chief Executive Officer of the Nature Conservation Council cautioned the Inquiry that it is important for the trial to have a very clear purpose as a conservation, rather than a commercial measure:

We would be very concerned if expectations were created that you would be creating a commercial enterprise out of the thinning. So the trial is something that has a defensible reserve management purpose, but we would be concerned that that purpose may be lost if it was entered into as a commercial enterprise.<sup>819</sup>

### **Committee comment**

- 10.75** The Committee notes that one of the aims of establishing national parks is to protect and enhance ecosystems and the biodiversity within them. The protection of biodiversity requires complex management processes, and the Committee notes that the Inquiry received conflicting evidence regarding how different land tenures contribute to conservation outcomes.
- 10.76** The Committee is concerned by the evidence from Inquiry participants that unsustainable logging practices in State forests represent a threat to biodiversity. Particular concerns were raised in regard to the retention of hollow-bearing trees, and whether there have been breaches of environmental obligations by the Forestry Corporation.
- 10.77** However, the Committee notes that some types of forested areas require active management in order to deliver the best environmental outcomes. In this regard, the Committee notes that in some areas the conversion of land to national park estate may have adversely impacted on biodiversity, for example, in the forests of the river red gum or Pilliga regions, where it was suggested that conversion has led to an increase in stem density and ‘lock up’ of forests.

<sup>818</sup> Professor Kingsford, Evidence, 14 September 2012, p 16.

<sup>819</sup> Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council, Evidence, 4 December 2012, p 6.

- 10.78** The Committee supports investigation of the possible role ecological thinning could play in maintaining the health of forests in national parks, and welcomes the joint New South Wales-Victorian thinning trial underway in the Riverina. The Committee notes the recommendation made by the Natural Resources Commission that large-scale trials of ecological thinning should be initiated in all forest groups in the river red gum forests and encourages the NSW Government to implement this recommendation.<sup>820</sup> The Committee also recommends that the NSW Government engage commercial operators to conduct the thinning operations involved in the trial, to support the timber industry and deliver benefits to the local community.

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**Recommendation 4**

That the NSW Government expand the current joint New South Wales-Victorian thinning trial to initiate a large-scale trial of ecological thinning in the river red gums forests of the southern Riverina, in accordance with the Natural Resource Commission's recommendations, and that commercial operators be engaged to conduct these thinning operations.

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**Carbon dioxide sequestration**

- 10.79** During the Inquiry, the Committee heard evidence regarding the role forests can perform in the sequestration of carbon dioxide and storage of carbon, and thus contribute to the mitigation of anthropogenic global warming. Inquiry participants expressed a variety of views regarding how best to maximise the role forests can play in removing carbon dioxide from the atmosphere.

**Forests as storehouses of carbon**

- 10.80** Mr Edwards of the Clarence Environment Centre, informed the Inquiry that it is important to place a value on native forests 'for the ecoservices they provide, rather than only the timber volumes that can be extracted'.<sup>821</sup> He explained further:

Calculate if you will what it would cost to capture and store carbon sequestered in a single old growth tree and what it would cost to mechanically separate life-supporting oxygen from carbon dioxide. What would be the additional cost of filtering the water we drink if forests did not effectively do the job for us? We should not forget the other function of a healthy ecosystem, that of protecting biodiversity which, as already stated, provides us humans with everything we eat, much of what we wear, and many of the medicinal products we currently enjoy.<sup>822</sup>

- 10.81** Mr Edwards argued that current forestry practices contributed to greenhouse gas emissions. He remarked to the Committee that when a healthy tree is harvested 'probably less than half of that volume is actually turned into wood or into wood products' and that:

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<sup>820</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 6.

<sup>821</sup> Mr Edwards, Evidence, 5 October 2012, p 16.

<sup>822</sup> Mr Edwards, Evidence, 5 October 2012, p 16.

The rest is usually left on the forest floor and invariably burned, so the carbon disappears directly into the atmosphere again. The other thing you have got to consider is that a very large proportion of our timber products from this country are actually woodchip, which has a very low—I am told an average of five years—carbon life; it goes into paper and that type of thing, so it is hardly being sequestered in any significant way.<sup>823</sup>

- 10.82** Mr Dailan Pugh of the North East Forest Alliance expressed a similar view, commenting that old growth trees are ‘the primary storehouses of carbon’ and noted that it is important ‘to recognise the outstanding contribution of big old trees to storage of carbon in forests’.<sup>824</sup> Mr Pugh added that there was a clear value in old growth forests in terms of carbon dioxide sequestration and carbon storage:

Old growth forests have the highest storage of carbon and provide therefore the most benefit to not just New South Wales but the broader community. Quite a significant increase in storage occurs over time. I do not think there is any doubt that protecting forests is in the public interest. Given we now have a price on carbon I would like to see a process where we value the amount of carbon stored in our native forests and the increase we get through making them into national parks and protecting them over time.<sup>825</sup>

- 10.83** Indeed, Ms Lisa Stone, of South East Forest Rescue, put it to the Committee that ‘with what we know about climate change, and with deforestation being one of the biggest drivers of climate change, the trees are worth more in the ground’.<sup>826</sup>

### **Contribution of forestry practices to carbon dioxide sequestration**

- 10.84** While several Inquiry participants shared the view that the trees are worth more in the ground, a number of other Inquiry participants however argued that trees managed for forestry purposes create a renewing cycle of carbon dioxide sequestration and an on-going store of carbon. For example, Mr Justin Williams from the Forestry Corporation of NSW stipulated that managed forests could play a ‘significant part in climate change mitigation’.<sup>827</sup>
- 10.85** In a paper presented to the Committee, Mr Williams argued that ‘the potential role of production forestry in mitigating climate change, though substantial, has been largely overlooked’.<sup>828</sup> Mr Williams explained how recent research had modelled estimates to compare the greenhouse gas balances of two forests managed for production for a period of 200 years, then compared this with estimates for managing those forests for conservation only. The modelling suggested that in managed forests carbon was stored both in the hardwood products removed from the forest and in the trees which replaced them. The level of carbon

<sup>823</sup> Mr Edwards, Evidence, 5 October 2012, p 18.

<sup>824</sup> Submission 304, p 98.

<sup>825</sup> Mr Dailan Pugh, Spokesperson, North East Forest Alliance, Evidence, 5 October 2012, pp 16-17.

<sup>826</sup> Ms Lisa Stone, South East Forest Rescue, Evidence, 5 December 2012, p 13.

<sup>827</sup> Tabled document, Mr Justin Williams, Forestry Corporation of NSW, de Aquino Ximenes F, George B, Cowie A, Williams J and Kelly G, ‘Greenhouse gas balance of native forests in New South Wales, Australia’, *Forests*, 2012, 3, p 653.

<sup>828</sup> Tabled document, de Aquino Ximenes F, George B, Cowie A, Williams J and Kelly G, ‘Greenhouse gas balance of native forests in New South Wales, Australia’, *Forests*, 2012, 3, p 653.

stored increased further if post-harvest residue was utilised as a fuel. Mr Williams argued that the management of forests for the production of wood has the potential ‘to generate a greater GHG [greenhouse gas] mitigation benefit than managing for conservation alone’.<sup>829</sup>

- 10.86** Professor Mark Adams expressed a similar view regarding the storage of carbon in forests, though adding that ‘it is carbon in the soil – not the carbon in the trees – that is the long-term form of carbon to be most concerned about’.<sup>830</sup> Professor Adams informed the Committee that forests are not ‘continuously increasing sinks for carbon’:

No matter how vehemently some people might try to portray native forests as eternal sinks, the laws of biology and chemistry still apply. Eucalypts forests sequester C [carbon] most rapidly in the middle of their lifespan – in southern Australia this might equate with ages 10-100 years ... Very old trees are more likely to be net sources of carbon than sinks, notwithstanding contentious claims that old forests continue to show carbon gains, possible via a shift in production to understorey species.<sup>831</sup>

- 10.87** Mr Williams further argued that the post-harvest forest residue which is usually burnt, could be used for biomass fuel production and that this provided ‘benefits through fossil fuel displacement’.<sup>832</sup> This view was echoed by Mr David Joss, a member of the community in Mathoura, who, referring to the river red gum forests, argued that:

We have heard how reliant this region is on firewood. It seems to me that we should be using more of this instead of trying to squeeze energy out of photovoltaic cells and other technology which is not giving us the reliability that we can get out of the forests.<sup>833</sup>

- 10.88** Mr Joss contended to the Committee that during the ‘process of photosynthesis trees turn sunlight into usable solid fuel’<sup>834</sup> and stated that a ‘simplistic view is that once you cut the tree down another one grows in its place, it too is soaking up the carbon dioxide that was released by the tree when you burnt it’.<sup>835</sup>
- 10.89** In his report Mr Williams asserted that the post-harvest residue ‘if left in the forest result in gradual emissions of biogenic C [carbon] over time, and a “lost opportunity” of fossil fuel displacement’.<sup>836</sup>

<sup>829</sup> Tabled document, de Aquino Ximenes F, George B, Cowie A, Williams J and Kelly G, ‘Greenhouse gas balance of native forests in New South Wales, Australia’, *Forests*, 2012, 3, p 673.

<sup>830</sup> Adams M and Attiwill P, *Burning Issues*, CSIRO Publishing, 2011, p 43.

<sup>831</sup> Adams M and Attiwill P, *Burning Issues*, p 43.

<sup>832</sup> Tabled document, de Aquino Ximenes F, George B, Cowie A, Williams J and Kelly G, ‘Greenhouse gas balance of native forests in New South Wales, Australia’, *Forests*, 2012, 3, p 654.

<sup>833</sup> Mr David Joss, Evidence, 1 August 2012, p 24.

<sup>834</sup> Mr Joss, Evidence, 1 August 2012, p 24.

<sup>835</sup> Mr Joss, Evidence, 1 August 2012, p 24.

<sup>836</sup> Tabled document, de Aquino Ximenes F, George B, Cowie A, Williams J and Kelly G, ‘Greenhouse gas balance of native forests in New South Wales, Australia’, *Forests*, 2012, 3, p 674.

- 10.90** Mr Williams suggested that forests products could further contribute to greenhouse gas mitigation by providing a substitute for alternative products which produce greater quantities of greenhouse gases. As Mr Williams explained:

Besides storing C [carbon] sequestered during forest growth, HWPs [hardwood products] can provide additional GHG [greenhouse gas] mitigation benefits through the substitution for other more energy and GHG-intensive materials such as steel, aluminium, plastic and concrete.<sup>837</sup>

- 10.91** Commenting on the cessation of logging in Australian forests, Mr Grant Johnson of the NSW Forest Products Association asserted that this merely moved the greenhouse gas burden to other countries, which may have less strict forest management practices. He stated that when forest products are unavailable from Australian forests:

That product is then sourced from overseas and ... if it is coming from the likes of Papua New Guinea, Solomon Islands, Indonesia and other such countries, their forest management regimes are nowhere near as rigorous or sustainable.<sup>838</sup>

- 10.92** Also on the issue of imported timber productions, Mr Douglas Head, Principal, Australian Solar Timbers, raised the concern that imported wood is potentially sourced from 'less well-managed forests, less certified forests' and added that further environmental damage is caused by using 'fuel to ship it all over here'. Mr Head cautioned that 'We are about to experience going down that path without being able to go back'.<sup>839</sup>

#### **Committee comment**

- 10.93** The Committee accepts that there are differing views regarding the role that forests can play in the sequestration of atmospheric carbon dioxide. Further, the Committee notes the evidence that the contraction of the forestry industry in New South Wales may have a detrimental impact on atmospheric carbon dioxide, although this impact is difficult to quantify. The Committee believes that more research needs to be undertaken into the impact of different forestry management practices on the sequestration of atmospheric carbon dioxide and other greenhouse gases.

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#### **Recommendation 5**

That the NSW Government commission more independent research into the impact of different forestry management practices on the sequestration of atmospheric carbon dioxide and other greenhouse gases.

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<sup>837</sup> Tabled document, de Aquino Ximenes F, George B, Cowie A, Williams J and Kelly G, 'Greenhouse gas balance of native forests in New South Wales, Australia', *Forests*, 2012, 3, p 654.

<sup>838</sup> Mr Johnson, Evidence, 14 September 2012, p 56.

<sup>839</sup> Mr Douglas Head, Principal, Australian Solar Timbers, Evidence, 4 October 2012, p 42.

## Water catchments and water access

- 10.94** The role that reserved areas can play in the protection of water catchment areas, and in maintaining the quality of water drawn from them, was highlighted by a number of participants from across the State. The issue of access to water and the role national park estate can play was also raised, especially with regard to the decision to reserve Toorale station and the river red gum forests and the impact of conversion on water supply in these areas.

### Reservation and the protection of water catchments

- 10.95** A number of Inquiry participants argued that reservation was an essential means of ensuring the protection of water catchment areas and the water for consumption they contained. Mr Clarke of the Nature Conservation Council suggested to the Committee that logging operations are having significant impacts on water quality and quantity.<sup>840</sup> He gave evidence that:

In our view, there is a need to protect our drinking water catchments much more effectively in New South Wales from the current and potential risks of mining and gas. We would also recommend increased levels of protection for certain public land tenures and greater transparency and public consultation around decisions to give access to our public lands.<sup>841</sup>

- 10.96** Ms Smiles echoed this view with regard to water catchments. According to Ms Smiles, the protection of ecosystems from degrading practices is an important role for public land:

It is more cost effective to have freshwater naturally filtered through healthy riparian vegetation and naturally occurring wetland systems, than having to invest in expensive engineering solutions to provide the essential service of good quality drinking water. The protection of water catchments is a vital service of public land.<sup>842</sup>

- 10.97** Professor Kingsford of the Australian Wetlands, Rivers and Landscapes Centre at the University of NSW argued that preserving hydrological processes constituted a ‘sustainable use’ of national parks. Professor Kingsford observed that:

Through conserving ecosystem processes and services, reserves are essential for sustainability at a landscape scale. This includes the maintenance of hydrological processes, protection of native species responsible for pollination and pest control of agriculture.<sup>843</sup>

- 10.98** Explaining the importance of protecting the water catchment of the Whian Whian State Conservation Area and the Nightcap range, which form Lismore’s water supply, Cr Jennifer Dowell, Mayor of Lismore City Council stated:

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<sup>840</sup> Mr Clarke, Evidence, 4 December 2012, p 3.

<sup>841</sup> Mr Clarke, Evidence, 4 December 2012, p 4; see also Ms Russell, Evidence, 4 October 2012, p 31; Cr Jennifer Dowell, Mayor of Lismore City Council, Evidence, 5 October 2012, p 9; Mr Edwards, Evidence, 5 October 2012, p 16; Mr Pugh, Evidence, 5 October 2012, p 38.

<sup>842</sup> Ms Smiles, Evidence, 27 September 2012, p 40-41.

<sup>843</sup> Submission 257, Professor Richard Kingsford, Director, Australian Wetlands, Rivers and Landscape Centre, University of New South Wales, p 10.

Rous Water, which is the county council and looks after bulk water supply, has Rocky Creek Dam in probably one of the most pristine areas that you could ever imagine a water supply to be collected from. There are no recreational facilities on that water. There is no fishing. It is left and it is in quite a pristine state. There is great concern that activities in any of those areas would put at risk our water.<sup>844</sup>

- 10.99** Indeed, Strategic Property Project Manager of Lismore City Council, Mr Lindsay Walker contended that it would be a ‘very dangerous thing’ to open parts of the Nightcap range which forms their water supply because of ‘the risks of contamination of the water supply, not by trucking, but by actual plants and things that are not currently in the national park which would thrive in such a pristine water supply’.<sup>845</sup>

### **Conversion and impact on water access – Toorale**

- 10.100** As previously discussed in Chapter 8 Toorale Station was purchased and gazetted under the *National Parks and Wildlife Act* in 2010 as national park estate. In its submission the NSW Government explained that the property had been purchased for both biodiversity and water management outcomes and that water recovered from Toorale will be used elsewhere:

Management of the natural heritage values of Toorale, particularly the floodplains, wetlands and in-stream aquatic environments, is a continuing focus for water management at Toorale. Water recovered from the environment will also contribute to increased flows in both the Warrego and Darling rivers to Menindee Lakes, enhancing the ecological health, water supply security and water quality of a significant part of the Darling River system.

The existing water infrastructure on Toorale is currently managed by NPWS in accordance with licence conditions and any directions issued by the Commonwealth. Future management of water infrastructure, and potential partial decommissioning options to improve environmental flows, are under active discussion with the Commonwealth.<sup>846</sup>

- 10.101** However, some Inquiry participants suggested that the underlying reason for the purchase of the property was primarily its water supply and not its conservation value. For example, Cr Shinton of Warrumbungle Shire Council asserted that:

In the case of Toorale Station near Bourke, the primary reason for purchase was the Federal Government’s water buybacks; the worth of the land to be preserved as national park in my opinion was probably a very secondary consideration, if it was considered at all.<sup>847</sup>

<sup>844</sup> Cr Dowell, Evidence, 5 October 2012, p 2.

<sup>845</sup> Mr Lindsay Walker, Strategic Property Project Manager, Lismore City Council, Evidence, 5 October 2012, p 6.

<sup>846</sup> Submission 332, p 34.

<sup>847</sup> Cr Shinton, Evidence, 27 September 2012, p 2.

- 10.102** Professor Kingsford noted that the purchase of Toorale and its water access could result in positive outcomes for landholders downstream of the national park, especially in drier periods:

The Warrego went into the large dam on Toorale and then emerged through some pipes. My understanding is that a lot of the water that was bought is now flowing down. Landholders downstream on the Darling towards Wilcannia are benefiting from that in terms of water quality. As people know, this is a highly variable system. We have been lucky enough to have had some big floods recently. However, this will be an important input into the Darling during dry periods. One of the things we have seen in the Darling in recent times is increased blue-green algal blooms and salinity. Having dilution flows like this is important.<sup>848</sup>

- 10.103** This view was not shared by Mr Wally Mitchell, former Mayor of Bourke Shire Council and member of the Western Division Councils of NSW, who expressed concern that the expected water from the Warrego river would not materialise into the Darling. He informed the Committee that flows from the Warrego river:

... have not come into the Darling for many years while Toorale were operating a lower dam. You need a very big river to push water into the Darling out of the Warrego at any time, and at that time you have got a major flood scene in the Darling. So you do not have an incremental gain; it is just part of a massive amount of water.<sup>849</sup>

- 10.104** Professor Kingsford agreed that the water from the Warrego river may not flow downstream, but argued that the increased water flow from Toorale would still have an important local impact:

From an ecological point of view I think there was some value locally. It would not go very far down the system but for that end of the Warrego and the bit of the Darling down to Menindee Lakes I think there was value.<sup>850</sup>

- 10.105** Ms Fiona Simson, President, NSW Farmers' Association, contended that the NSW Government could have achieved the water outcomes it wanted without needing to convert Toorale into national park estate:

I know it is a Federal one, but if you look at Toorale, for example, that part was purchased for its water entitlement rather than anything else and that is for the Murray-Darling Basin Plan, and there is no purpose, in terms of the purchase of that farm, for the biodiversity outcome or the international agreements or any of those Ramsar things or anything like that. My first comment would be, yes, I agree with you but not necessarily that we need the whole park to achieve the outcome that the Government might be seeking.<sup>851</sup>

- 10.106** However, Mr Kevin Shanahan, Manager, Key Initiatives, NPWS, disputed the practicality of doing this and suggested that where water sharing plans do not exist, water cannot be decoupled from the land:

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<sup>848</sup> Professor Kingsford, Evidence, 14 September 2012, p 15.

<sup>849</sup> Mr Wally Mitchell, former Mayor of Bourke Shire Council and member of the Western Division Councils of NSW, Evidence, 14 September 2012, p 66.

<sup>850</sup> Professor Kingsford, Evidence, 14 September 2012, pp 18-19.

<sup>851</sup> Ms Fiona Simson, President, NSW Farmers Association, Evidence, 14 September 2012, p 78.

The water-sharing plans will see where land is offered, it will be offered dry. We probably will not see the water and land offer occurring. Where you do not have a water-sharing plan the water allocations are tied to the land; you cannot separate them. That is what happened with Toorale. So to acquire the water you have to acquire the land and in acquiring the land you acquire the water. You could not decouple Toorale. Yanga was much the same.<sup>852</sup>

**10.107** Further, Mr Shanahan explained that where water sharing plans do not exist, the 1912 Water Act means that the land and the water are ‘absolutely coupled together’. He stated that you ‘cannot separate them in terms of their sale. You can give up the water rights if you wish to—a landowner can just hand them back’.<sup>853</sup>

**10.108** Ms Melinda Murray, NSW National Parks and Wildlife Service, noted that with more water sharing plans now being implemented, however, NPWS are becoming less involved with water acquisition:

In terms of acquisition of water, that is really something that we are becoming less involved in as the National Parks and Wildlife Service, given the amount of water-sharing plans that now apply to the State. In our earlier discussions, we mentioned the fact that water and land are separated, meaning that owners of land who wish to sell to National Parks independently and separately sell their water entitlement ...

... In terms of our land acquisition policy, we would be focusing more on ensuring that that the boundary of the park also includes mechanisms or infrastructure involved in delivering water to a park to protect its assets. That is something that we would be assessing. I know also in the development of the reserve establishment guidelines update, we are particularly looking at putting more information into the guidelines about how we deal with environmental water-related asset infrastructure issues in part of those guidelines.<sup>854</sup>

### **Conversion and impact on water management – river red gum forests**

**10.109** As discussed in Chapter 5 the river red gum forests have long been recognised for their ecological value with a character very much shaped by the varied historical water management of the area.<sup>855</sup> The Bioregion Forest Assessment of the Riverina concluded that the health of the forests was closely linked to the water regime and the sustainability of the timber industry.<sup>856</sup>

<sup>852</sup> Mr Kevin Shanahan, NSW National Parks and Wildlife Service, Briefing, 7 September 2012, p 12-13.

<sup>853</sup> Mr Shanahan, NSW National Parks and Wildlife Service, Briefing, 7 September 2012, p 12-13.

<sup>854</sup> Ms Melinda Murray, Acting Director, Conservation Programs, NSW National Parks and Wildlife Service, Evidence, 7 September 2012, p 8.

<sup>855</sup> New South Wales Government, River Red Gums, accessed 29 January 2013 <[www.riverredgums.nsw.gov.au/nature\\_and\\_culture/wetlands](http://www.riverredgums.nsw.gov.au/nature_and_culture/wetlands)>

<sup>856</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 9.

- 10.110** It was put to the Committee that reservation of the river red gum forests provided a means of gaining water allocation for the area, to ensure the future health of the forests. Professor Kingsford expressed the view that ‘if you are a protected area you have got a better chance of getting water from the Government’.<sup>857</sup>
- 10.111** The NRC in their Recommendation Report for the forests suggested that the future health of the forests would ‘depend on whether the particular forest stands can be artificially flooded and how they are managed’.<sup>858</sup> Further, the NRC asserted that ‘significant water reforms’ would be necessary to ‘respond to the decline in forest ecosystem health’.<sup>859</sup>
- 10.112** Echoing this view, Mr Wilde of the NRC, remarked that the Natural Resources Commission’s assessment of the area had focused largely upon river flows, river regulation and future flooding regimes. He stated that the NRC believed that reservation of the forests could attract sufficient water to ensure the ongoing health of the forests and also the future of the local timber industry:

One of the key factors in our assessment was to consider how to maximise attracting water from the State and from the Australian Government by building or by recommending a transborder or iconic national park which would leverage off what the Victorian Environmental Assessment Council had done on that side of the Murray River. Under the Living Murray program there are six icon sites: One is the Murray River channel itself, one is the Barmah-Millewa Forest, and one is the Gunbower-Koondrook-Perricoota Forest.

If those forests could get water and could be recognised as a key ecological asset we believed that would attract sufficient, or as much water as possible, from the Murray-Darling Basin Plan. We thought that would be the best opportunity for the forest and timber industry that relies on those forests. Of the water which comes from Barmah-Millewa approximately 76 to 80 per cent flows back through to Perricoota-Koondrook which would benefit the timber industry there once the capital works upgrade happened in the cutting there.<sup>860</sup>

- 10.113** Some Inquiry participants disagreed with the NRC’s conclusion that ‘significant water reforms’ would be necessary to address the decline of forest health. For example, Mr Chris Crump, Proprietor of Mathoura Redgum Sawmill argued that since conversion, flood water has been in abundance:

Six months after that decision was made we had a flood that has continued ever since. That was not because we have managed to get environmental water ... it is because it rained. It is as simple as that, it rained and rain turns into flood waters.<sup>861</sup>

- 10.114** Ms Faye Ashwin, Proprietor of O’Brien Redgum Sawmills expressed a similar view, asserting that since the decision to convert the forests was made ‘we have had nothing but floods’.<sup>862</sup>

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<sup>857</sup> Professor Kingsford, Evidence, 14 September 2012, p 19.

<sup>858</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 4.

<sup>859</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 4.

<sup>860</sup> Mr Wilde, Evidence, 14 September 2012, pp 5-6.

<sup>861</sup> Mr Chris Crump, Sawmill proprietor, Evidence, 1 August 2012, p 10.

- 10.115** In relation to the impact on irrigation, Mr Wilde contended that there had only been a minimal loss to irrigators following the reservation of the forests. He drew attention to recent studies which looked at likely outcomes under ‘different climate change scenarios, climate variability, river regulation and groundwater extraction’ and found:

... that in the relevant Murray Riverina subregion that under a medium term climate projection, which is less than the then drought being experienced—less extensive and less intensive—that there would be a two per cent loss of allocation to irrigators and others and a 14 per cent loss to the environment. Under those scenarios, looking at groundwater extraction, river regulation, climate variability and climate change the, if you like, least loss was being incurred by irrigators and other users than the environment.<sup>863</sup>

- 10.116** According to Mr Keith Stockwell, of the Echuca District of BirdLife Australia environmental water flowing into the reserved forests is not wasted and can still be accessed by irrigators:

The Department of Sustainability and Environment [DSE] and one of the catchment management authorities [CMAs] in Victoria measured the amount of environmental water coming into Barmah-Millewa and going out over a period and claimed that 96 per cent of the water that was put in drained out and could be used by irrigators and others downstream. Personally, I dispute that figure of 96 per cent because I think they might have failed to account for water seeping from irrigated properties underground back into the river system.

I spoke to a Wentworth Group scientist here at Deniliquin last year and was told that they believe the figure to be at least 80 per cent. Please do not think that all environmental water is wasted. It is not. It is not lost. It does not disappear. Most of it finds its way back into the river system.<sup>864</sup>

### **Committee comment**

- 10.117** The Committee acknowledges the evidence regarding the valuable role that reservation can play in the protection of water catchment areas. In relation to the impacts of conversion on water access at Toorale, and water management in the river red gum forests, the Committee notes the contested evidence regarding the benefits of using conversion to achieve these water management aims.

## **Indigenous and other heritage values**

- 10.118** Inquiry participants acknowledged the significance of areas within national park estate for both Indigenous and non-Indigenous communities, and suggested that reservation offers protection and restoration to important areas of cultural heritage. However, concerns were raised by a number of Inquiry participants regarding the protection of these areas. In particular, these concerns centred around how Indigenous cultural values are maintained and protected, including identifying and engaging traditional owners. The Committee also received

<sup>862</sup> Ms Faye Ashwin, Proprietor, O'Brien Redgum Sawmills, Evidence, 1 August 2012, p 10.

<sup>863</sup> Mr Wilde, Evidence, 14 September 2012, pp 5-6.

<sup>864</sup> Mr Keith Stockwell, Echuca District of BirdLife Australia, Evidence, 2 August 2012, p 31.

evidence regarding opportunities for Indigenous management of forests, particularly in the Riverina, and the potential benefits to Indigenous communities from these opportunities.

### Protection of Indigenous and other heritage values

**10.119** In evidence to the Committee the NSW Government stated that the national parks system in New South Wales contains ‘a highly valued collection of places and items of Aboriginal and historic heritage value’, including places such as the ‘Three Sisters in the Greater Blue Mountains World Heritage Area and Captain Cook’s landing place in Kamay Botany Bay, National Park’.<sup>865</sup> According to the NSW Government, many more examples of heritage sites exist at a regional and local scale which are highly valued by local communities.<sup>866</sup>

**10.120** The NSW Aboriginal Land Council (ALC) informed the Committee that there was a need to recognise the ‘huge contribution’ of Aboriginal people and communities to ‘biodiversity management over millennia’<sup>867</sup> and explained that the NSW ALC recognises that land is of ‘spiritual, social, cultural and economic important to Aboriginal peoples’.<sup>868</sup>

**10.121** According to the NSW Government, NPWS works with Aboriginal communities to ‘protect, maintain and restore’ cultural sites. They informed the Inquiry that there are now eighty two Aboriginal Places declared under the *National Parks and Wildlife Act*, many of which are in national park estate, and that:

... NPWS partners with Aboriginal communities to develop specific management plans for these areas. Significant effort is made in the conservation of Aboriginal rock art and engravings, through removal of graffiti, clearing of damaging vegetation, fencing and interpretative signage. NPWS uses trained Aboriginal staff and community members in this work and also assists local communities at a broader scale to assess, record and protect their local heritage.<sup>869</sup>

**10.122** Mr Conroy, explained that NPWS seeks to involve the Indigenous community in land management by employing Indigenous staff and through joint management arrangements:

Almost 10 per cent of the total parks workforce consists of Aboriginal identified positions and additional Aboriginal staff also are employed in non-identified positions. As noted in the New South Wales submission, the parks service also sponsors a range of training and business development programs supporting Aboriginal employment. In addition, almost 25 per cent of the national parks system is under some form of joint management arrangement with Aboriginal communities.<sup>870</sup>

**10.123** In addition to the preservation of biodiversity, ecosystems and areas of cultural Indigenous significance, the national park estate also reserves many areas of European settlement heritage. As Mr Conroy explained these include:

<sup>865</sup> Submission 332, p 10.

<sup>866</sup> Submission 332, p 10

<sup>867</sup> Submission 130, New South Wales Aboriginal Land Council, p 3.

<sup>868</sup> Submission 130, p 1.

<sup>869</sup> Submission 332, p 10.

<sup>870</sup> Mr Conroy, Evidence, 7 September 2012, p 3.

... historic walking tracks, lighthouses, jails, homesteads and shearers' quarters, a quarantine station, military barracks, forts and fortifications, historic mining villages and various other convict structures.<sup>871</sup>

- 10.124** The OEH contended that the national parks system 'provides permanent and enduring protection for a vast collection of our historic heritage since settlement in 1788' and suggested that 'this complex assemblage of historic heritage represents probably the most significant and publicly owned collection' in New South Wales.<sup>872</sup>

### **The process of determining traditional ownership**

- 10.125** A number of Inquiry participants emphasised the importance of correctly identifying the traditional owners of an area of land before engaging in a process regarding the future of that land.

- 10.126** In relation to the river red gum forests of the southern Riverina, the evidence showed the difficulties in identifying traditional owners. For example, in their Recommendation Report regarding the river red gum forests the Natural Resources Commission (NRC) advised that there was 'considerable work remaining to identify and properly engage appropriate Indigenous interests because there are diverse views across Indigenous communities'.<sup>873</sup>

- 10.127** The NRC noted that with regard to the Millewa and Koondrook-Perricoota forests in the Central Murray there was continuing disagreement regarding which Indigenous group 'has a right to speak for Country':

... the Indigenous nations of the Yorta Yorta and the Bangaranga have not yet been able to agree who has a right to speak for Country, and so an appropriate engagement process with all groups seeking involvement should be undertaken.<sup>874</sup>

- 10.128** When questioned regarding the relationship between the Yorta Yorta and the Bangerang Nation, Mr Neville Atkinson, Chair of the Yorta Yorta Nation Aboriginal Corporation acknowledged the disagreement regarding traditional ownership of the river red gum, but asserted that a mechanism existed for resolving differences:

I was raised as part of the Bangerang people. It is a clan group of the Yorta Yorta nation. It is just one of the clans. Our governance model is that we are under our traditional nation description and all our clans speak the same language, which is Yorta Yorta. We have an arrangement that all the family representatives from each of those clan groups have a position on our governance body, on the elders council and on our youth council. Just like the Australian democratic society we are not without our differing opinions about how we do business amongst our own clans and families. We have those issues as well, but we have a governance model that we believe in and

<sup>871</sup> Mr Conroy, Evidence, 7 September 2012, p 3.

<sup>872</sup> Answers to supplementary questions 15 October 2012, Ms Barnes, Question 1a, p 9.

<sup>873</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 9.

<sup>874</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 9.

that allows people and families to have an opinion at the table when decisions are made.<sup>875</sup>

**10.129** In his submission to the Committee, Mr Sandy Atkinson, an Elder of the Bangerang Nation and Deputy Chairperson of the Cummeragunja Local Aboriginal Land Council, whom the Committee met with during a site visit to the river red gum forests, cautioned that through governmental negotiations with the Yorta Yorta Nation Aboriginal Corporation ‘we are seeing a rift developing in our Community, potentially destroying generations of friendship and replacing it with racism’.<sup>876</sup>

**10.130** Expressing his concern to the Committee that the Yorta Yorta Nation Aboriginal Corporation do not represent all local groups, Mr Sandy Atkinson, stated:

Yorta Yorta formed in 1984 previously to that unknown by me or my family a lot of the members are not even from this area; they claim to represent all local groups. From what I am aware there has never been any evidence of that, they were not elected and therefore are not recognised by the Bangerang people who always have and continue to live in these areas.<sup>877</sup>

**10.131** Discussing the problems inherent with identifying who the traditional owners are of certain lands, Ms Tori Edwards, Senior Solicitor, Native Title Services Corp (NTSCORP) acknowledged the difficulty for Governments in ‘knowing who they should be speaking to about certain matters’. Ms Edwards cautioned that placing the onus on traditional owners to provide high levels of information to substantiate their claim has contributed to the lengthy delays in resolving outcomes. Ms Edwards explained that:

In terms of responding to previous questions about the reasons for delay in settlement of outcomes, the credible evidence process in the past particularly has been one of them. A number of claims that NTSCORP represents have spent in excess of six or eight years in provision of credible evidence to the State.<sup>878</sup>

**10.132** Inquiry participants, such as the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation, raised concerns that the process of engagement with traditional owners has been largely ‘in response to initiatives from the community and not from government’.<sup>879</sup> Concerns were also raised that the involvement of Indigenous communities, once it is initiated, is not made a priority:

There does not seem to be a priority process for the development of comprehensive management plans that fully engage with local traditional owners. While traditional owners through the negotiating team endorsed a general work plan for Werai presented by the National Parks and Wildlife Service, there has been no involvement of community members in the implementation of this work plan to date.<sup>880</sup>

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<sup>875</sup> Mr Neville Atkinson, Chair, Yorta Yorta Nation Aboriginal Corporation, Evidence, 2 August 2012, pp 14-15.

<sup>876</sup> Submission 429, Cummeragunja Local Aboriginal Land Council, p 1.

<sup>877</sup> Submission 429, p 1.

<sup>878</sup> Ms Tori Edwards, Senior Solicitor, Native Title Services Corp, Evidence, 14 September 2012, p 36.

<sup>879</sup> Submission 468, Yarkuwa Indigenous Knowledge Centre, p 1.

<sup>880</sup> Submission 468, p 1.

- 10.133** When questioned regarding the process that the OEH pursued to identify traditional owners in the Millewa Forest, Ms Sally Barnes, Chief Executive, OEH, commented that:

When you get down to the formal arrangements in terms of a hand back there has to be registered owners and there has to be quite a process where we use the registrar to actually negotiate who are the owners ... Some of our memorandums of understanding are with groups who go: "We don't care. Just as long as we all have a say and we can work together, we are happy." That is where we need some flexibility. Do we have to sort out legally first or do we just say that everyone around probably has an interest, everyone thinks they have a connection to this land, so we do not want to work it out legally. Let's see if we can all work together and everyone have a say in how we manage these parks. If we do not go down the legal trail that is the way we would approach it.

We have done it in different ways in different parts of the State. I would say from my experience if we can work on relationships through a non-legal trail first, build up trust, build up the on-the ground relationship then that is a good way to go. It is my understanding that we are happy to talk to anyone who has a connection with that land and try and work with them.<sup>881</sup>

### **Indigenous management of land**

- 10.134** Inquiry participants from Indigenous communities described for the Committee their deep connection with the land and expressed their disappointment at what they saw as the lack of benefits from that land flowing into their communities.
- 10.135** An example of the cultural importance of areas of land in New South Wales was given by Ms Debbie Flower, a traditional owner and member of the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation. Ms Flower explained the significance that the Werai forests in the Riverina held and what access and involvement in the management of these forests meant for her and her community:

I am a traditional owner and identify as a Wamba Wamba woman. I am a member of Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation. My family comes from the Werai Forest and also lived on the flats on the northern side of the Edward River in Deniliquin. When I heard the decision that the Werai groups of forests were going to be handed back to my people, I held high hopes that I would see justice done and that my community could once again take responsibility for looking after country. I would like to present to you a map that we call the "hodgepodge map". This is a collection of more than 10,000 locations identified by my community as places where they practise their culture in the Werai Forest today.

It took some time, but in May 2011 we were able to bring together almost 150 traditional owners with connection to the Werai area. This was an amazing experience and may have been the first time for generations that such a gathering had taken place.<sup>882</sup>

<sup>881</sup> Ms Barnes, Evidence, 5 December 2012, p 46.

<sup>882</sup> Ms Debbie Flower, Member and Traditional Owner, Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation, Evidence, 2 August 2012, p 19.

**10.136** Further, Ms Flower added that she believed that if her community controlled the Weraí forests ‘there will be economic opportunities for our community’.<sup>883</sup>

**10.137** Mr David Crew, Manager of the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation, explained that there is an expectation that the benefits of the creation of a new national park will flow to the traditional owners:

When there is creation of a new national park there is an expectation from the local community that whatever agreements are made it will flow through with tangible benefits to the local traditional owner, and what we have seen is that it does not transfer through. My knowledge is over in Yanga. What happened over there was the traditional owners associated with Mungo National Park had an expectation that with the creation of Yanga there would be benefits for the particular traditional owners that had a connection to Yanga. That did not happen.<sup>884</sup>

**10.138** The NSW Aboriginal Land Council (ALC) suggested that there was a need to develop a ‘strategy which protects and promotes the access of Aboriginal people to Crown land’ and that this would potentially ‘deliver significant benefits to the Aboriginal community’.<sup>885</sup> The most effective way of delivering this, the NSW ALC argued was to ‘prioritise the determination of land claims that have been lodged under the ALRA [*Aboriginal Land Rights Act*] and the transfer of land granted under that Act’.<sup>886</sup>

**10.139** The NSW ALC noted that the aims and outcomes of cultural heritage protection may not always align with that of environmental protection, but that Indigenous communities should have the right to manage their land as they saw fit. They suggested that the Inquiry should:

... recognise that the protection of environmental values does not always necessarily align with the protection of Aboriginal culture and heritage and associated practices. In accordance with principles of self-determination ... Aboriginal peoples must be able to use their own processes and structures to determine and identify their own priorities. Government must move beyond the environment focused ambit of public land management in relation to Aboriginal culture and heritage. Any future management of public land must support Aboriginal people’s priorities in relation to culture and heritage protection and management and must not prioritise environmental values above culture and heritage values and practices as determined by Aboriginal peoples.<sup>887</sup>

**10.140** The NSW ALC put forward the view that there is a need for the ‘expeditious resolution of land claims’ under the ALRC to allow improved ‘Aboriginal access to land, or support economic development within Aboriginal communities’<sup>888</sup> and stated that:

A successful determination of a land claim generally delivers freehold title to land which includes rights to certain minerals in the freehold land ... the owner of the freehold land (the Aboriginal Land Council) has the same rights as other freehold

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<sup>883</sup> Ms Flower, Evidence, 2 August 2012, p 20.

<sup>884</sup> Mr David Crew, Manager, Yarkuwa Indigenous Knowledge Centre, Evidence, 2 August 2012, p 21.

<sup>885</sup> Submission 130a, NSW Aboriginal Land Council, p 2.

<sup>886</sup> Submission 130a, p 2.

<sup>887</sup> Submission 130, p 4.

<sup>888</sup> Submission 130a, p 2.

owners, subject to compliance with the ALRA. It is important to reiterate that Aboriginal Land Council hold land for the social, cultural and economic benefit of Aboriginal peoples.<sup>889</sup>

- 10.141** In their 2009 report on the river red gum forests, the NRC stated that the forests in the Western Murray River should be ‘prioritised in efforts to move to Indigenous management of red gum forests’. The NRC noted that:

The Yarkuwa Indigenous Knowledge Aboriginal Corporation and Deniliquin Local Aboriginal Land Council have worked with Forests NSW for some time towards greater Indigenous involvement in managing the Werai forests. As such there is significant Indigenous community capacity to participate in management of the Werai forests, which can be built upon.<sup>890</sup>

- 10.142** In their submission to the Committee the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation recommended that the NSW Government continue to support ‘the process for transfer of the Werai Reserve to an Aboriginal Title Holding Body through the Werai Aboriginal Negotiating Team’. This, they argued, ‘must include retaining Native Title in any transfer’.<sup>891</sup>

- 10.143** Further, the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation suggested to the Committee that the NSW Government needs to work in partnership with local traditional owners and their organisations in order to ‘provide confidence in the process of title transfer and management of Werai reserve’.<sup>892</sup>

- 10.144** Discussing the potential transfer of land in the Werai forest, Ms Flower advised the Committee that:

We can see the benefits that this transfer can bring. We can see that it will be part of our children’s future. What we cannot see yet is a commitment from our government agencies to really invest in making this happen.<sup>893</sup>

### **Committee comment**

- 10.145** The Committee acknowledges the deep connection that Indigenous communities have with traditional lands, and the importance of protecting Indigenous and other heritage values. The Committee encourages the NSW Government to ensure that sites of cultural significance are protected, maintained and restored, whether this be by reservation or other means. The Committee notes the difficulties in identifying the traditional owners in the river red gum forests, which highlights the importance of following proper process in order to correctly identify traditional owners and avoid creating rifts between Indigenous peoples.

<sup>889</sup> Submission 130a, p 3.

<sup>890</sup> Tabled document, *Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report*, December 2009, p 9.

<sup>891</sup> Submission 468, p 3.

<sup>892</sup> Submission 468, p 3.

<sup>893</sup> Submission 468, p 3.

**10.146** In addition, the Committee recognises the importance for Indigenous communities of access and involvement in the management of public land. The Committee acknowledges the desire of Indigenous communities to pursue economic benefits from traditional land in a way that is deemed appropriate by those communities. Expanded land management opportunities for Indigenous communities are discussed in Chapter 15.

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## Chapter 11 Fire management impacts

This Chapter will examine one of the major operational impacts of converting land to national park estate; namely, the management of fire on public lands. Fire management was a key theme raised by many Inquiry participants during the course of the Inquiry. In particular, Inquiry participants discussed the adequacy of fire management practices on national park estate as compared to the practices employed on other public lands and on private lands.

### Fire management in New South Wales

**11.1** The recent extensive fires in Victoria, Tasmania and north western New South Wales, including the Warrumbungle National Park, have demonstrated the devastating impact significant bushfires can have on land, property and life, and therefore the need for effective fire management.

#### Responsibility for fire management in New South Wales

**11.2** A number of agencies are responsible for bush fire management in New South Wales. The NSW Rural Fire Service (RFS) and Fire and Rescue NSW (FRNSW) provide fire services to communities across the State, with the RFS being the lead agency for preventing, mitigating and suppressing bush fires. The NSW National Parks and Wildlife Service (NPWS) and the Forestry Corporation of NSW (formally Forests NSW) are also fire authorities with a significant firefighting capacity, especially for public land. According to the NSW Government, together, these agencies operate under a ‘tenure blind’ approach.<sup>894</sup>

**11.3** In addition, the *Rural Fires Act 1997*, the primary legislation for the management of bush fires in New South Wales, requires the Crown Lands Division to prevent bush fires starting on, or spreading on or from, land under its control<sup>895</sup> and the Act also places a number of requirements on local councils, with regard to local support and services for fire management.<sup>896</sup>

**11.4** Fire management is coordinated at a State level via the statutory Bush Fire Coordinating Committee, which is chaired by the Commissioner of the NSW RFA, and at a local level via Bush Fire Management Committees.<sup>897</sup> The Commissioner of the NSW RFA has ‘extremely broad powers to ensure that long before severe fire weather conditions eventuate, appropriate interaction and coordination between the respective agencies is occurring’.<sup>898</sup>

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<sup>894</sup> Submission 332, NSW Government, p 31.

<sup>895</sup> Catchments and Lands, Department of Primary Industries, accessed 26 April 2013, <[www.lpma.nsw.gov.au/crown\\_lands/environment](http://www.lpma.nsw.gov.au/crown_lands/environment)>

<sup>896</sup> *Rural Fires Act 1997*, Pt V.

<sup>897</sup> Submission 332, p 37.

<sup>898</sup> Submission 332, p 37.

- 11.5** The Bush Fire Coordinating Committee is comprised of representatives of State Government departments, local government, emergency services and other groups. The complete membership includes a representative from the NSW Rural Fire Service, the Fire and Rescue NSW, the NSW Police Force, the Forestry Corporation of NSW, the Division of Resources and Energy (Energy), the Office of Environment and Heritage (National Parks and Wildlife Service), the NSW Local Government Association, the Shires Association of NSW, the NSW Rural Fire Service Association, a nominee of the Minister for the Environment, the Nature Conservation Council of NSW, the NSW Farmers' Association, the Ministry for Police and Emergency Services (Disaster Welfare Assistance) and the Department of Finance and Services (Land and Property).<sup>899</sup>
- 11.6** The *Rural Fires Act 1997* created the NSW Rural Fire Service and the Bush Fire Management Committees. Further, it set out the responsibilities of landholders and land managers to minimise the danger of bush fires occurring and spreading from their land and also to try and extinguish the fire, or seek help if they cannot, when one is detected.<sup>900</sup>
- 11.7** In 2002 the *Rural Fires Act 1997* (as well as the *Environmental Planning and Assessment Act 1979*) was further amended to allow complaints to be made about bush fire hazards on public lands to the NSW RFS Commissioner. The legislation did not, as the NSW Government explained 'apply to private lands as these requirements were already in place for some years'.<sup>901</sup>
- 11.8** The NSW RFS can investigate hazards and if one is found to exist, issue a 'Bush Fire Hazard Reduction Notice' to the owner or manager of the land, whether public or private, requesting that the hazard be mitigated or removed. If the order is not complied with, the NSW RFS can remove the hazard and charge the land owner or manager for the cost of the work.<sup>902</sup>
- 11.9** The NSW Government advised that this legislation resulted in 'an over-arching tenure blind approach to the identification and treatment of bush fire risks for both public and private land'.<sup>903</sup>
- 11.10** At a local level, fire management is coordinated through Bush Fire Management Committees (BFMCs). These committees are composed of local representatives of organisations with an interest in fire management. A number of organisations are invited to join each local BFMC, including fire authorities, local land managers (such as private landholder, NPWS or Forestry Corporation), the local government authority, the Roads and Traffic Authority, Electricity network provider, State Rail Authority, Local Aboriginal Land Council and community organisations approved by the Bush Fire Coordinating Committee.<sup>904</sup>

<sup>899</sup> NSW Rural Fire Service, Bushfire Coordinating Committee, accessed 26 April 2013, <[www.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1197](http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1197)>

<sup>900</sup> *Rural Fires Act 1997*, s 63 and s 64.

<sup>901</sup> Submission 332, p 40.

<sup>902</sup> NSW Rural Fire Service, *Bush Fire Hazard Reduction*, accessed 26 April 2013, <[www.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1031](http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1031)>

<sup>903</sup> Submission 332, p 40.

<sup>904</sup> Submission 332, p 38; see also NSW Rural Fire Service, Bush Fire Management Committees, accessed 26 April 2013, <[www.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1196](http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1196)>

- 11.11** The BFMCs are responsible for preparing ‘Bush Fire Risk Management Plans’ (BFRMP) which are strategic documents that assess and identify the risk from bush fire to community assets within the BFMC area and set out how fire risks should be addressed and identifies:

... assets within the community at risk from bush fire, assesses the level of risk to those assets, establishes treatment options and allocates responsibility for carrying out those treatments. The BFRMP is used to determine such things as where mechanical clearing or hazard reduction burns are conducted, which areas require specialised fire protection, and which areas need to be targeted for community education.<sup>905</sup>

### ***Crown Lands Division***

- 11.12** In discussing fire management on Crown land estate, the NSW Government acknowledged that Crown land is highly fragmented and also has a significant proportion of land on the rural/urban interface. The management of fire on Crown Lands operates on a different basis, as Crown Lands are not a fire fighting authority and so cannot undertake activities such as controlled burns. The Crown Lands Division within the Department of Primary Industries (DPI) has responsibility for organising mechanical hazard and fire trail works on Crown land estate. Where a need is identified to undertake hazard reduction burns on Crown land which is managed by the Division, the Rural Fire Service or other appropriate fire fighting authority will undertake the work on their behalf. In total the Crown Lands Division maintains approximately 1,000km of fire trails across its estate.<sup>906</sup>

### ***NSW National Parks and Wildlife Service***

- 11.13** NPWS informed the Committee that, as of July 2012, ‘93 per cent of national parks have an adopted fire management strategy, with around a further 6 per cent either in preparation, on exhibition, or awaiting adoption’.<sup>907</sup> In 2012, NPWS also published a long-term strategy for fire management in national parks and reserves, *Living with Fire in NSW National Parks: A strategy for managing bushfires in national parks and reserve 2012–2021*.<sup>908</sup>
- 11.14** The strategy provides a statewide approach to managing bushfires in national parks and reserves and outlines the priorities NPWS will address in the coming decade. In the strategy the NPWS has adopted a ‘comprehensive set of fire management policies and procedures to guide and direct its approach to managing fires in our national parks and reserves’.<sup>909</sup> Individual fire management strategies, which describe how fire will be managed at a park and reserve level, have been prepared for all bushfire prone national parks and reserves.<sup>910</sup> It is also

<sup>905</sup> Submission 332, p 38.

<sup>906</sup> Submission 332, p 45.

<sup>907</sup> Answers to supplementary questions 15 October 2012, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Question 4b, p 16.

<sup>908</sup> National Parks and Wildlife Service, *Living with Fire in NSW National Parks: A strategy for managing bushfires in national parks and reserve 2012–2021*, accessed 26 April 2013, <[www.environment.nsw.gov.au/resources/firemanagement/120690LiveFire.pdf](http://www.environment.nsw.gov.au/resources/firemanagement/120690LiveFire.pdf)>

<sup>909</sup> National Parks and Wildlife Service, *Living with Fire in NSW National Parks: A strategy for managing bushfires in national parks and reserve 2012–2021*, 2012, p vii.

<sup>910</sup> National Parks and Wildlife Service, *Living with Fire in NSW National Parks: A strategy for managing bushfires in national parks and reserve 2012–2021*, 2012, p vii.

a priority for NPWS to complete fire management plans in ‘newly acquired parks and reserves’.<sup>911</sup>

### *The Forestry Corporation of NSW*

**11.15** The Forestry Corporation of NSW (formally Forests NSW) has a range of statutory fire management obligations which arise from the *Forestry Act 1916* and the *Rural Fires Act 1997*. The Forestry Corporation is responsible for protecting life and property from fire, minimizing the spread of fire from State forests and other lands managed by the Forestry Corporation and for protecting State forests from the damaging effects of fires.<sup>912</sup>

**11.16** The Forestry Corporation manages all State forests as multiple use forests and uses fire to achieve a number of management objectives. As the Forestry Corporation explained:

Following harvesting operations, fire is used to create optimum seed beds for the next generation of timber. Fire is also used more broadly to reduce forest fuels such as sticks, leaf litter, grass and dead wood on the ground that increases the intensity of a bush fire if one was to occur. This is referred to as hazard reduction burning or prescribed burning. Fuel levels can also be reduced by grazing and mechanical works such as slashing. Fire is also used to maintain the health of forest ecosystems.<sup>913</sup>

**11.17** In their fire management policy, the Forestry Corporation states that they will use fire ‘under appropriate conditions to promote ecosystem health, diversity and resilience in native forests, and as a risk reduction strategy’. Further, representatives of the Forestry Corporation attend District Bush Fire Management Committees throughout NSW and are responsible for helping to prepare risk management plans.<sup>914</sup>

### *Private land*

**11.18** In addition to the responsibilities of these government agencies, private land owners and managers have a legal responsibility, under the *Rural Fires Act 1997*, to undertake hazard reduction in order to protect houses, other buildings and other assets which are susceptible to fire.<sup>915</sup>

<sup>911</sup> National Parks and Wildlife Service, *Living with Fire in NSW National Parks: A strategy for managing bushfires in national parks and reserve 2012–2021*, 2012, p vii.

<sup>912</sup> Forestry Corporation of NSW, *Fire Management Policy*, p 1, accessed 26 April 2013, <[www.forestrycorporation.com.au/\\_\\_data/assets/pdf\\_file/0009/459558/Fire-Management-Policy.pdf](http://www.forestrycorporation.com.au/__data/assets/pdf_file/0009/459558/Fire-Management-Policy.pdf)>

<sup>913</sup> Forestry Corporation of NSW, *Fire Management*, accessed 26 April 2013, <[www.forestrycorporation.com.au/management/fire-management](http://www.forestrycorporation.com.au/management/fire-management)>

<sup>914</sup> Forestry Corporation of NSW, *Fire Management Policy*, p 2, accessed 26 April 2013, <[www.forestrycorporation.com.au/\\_\\_data/assets/pdf\\_file/0009/459558/Fire-Management-Policy.pdf](http://www.forestrycorporation.com.au/__data/assets/pdf_file/0009/459558/Fire-Management-Policy.pdf)>

<sup>915</sup> NSW Rural Fire Service, *Bush Fire Hazard Reduction*, accessed 26 April 2013, <[www.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1031](http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1031)>

### Fuel load and fire intensity

- 11.19** In order to consider how fires can and should be managed, it is important to understand how fires begin and spread throughout vast areas of land. Fires begin where a source of fuel is ignited. In New South Wales the most common causes of ignition are lightning, arson and accidental ignition from activities such as campfires, mechanical farm machinery or controlled burns.<sup>916</sup>
- 11.20** The nature and extent to which fires burn is determined in part by what is known as the fuel load – the accumulation of leaf fall and branch litter as well as the growth of smaller shrubs and trees at ground level.<sup>917</sup> As Professor Mark Adams, Dean of the Faculty of Agriculture and Environment, University of Sydney, explained after a fire has been ignited what ‘happens thereafter is variable and complex, depending on the moisture conditions, nature, quantity and distribution of the fuel, on topography, and on the weather’.<sup>918</sup>
- 11.21** NPWS explained that fuel load is measured in layers, with fires beginning in lower layers and spreading to higher layers:
- Fires generally start and develop in the surface layer (litter from fallen leaves and twigs) and near-surface layer (grasses and suspended litter). Ignition of elevated fuels (shrubs and saplings) will depend on the fire intensity and the continuity between the surface and elevated layers. Crown fires require continuity from these surface fuels through to the elevated or bark fuels, and usually occur under extreme fire weather conditions which have created intense ground fires. Crown fires usually release wind-borne embers which lead to dangerous spot fires ahead of the main fire front and ember attack on nearby properties.<sup>919</sup>
- 11.22** In addition to the amount of fuel load on the ground, the intensity of a bushfire also depends on a number of other factors, including the relative moisture content of that fuel, the wind speed and the topography over which the fire passes.
- 11.23** How difficult a fire will be to extinguish depends on its intensity, as well as others factors such as accessibility of the fire by road or air and the time taken to locate and begin managing the fire. As Professor Adams cautioned, at the higher end of intensities ‘we simply cannot put out a bush fire unless we catch it within minutes of ignition or until it runs out of fuel’.<sup>920</sup>

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<sup>916</sup> Answers to questions taken on notice during evidence 5 December 2012, Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage, and Acting Head, National Parks and Wildlife Service, Attachment A, NPWS Fire Facts 2012-2013, p 42; see also Adams M and Attiwill P, *Burning Issues*, CSIRO Publishing, 2011, p 19.

<sup>917</sup> Adams M and Attiwill P, *Burning Issues*, pp 26-28.

<sup>918</sup> Adams M and Attiwill P, *Burning Issues*, p 19.

<sup>919</sup> National Parks and Wildlife Service, *Living with Fire in NSW National Parks: A strategy for managing bushfires in national parks and reserve 2012–2021*, 2012, p 3.

<sup>920</sup> Adams M and Attiwill P, *Burning Issues*, 2011, p 31.

- 11.24** In New South Wales the potential fire danger of an area is designated by the Fire Danger Rating (FDR). As the Rural Fire Service explains, this rating considers ‘potential fire behaviour, the difficulty of suppressing a fire, and the potential impact on the community should a bush fire occur on a given day’.<sup>921</sup>
- 11.25** The potential FDR is determined by the Fire Danger Index (FDI), which assesses a combination of air temperature, relative humidity, wind speed and drought to produce a figure which highlights the expected difficulty of fire suppression in those conditions. A low index means that fire is not expected to burn or will burn slowly and will be controllable, whereas a high rating means that any fire will burn with such intensity and speed that it will be uncontrollable.

### Benefits of hazard reduction

- 11.26** While fires cannot always be prevented, their spread and severity can be controlled to a large extent by ‘hazard reduction’ methods. As explained by the NSW Government, hazard reduction methods can ‘reduce the spread and severity of bush fire by reducing the amount of fuel available to the fire’.<sup>922</sup> The NSW Government informed the Committee that hazard reduction ‘encapsulates a range of activities but it is predominantly carried out by burning or mechanical/manual works’.

#### Aims and historical use of hazard reduction

- 11.27** Professor Adams described hazard reduction burning, also known as ‘prescribed burning’ or ‘controlled burning’ as ‘the planned use of fire to reduce fuels with the aim of reducing the intensity and spread of bushfires’.<sup>923</sup> According to Professor Adams, hazard reduction burning needs to be repeated regularly in order to be effective, particularly in eucalypt forests. He asserted that ‘If we can control the fuels, then our job in fire suppression is greatly facilitated’.<sup>924</sup> Indeed, the NSW Government observed that properly carried out ‘hazard reduction can reduce the spread and severity of bush fire by reducing the amount of fuel available to the fire’.<sup>925</sup>
- 11.28** The many factors which determine the behaviour of fire mean that hazard reduction practices cannot eliminate bush fire risk. However, Professor Adams asserted that altering the level of available fuel for fires is the most efficient means available to fire management practitioners for lowering bushfire risk.<sup>926</sup>

<sup>921</sup> Rural Fire Service, Fire Danger Rating, accessed 20 April 2013, <[http://www.rfs.nsw.gov.au/file\\_system/attachments/Attachment\\_FireDangerRating.pdf](http://www.rfs.nsw.gov.au/file_system/attachments/Attachment_FireDangerRating.pdf)>

<sup>922</sup> Submission 332, p, 39.

<sup>923</sup> Adams M and Attiwill P, *Burning Issues*, p 71.

<sup>924</sup> Adams M and Attiwill P, *Burning Issues*, p 84.

<sup>925</sup> Submission 332, p 39.

<sup>926</sup> Professor Mark Adams, Dean, Faculty of Agriculture and Environment, University of Sydney, Evidence, 4 December 2012, p 17.

- 11.29** There was disagreement in evidence to the Committee regarding the fire management practices of Indigenous Australians, with some Inquiry participants arguing that the Australian landscape had been subject to wide scale management and burning for a significant period of time<sup>927</sup> and other participants arguing that there was a lack of evidence to support this claim.
- 11.30** According to Mr Victor Eddy, a former Forest Manager at Yanga Station the change in fire management practices since European settlement led to a increase in fuel load which would not have existed in pre-European times:

Before we came along and interfered there would have been very little woody residue on the forest floor because the regular fire practices of the Aborigines would have minimised the amount of woody fuel. In the debate leading up to these forests becoming national park there were claims that there should be 125 tonnes per hectare of woody litter. That would create the most horrific wildfire should it ever catch alight. We also have this problem now of buried litter since we stopped the Aborigines from burning off ... To go back to the Aborigines' use of fire we would have to be prepared to sacrifice a lot of the trees we have today to start from scratch again.<sup>928</sup>

- 11.31** However, Mr Keith Muir, Director of the Colong Foundation for Wilderness, expressed doubt regarding these assertions, informing the Committee that:

One of those assertions is that Aboriginal burning practices justify increased burning of national parks. We actually do not know in New South Wales what those burning practices were like, but we do know that most of the forests and woodlands in New South Wales were not subjected to frequent burning of less than 10 years' frequency.<sup>929</sup>

- 11.32** Discussing the Indigenous management of the river red gum forests of the southern Riverina, Mr Bryce Wilde, Executive Director of the Natural Resources Commission, said that this was a 'contested area'. Further, Mr Wilde said that the Commission's assessment of the river red gums took the view that:

...the pre-European extent of river red gums is a contested area. There is a lot of literature which have differing opinions of the accounts; and we were transparent about that contestation in our assessment report. The New South Wales native vegetation classification system found, from memory, that there were some 700,000 hectares pre-European extent of red gums... The future of these forests is not about what happened 200-odd years ago; the future of these forests is meant to be determined by our current values and the future values that can be supported by them. Our assessment was more focussed on current and future values than on what may or may not have happened pre-European.<sup>930</sup>

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<sup>927</sup> See for example, Mr David Joss, Evidence, 1 August 2012, p 21.

<sup>928</sup> Mr Victor Eddy, Evidence, 2 August 2012, p 8.

<sup>929</sup> Mr Keith Muir, Director, The Colong Foundation of Wilderness Ltd, Evidence, 4 December 2012, p 4.

<sup>930</sup> Mr Bryce Wilde, Executive Director, National Resources Commission, Evidence, 14 September 2012, p 10.

### Responsibility for hazard reduction in New South Wales

- 11.33** As discussed earlier, the *Rural Fires Act 1997* places obligations on all landholders, both public and private, to ensure fires do not spread from their land and the NSW RFS Commissioner has a range of powers under this Act to remove bush fire hazards on both public and private land.<sup>931</sup> The *Rural Fires Act* describes hazard reduction practices as ‘the establishment or maintenance of fire breaks on land, and the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire’.<sup>932</sup>
- 11.34** The Bush Fire Risk Management Plans (BFRMP) are used to determine how fire will be managed within the Bush Fire Management Committee (BFMC) area, including ‘where mechanical clearing or hazard reduction burns are conducted, which areas require specialised fire protection, and which areas need to be targeted for community education’.<sup>933</sup> The NSW Government informed the Committee that a ‘critical part’ of any BFRMP is to seek input from the community.<sup>934</sup> ‘Plans of Operations’ are then used to ‘identify and coordinate member agencies’ local capabilities, resources and the actions required in the event of a bush fire’.<sup>935</sup>
- 11.35** Within BFMC, there are different types of fire risk zone designated, each with specific purposes and characteristics:
- *Asset Protection Zones* provide for immediate protection of the bushland with assets on the urban interface
  - *Strategic Fire Advantage Zones* provide for areas of reduced fuel which can slow the pace of a bush fire and/or assist in suppression activities during a bush fire
  - *Land Management Zones* provide for additional fuel management at depth within the landscape and may also provide other benefits (e.g. ecological burning).<sup>936</sup>
- 11.36** The NSW Government has committed to bushfire hazard reduction targets in its State Plan, *NSW 2021*, and has recently established the ‘Independent Hazard Reduction Audit Panel’ which is designed to review hazard reduction practices, reporting and performance across the State, as well as assess the maintenance of fire trails. The Panel is composed of senior representatives from government agencies, including ‘the Chief Executive Officer of the Ministry for Police and Emergency Services, the Commissioner of the NSW RFS, the President of the NSW RFSA and two additional technical experts’.<sup>937</sup>

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<sup>931</sup> Submission 332, p 39.

<sup>932</sup> Submission 332, p 38.

<sup>933</sup> Submission 332, p 38.

<sup>934</sup> Submission 332, p 38.

<sup>935</sup> Submission 332, p 38.

<sup>936</sup> Submission 332, p 39.

<sup>937</sup> Submission 332, p 42.

**11.37** The NSW Government advised that, using an evidence-based approach, the Panel will audit:

... current bush fire hazard reduction arrangements across NSW; make recommendations for achieving the hazard reduction targets outlined in NSW 2021; identify any issues likely to impede effective hazard reduction and the achievement of the NSW 2021 targets; make any additional recommendations aimed at enhancing the conduct of bushfire hazard reduction in NSW as determined necessary; and consider how hazard reduction fits in with the broader issue of community resilience and the protection of the community and other assets.<sup>938</sup>

**11.38** Professor Adams noted that at the Victorian bush fires Royal Commission there was a ‘high level’ of agreement regarding the efficacy of hazard reduction burning and that an expert forum had ‘reached the consensus view’ that between 5 per cent and 10 per cent of public land should be subject to hazard reduction burning each year, with a minimum of 5 per cent each year.<sup>939</sup>

**11.39** However, the NSW Government explained that it had not adopted the approach recommended by the 2009 Victorian Bushfires Royal Commission, because ‘a hectare-only target does not look at the location and nature of the risk in a holistic sense, or the number of properties benefiting from treatment’.<sup>940</sup>

**11.40** Instead, the NSW Government claimed that a more ‘effective approach’ has been adopted in New South Wales, to ‘increase the number of properties protected by hazard reduction works across all bush fire prone land tenures’.<sup>941</sup> The NSW Government has the following targets in its State Plan, *NSW 2021*:

- Increase community resilience to the impact of fires through prevention and preparedness activities
  - Increase the number of households who are ‘fire safe’ through expansion of awareness programs
  - Enhance volunteer training programs with a particular focus on cadet training schemes
- Increase hazard reduction across NSW
  - Increase the number of properties protected by hazard reduction works across all bushfire prone land tenures by 20,000 per year by 2016
  - Increase the annual average level of area treated by hazard reduction activities by 45% by 2016.<sup>942</sup>

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<sup>938</sup> Submission 332, p 42.

<sup>939</sup> Adams M and Attiwill P, *Burning Issues*, p 83.

<sup>940</sup> Submission 332, p 40.

<sup>941</sup> Submission 332, p 40.

<sup>942</sup> *NSW 2021: A plan to make NSW number one*, p 53, accessed 15 April 2012, < [http://www.2021.nsw.gov.au/sites/default/files/NSW2021\\_WEB%20VERSION.pdf](http://www.2021.nsw.gov.au/sites/default/files/NSW2021_WEB%20VERSION.pdf) >

**11.41** Indeed, the NSW Government put forward the view that focusing on hectare only targets can lead to unwelcome outcomes. They cautioned that the following may occur:

... an emphasis on remote, large area burns to achieve the target, at the expense of smaller, more resource intensive burns that provide direct protection for more properties; and ... a 'burn at all costs' attitude, which may lead to burning under marginal conditions in pursuit of the target, with adverse impacts on crew safety, biodiversity and the increased potential for fire escapes.<sup>943</sup>

**11.42** The NSW Government noted that fire management is particularly important in fire sensitive State forests such as pine plantations, red gum and cypress, stating that the Forestry Corporation also uses fire 'to reduce fuel after timber harvesting operations and to create seed beds for newly regenerating seedlings in native forests, and to control weeds and pests'.<sup>944</sup>

**11.43** They informed the Committee that between 2007 and 2010 NPWS completed 800 hazard reduction operations, which covered nearly 280,000 hectares. This represented an increase of 'more than 34 per cent, relative to the previous five-year period'.<sup>945</sup>

#### **Committee comment**

**11.44** The Committee believes that fire is a natural part of the Australian landscape and that fire plays an important role in the natural ecology of many species and ecosystems. In regard to the mitigation of bush fire risk, the Committee acknowledges the evidence that hazard reduction is the most effective method of mitigating this risk.

### **Adequacy of hazard reduction practices**

**11.45** The Committee heard conflicting views on the necessity, scale and adequacy of current hazard reduction practices for the maintenance of the health and security of forests in New South Wales as well as for protection of neighbouring properties and assets. Many Inquiry participants felt that as the area managed by the NPWS had increased, funding and resourcing for fire management for NPWS had not kept pace with this expansion.

#### **Hazard reduction burning**

**11.46** Inquiry participants expressed differing views on whether converting land to national park estate had impacted on the adequacy of hazard reduction burning in those areas. Some Inquiry participants suggested that hazard reduction burning practices were not compatible with the conversion outcomes that national parks seek to achieve. On the other hand, a number of Inquiry participants suggested that in some areas the NPWS had a 'lock it up, leave it and let it burn mentality'<sup>946</sup> which presented a danger to forests and biodiversity as well as life and property.

<sup>943</sup> Submission 332, p 40.

<sup>944</sup> Submission 332, p 45.

<sup>945</sup> Submission 332, p 44.

<sup>946</sup> Mr Ken O'Brien, Proprietor, O'Brien Sawmill Evidence, 1 August 2012, p 3.

**11.47** According to the NSW Farmers' Association the issue of fire hazard reduction on public land remains a 'contentious issue' for many farmers in New South Wales, asserting that public lands were often the source and usually provided 'the bulk of the fuel load for bush fires'.<sup>947</sup> The source of bush fires and their movement across tenures of land in New South Wales is discussed later in this Chapter. Further, NSW Farmers put it to the Committee that both in the establishment and continuing management of national parks, 'due consideration be given to the potential bushfire risks, control and hazard reduction'.<sup>948</sup> They observed that:

In NSW, hazard reduction remains a contentious issue for NSW Farmers members, particularly with respect to publicly managed land. Under the Rural Fires Act 1997, land managers and owners are responsible for conducting hazard reduction to protect existing dwellings, major buildings or other assets susceptible to fire. Hazard reduction works provide areas of reduced fuel that can significantly reduce fire behaviour and aid fire suppression activities. Members are concerned that insufficient hazard reduction activities are being conducted on public land such as national parks.<sup>949</sup>

**11.48** Professor Adams argued that reducing fuel loads is important in facilitating the control and suppression of bush fires, including assisting with 'first attack' or the suppression of fires early on while still small in size.<sup>950</sup> He suggested that for fuel reduction to be effective in eucalypt forests 'it must be repeated regularly' and that if the fuel load in a forest can be controlled 'our job in fire suppression is greatly facilitated'.<sup>951</sup> He advised the Committee that if surface fuel 'accumulates above 10 tonnes per hectare, a bushfire will be difficult to control even under moderate conditions'.<sup>952</sup>

**11.49** The Nature Conservation Council of NSW stated:

To mitigate the risk of bushfire, public land managers currently use prescribed burning to attempt to protect human assets by reducing fuel loads. They also actively suppress bushfires when they occur. This has resulted in the need to re-establish fire in ecosystems that require fire for their regeneration and ecological function. The management of fire is therefore complex and this complexity has been further exacerbated by climate change. Although there is a growing body of peer reviewed science to guide ecologically sustainable bushfire management, public perceptions and expectations put constant pressure on government to adopt policies that do not necessarily produce the best outcomes for life, property or the environment.<sup>953</sup>

**11.50** According to Mr Warren of Coonamble Shire Council, the Council had been frustrated with regard to the perceived attitude of NPWS towards local fire concerns, informing the Committee that NPWS are continually preparing plans without ever 'getting down onto the ground':

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<sup>947</sup> Submission 260, NSW Farmers Association, pp 11-12.

<sup>948</sup> Submission 260, pp 11-12.

<sup>949</sup> Submission 260, pp 11-12.

<sup>950</sup> Adams M and Attiwill P, *Burning Issues*, 2011, p 79.

<sup>951</sup> Adams M and Attiwill P, *Burning Issues*, 2011, p 84.

<sup>952</sup> Adams M and Attiwill P, *Burning Issues*, 2011, p 84.

<sup>953</sup> Tabled document, Mr Pepe Clarke, Nature Conservation Council, *Nature Conservation Council submission on fire management on public lands*, 4 December 2012, p 1.

We have fairly good reasonable meetings with the agencies that are represented locally. Unfortunately, when we do take issue or request information from the head office or further up the line to Sydney or those areas we get sent back a wonderful letter espousing philosophy as to why they have done these things. When we say, "Are you doing anything about this? Can you do something?" We are basically told continually, "We are preparing a plan". Surely the plan should be getting down onto the ground but it doesn't seem to be happening.<sup>954</sup>

- 11.51** The Committee notes that since receiving evidence from Inquiry participants in this region a significant bush fire in January 2013 burnt the majority, approximately 56,000 acres, of Warrumbungle National Park and damaged 50 homes and many others buildings.<sup>955</sup>
- 11.52** Cr Philip O'Neill, Wakool Shire Council, explained that his Council's concerns regarding river red gum forests being 'locked up and left' leading to them becoming a 'tinder box':

The Wakool shire is particularly affected by the national parks. I think we have some 10 national parks now in the Wakool shire. Many of those are small isolated pockets of river red gums or red gums that have been managed by surrounding landholders over many years. There is very limited access to those pockets. If allowed to be locked up and left, they will be a tinder box.<sup>956</sup>

- 11.53** Concern that the management of national parks is potentially leading to a 'crisis situation' with regard to fuel loads was expressed by Mr Desmond Bilske, General Manager, Deniliquin Shire Council. In regard to the perceived lack of maintenance by NPWS, Mr Bilske advised:

That will create significant fire loads in the future, which will be incapable of being fought not only by the parks management crews but also the Rural Fire Service groups because the access tracks are overgrown. The forests themselves have been grown to such an extent that in lots of areas with new growth it will create restrictions on growth in the future, from what has been told to us by foresters from the past.<sup>957</sup>

- 11.54** The Volunteer Fire Fighters Association gave evidence expressing their concern that funding constraints prevent fire management being undertaken, as NPWS finds itself managing an ever larger area of land:

... as more public land such as Crown Land and State Forest is converted to National Park, less funding is available within the NPWS to fund essential fire management works such as the maintenance of fire trials, asset protection zones and hazard reduction by prescribed burning. This is distinct from State Forests who invest funds back into the forest estate for the establishment and maintenance of fire trails and other fire protection measures.<sup>958</sup>

<sup>954</sup> Mr Rick Warren, General Manager, Warrumbungle Shire Council, Evidence, 27 September 2012, p 3.

<sup>955</sup> ABC News, *Rain falls on Warrumbungle fireground*, accessed 26 April 2013, <[www.abc.net.au/local/stories/2013/01/29/3678406.htm](http://www.abc.net.au/local/stories/2013/01/29/3678406.htm)>

<sup>956</sup> Cr Philip O'Neill, Councillor, Wakool Shire Council, 2 August 2012, p 3.

<sup>957</sup> Mr Desmond Bilske, General Manager, Deniliquin Shire Council, 2 August 2012, p 3.

<sup>958</sup> Submission 273, Volunteer Fire Fighters Association, p 2.

- 11.55** Professor Adams agreed that NPWS has insufficient resources to fire management, asserting that:

There have been lots of national parks created but very little additional funds for fuel management. That is something that should be addressed; if we are going to have large areas of national parks they should be appropriately funded to manage their fuels.<sup>959</sup>

- 11.56** Ms Bronwyn Petrie, a landholder from northern New South Wales, claimed that a lack of resources had a detrimental impact on the efficacy of hazard reduction burning in her area:

What has happened with the national park estate, and unfortunately it has also happened with a lot of the State forests because of lack of manpower and lack of interest because they are not allowed to log there anymore, is they lost the mosaic pattern of burns. For instance on our estate we do patches, anything from a few acres up to 300 acres in a patch. They range from two years to 11 years in timing. It depends on conditions and what type of ecosystem it is. All that sort of thing comes into account. When a wildfire hits those areas—we have a lot of lightning strikes in Tenterfield; it is the lightning capital of Australia so Telecom tell us—it either goes out or it drops to an extent where it can then be controlled. We have lost that as far as fire goes, so we have seen massive fires. That never happened before.<sup>960</sup>

- 11.57** The Committee was told that better management of fuel loads is key to preventing catastrophic fire. Mr Warwick Ragg, Senior Policy Advisor, NSW Forest Products Association, and Chief Executive, Australian Forest Growers observed that:

These are royal commissions and coronial inquiries on catastrophic fires that all reached the same conclusion: predominantly the fuel load needs to be better managed than it is on all tenures, and specifically public recreational tenures are the biggest burden.<sup>961</sup>

- 11.58** In evidence, the Nature Conservation Council agreed that hazard reduction practices were necessary, but cautioned the Committee that fuel reduction burning should not be seen as a panacea to preventing bush fires:

It is unrealistic to expect that all planned hazard reduction burns can be conducted in any given year, or that any prescribed burning strategy will prevent the occurrence of all bushfires ... Putting pressure on land management agencies to burn under unfavourable conditions can increase the risk of fires escaping when conditions are too dry or windy and lead to limited fuel reduction (while creating a false sense of security in the community that the treatment has been effective) when conditions are too moist.<sup>962</sup>

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<sup>959</sup> Professor Adams, Evidence, 4 December 2012, p 15.

<sup>960</sup> Ms Bronwyn Petrie, Evidence, 4 October 2012, p 48.

<sup>961</sup> Mr Warwick Ragg, Senior Policy Advisor, NSW Forest Products Association, and Chief Executive, Australian Forest Growers, Evidence, 14 September 2012, p 55.

<sup>962</sup> Tabled document, *Nature Conservation Council submission on fire management on public lands*, p 2.

- 11.59** Professor Adams acknowledged that view, but cautioned the Committee that although hazard reduction burning ‘is not a panacea...we can only control the fuel. That is the only element we have any reasonable control over’.<sup>963</sup>
- 11.60** The Nature Conservation Council further suggested that although hazard reduction burning can be a ‘very effective tool, it has its limitations’. They argued that modifying fuels closer to assets needing protection was a preferred method to broad scale burning further away from assets. Research conducted on the 2009 Victorian Bushfires, they argued, clearly shows that modifying fuels closer to the asset is a more effective way to reduce house loss than modifying fuels distant from houses i.e. broad scale burning.<sup>964</sup>

### **The impact of hazard reduction burning on biodiversity**

- 11.61** The Committee heard a range of views on the impact of hazard reduction burning on biodiversity and forest health. Some witnesses gave evidence that too frequent hazard reduction damages ecosystems and that burning needs to be strategic and based on the best available science, while others advocated that fire, as a natural part of the Australian landscape, is beneficial to increasing biodiversity.
- 11.62** Ms Leonie Blain of the Clarence Valley Conservation Coalition gave evidence that although hazard reduction burning was necessary, where the burning is too frequent it damages ecosystems:

It is not only the trees, the large plants, that are important in a national park, it is the understorey and the grasses. Whereas they might be clearing the undergrowth they are causing ecological damage as well. Sometimes of course this will be caused by fire. Fire is used as a hazard reduction tool in national parks as it is used elsewhere. As long as the frequency is not too great it is something that people like us accept as being necessary. It is where it ends up being constant burning that will cause major damage to ecosystems that we have concerns.<sup>965</sup>

- 11.63** The Colong Foundation for Wilderness asserted that bushfires had generally increased in frequency since European settlement and were likely to continue to do so due to climate change and population growth. They argued that wilderness areas should be places where natural ecological processes ‘can be protected from intensive fire management for the protection of human life and property’.<sup>966</sup>

<sup>963</sup> Professor Adams, Evidence, 4 December 2012, p 17.

<sup>964</sup> Tabled document, *Nature Conservation Council submission on fire management on public lands*, p 2.

<sup>965</sup> Ms Leonie Blain, Honorary Secretary, Clarence Valley Conservation Coalition, Evidence, 5 October 2012, p 24.

<sup>966</sup> Submission 317, Colong Foundation for Wilderness, p 17.

- 11.64** Further, the Colong Foundation argued that fire management practices should limit fire frequency in ways that mimic ‘the pre-European and pre-global warming environment’ and that such management should seek to ‘restore and maintain wilderness integrity<sup>967</sup> and should be ‘based on solid science and detailed ecological understanding at the local landscape level’.<sup>968</sup> With regard to wilderness areas, they explained that:

Excessive burning can cause severe damage to rugged wilderness areas. When burnt, the ground cover that binds the soil is lost, leading to accelerated sheet erosion as the next rains strip away the thin soils and nutrients. Streams then fill with gravel and silt.

Too-frequent fires can also wipe out local wildlife populations, destroy the important and restricted old growth vegetation and lead to the replacement of existing vegetation communities with more fire-tolerant (and fire-prone) communities.<sup>969</sup>

- 11.65** However, Professor Adams expressed a differing view. He suggested that the available evidence supports that claim that burning at intervals of five years or more ‘has little or no effect’ on biodiversity:

In summary, if there were evidence of changes in diversity or of extinctions of species due to fuel-reduction burning at intervals of 5 years or more, we would be outspoken in our demands for modification or cessation of fuel-reduction burning, depending on the evidence. But there is no empirical evidence, as far as we are aware. Rather, the counter-position to our argument comes from modeling based on limited empirical data, and from anecdotes and opinion ... The longer term results support our conclusion that fuel-reduction burning at intervals of 5 years or more has little or no effect on diversity.<sup>970</sup>

- 11.66** The NSW Forest Products Association argued that the ‘passive management’ within national park estate with regard to fuel reduction had damaged environmental values:

Extraordinary bushfires that have occurred on a very large scale within National Parks show an alarming pattern of destruction in the past and more recently following reservation of State Forests. Deua, Morton and Pilliga are clear demonstrations that creating reserves has failed to protect environmental values.<sup>971</sup>

- 11.67** Indeed, Dr Leon Bren, Forester and former academic at the University of Melbourne, put it to the Committee that fuel reduction burning was the ‘the lesser of two evils’:

In this case apparently there were always parrots whose young were burnt by the fuel reduction burns. There are some interesting issues. You might argue, as does my colleague Kevin Tolhurst, that the area is going to get burnt sooner or later, so which is the lesser of the two evils?<sup>972</sup>

<sup>967</sup> Submission 317, p 17.

<sup>968</sup> Submission 317, p 19.

<sup>969</sup> Submission 317, p 17.

<sup>970</sup> Adams M and Attiwill P, *Burning Issues*, p 96.

<sup>971</sup> Submission 225, NSW Forest Products Association, p 12.

<sup>972</sup> Dr Leon Bren, Briefing, 26 July 2012, p 12.

### **Mechanical hazard reduction works**

- 11.68** Mechanical or manual hazard reduction works include activities such as the removal of fuels using heavy machinery (for example, bulldozers or mowers) and the removal of material using hand held tools (for example, chainsaws, brush cutters, rakes and the use of herbicide sprays for removing weed species).<sup>973</sup>
- 11.69** The Committee received limited evidence regarding the effectiveness of mechanical hazard reduction practices. However, Mr Rick Warren, General Manager of Coonamble Shire Council, informed the Committee that in his area, where fire hazard reduction takes place on national park estate it ‘seems to be mechanical’, adding that ‘we are of the opinion that probably burning is the better way to do that—it reduces the fire load and fuel load considerably’.<sup>974</sup>
- 11.70** The Forest Products Association argued that thinning, as discussed in detail in Chapter 10, presents an effective method of fuel reduction. Discussing the river red gum forests where an increase in stem density had created an increase in fuel above ground, the Forest Products Association suggested that under such circumstances hazard reduction burning would end in ‘disaster’ and so mechanical thinning provides an alternative means of fuel reduction.<sup>975</sup> Indeed, they argued that thinning is ‘essential for fire hazard reduction in red gum forests where controlled burning is a great risk’.<sup>976</sup>
- 11.71** However, the Nature Conservation Council of NSW submitted that ‘logging has been put forward as a tool to reduce the fire proneness of forests. However, research conducted on the 2009 Victorian fires showed that houses close to State Forests were at similar risk from bushfire as those located close to National Parks (Gibbons et al. 2012)’ and ‘although logging slash is often burned post harvesting to reduce fuels, regrowth saplings can create more available fuel than mixed age stands (Reviewed in Lindenmayer et al 2009)’.<sup>977</sup>

### **Grazing as a hazard reduction method**

- 11.72** Some Inquiry participants argued that grazing presented a proven method of reducing fuel loads, especially where this activity had taken place before and was converted to national park estate. As the Volunteer Fire Fighters Association explained, the rationale behind this concept ‘is to allow limited grazing in a National Park on a commercial basis that would aim to ... reduce the fuel load on the forest floor, hence reducing the bushfire risk and rate of spread if a bushfire’.<sup>978</sup>

<sup>973</sup> Submission 332, p 39.

<sup>974</sup> Mr Warren, Evidence, 27 September 2012, pp 3-4.

<sup>975</sup> Submission 225, p 38.

<sup>976</sup> Submission 225, p 42.

<sup>977</sup> Tabled document, *Nature Conservation Council submission on fire management on public lands*, p 3.

<sup>978</sup> Submission 273, p 4.

- 11.73** The NSW Farmers' Association also recommended to the Committee that sustainable grazing should be investigated as a possible method of reducing fuel loads:

NSW Farmers encourages the investigation of the use of sustainable grazing as a primary method of hazard reduction, including within areas of the National Park estate. Sustainable grazing could serve a number of purposes including the reduction of fire hazards, supporting local producers with additional access to feed for their livestock, and reducing the cost and risk of prescribed burning.<sup>979</sup>

- 11.74** In evidence, Mr Steve Fittler, a landholder from the New England region, informed the Committee that the neighbouring State forests were previously using to graze cattle to reduce fuel, but this no longer happened since the conversion to national park estate:

... we had only had the property about three years when the forestry guys had it and they used to graze a few cattle in there. I do not care about getting into that issue but if grazing is controlled properly and everyone got together it can be quite a good tool to manage some parks, I do not say all. For a start you do not allow stock in there all the time. You let them graze, let them do their job of reducing the fuel load and get them out of there.<sup>980</sup>

- 11.75** Mr Andrew Scholz from the Volunteer Fire Fighters Association expressed the view that where national parks were previously grazed prior to conversion sustainable grazing would be 'effective in reducing fuel loads and weeds and would provide fodder to livestock during long-term drought'.<sup>981</sup>

- 11.76** However, the Committee was advised that the practice was not consistent with NPWS responsibility to protect natural and cultural heritage values. The Nature Conservation Council stated that:

The limited research that has been conducted shows that the relationship between grazing and fuel level is very much dependent on vegetation type. Overall for grassy systems, grazing does appear to reduce fuel levels, but not necessarily mitigate bushfire risk. In NSW and Victorian alpine and subalpine grasslands and heathlands (where grazing is often advocated by grazing interest groups), grazed areas were just as likely to be burnt during the 2003 fires as the ungrazed areas and grazing did not reduce fire intensity in the heathland communities (Williams et al. 2004). These findings support the conclusions of the Esplin Report of the Victorian Government Inquiry into the 2003 bushfire (Chapter 8), that high country grazing did not reduce the incidence of fire.<sup>982</sup>

- 11.77** They added that from a 'biodiversity conservation perspective, fire rather than grazing is generally the more appropriate management strategy for many vegetation communities' arguing that 'it is clear that historical grazing in Australia has left a legacy of degraded ecosystems'.<sup>983</sup>

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<sup>979</sup> Submission 260, p 12.

<sup>980</sup> Mr Steve Fittler, Gloray Pastoral Company, Evidence, 5 October 2012, p 61-62.

<sup>981</sup> Mr Andrew Scholz, Volunteer Fire Fighters Association, Evidence, 4 December 2012, p 63.

<sup>982</sup> Tabled document, *Nature Conservation Council submission on fire management on public lands*, p 4.

<sup>983</sup> Tabled document, *Nature Conservation Council submission on fire management on public lands*, p 4.

- 11.78** Mr Keith Stockwell of Birdlife Australia agreed and argued that cattle did not assist in managing fuel risk as they are ‘selective about what they eat’. He put it to the Committee that:

Cattle grazing willy-nilly increase the long-term fire risk because they are selective in what they eat. They will eat the most nutritious grasses, the grasses that taste best such as kangaroo grass, Moira grass and wallaby grass, and they will leave woody weeds such as *Juncus ingens*, which is very flammable when it dries and burns ferociously.<sup>984</sup>

- 11.79** Professor Adams informed the Inquiry that he was ‘agnostic’ regarding the role grazing played in fuel reduction. He advised that he was undertaking a long-term experiment to assess the impact of grazing on fuel reduction:

We are doing a long-term experiment in the Snowy Mountains ... The short-term results suggest that grazing has very little impact in the grassland or in the woodland on either biodiversity or on the fuel load. The biggest effect has been through the use of prescribed fire. It has clearly reduced the fuel load dramatically and the effect has lasted so far for four years ... It is used very effectively by the landowners in the Snowy Plains area, for example, in conjunction with prescribed burning to maintain biodiversity, to maintain water and the water status, and to maintain the carbon. In other words, as a whole system that area has a very sustainable management system in place and it is extremely hard to separate out just the effects of grazing.<sup>985</sup>

- 11.80** The Nature Conservation Council stressed the need to manage fire on national park estate based on the best available science. They recommended that the NPWS draft plan of management *Living with Fire in NSW National Parks – A Strategy for Managing Bushfire in National Parks and Reserves to 2021* to all current parks and newly acquired land and support NPWS five primary fire management objectives. They stated that the draft strategy is a comprehensive and strategic document which aims to manage both current and emerging bushfire risks.

#### **Committee comment**

- 11.81** The Committee received evidence from many Inquiry participants expressing significant concern regarding the management of fuel loads on public land, in particular on national park estate, and the considerable fire risk this fuel load represents.
- 11.82** However, the Committee notes that Inquiry participants expressed a range of views on the impact of hazard reduction burning on biodiversity and forest health. On the one hand, there are those who believe that burning damages ecosystems, and alternatively, there are those who suggest that fire is a natural part of the Australian landscape and can benefit biodiversity.

<sup>984</sup> Mr Keith Stockwell, Secretary and Acting Conservation Officer, Birdlife Australia Echuca District Branch, Evidence, 2 August 2012, p 31.

<sup>985</sup> Professor Adams, Evidence, 4 December 2012, p 19.

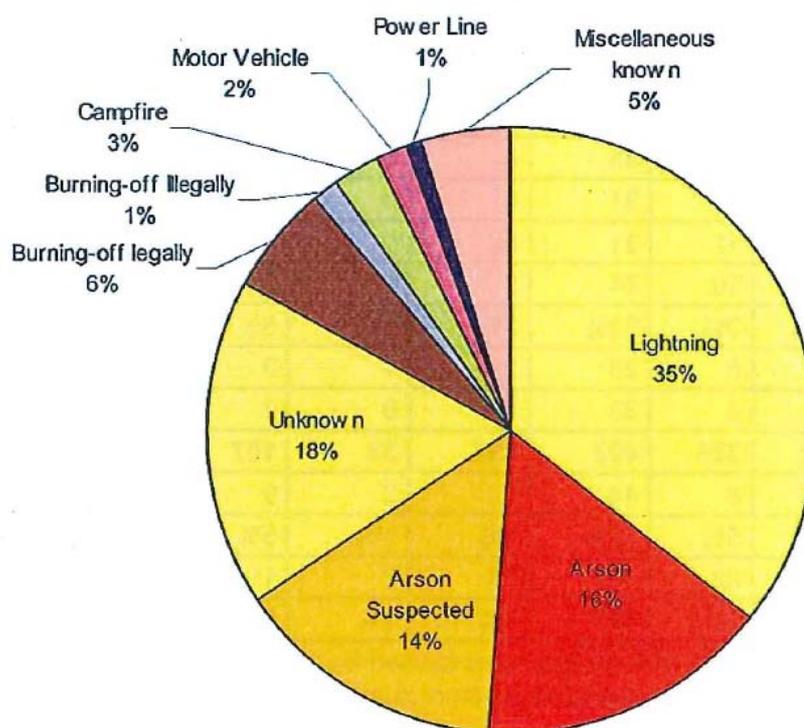
## Coordination and resourcing of fire management

11.83 A number of Inquiry participants highlighted the need for a coordinated approach to managing bush fire risk across all land tenures, given the propensity of bush fires to move across land tenures from public to private land and vice versa. Some Inquiry participants also expressed concern about the funding and resources available for fire management on public land, especially national parks.

### The need for a coordinated approach across land tenures

11.84 As noted previously, OEH observed that the main causes of bush fire in New South Wales on NPWS managed land were lightning, arson and accidental ignition (for example, from motor vehicles, camp fires and hazard reduction fires which became out of control). Lightning and arson, or suspected arson, accounted for 65 per cent of all fires.<sup>986</sup> Figure 6 shows the number of fires on NPWS land by ignition cause in the last 10 years.

Figure 6 The number of fires on NPWS land by ignition cause in the last 10 years<sup>987</sup>



11.85 In evidence to the Committee, Inquiry participants discussed the movement of bush fires from public to private land and the effectiveness of public land managers in containing the spread of fires.

<sup>986</sup> Answers to questions taken on notice during evidence 5 December 2012, Mr Conroy, Questions 1, Attachment A, p 5; see also Adams M and Attiwill P, *Burning Issues*, p 19.

<sup>987</sup> Answers to questions taken on notice during evidence 5 December 2012, Mr Conroy, Question 1, Attachment A, p 47.

**11.86** According to OEH, NPWS had been ‘2-3 times as effective as its neighbours in containing wildfires within its boundaries’. Further, the OEH noted that in 2011 to 2012:

- Of the 79 fires that affected NPWS lands, 73 (or 94 per cent) were controlled on park
- Of the 70 fires that started on park, 64 (or 91 per cent) were controlled on park.<sup>988</sup>

**11.87** Further, the OEH gave evidence regarding the five and ten year averages for fires across land managed by NPWS, explaining that 22-23 per cent of fires started off-park and that on average only 10 per cent of fires had escaped park boundaries:

**5 Year Average**

- 23 per cent of fires impacting national parks originate off-park.
- The fires that originate off park account for nearly half (49 per cent) of all hectares burnt on-park.
- NPWS has only allowed 10 per cent of fires to escape park boundaries.

**10 Year Average**

- 22 per cent of fires impacting national parks originate off-park, and these account for 25 per cent of all hectares burnt on-park.
- NPWS has only allowed 10 per cent of fires to escape park boundaries.

**11.88** In regard to fires on land managed for forestry, the Forestry Corporation of NSW informed the Committee that:

- In plantations on average, less than 0.5 per cent of the area is burnt by bushfire each year.
- In native forests on average, less than 2 per cent is burnt by bushfire each year.
- In the last 20 years approximately 2 per cent of all Forestry Corporation land has been affected by bushfire.
- We aim to reduce the fire hazard by reducing the fuels on about 5% of all treatable land each year.
- Safety of firefighters is a top priority management objective in all fire incidents.<sup>989</sup>

**11.89** A number of Inquiry participants, however, disputed the evidence of NPWS regarding their efficacy in containing fires, and raised concerns regarding bush fires moving off parks and onto surrounding lands. While the OEH defended its fire management record by referring to the number of fires it had successfully contained, the NSW Forest Products Association suggested that using the number of fires to assess the impact and success of fire management is an imperfect measurement, and that ‘intensity and damage from a fire is probably a much better measure’:

<sup>988</sup> Answers to questions taken on notice taken during evidence 5 December 2012, Mr Conroy, Question 1, Attachment A, p 44.

<sup>989</sup> Forestry Corporation of NSW, Fire Management, accessed 26 April 2013, <[www.forestrycorporation.com.au/management/fire-management](http://www.forestrycorporation.com.au/management/fire-management)>

I know one of the Deua fires that burnt 110,000 hectares down the South Coast was a fire that was started in the park by lightning strike the evening before and that was a devastating campaign fire, as we refer to them. In that lightning storm 17 fires were started within State forest; they were extinguished the following morning and one of them burnt almost five hectares, I think. That is my recollection of that. So number of fires is one measure. I think the intensity and damage from a fire is probably a much better measure.<sup>990</sup>

**11.90** Some adjoining landholders expressed concerns that their land is viewed as ‘buffer zones’ for fighting fires that originate on national parks estate. Mrs Nancy Robinson, for example, highlighted to the Committee that NPWS must understand that ‘neighbours’ paddocks are not buffer zones’.<sup>991</sup>

**11.91** In evidence, the NSW Farmers’ Association also noted the importance of the interface between public and private land in fire management, and called for public land managers to be subject to the same requirements as other land managers:

The interface between public land and private land is a critical factor in the management and control of fires. Under current native vegetation legislation, there are exemptions to allow for clearing around farm infrastructure, including fencelines, for the purposes of bushfire mitigation. Given the propensity for fires to originate in public lands and spread on to private lands, leading to economic loss of stock or crops, it should be a requirement of public land managers to ensure suitable buffer zones are created. Under Section 100 of the Rural Fires Act 1997, it is an offence for a person who owns or occupies land to permit a fire to escape from that land under such circumstances as to cause injury or damage to the neighbouring land. The same basic principles should apply to public land managers.<sup>992</sup>

### **Resources for fire management**

**11.92** Many witnesses raised concerns regarding the funding and resourcing levels for firefighting within national parks, expressing concern that the lack of people on the ground led to fires quickly becoming out of control. As Cr Shinton remarked ‘we always have plenty of money to throw at fighting a fire but not to preventing or controlling one’.<sup>993</sup>

**11.93** Mr Peter Laird, President, Western Division Councils of New South Wales, described the difficulty they experienced in far western New South Wales, where parks often had no firefighters on site, meaning they are required to suppress any fires which begin:

At Willandra and some of the other parks there are no firefighters. They are in Griffith, 200 kilometres away. Usually they arrive by the time we have put the fire out; they come trundling in from Griffith at the end of it. They cannot afford to put people on these parks. They just have not got the resources. If you talks to Parks and Wildlife people they just say that they are stretched, they cannot do it physically. They do not have the resources to man these parks ... The simple fact that polarised my mind was that when National Parks and Wildlife had only a handful of parks they had

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<sup>990</sup> Mr Russell Ainley, NSW Forest Products Association, Evidence, 14 September 2012, p 54.

<sup>991</sup> Ms Nancy Robinson, 26 September 2012, p 13.

<sup>992</sup> Submission 260, p 12.

<sup>993</sup> Cr Peter Shinton, Mayor, Warrumbungle Shire Council, Evidence, 27 September 2012 p 2.

the resources to manage them. Now they have so many the State Government does not have the resources or the money to manage them.<sup>994</sup>

- 11.94** In response to criticism of NPWS efforts in fire management, Mr Bob Conroy, Acting Deputy Chief Executive, OEH and Acting Head, NSW NPWS, informed the Committee that more resources were being invested into fire management and cooperation with other agencies and land managers. Mr Conroy noted that over the next five years there will be a renewed program of hazard reduction management:

In bushfire management, National Parks is in a new phase of renewed hazard reduction effort. Specific enhancement funding of \$62 million over five years will double our firefighting efforts heading towards an overall target of 135,000 hectares of National Parks land treated on average each year ... These new strategies have been developed with extensive community input and will focus on cross-boundary programs that benefit both park management and adjoining neighbours.<sup>995</sup>

- 11.95** As a possible solution to the resourcing and management of fire in New South Wales, the Volunteer Fire Fighters Association expressed support for the Victorian model of fire management in which all fire management resources are shared across 'the whole public land estate irrespective of public land tenure to manage pests, fire and weeds'.<sup>996</sup> Mr Scholz told the Committee that the Volunteer Fire Fighters Association was advocating that:

... government agencies responsible for the management of natural areas in New South Wales should be amalgamated into one super department based on a similar model to the Department of Sustainability and Environment operating in Victoria. We believe this will enable the limited financial, physical and human resources currently available to those agencies to be pulled together in a more efficient and cost-effective manner to manage the natural assets of the estate irrespective of the land tenure. We believe this will ensure there is a fully integrated and coordinated approach to the maintenance of fire trails and managing bushfires, feral animals and noxious weeds.<sup>997</sup>

### **Maintenance of fire trails**

- 11.96** As a specific illustration of the need for a coordinated approach to managing bush fire risks on public lands, the Committee received evidence on the maintenance of fire trails. Fire trails allow access to an area for the purposes of fire management. As the NSW RFS explained, fire trails are sometimes combined with other works to provide fire breaks and fire containment lines but 'fire trails do not, of themselves, constitute these other entities, although they may occupy the same place in the landscape, and provide a part of those features'.<sup>998</sup>

<sup>994</sup> Mr Peter Laird, President, Division Councils of NSW, Evidence, 14 September 2012, p 64.

<sup>995</sup> Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage, and Acting Head, National Parks and Wildlife Service, Evidence, 7 September 2012, p 4.

<sup>996</sup> Submission 273, p 2.

<sup>997</sup> Mr Scholz, Evidence, 4 December 2012, p 62.

<sup>998</sup> Bush Fire Coordinating Committee, *Fire Trails Policy No. 2/2007*, accessed 26 April 2013, <[www.rfs.nsw.gov.au/file\\_system/attachments/State/Attachment\\_20070816\\_6C227A5C.pdf](http://www.rfs.nsw.gov.au/file_system/attachments/State/Attachment_20070816_6C227A5C.pdf)>

**11.97** There are three classifications of fire trail: dormant, where the trail has been used in the past but there is now no requirement for it; important, where the trail is needed for fire management, but other trails could be used should this be unusable in the event of a fire; and essential, where fire response and suppression without this trail would be ‘severely compromised’.<sup>999</sup> The different classifications have different maintenance requirements placed upon them. Each Bush Fire Management Committee is responsible for maintaining a register of the fire trails within their area.<sup>1000</sup>

**11.98** The NSW Government explained there was a balance to be struck between allowing access for fire prevention and suppression and ensuring that access for the purposes of arson was minimised:

A major consideration in determining the status and funding of fire trails is the balance between the suitable provision of access for fire-fighting purposes and the need to limit access along fire trails into bushland areas which may promote access for arson.

The decision on the size and scope of a fire trail network is taken at the local level, and involves land management agencies and other interested groups such as volunteer brigades, relevant state and local government entities and private landholders. These groups are, after all, best placed to determine the right balance for access issues.<sup>1001</sup>

**11.99** However, a number of Inquiry participants gave evidence that fire trails were not being maintained properly on public land. For example, that the Volunteer Fire Fighters Association suggested to the Committee that they were aware of instances where the standard and level of maintenance of fire trails is ‘inconsistent under the current bureaucratic structure where fire trails traverse several public land tenures’:

There is recent evidence on the north coast of NSW, where an essential fire trail in the Nymboi – Binderay National Park was upgraded to the park boundary and restoration works discontinued once the fire trail entered the adjoining State Forest. This is despite the fact that the trail in the State Forest was in poor condition. Fire clearly has no boundaries, however on this occasion, it is clear that public land management agencies invoked a boundary when it came to managing an essential fire trail, potentially putting the public, fire fighters and the environment at risk from fire. Once again, this demonstrates that public lands are not being managed in a consistent, efficient or cohesive manner.<sup>1002</sup>

**11.100** Discussing the Pilliga forest, Mr Rod Young, a landholder, suggested that the change in land management from State forest to national park estate had led to access roads becoming overgrown:

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<sup>999</sup> Bush Fire Coordinating Committee, *Fire Trails Policy No. 2/2007*, accessed 26 April 2013, <[www.rfs.nsw.gov.au/file\\_system/attachments/State/Attachment\\_20070816\\_6C227A5C.pdf](http://www.rfs.nsw.gov.au/file_system/attachments/State/Attachment_20070816_6C227A5C.pdf)>

<sup>1000</sup> Bush Fire Coordinating Committee, *Fire Trails Policy No. 2/2007*, accessed 26 April 2013, <[www.rfs.nsw.gov.au/file\\_system/attachments/State/Attachment\\_20070816\\_6C227A5C.pdf](http://www.rfs.nsw.gov.au/file_system/attachments/State/Attachment_20070816_6C227A5C.pdf)>

<sup>1001</sup> Submission 332, p 44.

<sup>1002</sup> Submission 273, p 2.

Prior to the downturn of forestry I have always considered that the forestry people were always more effective firefighters than the National Parks. The Pilliga, for example, was set up with roads wide enough that the log carriers could pass. They had plenty of room to get their loads backwards and forwards and if you question some of the local people out there now, a lot of those roads have been allowed to become overgrown.

- 11.101** Mr Young asserted that this often meant it became unsafe to allow fire fighters access to fight fires, which leads to ‘major fires’<sup>1003</sup> forming. It was also necessary to ensure fire trails were maintained on private land as well. He asserted that:

In other words, the fire trails need to be maintained ... They need to be wide enough for trucks to pass. They need areas where they can turn around and get out if they have to.

It is the same on private land. I am deputy group captain out here in my farming area of Purlewaugh, and we are gradually developing fire trails through 100,000 acres of scrub called the Binnaway scrub area. We want to be able to get in there smartly when we get a lightning strike, find the fire and nip it in the bud before it develops into a big fire. That is what we need. We need a system of serviceable fire trails and quick action to nip fires in the bud. We prefer small fires, not big fires.<sup>1004</sup>

- 11.102** A similar view was expressed by Mr Brian Williams, President of the Volunteer Fire Fighters Association who stated that fire fighters had to make risk assessments when trying to suppress a fire, including about the safety of fire trails. Mr Williams gave evidence that:

If the tracks are narrow and there are no turnaround areas, you have to weigh up safety. That takes the major priority at all times. With the track system in the mess it is, we are reluctant to go into areas in which we do not feel safe, particularly when it gets down to the amount of fuel load—how long it has been since that area was burnt. A lot of things come into doing a risk assessment. Generally speaking, the tracks are deteriorating, they are getting more dangerous to use and quite often it is now a case of falling back to a major control line, which is often just the main roads.<sup>1005</sup>

- 11.103** Further, Mr Williams stressed the importance of fire trails, explaining that the VFFA needed access in order to get bulk water and people in to deal with the fires quickly. He advised the Committee many kilometres of trail had been closed down which meant they now the ‘only access we have to a lot of areas is by helicopter and they are expensive’<sup>1006</sup>

Over the years thousands and thousands of kilometres of fire trails have closed down. Once we had good access into bush. Most of the logging tracks were out along ridge lines and things, which gave us a control line to get in and burn back from during the night to cut off a major fire. Now we virtually have none.<sup>1007</sup>

<sup>1003</sup> Mr Rod Young, Evidence, 27 September 2012, p 36.

<sup>1004</sup> Mr Young, Evidence, 27 September 2012, p 36.

<sup>1005</sup> Mr Brian Williams, Vice President, Volunteer Fire Fighters Association, 4 December 2012, p 66.

<sup>1006</sup> Mr Williams, Evidence, 4 December 2012, p 64.

<sup>1007</sup> Mr Williams, Evidence, 4 December 2012, p 64.

- 11.104** Mr Williams cautioned the Inquiry that it was a ‘very, very costly exercise’ once fire trails are removed. He noted that the trails have to be ‘reopened at times or you have to use helicopters instead. So it is costing the public purse quite a lot of money by closing those off’.<sup>1008</sup>

### **Examples of good practice in cooperation across land tenures**

- 11.105** Inquiry participants suggested that effective fire management must involve all managers of land, both public and private. Two successful fire management projects were discussed, both of which involved close cooperation to manage bush fire risk at a landscape level, irrespective of tenure.
- 11.106** Dr Ernst Kemmerer, Frontier Optimisation, suggested to the Committee that currently two competing fire management philosophies exist, a ‘no-burn or let-burn’ approach and an ‘active fuel management and suppression’ approach. Dr Kemmerer argued that where multiple management goals exist ‘an evidence-based approach needs to be taken for managing fuel levels across the landscape’. To achieve this, he suggested, agencies need to adopt a landscape based approach to managing fuel load, as opposed to an approach based on land tenure.<sup>1009</sup>
- 11.107** Mr Grant Johnson, Policy Manager at the Australian Forest Products Association supported this view and recommended that there was a need for the management of risk across all land tenures. He informed the Inquiry that:

A whole-of-landscape approach is urgently needed to better manage these risks. This includes the improved management of national parks and the restoring of land to active, sustainable forest management to better maintain essential landscape values. In the United States, for example, active forest management is being reintroduced into forested areas previously set aside for conservation in order to reduce fuel loads and associated costs to government, to maintain environmental values and to utilise the available wood for timber and wood waste for renewable, environmentally safe bioenergy.<sup>1010</sup>

### ***Hotspots Fire Project***

- 11.108** The Committee received evidence that the ‘Hotspots Fire Project’ which is being run by the NSW Rural Fire Service and the Nature Conservation Council, was a good example of cooperation across land tenures. Using the best science and operational knowledge the program aims to deliver training to landholders and land managers to enable them to ‘actively and collectively participate in fire management planning and implementation for the protection and enhancement of biodiversity conservation’.<sup>1011</sup> The project aims to increase community understanding ‘of the role of fire in the Australian bush and to improve the management of fire across the landscape for ecological outcomes, while also protecting life and property’.<sup>1012</sup>

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<sup>1008</sup> Mr Williams, Evidence, 4 December 2012, pp 64-65.

<sup>1009</sup> Submission 486, Dr Ernst Kemmerer, Frontier Optimisation, pp 4-5.

<sup>1010</sup> Mr Grant Johnson, Policy Manager, Australian Forest Products Association, Evidence, 14 September, p 52.

<sup>1011</sup> Hotspots Fire Project, accessed 26 April 2013, <<http://hotspotsfireproject.org.au/>>

<sup>1012</sup> Hotspots Fire Project, accessed 26 April 2013, <<http://hotspotsfireproject.org.au/>>

**11.109** The NSW Farmers' Association explained in their submission to the Inquiry that much of Australia's native flora 'relies on bushfires as a part of its reproductive cycle' and that recognition of this had led to the Nature Conservation Council and a number of organisations, such as the RFS and NSW Farmers' Association, combining to initiate the project.<sup>1013</sup>

**11.110** Ms Brianna Casey from the NSW Farmers' Association explained that the value of the project lay in getting different groups of landholders to communicate with each other. The project, she stated, was about:

... transferring that skills and knowledge that local landholders have but also better informing them about how to mimic what has happened naturally in our eco-systems. I think the concept of having conservation groups, farmers and land managers all in a room together, discussing what the best objectives and outcomes are for a region, has worked wonderfully well. We would like to see more of it.<sup>1014</sup>

**11.111** Ms Fiona Simson of the NSW Farmers' Association explained the project presented a framework in which to guarantee cooperation across land tenures. As she explained to the Committee:

Sometimes I think it is very difficult for the public. Everyone says that they are quite happy to work together but it is actually quite difficult to get the public land managers working in harmony with the private land managers in harmony with the railways, for example, and the Roads and Traffic Authority and the other authorities. Something like the hot-spots program not only involves all the landholders and the stakeholders at the planning stage in terms of how to go forward and how to handle the problem, but then actually involves them in the implementation. I think by actually having a framework set up such as hot-spots facilitates that communication between all the various stakeholders.<sup>1015</sup>

**11.112** Professor Adams acknowledged that the project had been effective in some areas, but cautioned that the underlying policy framework which defined the activities of the various fire management authorities still needed to be addressed:

It is hard to achieve these things everywhere. I do agree that they are trying to take a tenure-blind approach. The tricky part is that underneath all of this we still have defined activities that will be done by the RFS, stuff that will be done that State Forests and stuff that will be done by National Parks. When something bad happens, when you go to a royal commission, all of those things are unpacked and we start pointing fingers as to who is to blame.

Hotspots is great but it is an idealistic approach, if I could call it that. We need to make sure that the underpinning policy frameworks and the underpinning regulations and, if necessary, the organisations—National Parks, RFS, State Forests, Catchment Management Authorities and all the rest—have a unified approach.<sup>1016</sup>

<sup>1013</sup> Submission 260, p 13.

<sup>1014</sup> Ms Brianna Casey, Environment Policy Director, NSW Farmers, Evidence, 14 September 2012, p 73.

<sup>1015</sup> Ms Fiona Simson, President, NSW Farmers, Evidence, 14 September 2012, p 72.

<sup>1016</sup> Professor Adams, Evidence, 4 December 2012, p 13.

***Canobolas Bush Fire Model***

- 11.113** Alternatively, the Volunteer Fire Fighters Association proposed that the ‘Canobolas bushfire model’ should be adopted by all land management agencies across NSW for managing bushfire risk and hazards on public lands.<sup>1017</sup> The model has been developed between the NPWS and the RFS in the Canobolas zone since 2004, one of the 69 Bush Fire Management Committee areas, which covers 11,000 hectares of land which includes the Local Government areas of Blayney, Cabonne, Cowra and Orange.<sup>1018</sup>
- 11.114** The model, they explained, is ‘a map-based, bush fire risk management plan that provides a tenure blind, whole of landscape approach to bushfire management’ that covers national park, State forest, Crown land and private property. The plan undertook that a commitment to engage in community consultation to involve the local community in developing the plan which divides the landscape ‘into different zones, allocates risk and then identifies a range of treatment options within each zone’.<sup>1019</sup>
- 11.115** According to the RFS, the model has two objectives, firstly, the protection of life, property and community assets and secondly, to utilise sustainable development principles in managing fire in the landscape.<sup>1020</sup> As Mr Scholz informed the Inquiry, this model allows effective bushfire treatments to be allocated to the land ‘based on risk, not on land tenure’.<sup>1021</sup> Indeed, an audit of the model in 2008 found that for the Canobolas zone, the plan was a ‘significant improvement on the previous Bush Fire Risk Management Plans that were prepared under the old format’.<sup>1022</sup>

**Committee comment**

- 11.116** A number of Inquiry participants expressed concern about the funding and resourcing levels for fire fighting within national parks. Some of these referred to maintenance of fire trails as demonstrating the need for increased funding and resources, as well as a more consistent approach to fire management.
- 11.117** On the need for a consistent approach to managing bush fire risk, Inquiry participants said successful projects such as the Hotspots program and the model used in the Canobolas Bush Fire Management Committee area highlight the value of cooperation across land tenures to adopt a whole-of-landscape approach to the protection of life, property and assets.
- 11.118** Further examples of successful cooperation across all land tenures are discussed in the next Chapter, for example the Wee Jasper Wild Dog and Fox Control Plan.

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<sup>1017</sup> Submission 273, p 3.

<sup>1018</sup> Submission 273, p 7.

<sup>1019</sup> Submission 273, p 4; see also The NSW Rural Fire Service, The Canobolas Project, accessed 26 April 2013, <[www.canobolas.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1707](http://www.canobolas.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1707)>

<sup>1020</sup> The NSW Rural Fire Service, The Canobolas Project, accessed 26 April 2013, <[http://www.canobolas.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1707](http://www.canobolas.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1707)>

<sup>1021</sup> Mr Scholz, Evidence, 14 September 2012, p 63.

<sup>1022</sup> The NSW Rural Fire Service, The Canobolas Project, accessed 26 April 2013, <[www.canobolas.rfs.nsw.gov.au/dsp\\_content.cfm?cat\\_id=1707](http://www.canobolas.rfs.nsw.gov.au/dsp_content.cfm?cat_id=1707)>

- 11.119** Recommendation 6 supports a nil-tenure approach to land management in New South Wales, which the Committee believes will achieve improved coordination and consistency in fire management practices.
- 11.120** The Committee expresses concern about the differing requirements placed on land managers in New South Wales with regard to managing and suppressing fire. The Committee agrees with the evidence from a number of Inquiry participants that adequate fire breaks or ‘buffer zones’ should be maintained along the boundaries of public land, to ensure that fires can be suppressed adequately before causing damage to neighbouring land.

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**Recommendation 6**

That the NSW Government, with regard to fire management in New South Wales:

- 6.1 require public land managers to comply with the same fire management requirements as private land managers, and require them to maintain adequate fire breaks on the borders of their property to ensure fires can be suppressed adequately before injury or damage is caused to neighbouring land
  - 6.2 investigate the application of the National Parks and Wildlife Service draft plan of management *Living with Fire in NSW National Parks – A Strategy for Managing Bushfire in National Parks and Reserves to 2021* to all current parks and newly acquired land and support the National Parks and Wildlife Service’s five primary fire management objectives.
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## Chapter 12 Pests, weeds and other management impacts

This Chapter examines a number of significant operational impacts of converting land to national park estate; namely, management activities relating to the control of pests and weeds on public land, and access issues, including access to public land for recreation and commercial purposes. The Chapter concludes by considering Inquiry participants' views on responsiveness of the National Parks and Wildlife Service to neighbours and other landholders, including in regard to boundary fences and access roads.

The Inquiry received evidence that pests and weeds are found across all tenures of land in New South Wales. Inquiry participants informed the Committee of the significant economic and environmental damage that pests and weeds can cause. A number of Inquiry participants suggested that cooperation was necessary between all land managers – both public and private – for the successful management of feral animals and weeds.

### Feral pest and weed management in New South Wales

- 12.1** The NSW Government advised that feral animals and weeds are 'among the biggest threats to the survival of Australia's native plants and animals' and present a significant problem to primary production and other industries as well as areas of cultural significance. Further, the NSW Government estimated that pest animals cost the Australian economy over \$1 billion annually.<sup>1023</sup>
- 12.2** In its submission the NSW Government observed that the main species of pest are wild dogs, foxes, rabbits, carp and feral pigs, goats and cats. Other animals, such as wild horses, wild deer, rats and cane toads also present more localised problems and further species are beginning to emerge as potential threats.<sup>1024</sup>
- 12.3** According to the Department for Primary Industries over 1,350 species of weed, or exotic plant species, have become naturalized in New South Wales, often after being deliberately introduced. More than 300 of these have a detrimental impact on the environment, such as by out competing native flora and leading to mono-cultures.<sup>1025</sup> The NSW Government noted that some of the most invasive weed species are 'bitou bush, lantana, blackberry, privet, perennial grasses and exotic vines such as the Madeira vine'.<sup>1026</sup>
- 12.4** The impact that pest and weed species can have on an area can depend on a number of factors. For example water supply, bush fire, 'the size of the land parcel, its proximity to neighbours and the amount of access to the land' can all influence the spread of pests and weeds in a landscape.<sup>1027</sup>

<sup>1023</sup> Submission 332, NSW Government, p 46.

<sup>1024</sup> Submission 332, p 46.

<sup>1025</sup> Department of Primary Industries, *New South Wales Invasive Species Plan 2008–2015*, 2008, p 1.

<sup>1026</sup> Submission 332, p 46.

<sup>1027</sup> Submission 332, p 46.

- 12.5** A number of pieces of legislation form the framework in New South Wales which applies to both public and private land managers, including the *Rural Lands Protection Act 1998*, *Noxious Weeds Act 1993*, *Pesticides Act 1999*, *Game and Feral Animal Control Act 2002*, *Non-Indigenous Animals Act 1987*, *Threatened Species Conservation Act 1995* and the *Deer Act 2006*. The *Rural Lands Protection Act 1998* requires all landholders to control pests on their land and the *Noxious Weeds Act 1993* requires land holders to control declared noxious weeds occurring on their land.<sup>1028</sup>
- 12.6** The NSW Government, through the Department for Primary Industries, launched a comprehensive policy framework in 2008 – the *NSW Invasive Species Plan 2008–2015* – which sets out the framework for the coordinated management of pest animals and weeds across all land tenures in the State. At a regional and local level complementary pest and weeds strategies are produced by Catchment Management Authorities (CMAs) and local government Regional Weeds Authorities.<sup>1029</sup>
- 12.7** The DPI explained that the *NSW Invasive Species Plan 2008-2015* seeks to ‘prevent new incursions, contain existing populations and adaptively manage widespread species’.<sup>1030</sup> Further, they advised that since European settlement there have been ‘significant declines and extinctions of Australia’s native fauna and flora’ and that invasive species have contributed to much of this loss.<sup>1031</sup>
- 12.8** Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries (DPI), explained that biosecurity is the ‘protection of the economy, the environment and the community from the negative impacts of pests, diseases and weeds’.<sup>1032</sup> Further, he explained that a new division, Biosecurity NSW, had been created within the DPI to centralise biosecurity management, and that ‘Biosecurity NSW will lead the engagement on areas of biosecurity with other agencies that play a central role in management.’<sup>1033</sup>
- 12.9** Mr Christie noted that other agencies, such as the OEHL, the Game Council NSW, Local Land Services and local government, also play key roles in pest and weed management.<sup>1034</sup> Further, Mr Christie said that biosecurity needs to be approached in a holistic way across boundaries or land tenures.<sup>1035</sup>

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<sup>1028</sup> Submission 332, p 46.

<sup>1029</sup> Submission 332, p 46.

<sup>1030</sup> Department of Primary Industries, *New South Wales Invasive Species Plan 2008–2015*, 2008, p 1.

<sup>1031</sup> Department of Primary Industries, *New South Wales Invasive Species Plan 2008–2015*, 2008, p 5.

<sup>1032</sup> Mr Bruce Christie, Executive Director, Biosecurity, NSW Department of Primary Industries, Evidence, 7 September 2012, p 37.

<sup>1033</sup> Mr Christie, Evidence, 7 September 2012, p 37.

<sup>1034</sup> Mr Christie, Evidence, 7 September 2012, p 37.

<sup>1035</sup> Mr Christie, Evidence, 7 September 2012, p 37.

## Responsibility for managing pests and weeds

- 12.10** A number of agencies are responsible for managing pests and weeds in New South Wales, and mitigating their impacts. This section discusses the management activities undertaken by key government agencies namely the Crown Lands Division, NSW National Parks and Wildlife Service (NPWS), Forestry Corporation of NSW (formally Forests NSW) and Game Council NSW.

### Crown Lands Division

- 12.11** Across the 34 million hectares of Crown land estate, funds are provided to reserve trusts, Landcare groups, LHPAs, county councils and local councils for weed and pest control programs on Crown lands. Further, the Crown Lands Division provides funds for integrated weed control programs on Crown land. The Livestock Health and Pest Authorities (LHPAs) are responsible for the planning and coordination of on-ground actions for the eradication of pest animals on Crown Land.<sup>1036</sup>
- 12.12** The Division is involved in the development of regional weed management plans as well as the federal Weeds of National Significance initiative. Further, the Division cooperates with other DPI divisions and the OEHL to deliver fox baiting and control initiatives and also support Regional Wild Dog Management Plans, and Recovery Plans for threatened native species.<sup>1037</sup>
- 12.13** Due to a large percentage of Crown land being managed on behalf of the Crown Lands Division by other bodies, such as trust managers, the NSW Government said it is not possible to quantify weed and pest control activities on Crown land at present.<sup>1038</sup> However, the Division recently developed a Natural Resource Monitoring, Evaluation and Reporting Strategy which will, overtime, provide detailed spatial reporting and measurement of all land management activities undertaken on Crown Land.<sup>1039</sup>
- 12.14** The NSW Government advised that in 2011 to 2012 the Crown Lands Division funded 166 projects for weed management on Crown Lands at a cost of \$585,000 and 37 projects for pest control on Crown land, costing \$190,000. The majority of pest management projects targeted foxes and wild dogs.<sup>1040</sup>

<sup>1036</sup> Submission 332, p 51.

<sup>1037</sup> Submission 332, p 51.

<sup>1038</sup> Submission 332, p 51.

<sup>1039</sup> Submission 332, p 51.

<sup>1040</sup> Submission 332, p 51.

### NSW National Parks and Wildlife Service

- 12.15** NPWS has responsibility for the management of pests and weeds across the 7 million hectares of national park estate. They also work in partnership with other landholders to implement the NSW Invasive Species Plan. NPWS advised that they plan and prioritise their program of pest management which includes a ‘mix of approaches including trapping, baiting, mustering, biological control, exclusion fencing and aerial and ground shooting’.<sup>1041</sup>
- 12.16** NPWS prepare five-year Regional Pest Management Strategies which set priority actions for each of the 14 NPWS administrative regions. Priority programs may, for example, target pests that significantly impact economic enterprises or threaten species populations. The NSW Government stated that the most recent Regional Pest Management Strategies was subject to extensive consultation, with around 380 stakeholders the forums.<sup>1042</sup>
- 12.17** NPWS measure success in pest management by the recovery of threatened native species and the reduction in the loss and damage to stock and crops. Table 7 below shows the numbers of pest animals destroyed or removed within the national parks system during 2010 to 2011 and compares this with the number of baits laid.<sup>1043</sup>

**Table 7 Numbers of pest animals destroyed or removed and number of baits laid within the national parks system, 2010 to 2011.**<sup>1044</sup>

	Destroyed	Removed or trapped	Baits laid
Dogs	594	456	32,174
Goats	8,636	17,782	
Foxes	2,016	430	25,559
Pigs	9,888	392	76 (125 kg)
Cats	61	42	108
Rabbits	2,530		1,535 kg
Cane toads	16,428		
Deer	253	142	

### Forestry Corporation of NSW

- 12.18** Forestry Corporation of NSW (formally Forests NSW) undertakes weed and pest management on the 2 million hectares of its land in line with legislation and protocols that prescribe the appropriate methods for particular weeds and pest. The NSW Government informed the Committee that the Forestry Corporation is a major contributor to a range of pest management programs. Tables 8, 9 and 10 outline the pest and weed control activity undertaken by the Forests NSW in 2010 to 2011.<sup>1045</sup>

<sup>1041</sup> Submission 332, p 48.

<sup>1042</sup> Submission 332, pp 48-49.

<sup>1043</sup> Submission 332, p 49.

<sup>1044</sup> Submission 332, p 49.

<sup>1045</sup> Submission 332, p 50.

## Game Council NSW

- 12.19** The Game Council NSW, the statutory body responsible for implementing the objectives of the Game and Feral Animal Control Act 2002, administers a licensing system under which game hunting licence holders remove game and feral animals from State forests. According to the NSW Government this helps to ‘contain existing game animal populations and exerts downward pressure on feral animal populations in these locations’.<sup>1046</sup>

**Table 8 Forests NSW expenditure on pest animal and weed control, 1997to 2011**

Treatment categories	1997–98	2008–09	2009–10	2010–11
Weeds	\$1,325,000	\$898,940	\$1,125,258	\$1,018,984
Pest animals	\$328,000	\$584,800	\$591,459	\$392,340
Total	\$1,653,000	\$1,483,740	\$1,716,718	\$1,411,324

**Table 9 Pest animal and weed control in State forests, 2010 to 2011**

Treatment categories	Weed and pest control associated with plantation establishment		General pest and weed control	
	Area (ha)	Expenditure	Area (ha)	Expenditure
Blackberry treatment	7,853	\$1,160,522	33,580	\$532,368
Other weed treatment	7,691	\$1,305,604	39,439	\$486 616
Rabbit control	7,726	\$80,825	0	\$0
Wild dog control	0	\$0	122,351	\$0
Other pest animal control	0	\$0	645,875	\$392,340
<b>Totals</b>	<b>23 270</b>	<b>\$2 546 951</b>	<b>841 245</b>	<b>\$1 411 324</b>

**Table 10 Species removed by licensed hunters in State forests, 2007 to 2011**

	2007–08	2008–09	2009–10	2010–11
Feral cats	136	172	219	167
Feral goats	1,037	1,899	2,130	2,646
Feral pigs	1,081	1,478	1,924	2,278
Foxes	724	1,072	1,256	1,320
Hares	242	489	630	520
Rabbits	4,076	5,453	8,335	6,606
Wild deer	410	562	654	499
Wild dogs	55	72	84	69

<sup>1046</sup> Submission 332, p 50.

## The impact and management of feral animals and weeds

- 12.20** Inquiry participants outlined the impact that pest species have on the environment and on agricultural industries. Wild dogs, feral pigs and goats, feral cats and foxes, as well as carp were all highlighted as having a significant impact on the New South Wales landscape and presenting a number of challenges in terms of control.

### The impact and management of wild dogs

- 12.21** In New South Wales wild dogs<sup>1047</sup> are a declared pest under the Wild Dog Pest Control Order, which imposes on land managers a responsibility to eradicate wild dogs by any lawful means.<sup>1048</sup>
- 12.22** The DPI gave evidence that wild dogs exist primarily along the Great Dividing Range, coastal hinterlands and in north west New South Wales. Further, they advised that wild dog ‘appearance and behaviour can vary markedly according to their breed, size and pack structure’.<sup>1049</sup>
- 12.23** A number of landholders expressed concern that wild dogs are moving from public land onto private land, and described for the Committee the economic and environmental damage caused by wild dog predation, as well as outlining the emotional impact of having to deal with the aftermath of stock attacked by wild dogs.
- 12.24** Mr Rodney Young, a landholder in northern New South Wales, emphasised the scale of the problem, stating that he had been receiving reports that ‘the wild dog population is spreading further and further on to private land’.<sup>1050</sup> He asserted that unless action was taken New South Wales could develop a problem on the scale of Queensland:
- ... wild dogs play a major role in that Queensland is now a basket case as far as wild dog control is concerned. New South Wales is now 50 per cent wild dog affected. If we cannot turn around the control system in five to 10 years New South Wales will be the same as Queensland.<sup>1051</sup>
- 12.25** Indeed, discussing the Western Lands Division, Mr Wally Mitchell, former Mayor of Bourke Shire Council and member of the Western Division Councils of NSW, expressed the view that the ‘wild dog problem is bigger now than it ever was’.<sup>1052</sup>

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<sup>1047</sup> The DPI informed the Committee that the term ‘wild dog’ is used to refer to all wild-living dogs (*Canis lupus ssp.*) which includes dingoes (*Canis lupus dingo*), feral domestic dogs and the hybrid descendents of both. According to the DPI feral domestic dogs and dingoes interbreed, making it difficult to distinguish between them even with expert morphological and DNA identification techniques. Department of Primary Industries, *Wild Dog Management Strategy, 2012-2015*, p 7.

<sup>1048</sup> Department of Primary Industries, *Wild Dog Management Strategy, 2012-2015*, p 9.

<sup>1049</sup> Department of Primary Industries, *Wild Dog Management Strategy, 2012-2015*, p 7.

<sup>1050</sup> Mr Rod Young, Private individual, Evidence, 27 September 2012, p 36.

<sup>1051</sup> Mr Young, Evidence, 27 September 2012, p 35.

<sup>1052</sup> Mr Wally Mitchell, former Mayor, Bourke Shire Council, and member of Western Division Councils of NSW, Evidence, 14 September 2012, p 65.

- 12.26** Mr Anthony Miller, a grazier on the southern tablelands who borders a national park, explained that he could no longer graze animals in certain parts of his property due to wild dog predation:

The park also seems to be a haven for feral predators, dogs, both wild and crossbreds, and feral pigs. These animals, preying on sheep, and smaller cattle has resulted in 50% of my property destocked. I cannot safely put grazing animals onto my best pasture as they become victim to the ferals, whom shelter in the park.<sup>1053</sup>

- 12.27** Informing the Committee about the ‘stress, anxiety and financial burden’ that wild dog predation has on farmers, Mr Rob Costello, a landholder from New England, advised that:

Picking up partly eaten stock and destroying dying stock should not be a routine practice for livestock producers anywhere. The numbers presented to you regarding wild dog predation and occurrences are too high and need to be addressed as a matter of urgency. They are highest on properties adjoining public land, in particular schedule 2 lands.<sup>1054</sup>

- 12.28** Ms Bronwyn Petrie, a landholder in the north of the State, suggested that in controlling wild dogs, landholders were incurring a ‘double whammy’ of costs. Firstly, through stock losses due to wild dog predation, and secondly, through the cost of baiting programs, trapping and other control methods. Ms Petrie informed the Committee that ‘the year before last we lost 82 calves and some of them were very big grown calves. Some of our neighbours have seen them eating the calves as they are coming out of the cows’<sup>1055</sup>

- 12.29** Inquiry participants advised that baiting for wild dogs was the primary method of controlling numbers. Mr Keith Stockwell, Secretary and Acting Conservation Officer, Birdlife Australia Echuca District Branch, described the fox baiting undertaken at Yanga National Park:

The fox baiting needs to be over a wide area. It was a 50 kilometre radius with a 100 kilometre diameter around Terrick Terrick so it is important that it is a big area, that it involves local landholders as well as government agencies and that there is a follow-up. If you do not follow it up ... it is not going to work.<sup>1056</sup>

- 12.30** A small number of Inquiry participants raised concerns regarding the danger baits posed to native wildlife. For example, the North East Forest Alliance, Hunter Region, asserted the use of 1080 baits ‘has long been of great concern because of evidence that it kills quolls and a number of other native fauna’.<sup>1057</sup>

<sup>1053</sup> Submission 57, Mr Anthony Miller, p 2.

<sup>1054</sup> Mr Rob Costello, Resident of New England, Evidence, 4 December 2012, p 32.

<sup>1055</sup> Ms Bronwyn Petrie, Evidence, 4 October 2012, p 48.

<sup>1056</sup> Mr Keith Stockwell, Secretary and Acting Conservation Officer, Birdlife Australia Echuca District Branch, Evidence, 2 August 2012, p 30.

<sup>1057</sup> Submission 359, North East Forest Alliance, Hunter Region, p 9.

**12.31** However, Mr John Tracey, Manager, Invasive Species, Biosecurity NSW, Department of Primary Industries said that research suggests that 1080 has no impact on native fauna: ‘Different research has been conducted. What I can say with the work done on impacts of quolls is that almost all the work points to the fact that there is no reduction in quoll numbers as a result of 1080 baiting’.<sup>1058</sup>

**12.32** Mr Costello called for buffer zones to be implemented on the edges of national parks, to avoid wild dogs moving from public to private land

The idea we are proposing is that that buffer zone is moved actually into the park. So instead of us copping the brunt of the dog predation, by the time the dogs get to us there should be a lot less, if the work is done in the interim in the park before the dogs come out.<sup>1059</sup>

**12.33** Mr Donnelly, a landholder in New England, suggested that due to the distances covered by wild dogs, comprehensive landholder participation was imperative in order to manage the problem:

This issue is a difficult one because wild dogs can move over such a range of territory ... the issue really relates to the matter of taking active wild dog prevention measures, ... That is what is primarily needed: the ability to ensure that people participate in wild dog control measures.<sup>1060</sup>

### **The impact and management of feral pigs**

**12.34** According to a number of Inquiry participants the feral pigs damage agricultural land and land reserved for conservation purposes. Mr Lee Franklin gave evidence explaining that the feral pig population in Australia is now estimated at about 23 million, and that:

Feral pigs inflict direct losses on the agricultural sector through predation of newborn animals, reduce grain and cane yields by devouring and destroying crops, compete with livestock for pasture land, and damage infrastructure such as fences and waterways. Feral pigs eat up to 40% of newborn lambs. The damage bill caused to agricultural production is conservatively estimated to be at least \$9 million per annum. The damage to native flora and fauna has not been effectively costed however it is believed that feral pigs have aided in the extinction of several smaller native animals.<sup>1061</sup>

**12.35** Some Inquiry participants claimed that the problem of feral pigs had worsened after land was converted to national park estate. According to Ms Petrie:

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<sup>1058</sup> Mr John Tracey, Manager, Invasive Species, Biosecurity NSW, Department of Primary Industries, Evidence, 7 September 2012, p 41.

<sup>1059</sup> Mr Costello, Evidence, 4 December 2012, p 34.

<sup>1060</sup> Mr David Donnelly, Resident of New England, Evidence, 4 December 2012, p 33.

<sup>1061</sup> Submission 213, Mr Lee Franklin, p 3.

Since the massive expansion of national park estate since 1995 there was never a pig on our place ever for generations—and I am talking about generations—until about 2003. Now they are running past our hut on the river. They are the same in the Cataract. One of the people we know there ... never had a pig on their family place. Now the place in the last two years is just riddled with them.<sup>1062</sup>

- 12.36** Inquiry participants expressed differing views regarding the adequacy of feral pig management. A small number of Inquiry participants did suggest that ‘pig dogging’ or the hunting of pigs with dogs was a possible method of control, however others suggested this can in fact be detrimental to other control methods. For example, Mrs Sharyn Lafontaine, a property owner and President of Bungawalbyn Landcare, expressed concern that hunting with dogs can disrupt organised feral pig management. Mrs Lafontaine observed:

In my capacity as president of Bungawalbyn Landcare I am a member of the Bungawalbyn Feral Pig Management Committee. Our committee includes National Parks staff, landowners, Northern Rivers Catchment Management Authority, Livestock Pest and Health Authority and Forests NSW working together to control pigs in our catchment. Our strategy involves tracking and monitoring pig populations before luring the animals to custom made baiting stations. Many hours of carefully planned work is often destroyed when hunters and their dogs arrive on the scene, scattering the pigs far and wide.<sup>1063</sup>

- 12.37** However, Mr Franklin, argued that more State forests and national parks should be opened up to pig hunters. Mr Franklin stated that where pig hunters are licensed by the Game Council and abide by their rules, they can form part of an effective eradication program by ‘having the ability to go into areas not suitable for other forms of pest control’.<sup>1064</sup>
- 12.38** According to Mr Brian Boyle, Chief Executive Officer of the Game Council NSW, pig dogging is an effective way to manage feral pigs and can be conducted humanely and ethically:

Pig dogging is a very efficient and effective way of managing pigs across the State ... we encourage the hunters to hunt effectively, efficiently—animal welfare. It is about going out there and targeting the animal in a certain way, bailing it up and then despatching it as quickly as possible. That is a very humane and ethical way to hunt and control pigs.<sup>1065</sup>

### **The impact and management of feral goats**

- 12.39** In New South Wales, feral goats are recognised as a pest species. Inquiry participants gave evidence that they are having a detrimental impact on land across New South Wales. For example, Mrs Elise Fittler, a landholder in the north east of the State, advised that she had experienced ‘major problems’ with feral goats. She went on to suggest that the crossing onto her land from the neighbouring national park.<sup>1066</sup>

<sup>1062</sup> Ms Petrie, Evidence, 4 October 2012, p 47; see also Submission 375, Mr Rod Young, p 6.

<sup>1063</sup> Submission 128, Mrs Sharyn Lafontaine, p 2; see also Mr Young, Evidence, 27 September 2012, p 38.

<sup>1064</sup> Submission 213, p 2.

<sup>1065</sup> Mr Brian Boyle, Chief Executive Officer, NSW Game Council, Evidence, 7 September 2012, p 60.

<sup>1066</sup> See for example, Mrs Elise Fittler, Gloray Pastoral Company, Evidence, 5 October 2012, p 58.

- 12.40** The Committee received evidence however that landholders in some parts of the State are ‘farming’ feral goats. Mr Mitchell put forward the view that the farming of feral goats has become a major source of income in the Western Lands division:

The feral goats have become a major part of the income of the Western Division. Their numbers are now much larger than they ever were. People are selling heavyweight goats. A good, handy billygoat is worth \$30. The village where I live is trucking 1,400 a week to Wodonga to be killed, and that is a good income to the pastoral families in those areas.<sup>1067</sup>

- 12.41** Ms Robinson expressed to the Committee that the harvesting of feral goats had been an important source of income for her during the drought, and suggested that rather than the NPWS wasting money on shooting feral goats, they should instead be harvested and sold:

We have been living off goats for probably the last five or six years...

Most landholders now have a very efficient way of handling goats. They are no longer a feral animal; they are a precious commodity. We are most upset when the National Parks and Wildlife Service gets in the air and shoots them.<sup>1068</sup>

### **Conservation hunting as a potential pest control mechanism**

- 12.42** In addition to baiting programs for wild dogs, pigs and other land-based feral animals, shooting, either ground based or aerial, can be part of feral animal control strategies. The NSW Government informed the Committee that it had recently, under strict conditions, extended its program of pest control to allow licensed hunters to cull feral animals in national parks.<sup>1069</sup> At present, licence holders are allowed to remove game and feral animals from declared State forests. The NSW Government put forward the view that, in State forests, this helps to ‘exert downward pressure on feral animal populations’.<sup>1070</sup>

- 12.43** The Committee received evidence from a number of Inquiry participants on this issue, with some asserting that it forms an additional and effective method of feral animal control. For example, Mr Peter Rutherford expressed the view that while it may be controversial, hunting can supplement other forms of pest management:

While it is a controversial area of public policy, conservation hunting is a useful supplement to the baiting of feral predators, particularly to address the issue of feral cats. Conservation hunting also has a role in controlling other feral animals, including pigs, goats and deer.<sup>1071</sup>

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<sup>1067</sup> Mr Mitchell, Evidence, 14 September 2012, p 65.

<sup>1068</sup> Ms Nancy Robinson, Evidence, 26 September 2012, pp 15-16.

<sup>1069</sup> Submission 332, p 48.

<sup>1070</sup> Submission 332, p 51.

<sup>1071</sup> Submission 88, Mr Peter Rutherford, p 9.

**12.44** Acknowledging the view that shooting can be of ‘assistance in its right place’, Mr Bruce Christie, Biosecurity NSW, cautioned that it needed be a part of a wider strategy: ‘The use of hunters in any context can be seen as part of a strategy. We do not look at any one particular strategy when we are trying to control dogs or other pests. Shooting is one of those options’.<sup>1072</sup>

**12.45** However, Mr Young, a landholder in northern New South Wales, gave evidence that he had ‘some reservations’ with regard to conservation hunting for wild dog control because it could potentially conflict with other pest management programs:

The wild dog is a very sly type of animal and we have had issues already, particularly in some forests close to the Sydney metropolitan area, where wild dog control measures have been disrupted due to shooters disrupting the dogs, say, prior to a strategic baiting program. That is an issue ...<sup>1073</sup>

**12.46** Additionally, Mr Keith Stockwell from Birdlife Australia told the Committee of a local rabbit and fox control programs in the Echuca district area:

Because we were concerned with the increase in rabbit and fox numbers after the rains a contractor was employed. He did two 100 kilometre transects around the national park. The local people and parks employees gathered at a public meeting in Pyramid Hill and it was decided to have a baiting program. Free baits were made available through the Conservation Management Network. They were laid during a very short time and the bait stations were checked daily. After a couple of weeks that program of laying liver baits ended and the contractor and his employees fumigated warrens and attempted to get rid of rabbits by destroying the warrens and fumigating them.

There was then a second round of baiting using Foxoff. The contractor, Nick Hunter, once again conducted two surveys of over 100 kilometres each and found there was at least an 85 per cent reduction in fox numbers and well over 90 per cent going on to 100 per cent in rabbit numbers.<sup>1074</sup>

**12.47** Other Inquiry participants, such Cr Jennifer Dowell, Mayor of Lismore City Council, raised safety concerns about allowing licensed hunters into national parks. According to Ms Dowell:

All around the outskirts of the national parks are small farming properties. There is no clear distinction of where the national park ends and the farmland begins in many of those cases. I know many of the people around there are concerned for their children, their livestock and themselves ...<sup>1075</sup>

<sup>1072</sup> Mr Christie, Evidence, 7 September 2012, p 41.

<sup>1073</sup> Mr Young, Evidence, 27 September 2012, p 37.

<sup>1074</sup> Mr Stockwell, Evidence, 2 August 2012, p 30.

<sup>1075</sup> Cr Jennifer Dowell, Mayor, Lismore City Council, Evidence, 5 October 2012, p 14.

### **The impact and management of carp**

- 12.48** A number of Inquiry participants stated that there had been a significant increase in the carp population in New South Wales waterways, some of whom also proposed the commercial removal of the pest as a possible method of control.
- 12.49** On the issue of whether the carp population is increasing, Mr Malcolm Poole, Chairman, Recreational Fishing Alliance of NSW, informed the Committee that they were seeing ‘pest fish species coming in and actually taking over those waterways’.<sup>1076</sup>
- 12.50** Discussing the impact of carp on waterways, Professor Kingsford stated that carp are a ‘big challenge’ due to their short breeding cycle: ‘The problem is that they are a bit like cane toads and cockroaches. They breed incredibly fast’.<sup>1077</sup>
- 12.51** Representatives of the inland fishing industry recommended that fishers be permitted to commercially harvest carp in inland waterways to contribute to the management of the pest species. Mr Steve Alexander, President of the Inland Fishers Association, informed the Committee that they are not allowed to catch carp due to the concern that it results in a detrimental impact on native fish. However, according to Mr Alexander, ‘there is no scientific proof that if we catch a native fish in a net and release it within the time frames that we have done, that there is any impact on those fisheries’. Mr Alexander said that he hoped the rules preventing the catching of carp would be revised and that the industry would be ‘pushing forward with that over the next few months and try to sort some of that out’.<sup>1078</sup>
- 12.52** Professor Kingsford supported the notion of establishing an inland carp fishery industry to remove the pest species from waterways. He observed that ‘if we could establish a fantastic fishery—I mean, we turn carp into fertiliser—and if we could actually get people to eat carp, I think that would be fantastic’.<sup>1079</sup>
- 12.53** Mr Christie of Biosecurity NSW acknowledged that there could be scope for commercial removal of carp, but raised the following concern: ‘The short answer is that there is possibly an opportunity for the commercial harvest of carp to help control carp, but whether it is commercially viable will be a different issue’.<sup>1080</sup>
- 12.54** Similarly, the OEH stated that although they did not specifically target pest fish species they were ‘supportive of any program that can make a difference to aquatic biodiversity on and off park’. Further, they noted several successful examples of commercial fishers assisting in managing pest species as a part of an integrated approach.<sup>1081</sup>

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<sup>1076</sup> Mr Malcolm Poole, President, Recreational Fishing Alliance of NSW, Evidence, 4 December 2012, p 28.

<sup>1077</sup> Professor Richard Kingsford, Director, Australian Wetlands and Rivers Centre UNSW, Evidence, 14 September 2012, p 22.

<sup>1078</sup> Mr Steve Alexander, President, Inland Fishers’ Association, Evidence, 25 September 2012, p 11.

<sup>1079</sup> Professor Kingsford, Evidence, 14 September 2012, p 22.

<sup>1080</sup> Mr Christie, Evidence, 7 September 2012, p 39.

<sup>1081</sup> Answers to supplementary questions 15 October, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Question 8, p 20.

## The impact and management of weeds

- 12.55** The NSW Farmers' Association informed the Committee that weeds cost New South Wales more than \$1.2 billion in lost production annually. They observed that weeds not only damage agriculture, but also 'the natural environment, waterways, coastal areas and urban areas and pose a significant threat to biodiversity'. They stated:

A massive 20% of the flora of all regions of the state are weeds, with 190 of the approximately 1400 weed species across NSW listed under the Noxious Weeds Act 1993. The most recent Australian Bureau of Statistics survey of natural resource management on Australian farms found that 90.9% of surveyed NSW agricultural businesses reported weed related activities, spending \$475 million per year (collectively) on weed control activities. This equates to approximately \$11 000 per agricultural business per annum – more than farmers spend on pests and land and soil problems combined, and more than is spent on these activities by farmers than in any other state.<sup>1082</sup>

- 12.56** The NSW Government advised that in 2011 the NSW Weeds Action Program commenced. They explained that:

The program allowed for grant applications for projects of up to five years that aligned with the *NSW Invasive Species Plan*. Over \$8 million was provided to 13 regional groups last year to deliver key outcomes from the plan ... Regional partnership groups included a broad range of stakeholders, including local councils, CMAs, LHPAs, Crown Lands Division, NPWS, community groups, Aboriginal land owners and industry.<sup>1083</sup>

- 12.57** Mr Mitchell gave evidence regarding the problems that weeds caused in the Western Lands Division, expressing 'great concern that there is not that urgency in the national parks'.<sup>1084</sup>

- 12.58** Cr Peter Shinton, Mayor of Warrumbungle Shire Council, stated that delays in accessing funds from the Crown Lands Division for weed management had led to an increase in the problem:

In 1996 the then mayor of Walgett, Peter Waterford of Lome Station, brought a piece of spiny cactus to one of our county council meetings and told us how it was infesting about 10 hectares of Crown land near Lightning Ridge... All approaches to fund a campaign for its destruction through Crown Lands went unanswered or were met with a reply that the weed management budget was exhausted. In 2006, when we finally received funding from the CMAs, Walgett shire and Crown Lands to start the destruction campaign, Hudson Pear covered an area of about 60,000 hectares around Lightning Ridge and it is now found in nearly every mainland State.<sup>1085</sup>

- 12.59** However, in discussing the eradication of heliotrope weeds in the Warrumbungle National Park, Cr Shinton praised NPWS for their control efforts:

<sup>1082</sup> Submission 260, NSW Farmers' Association, p 13.

<sup>1083</sup> Submission 332, pp 47-48.

<sup>1084</sup> Mr Mitchell, Evidence, 14 September, p 68.

<sup>1085</sup> Cr Peter Shinton, Mayor, Warrumbungle Shire Council, Evidence, 27 September 2012, p 3.

I was always led to believe through the Castlereagh Macquarie County Council that National Parks did nothing at all but I have been out and seen what they have done ... over the last two or three years that problem has completely gone—they have been spraying and doing the right thing—and so have the complaints from neighbours ... In my opinion the National Parks are probably understaffed as well but they are doing a way better job than they did 10 years ago at least.<sup>1086</sup>

- 12.60** Mr Pugh put forward the view that NPWS were, in his experience, more ‘proactive managers’ of the land than Forests NSW had been. Further, Mr Pugh asserted that the Forests NSW did not do enough work after the logging of a section of land, which led to weeds developing:

I find that from my experience—and my property is up in the northern area close to Lismore and Kyogle shires—the parks service are more proactive managers. They actually do try to control weeds ... Forests NSW just logged adjacent to my property and it turned it all into lantana and weeds. They are not doing any rehabilitation.<sup>1087</sup>

- 12.61** The NSW Farmers’ Association acknowledged that although there had been some recent improvements in weed management, the underlying issue still remained: an inconsistent approach to managing weeds across land tenures, which makes eradication and control more difficult. They argued that:

... one of the most significant impediments to controlling the growing weed problem in NSW is the inconsistent approach to weed management cross tenures. All land managers – be they public or private – must play a role in weed management. This includes roads and reserves ... A tenure-blind approach is essential.

NSW Farmers acknowledges that some improvements have been made via recent amendments to Noxious Weeds legislation in NSW. However, the amendments fell short of requiring equivalence across all tenures, with implementation costs cited as the reason. Whilst it is clearly costly to actively manage the landscape and undertake weed management activities across the National Park estate and other conservation areas, NSW Farmers argues it is a great deal more costly to fix the problem after it is out of control.<sup>1088</sup>

### Committee comment

- 12.62** The Committee notes the evidence from numerous Inquiry participants regarding the significant impact of feral animals and weeds, and the challenges they present in terms of control. There was broad agreement across Inquiry participants that feral animals and weeds present a serious threat in New South Wales not only to the agricultural sector, but to conservation outcomes.
- 12.63** The Committee expresses concern regarding the variation in management across land tenures. The evidence received shows that not all land managers are undertaking necessary control work and that there is a lack of coordination between land managers where work is undertaken. The need for a coordinated approach to pest and weed management across all land tenures is addressed in the following section.

<sup>1086</sup> Cr Shinton, Evidence, 27 September 2012, p 12.

<sup>1087</sup> Mr Dailan Pugh, Spokesperson, North East Forest Alliance, Evidence, 5 October 2012, p 38.

<sup>1088</sup> Submission 260, p 14.

## The need for a coordinated approach across land tenures

- 12.64** As noted in examples throughout this Chapter, Inquiry participants stressed the need for cooperative management across all land tenures in order to successfully manage pest and weed problems, as neither respect the boundaries of a property or the tenure of a piece of land. A number of Inquiry participants suggested that this meant that a more cooperative approach was needed in relation to national park estate.

### Pest and weed management on national park estate

- 12.65** Mr Scott Steventon and Mr Rodney Steventon claimed that the Government agencies, in particular NPWS, ‘do not participate’ in integrated pest control with their neighbours:

When requested the NPWS confirmed they were even underfunded to supply for us to place fox and pig baits along our boundary. We have had for the first time sightings of wild dogs in our area. We have been custodians of our property for over 50 years. Feral Goats, Pigs and Foxes are the highest on record. Government must join with local baiting programs and not just bait on a token basis in a property to tick the box and just say they have done it.<sup>1089</sup>

- 12.66** The Western Division of Councils reported many complaints regarding pests, weeds and feral animals in national parks. They stated that:

The large newer Parks have no onsite permanent residents, which makes it very hard to control these problems. Feral animals can decimate populations of native species, cause extensive damage to native vegetation, degrade sites of cultural significance and contribute to erosion.<sup>1090</sup>

- 12.67** Mr David Graham, General Manager of Wakool Shire Council expressed similar concerns and commented on the scale of the problem at Yanga National Park:

Given the conditions of the season it has become a problem not only for Yanga but for the surrounding properties ... Both native and feral animals are starting to encroach on surrounding territory and that is starting to impact on stock water on surrounding properties.<sup>1091</sup>

- 12.68** Indeed, Mr Grant Johnson, NSW Forest Products Association, expressed a similar view and asserted that national parks had become ‘reservoirs’ of weeds and feral animals.<sup>1092</sup>

- 12.69** Mr Warren of Coonamble Shire Council suggested that landholders in his area had reported concerns that feral animals were encroaching from public to private lands, but that public land managers were not instituting effective control measures. According to Mr Warren:

<sup>1089</sup> Submission 54, Mr Scott and Rodney Steventon, p 2.

<sup>1090</sup> Submission 65, Western Division Councils of NSW, p 1.

<sup>1091</sup> Mr David Graham, General Manager, Wakool Shire Council, Evidence, 2 August 2012, p 4.

<sup>1092</sup> Mr Grant Johnson, Manager, Policy, Australian Forest Products Association, Evidence, 14 September 2012, pp 51-52.

Control measures are underway, but their effectiveness is debatable. Private landowners seem to have formed the opinion that while they do that type of activity fairly well on their own property it is not being done to the extent that perhaps it should be in national parks and forest areas.<sup>1093</sup>

### Cooperation across land tenures

- 12.70** Numerous Inquiry participants called for greater cooperation between land managers and across land tenures. According to Ms Beverley Smiles, a member of the NSW National Parks Association, successful pest and weed management needs to involve a 'landscape-scale cross-tenure' approach. She asserted that:

The Catchment Management Authorities have come part way to filling this role; however, their investment incentives focus is on private land management. A structure similar to the rural fire service that produces comprehensive regional plans and state wide coordination for weed and feral animal control across all tenures would provide an efficient investment in public resources with measurable outcomes—I think this suggestion has been put forward by other land managers.<sup>1094</sup>

- 12.71** Landholder Mr Costello expressed a similar view with regard to the management of wild dogs, and commented that there is good cooperation between land managers in his local area of New England:

We try to coordinate the baiting programs or other control measures to improve the effectiveness. We have a planning meeting next week for the aerial baiting ... and that will be LHPA, the wild dog control associations, National Parks and State Forests. It is not just a willy-nilly approach; it is a coordinated approach.<sup>1095</sup>

- 12.72** According to Mr Costello, the management of weeds and pests requires an approach involving all tenures of land and the increased penalties for non-compliance with pest management measures.<sup>1096</sup> He advised the Committee that:

The current laws have led to zero successful prosecutions for non-compliance in controlling wild dogs. The New South Wales Wild Dog Management Strategy 2012-2015 contains many good actions and objectives for achieving improved statewide wild dog control, including improved wild dog monitoring and control measures in all public lands including core breeding areas, which are often in schedule 2 lands. The technology to monitor dog movements, the effectiveness of poison baiting programs as well as developing a DNA profile for wild dogs is available and needs further funding and support from governments on all levels. This work continues to show that the vast majority of wild dogs are indeed wild dogs and not dingoes, and the need to control these dogs across all land tenure, including schedule 2, lands is vital.<sup>1097</sup>

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<sup>1093</sup> Mr Mitchell, Evidence, 27 September 2012, p 6.

<sup>1094</sup> Ms Beverley Smiles, Member, National Parks Association, Evidence, 27 September 2012, p 40.

<sup>1095</sup> Mr Costello, Evidence, 4 December 2012, p 35

<sup>1096</sup> Mr Costello, Evidence, 4 December 2012, p 32.

<sup>1097</sup> Mr Costello, Evidence, 4 December 2012, p 32.

- 12.73** On the issue of wild dog management, Mr Donnelly described his involvement with the State Wild Dog Strategy, observing that it presented a unified direction for the management of wild dogs. He said that the Strategy demonstrated the need for cooperation across land tenures:

I have been a member of the New South Wales Wild Dog Working Group quite a number of years—I think it is four years or so. From the initial meeting at Orange the proposal was put forward to actually create the strategy so that we have a unified direction ... what we have now is a unified viewpoint throughout New South Wales. We had to come up with something that the agents would all be comfortable with in adopting, and the messages are that wild dog control should be nil tenure and that all parties should be actively involved.<sup>1098</sup>

- 12.74** In relation to the management of weeds, Mrs Louise Burge called for effective, joint management across all tenures of land, suggesting that this would help reduce costs. Ms Burge argued that it is ‘inadequate, that weed control in national parks or other crown reserves may only be required in specified boundary areas’, and suggested that it:

... may also be mutually beneficial for the NSW Government to investigate options for adjoining landholders to be contracted to undertake weed spraying services for national parks lands. This would be particularly valuable in remote areas, or areas where access issues may be difficult ....<sup>1099</sup>

- 12.75** Despite the concerns raised by some Inquiry participants, the OEH advised the Committee that it places a ‘high priority on the management of pests and weed species, using good science, targeted investment and a mix of control techniques’. Further, the OEH argued that it works closely with other land managers to ensure the ‘optimum use of available resources’.<sup>1100</sup>

### **Wee Jasper Wild Dog and Fox Control Plan**

- 12.76** The NSW Government highlighted a particularly successful example of cooperation across land tenures involving public land managers in the cooperative wild dog and fox control plan used in the Brindabella and Wee Jasper Valleys. The program had resulted in stock losses declining from 200 animals in 2001 to only four animals in 2009.<sup>1101</sup>
- 12.77** The Plan highlighted the wider impact of wild dog predation on land holders beyond stock loss, including emotional distress, loss of productive country, increased labour and business costs and the negative impact on working relationships with public land managers.<sup>1102</sup>

<sup>1098</sup> Mr Donnelly, Evidence, 4 December 2012, pp 34-35.

<sup>1099</sup> Submission 485, Mrs Louise Burge, p 15.

<sup>1100</sup> Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, to Committee Secretariat, 28 November 2012, p 23.

<sup>1101</sup> Submission 332, p 49.

<sup>1102</sup> Office of Environment and Heritage, *Brindabella and Wee Jasper valleys - co-operative wild dog/fox plan*, accessed 3 April 2013, <<http://www.environment.nsw.gov.au/resources/parks/brindabellaPlan.PDF>>

- 12.78** The scheme established a representative group of public and private landholders to effectively cost and implement a wild dog control strategy for the valleys as well as ensure the conservation of dingo populations with national parks estate. Using historical predation information and wild dog access routes the group evaluated the available control methods to ensure that the most effective baiting locations were being used across the landscape, regardless of land tenure.<sup>1103</sup>

### **Committee comment**

- 12.79** Responsibility for managing pests and weeds is shared across a number of Government agencies, as well as private landholders. In order to effectively control the threat presented by pests and weeds, a consistent set of obligations is needed for all land managers.
- 12.80** The Committee received evidence from some Inquiry participants raising concerns that NPWS does not participate in integrated pest control in cooperation with their neighbours. Concerns were also raised that due to inadequate pest and weed management on national park estate, national parks may become a ‘reservoir’ for feral animals and weeds.
- 12.81** The Committee notes that, in a similar way to fire, feral animals and weeds do not respect borders or land tenures and that cooperation between all land managers is therefore required to ensure the successful management of pests and weeds. The Committee believes the evidence from successful programs, such as the Wee Jasper Wild Dog and Fox Control Plan, demonstrates the importance of cooperation between all land managers, both public and private, to control or eradicate the threats to economic and environmental outcomes posed by feral animals and weeds.

## **Recreational access to national parks**

- 12.82** The NSW Government informed the Committee that NPWS engages in recreational and tourism planning with other public land managers on mountain bike riding, recreational fishing, four wheel drive access and other recreational opportunities. Further, the NSW Government advised that the creation of a new national park is supported by ‘substantial investment in facilities to support community access and sustainable visitor use’.<sup>1104</sup> The NSW Government observed:

The NSW national parks system provides a diverse range of recreational outdoor activities. It provides over 2,500 km of walking tracks, thousands of kilometres of trail available for mountain biking, horse riding and four wheel driving, more than 800 picnic sites, 660 lookouts and 470 campgrounds with space for over 5,000 camping sites. It also provides access to a multitude of beaches, lakes and rivers available for water sports, swimming and fishing. There are also six environmental education centres leased to the Department of Education and Communities used extensively by school groups.<sup>1105</sup>

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<sup>1103</sup> Office of Environment and Heritage, *Brindabella and Wee Jasper valleys - co-operative wild dog/fox plan*, accessed 3 April 2013, <<http://www.environment.nsw.gov.au/resources/parks/brindabellaPlan.PDF>>

<sup>1104</sup> Submission 332, p 6.

<sup>1105</sup> Submission 332, p 8.

- 12.83** A number of Inquiry participants expressed a desire to undertake recreational activities such as horse riding, mountain biking, four-wheel driving, motorbike riding within parks, while other Inquiry participants suggested that not all of these activities were compatible with the aims and values of national park estate. For example, Mr Muir from the Colong Foundation for Wilderness expressed the view that allowing these activities into national parks will damage biodiversity. He stated:

There have been several activities, some of which have been described as active management, presented as a way of improving biodiversity. I believe that many of these actually degrade biodiversity. They are grazing stock, thinning river red gums, collecting firewood on a large basis, the logging of North Coast native forests, the driving of vehicles in wilderness and off roads, horse riding in national parks, resort development and hunting.<sup>1106</sup>

- 12.84** Ms Sharyn Lafontaine, a landholder in the north east of the State, expressed a similar view and suggested that there are areas outside national parks in which many of the activities could take place instead: 'There are many locations on the east coast of Australia for hunters, anglers, horse riding, dirt bike riding and other motorised activities. Our National Parks and Nature Reserves are not the places for these activities'.<sup>1107</sup>

- 12.85** However, Mr Peter Smith from Access for All put forward a contrary view, and argued that by restricting access to national parks for certain activities, other areas are being over-used and damaged:

We see vast areas of land that have become national parks that do not provide many facilities for visitors and encourage people to use them ... What we have seen is there have been restrictions into a lot of areas of national park and what it is doing is funnelling an increased usage in certain areas.

I draw a particular example here where in our area, where I come from, a national park called Bendethera national park ... It is a magnificent place but, because there are so few places that four-wheel drive people can go to and so few places where they can go and camp and have these beautiful experiences, it is being overused.<sup>1108</sup>

### **Horse riding**

- 12.86** Some Inquiry participants called for improved access to national park estate for horse-riding. Several asserted that horse riders were being locked out of national park areas for reasons of ideology rather than science. For example, the Snowy Mountains Bush Users Group gave evidence that the arguments against allowing horse riding in national parks were 'unscientific, based on ideology rather than any proven scientific base, and coming from a political agenda rather than from a sensible approach to park management'.<sup>1109</sup> Further, they expressed the view that:

<sup>1106</sup> Mr Keith Muir, Director, The Colong Foundation for Wilderness Ltd, Evidence, 4 December 2012, p 4.

<sup>1107</sup> Submission 128, p 2.

<sup>1108</sup> Mr Peter Smith, Access for All, Evidence, 5 December 2012, p 6.

<sup>1109</sup> Submission 243, Snowy Mountains Horse Riders Association Incorporated, p 1.

... horse riding areas should be increased and widened to disperse and reduce any *perceived* impacts instead of crowding into smaller and smaller areas. As a result of this concentration of activity, the impacts naturally will be intensified and again used as a means of convenient adverse impact for the anti horse riding lobby.<sup>1110</sup>

**12.87** The Australian Horse Alliance (AHA) acknowledged the need for a reserve system, but disagreed where ideology leads to ‘policies of blanket prohibition of access to many of the public’.<sup>1111</sup> The AHA suggested that excluding horse riders led to national parks missing out on tourist income and said that the attitudes of land managers needed to change with regard to recreational use of parks.<sup>1112</sup>

**12.88** In response to the suggestion that horse riding should be allowed in more areas of national parks, the Colong Foundation for Wilderness asserted that the reversal of the precautionary principle in relation to horse riding would be ‘inappropriate’. They stated that:

The use of national parks for horse riding is opposed by the conservation movement due to the damage caused to natural values ... The domestic horse is an excellent vector through which to disperse parasites and weeds into remote wilderness.<sup>1113</sup>

**12.89** In November 2012 the NSW Government published *Strategic directions for horse riding in NSW national parks*, a strategy which is intended guide the provision of improved horse riding opportunities in NSW national parks. The NSW Government asserted that the Strategy ‘balances recreational opportunities ... with ensuring the unique values of our parks remain protected’ and suggested that ‘while there are social benefits of increasing horse riding in national parks, there are also potential environmental and social impacts’.<sup>1114</sup>

**12.90** According to the NSW Government the Strategy proposes the establishment of a pilot program, ‘to trial horse riding in five wilderness locations to be determined by the NPWS, for two years, subject to amendments to the relevant parks’ plans of management’.<sup>1115</sup> Further the Strategy ‘reiterates the NSW Government’s ongoing commitments to facilitating horse riding on the Bicentennial National Trail’,<sup>1116</sup> which the NSW Government said provides an example of the type of facility that has been planned and delivered across a range of public lands, including access through more than thirty national parks in New South Wales.<sup>1117</sup>

<sup>1110</sup> Submission 243, p 5.

<sup>1111</sup> Submission 256, Australian Horse Alliance, p 3.

<sup>1112</sup> Submission 256, pp 12-13.

<sup>1113</sup> Submission 317, The Colong Foundation for Wilderness, p 36.

<sup>1114</sup> Office of Environment and Heritage, *Strategic directions for horse riding in NSW national parks*, accessed 4 April 2013, <<http://www.environment.nsw.gov.au/resources/protectedareas/120848HRStrat.pdf>>

<sup>1115</sup> Office of Environment and Heritage, *Strategic directions for horse riding in NSW national parks*, accessed 4 April 2013, <<http://www.environment.nsw.gov.au/resources/protectedareas/120848HRStrat.pdf>>

<sup>1116</sup> Office of Environment and Heritage, *Strategic directions for horse riding in NSW national parks*, accessed 4 April 2013, <<http://www.environment.nsw.gov.au/resources/protectedareas/120848HRStrat.pdf>>

<sup>1117</sup> Submission 332, p 6.

- 12.91** Mr Clive Edwards, Vice President of the Snowy Mountains Bush Users Group, acknowledged the trial being undertaken to allow access to national parks and informed the Committee that one of the trial areas would be in Kosciuszko National Park. He advised that when the National Park was created, 50 per cent was declared wilderness area, which horse riding is prohibited in:

... there is already horseriding permitted in Kosciuszko. What the trial is about is access back into wilderness. So it is restoring the access that horseriders had prior to wilderness declaration. Just about 50 per cent or a tad over 50 per cent of Kosciuszko National Park is declared wilderness, which excludes horseriding. Basically the only people who can go into wilderness are walkers. So this is a trial to assess any alleged impacts of horseriding into wilderness but horseriding into wilderness will be restricted to management trails, fire trails or bridle tracks, whatever, whatever. It is a two-year trial and I was involved personally on that consultative committee ... I am confident that the trial will take place.<sup>1118</sup>

### **Recreational fishing**

- 12.92** A number of Inquiry participants gave evidence to the Committee that access for recreational fishing purposes had become increasingly difficult following the conversion of land to national park. According to Mr Malcolm Poole, Chairman of the Recreational Fishing Alliance of New South Wales, recreational fishers represent a considerable stakeholder group in the State and contribute a significant amount via their licence fees 'to support fishing opportunities and experiences in New South Wales'.<sup>1119</sup>
- 12.93** Ms Linda Tillman, Executive Officer at the Riverina Regional Tourism Board informed that Committee that recreational fishing is a major attraction for the region:

In terms of fishing specifically, that is a major attraction for our region, particularly with Hay and Deniliquin in this area. We have a number of fishing festivals and events that occur within the Riverina. I would say that fishing is a major attraction to this region.<sup>1120</sup>

- 12.94** Mr Poole explained that although fishing is allowed in national parks, the difficulty recreational fishers experience is about access, suggesting that following conversion of areas to national park estates they 'continually see the wind back of those access points through the instigation of gates, logs and boulders across all these tracks'<sup>1121</sup>. Mr Poole gave evidence that he had been told that NPWS do not have the resources to maintain access:

<sup>1118</sup> Mr Clive Edwards, Vice President, Snowy Mountains Bush Users Group, 5 December 2012, p 5.

<sup>1119</sup> Mr Poole, Evidence, 4 December 2012, p 24.

<sup>1120</sup> Ms Linda Tillman, Executive Officer, Riverina Regional Tourism Board, Evidence, 2 August 2012, p 49.

<sup>1121</sup> Mr Poole, Evidence, 4 December 2012, p 24.

We continually are told from various National Parks and Wildlife Service officers throughout New South Wales that "We don't have the budget anymore" to manage the thousands upon thousands of hectares that they actually have, so those budget restraints apply to providing reasonable access throughout the parks. As I said, we continually get locked out or blocked out, in essence, from getting reasonable access to water.<sup>1122</sup>

- 12.95** The NSW Council of Freshwater Anglers (NSWCFA) expressed a similar view regarding the loss of access once land had been converted to national park and asserted that under-funding of NPWS was contributing to the problem. Further, they expressed concern that the Plans of Management of several national parks did not recognise the historical importance of recreational fishing in the area and suggested that any conversion of Crown land should, where appropriate, 'accommodate multiple uses by the general community for recreational pursuits'.<sup>1123</sup> The NSWCFA stated:

The transfer of land tenure and/or management to National Parks has often resulted in significant reduction in access to water for fishers. It would appear that under-funding of National Parks to manage such lands appears to compound this trend with Park managers preferring to lock out the public in preference to establishing effective compliance activities.<sup>1124</sup>

- 12.96** Mr Conroy advised the Committee that work was being undertaken to assess the problems being experienced by fishers in accessing national parks:

We are also about to commence work on a stocktake of recreational fishing experiences currently available in parks and any constraints that may be affecting community access. The national parks system already offers a lot in this area but we know there is more we can do to work with the fishing community to improve its access and experience.<sup>1125</sup>

- 12.97** Responding to questions regarding the sustainable use of national parks, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, acknowledged that some members of the community felt excluded from parks and stated that NPWS are investigating fishing access in a similar way to horse and bike riding:

We are looking at access for fishing in a similar way that we looked at horseriding and bike riding in that it would be fair to say there are groups in the community who feel excluded from the use of national parks, and there are ways of sustainably using those parks for recreational activities that we need to look at in a concerted way.<sup>1126</sup>

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<sup>1122</sup> Mr Poole, Evidence, 4 December 2012, p 29.

<sup>1123</sup> Submission 279, NSW Council of Freshwater Anglers, p 3.

<sup>1124</sup> Submission 279, p 3.

<sup>1125</sup> Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage and Acting Head, National Parks and Wildlife Service, Evidence, 7 September 2012, p 3.

<sup>1126</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 61.

### Four wheel driving and motorbike riding

- 12.98** Some Inquiry participants raised concerns regarding access to national park estate for the purposes of four wheel driving or motorbike riding. For example, the Four Wheel Drive (4WD) NSW-ACT Association informed the Committee that tracks were ‘gated and closed’ following the conversion of areas to national park estate:

As for driving tracks, forest and crown land are pretty much free range so people have the opportunity to drive different tracks thus spreading the load around, once NP [national parks] take over tracks that would have been used for logging and fire use are gated and closed, putting more pressure on tracks that are left.<sup>1127</sup>

- 12.99** The Dual Sport Motorcycle Riders Association, the peak body representing off-road motorcycle riders, expressed a similar view and advised the Committee that closing off areas created pressure on the remaining areas and may lead to environmental damage occurring:

If the management balance were to tip too far towards tightly controlled and closed off areas the pressure of overuse on remaining areas may lead to environmental damage, financial loss to communities in and around these remaining accessible areas from reduced tourism, and potential confrontations between competing user groups ... The DSMRA believes that National parks and conservation areas are important to ensure Australia’s natural heritage is maintained for future generations but does not support the restriction of access to any areas that result in only the young and fit few that can hike many kilometres, being able to see and experience it.<sup>1128</sup>

- 12.100** However, the Colong Foundation for Wilderness argued that ‘core areas’ of wilderness needed to be kept free from vehicles and other public access:

Core areas of NSW parks should be kept free of public access for vehicles and other high impact users. Management and fire trails should be closed and kept closed to the public ... This provision is in keeping with the precautionary principle, one of the three principles of ecologically sustainable development through which the objects of the National Parks and Wildlife Act, 1974 are to be achieved.<sup>1129</sup>

### Committee comment

- 12.101** Inquiry participants gave evidence highlighting the difficulty that some recreational users experience in accessing areas of public land. The Committee believes that while some activities may not be appropriate in all areas of national park estate, options for allowing access to appropriate areas should be encouraged to ensure as wide a cross section of the public can access and appreciate the landscape of New South Wales.

<sup>1127</sup> Submission 114, Four Wheel Drive (4WD) NSW-ACT Association, p 2.

<sup>1128</sup> Submission 117, Dual Sport Motorcycle Riders Association, pp2-3.

<sup>1129</sup> Submission 317, p 35.

## Commercial access to national parks

**12.102** Inquiry participants informed the Committee that aspects of their commercial enterprises required access to parts of national park estate, especially where the land had previously been State forest or Crown land. A number of Inquiry participants stated that after land had been converted they could no longer access areas they had previously used and this had impacted their businesses. Particular concerns were raised regarding Travelling Stock Routes and firewood collection, as well as by apiarists and commercial inland fishers.

### Travelling Stock Reserves

**12.103** The Committee received evidence from a number of Inquiry participants regarding the importance Travelling Stock Reserves (or Routes) (TSRs) play in agricultural, Indigenous and recreational communities.

**12.104** The NSW Government advised that TSRs are usually fenced paddocks or traditional open stock routes along roads with fenced sections for overnight housing of stock and are stocked under grazing permits. The majority of travelling stock routes within the Western Division are occupied by landholders through Western Lands leases which overlay the TSRs. Currently publically managed TSRs are managed by the fourteen Livestock Health and Pest Authorities (LHPAs), with TSRs under the management of LHPAs covering around 550,000 hectares.<sup>1130</sup> As outlined in Chapter 2, following a review, Catchment Management Authorities (CMAs) will join LHPAs and the advisory services of Agriculture NSW to form the Local Land Services.

**12.105** The NSW Farmers' Association advised the Committee that TSRs play an important role in agricultural operations, noting that this was clear during 'the recent prolonged drought where livestock owners were able to travel and graze stock along TSRs, therefore sustaining them through drought'.<sup>1131</sup> NSW Farmers suggested that as well as delivering a benefit to landholders, TSRs also play an important role 'role from a local biodiversity and public good perspective'.<sup>1132</sup> Further, they suggested that any review of TSRs in the future could consider revenue streams to ensure funding for their maintenance:

In determining the role of TSRs and their place in the local landscape, potential revenue streams must be considered to ensure cost maintenance. NSW Farmers believes it is reasonable to charge livestock managers a commercial rate of agistment on Travelling Stock Reserves and other reserves, except when stock concerned come from properties that are drought declared or fire or flood affected.<sup>1133</sup>

**12.106** The NSW Aboriginal Land Council (ALC) explained that because there is often less impact on TSRs than on surrounding land (such as farm land) they have often allowed the preservation of areas of 'substantial historical and cultural importance to Aboriginal communities'. The NSW ALC argued that any changes to the management of TSRs must not undermine the ability of Aboriginal communities to claim or access these areas:

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<sup>1130</sup> Submission 332, p 65.

<sup>1131</sup> Submission 260, p 18.

<sup>1132</sup> Submission 260, p 18.

<sup>1133</sup> Submission 260, pp18-19.

TSRs have a rich tangible and intangible culture and heritage value for Aboriginal peoples. TSRs association with water and the logical pathways between these sources of water meant that they often coincided with traditional Aboriginal pathways including trade routes and access to streams. As such it is not uncommon for TSRs to contain Aboriginal objects and sites.<sup>1134</sup>

- 12.107** A number of Inquiry participants also highlighted the importance of TSRs as an access route to rivers for recreational fishing.<sup>1135</sup> Mr Chris Robertson, Project Officer from the NSW Angler Access Project stated that ‘fishing, fish stocking, camping, bird watching, canoe/kayak access, picnicking etc. add value to the TSR network’.<sup>1136</sup> Mr Robertson argued that there should be no ‘disposal of of TSRs (or public land) by sale or long term lease where that land contributes socially, culturally, recreationally or economically to the local community or the State as a whole’.<sup>1137</sup>

### **Firewood collection**

- 12.108** The collection of firewood, both commercially and for personal use, was brought to the attention of the Committee by Inquiry participants, especially in areas where State forests had been converted into national park estate. As discussed in Chapter 5, the issue was of heightened importance in the river red gum region where firewood accounts for up to 95 per cent of domestic heating.<sup>1138</sup>
- 12.109** The NSW Government stated that during the firewood collection season in 2011, 1,148 permits were issued for collection of 2,470 tonnes of firewood.
- 12.110** According to a number of Inquiry participants following the conversion of forests to national park estate, there was a perception that firewood collection, whether for commercial or private purposes had been stopped and those wishing to do so ‘locked out’.
- 12.111** In relation to the river red gum forests of the southern Riverina, Mr Todd Gelletly put forward the view that in the Riverina region ‘National Parks have reduced the local population’s access to firewood to virtually nil’.<sup>1139</sup>
- 12.112** Mr Greg Murdoch, General Manager of Murray Shire Council, explained that due to the permit process in the river red gum region, commercial operators could not access the firewood and individuals found it difficult to do so if they were not able-bodied enough to collect their own firewood. Mr Murdoch stated:

<sup>1134</sup> Submission 130, NSW Aboriginal Land Council, p 7.

<sup>1135</sup> See for example, Submission 118, Mr Chris Beale, p 2.

<sup>1136</sup> Submission 219, NSW Angler Access Project, p 8.

<sup>1137</sup> Submission 219, p 8.

<sup>1138</sup> Cr Alan Purtill, Mayor, Balranald Shire Council, Evidence, 2 August 2012, and Mr Des Bilske, General Manager, Deniliquin Shire Council, Evidence, 2 August 2012, pp 9-10.

<sup>1139</sup> Submission 316, Mr Todd Gelletly, p 12.

You can get a permit to harvest firewood through National Parks. It is limited in terms of the amount of the resources you can take out but it is also limited to individuals, so there are no commercial operations harvesting red gum out of national parks. For willing and able-bodied people who can do their own harvesting or collection that is fine, but other people who may not have that ability or resource have traditionally bought it from commercial operators. For those people the problem with accessing red gum for firewood is that the cartage from other sources is increasing the cost of red gum. That is the problem.<sup>1140</sup>

- 12.113** The NSW Government however informed the Committee that, at least in the river red gum forests, a ‘permit system administered by NPWS is in place to enable firewood collection within the national parks for domestic purposes’.<sup>1141</sup> Further, Ms Barnes stated that OEHL were aware of the issues around heating and access to firewood which concerned many local residents, and this, she explained led to the decision to continue the existing system of firewood collection. Ms Barnes advised that the problem had been excessive rain which hindered access on all land tenures, rather than a new restriction on firewood collection.<sup>1142</sup> She stated that NPWS kept the:

... existing State forest firewood program with the change of land tenure. When they stopped being forests and became national parks we just rolled over the existing system ... We did not change the existing system.<sup>1143</sup>

- 12.114** Mr Barnes acknowledged there was a longer term problem in the river red gum region, and advised that the OEHL was looking at how to provide long-term assistance through energy efficiency initiatives:

We are looking longer term at how we can help them. I think you have hit the nail on the head that there is no gas and electricity prices are high. We are looking at how our energy efficiency programs or some of the other programs we run in the Office of Environment and Heritage could come in and help with that. We also know that there are people who do not have a lot of money who rely on those natural resources. State Forests will still run firewood programs. Interestingly, when we have looked at the issue, it is not a question of firewood not being available. What is happening is that market forces mean that local timber cutters and local timber mills get more money for their firewood by sending it to Melbourne and selling it at higher prices. It is a very complex issue and it is definitely one that we are working through and looking at some options before next winter.<sup>1144</sup>

- 12.115** In relation to the Pilliga, Mrs Heather Andrews, proprietor of a haulage business which used the Pilliga forest explained that the Integrated Forestry Operations Approval [IFOA] had been ‘a real stumbling block for the firewood industry’.<sup>1145</sup>

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<sup>1140</sup> Mr Greg Murdoch, General Manager, Murray Shire Council, Evidence, 2 August 2012, p 7.

<sup>1141</sup> Submission 332, p 15.

<sup>1142</sup> Ms Barnes, Evidence, 5 December 2012, p 51.

<sup>1143</sup> Ms Barnes, Evidence, 5 December 2012, p 51.

<sup>1144</sup> Ms Barnes, Evidence 5 December 2012, p 51.

<sup>1145</sup> Mrs Heather Andrews, Proprietor, B & HD Andrews Haulage, Evidence, 27 September 2012, p 31.

- 12.116** The NSW Forest Products Association explained that, at least in the Pilliga forest, during the Integrated Forestry Operations Approval [IFOA] there was a move to change the firewood collection industry:

A primary strategy that became evident in the Integrated Forestry Operations Approval was that the firewood industry which collected dead wood, residues from harvesting operations, remnants of previous sleeper operations was to be replaced with a total supply from green residues from the heads of the few hardwood and ironbark sawlogs that were allowed to be harvested.<sup>1146</sup>

- 12.117** Some Inquiry participants argued that firewood collection degrades biodiversity by removing habitat for flora and fauna and should not be allowed at all in wilderness areas. For example, Mr Muir of the Colong Foundation for Wilderness submitted:

We have conducted a large-scale experiment that manipulated the amounts of coarse woody debris (fallen timber) in river red gum forests on Gunbower Island. Birds and the only understorey small mammal species, the yellow-footed antechinus were surveyed before and three years after experimental changes in the wood loads. Increasing the wood load increased the species richness of birds and the abundance of several bird species (Mac Nally, 2006; Mac Nally & Horrocks, 2007a) and the abundance and breeding success of antechinus (Mac Nally & Horrocks, 2007b). Therefore, exclusion of firewood collection from these forests will lead to an increase in animal diversity and population viability.<sup>1147</sup>

- 12.118** Ms Barnes explained that NPWS kept the same rules as State Forests and that they 'looked at the ecological impacts. There is a threshold level of coverage before you have to change areas because you need wood on the forest floor for a range of reasons'.<sup>1148</sup>

### Apiarists

- 12.119** A number of apiarist representative groups and business owners expressed concern regarding the impact on their businesses from areas of land being converted into national park. They said this was particularly a problem where areas of State forest which had allowed bee keepers to store their hives were converted to national park estate, which does not permit the storing of hives.

- 12.120** Mr Craig Klingner, President of the New South Wales Apiarists Association, explained to the Committee that apiarists use land, including national parks, not just for producing honey and other bee products, but also for assisting with pollination. He stated that bee keeping operations are now 'probably 50 per cent pollination and 50 per cent honey whereas it used to be 100 per cent honey'.<sup>1149</sup> Mr Klingner explained:

<sup>1146</sup> Submission 225, NSW Forest Products Association, p 31.

<sup>1147</sup> Submission 317, Colong Foundation for Wilderness, Attachment A, p 5.

<sup>1148</sup> Ms Barnes, Evidence, 5 December 2012, p 51.

<sup>1149</sup> Mr Ronald Robinson, North West Resource Manager, Victorian Apiarists' Association, Evidence, 2 August 2012, p 24.

The use of national parks by beekeepers is not just for honey production. A vital role of honey bees is in the pollination of fruit, vegetable and pasture crops. National parks are used to build up bee populations as a safe harbour for bees before and after pollination contracts.

The estimated gross value of honey and bee products was said to be \$80 million during the 2008-09 season whereas the estimated contribution of honeybees to the Australian economy through pollination activity is estimated to be \$1.7 billion.<sup>1150</sup>

- 12.121** Mr Klingner stated that some bee keeping sites may not be used for a number of years and that if a site was not in use at the time that an area of land was converted to national park estate, it could not be used again in future. He advised that:

The beekeeping policy states that there must be a registered bee site for the parks to recognise it in the transition and the owner of the site can then continue to use that site. We have a problem in Australia that the industry is very much nomadic. We do not go to every place every year. It might be 5, 10, 15 or 20 years before we return to a place ... When some land goes into national park, just because there is not a bee site does not mean it is not a valuable resource that can be used in the future. When it goes into a national park there is nothing to say that bee sites can be picked up.<sup>1151</sup>

- 12.122** Some Inquiry participants suggested that honey bees are viewed as an exotic species which may have a detrimental impact on native flora and fauna, for example through competition for pollen and nectar resources. Mr Keith Stockwell, Secretary and Acting Conservation Officer, Birdlife Australia Echuca District Branch, supported the view that bees can compete with native birds, such as honeyeaters, and called for areas of national park to be kept free of bee keeping:

Obviously the bees compete for nectar and there is a case for beekeeping. Perhaps there is a strong case also to have some areas in national parks where there are no beekeeping activities. There is a window of opportunity in the morning for honeyeaters before the European honey bee becomes active. The honeyeaters have a couple of hours in the early morning when there is no competition, which is a good thing. But bumblebees start their activity at first light and that window of opportunity will be closed, so we are strongly opposed to the deliberate introduction of bumblebees.<sup>1152</sup>

- 12.123** Mr Edwards expressed a similar view, commenting that bees can compete with a range of native fauna and should not be encouraged in national parks:

There are a whole range of native animals that live on nectar; a lot of the gliders, small possums, and a whole range of birds of course. Bees are a problem. I do not know what you can do about it. I have seen apiarists setting up their hives on the edge of a national park where it adjoins a State forest, and that type of thing. The introduced bees have now taken up residence across most of the country anyway. I would hate to see it encouraged in national parks purely and simply because native animals utilise that food resource and it is very important to them.<sup>1153</sup>

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<sup>1150</sup> Mr Craig Klingner, President, NSW Apiarists Association, Evidence, 5 October 2012, p 50.

<sup>1151</sup> Mr Klingner, Evidence, 5 October 2012, p 51.

<sup>1152</sup> Mr Stockwell, Evidence, 2 August 2012, p 30.

<sup>1153</sup> Mr John Edwards, Clarence Environment Centre, Evidence, 5 October 2012, pp 23-24.

- 12.124** The Colong Foundation for Wilderness agreed and suggested that honey bees ‘displace’ native bees which can cause problems with pollinating native flora:

Bee keeping is not an appropriate use of national parks or nature reserves. There is adequate scope for bee farming in the rest of the state outside national parks and nature reserves. Bee keeping permits should be phased out within the NPWS estate as European honey bees displace native bees. These insects do not pollinate all species of native wild flowers but displace the bees that do. The flora that is not pollinated will decline, causing a cascade of ecological change in protected natural areas.<sup>1154</sup>

- 12.125** However, in evidence to the Committee, Mr Brian Rich, a commercial Apiarist and member of the Victorian Apiarists' Association disputed the evidence that honey bees can cause environmental damage by competing with native flora and fauna. Mr Rich argued that bees ‘came to Australia in 1822 and I think if they had done damage it would have shown by now’.<sup>1155</sup>

- 12.126** Mr Ronald Robinson, a member of the Victorian Apiarists' Association, responding to a question regarding interspecies competition, took the view that apiarists could co-exist in national parks alongside other land uses:

I am not saying all the country in New South Wales, Victoria, South Australia or Queensland should be opened up for beekeeping. There is public land and there are other users of that land. Let us not put us all in the one paddock so we are flogging the country to death. Spread us out a little bit. Give us the resources that we need so that we can operate, with a fee to the Government or other bodies, and let us all work together.<sup>1156</sup>

- 12.127** Expressing concern regarding the area available to the apiarist industry Mr Robinson, informed the Committee that the industry needs room to expand: ‘Our concern is: How much more land is going to be taken up by national park ... That is one of the big issues that we have now—the lack of bee sites for our industry to develop and grow’.<sup>1157</sup>

- 12.128** According to the NSW Apiarists Association apiarists could sustainably use many sites on national park estate. The Association argued that opening these sites up could provide a boost to the agricultural economy:

There are an enormous number of bee sites that the beekeeping industry could sustainably use within the National Park system that are currently not able to be accessed ... One report ... estimated that at that time the industry had lost 3000 apiary sites.

The opening up of this country to beekeepers would be a huge boost to our industry and to the entire agricultural economy. The NSW beekeeping industry urges the inquiry to consider the opening up of more sites in National Parks to allow our industry to grow and secure Australia's food security.<sup>1158</sup>

<sup>1154</sup> Submission 317, p 29.

<sup>1155</sup> Mr Brian Rich, Commercial Apiarist, Ex-executive, Victorian Apiarists' Association, Evidence, 2 August 2012, p 26.

<sup>1156</sup> Mr Robinson, Evidence, 2 August 2012, pp 28-29.

<sup>1157</sup> Mr Robinson, Evidence, 2 August 2012, p 24.

<sup>1158</sup> Submission 326, NSW Apiarists' Association Inc, pp 2-3.

### Commercial inland fishers

- 12.129** The Inquiry received evidence from a number of Inquiry participants regarding the impact of conversion of land on the inland commercial fisheries industry. Inquiry participants explained that as a result of conversion they were being denied access to areas which had traditionally been fished and that this meant they could not guarantee a regular supply for buyers, which in turn led to difficulties developing the industry.
- 12.130** For example, Mr Steve Alexander of the Inland Fishers Association advised that the ‘inland commercial fishery has been denied access to national parks for more than a decade despite the fact that we were guaranteed access’.<sup>1159</sup> This view was supported by Mr Jason Rivett, also a member of the Inland Fishers Association, who explained that he ‘cannot offer regular and consistent supply’ to his customers, which he argued, was the result of ‘the inability of commercial fishers to obtain access to areas of water to fish’.<sup>1160</sup>
- 12.131** Mr Rivett advised that the existing restrictions on access to national parks are compounded by more recent restrictions on access to land under Western Land Leases:
- Difficulties are now encountered obtaining access across Western Lands Leases to areas of public waters. Traditionally, fishers were able to obtain such access through travelling stock routes and other crown reservations. The position now adopted by the relevant authorities is that Western Lands Leases are in effect, the equivalent of freehold title and the Lessor has the right to refuse access ... This has the result of greatly reducing the areas of water which are available to commercial fishing.<sup>1161</sup>
- 12.132** In evidence to the Committee, Mr Alexander put forward the view that inland commercial fishers wanted to be ‘treated like the coast’. On the coast, he explained, commercial fishers have ‘a permit system in place where fishers can access points ... we are not allowed to access traditional fishing grounds’.<sup>1162</sup>
- 12.133** The Committee heard evidence that the pressures on the industry could be alleviated if the industry was to gain access to yabbies and carp. Mr Rivett stated that since 2001 fresh water fishing has ceased and commercial operators now require a licence to catch yabbies or carp. He advised that there are now ‘substantial areas of water which contain significant volumes of yabbies and carp’ but that these cannot be accessed due to the practices adopted by NPWS. Speaking on sustainability concerns, Mr Rivett suggested that there is no prospect of ‘significant depletion of stocks’ of yabbies as ‘the number of licensed fishers is minimal’.<sup>1163</sup>
- 12.134** Mr Rivett argued that licensed commercial fishers are not being recognised ‘in the way the legislation envisages’ and that commercial fishers should be recognised as an existing interest and taken into account in the plans of management for national parks.<sup>1164</sup>

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<sup>1159</sup> Mr Alexander, Evidence, 25 September 2012, p 9.

<sup>1160</sup> Submission 451, Mr Jason Rivett, p 1.

<sup>1161</sup> Submission 451, p 1.

<sup>1162</sup> Mr Alexander, Evidence, 25 September 2012, p 15.

<sup>1163</sup> Submission 451, p 2.

<sup>1164</sup> Submission 451, pp 3-4.

- 12.135** The role that the commercial fishing industry could play in the management of carp as a pest species was discussed earlier in this Chapter. As noted previously, some Inquiry participants argued that the removal of this pest species could present a positive commercial operation.

#### **Committee comment**

- 12.136** The Committee notes that conversion of land to national parks estate can have significant consequences for existing commercial users of the land. In particular, the Committee acknowledges the concerns put forward by apiarists and the commercial inland fishing industry. The Committee considers that where these industries do not impact conservation values, the public land managers in New South Wales should actively support their continuation in order to support the rural economy.

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#### **Recommendation 7**

That the NSW Government actively support the apiary and commercial inland fishing industries by enabling continued access to land which has been converted to national park estate.

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- 12.137** The Committee notes the evidence from Inquiry participants that conversion has had a significant impact on local residents in the southern Riverina who rely on firewood for heating. The Committee urges the NSW Government to take all possible steps to mitigate the impacts of conversion on those who rely on firewood.

### **Responsiveness to neighbours and stakeholders**

- 12.138** Some Inquiry participants gave evidence that NPWS is not responsive to the needs of their neighbours or other stakeholders. In particular, concerns were raised about the way in which NPWS handles disputes around residential access to properties that border national parks, and disputes about boundary fences. It was also suggested that NPWS is not responsive to stakeholder needs when building new infrastructure, such as boat ramps.

#### **Residential access to properties bordering parks**

- 12.139** Some Inquiry participants expressed frustration a perceived lack of engagement by NPWS in resolving access issues for landholders whose property adjoins national park estate. One such Inquiry participant is Mr John Denham, a local landholder whose property borders Goonoo National, located south of Gilgandra and north east of Dubbo. Mr Denham informed the Committee that prior to the 2005 conversion of the area from Forests NSW land to national park estate, local residents were given assurances regarding continued access to properties:

Prior to the change of management there was much discussion about the change, including several public meetings. At one of these I asked a NPWS representative about my access under the new regime. I was told that they were required to maintain access for those that required it.<sup>1165</sup>

- 12.140** Mr Denham explained that a major fire in the area in 2007 damaged the access road to his property. Despite offering to fix the damage himself, NPWS asked Mr Denham not to undertake the work. According to Mr Denham it then took ‘three years before the work was undertaken, by which time the work needed was major due to the erosion that had taken place’. He informed the Committee that:

During these three years, I wrote repeatedly to the relevant minister (which kept changing) and to my local member, and all I got was promises and timetables that were never kept. The work eventually done has made the crossing barely satisfactory, and zero maintenance has been done on it since.<sup>1166</sup>

- 12.141** In relation to the previous Forests NSW management of the area, Mr Denham commended that ‘virtually no problems were encountered’.<sup>1167</sup> However, he said that since NPWS had taken over management of the land, despite good relations with NPWS staff, he expressed the opinion that for NPWS ‘neighbours are simply an irritant’.<sup>1168</sup>

### **Disputes regarding boundary fencing**

- 12.142** Some Inquiry participants also raised concerns regarding the approach of NPWS to resolving disputes over fencing which divides private properties and national park. In particular, concerns were raised about who should bear responsibility for the replacement of damaged fences. These concerns arise because some authorities, including the Crown, local councils and trustees, are not required to abide by the provisions of *Dividing Fences Act 1991* which sets out how the cost of a dividing fence will be shared between adjoining land owners.<sup>1169</sup>
- 12.143** One landholder to raise concerns was Mr Steve Fittler, who with his wife Elise, owns a property north-west of Guyra which shares a common boundary with the Single National Park. The park had previously been State forest and was converted to national park estate in 1999.
- 12.144** Mr and Mrs Fittler gave evidence that following a fire in November 2002, 12 kilometres of the shared boundary fence was damaged. Mrs Fittler suggested to the Committee that NPWS did not do all it could to extinguish this fire and that further, they have failed to honour an agreement made to fix the fence following the fire:

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<sup>1165</sup> Submission 76, Mr John Denham, p 2.

<sup>1166</sup> Submission 76, p 2.

<sup>1167</sup> Submission 76, p 3.

<sup>1168</sup> Submission 76, p 3.

<sup>1169</sup> Land and Property Management Authority, dividing fences law, accessed 10 April 2012, <[http://www.lpma.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/155983/div\\_fences\\_law\\_fs\\_jan2011.pdf](http://www.lpma.nsw.gov.au/__data/assets/pdf_file/0004/155983/div_fences_law_fs_jan2011.pdf)>

We believe that NPWS did not take all possible steps to extinguish the fire in its early stages ... After the fire we were promised by Minister Bob Debus 50 per cent of the total replacement cost of the fence, including the removal of any trees likely to fall on the new fence ... We accepted this offer on 10 May 2004; however, NPWS have ignored this promise, assuming that the supply of fencing materials equates to 50 per cent. Our estimate is that fencing materials in this case only equates to 20 per cent. We are prepared to clear on our side of the fence. If they would clear on their side of the fence and supply the materials as promised by the Minister this would give us a firebreak, fence protection and a safe workplace for fence erection and ongoing maintenance. This would fulfil their 50 per cent responsibility.<sup>1170</sup>

- 12.145** In evidence, Mr and Mrs Fittler reported that they had received a warning from NPWS when their stock had strayed onto national park estate. They have now been forced to adjust their stocking in paddocks which border the park where the fence is affected.<sup>1171</sup>
- 12.146** A similar issue was raised by another landholder, Mrs Nancy Robinson, whose property in northern New South Wales borders Ledknapper Nature Reserve. Mrs Robinson outlined to the Committee the difficulty she had experienced and also noted that as a result of the damaged fence, ‘... we have not had stock in our adjoining paddocks’.<sup>1172</sup> Mrs Robinson suggested that ‘equal responsibility must be shared for repairs and maintenance of fences ...’<sup>1173</sup>
- 12.147** When questioned regarding the dispute with Mr and Mrs Fittler, Ms Barnes observed that ‘we have about 100,00 neighbours. I do not think I have seen—this would be the only fencing dispute I have seen in the last few years because we generally get on with it and people are generally fairly happy’. Ms Barnes told the Committee that NPWS ‘definitely want to get on with our neighbours’.<sup>1174</sup>
- 12.148** Mr Conroy advised that NPWS manages approximately 57,000 kilometres of boundary fencing, and explained that although NPWS is not bound by the *Dividing Fences Act*, he said NPWS try to work with their neighbours on fencing issues, as it is an area of mutual benefit:

In this particular case, it sounds to me like it might be a dispute between our assessor and the property owner because, if it was fire damage, then we generally refer those cases to our self insurer to undertake an assessment of the legitimacy of the situation. If there is a problem, it may well be between the assessor and the landowner, rather than between National Parks and the landowner. In terms of the boundary fence, we are not obliged to comply with the *Dividing Fences Act* but we want to be a good neighbour and we do contribute materials for fencing to neighbours. We do it within our budgetary constraints, but we do allocate tens of thousands of dollars each year to the maintenance and replacement of fences on our boundaries

<sup>1170</sup> Mrs Fittler, Evidence, 5 October 2012, p 58.

<sup>1171</sup> Submission 411, Mr Steve Fittler, p 1.

<sup>1172</sup> Ms Robinson, Evidence, 26 September 2012, p 17.

<sup>1173</sup> Ms Robinson, Evidence, 26 September 2012, p 13.

<sup>1174</sup> Ms Barnes, Evidence, 5 December 2012, p 49.

... In terms of the clearing, there are provisions under the Rural Fires Act that enable our neighbours to clear on their land and to clear on our land, or at least to ask us to clear our land next to a boundary fence. In terms of the clearing, there are limits to that. I think it is either three metres or six metres—I cannot remember—from the boundary fence. I do not see why we would refuse an application to do that because it is in both our interest.<sup>1175</sup>

### **Boat ramp upgrades**

**12.149** A specific complaint regarding a lack of responsiveness from NPWS was raised by Mr Andrew Hestelow regarding the Roseville boat ramp, situated on the eastern side of Sydney's Roseville Bridge, within Garigal National Park. Mr Hestelow explained that in April 2012 work began to upgrade the boat ramp. He expressed the view that the way the 'boat ramp has been managed, particularly in 2012, is a sort of snapshot of what is wrong with so much of public lands management in New South Wales'.<sup>1176</sup>

**12.150** According to Mr Hestelow, there was no consultation with users of the boat ramp prior to the upgrade work, resulting in a poor outcome for stakeholders:

In the specific case of Roseville boat ramp there was no consultation with those affected, despite quite considerable sums of money being spent—a million dollars is a lot of money. Even someone who is not a nautical engineer or anything, even someone with basic understanding would know that you cannot increase the volume of boats being launched and retrieved by putting a pontoon down the middle of a boat ramp—it is just common knowledge—and that is what they have done, at very considerable cost and a considerable overrun in the predicted time for completion of the project.<sup>1177</sup>

**12.151** When questioned regarding what recommendations he would draw from his experience, Mr Hestelow suggested that 'where the National Parks and Wildlife manage some sort of facility that is very popular for recreation, whether it be Roseville boat ramp or the ski resorts at Kosciuszko National Park, that before going ahead and spending vast amounts of money it should consult with the people whose activities will be affected'.<sup>1178</sup>

### **Committee comment**

**12.152** Public land managers need to be mindful of their interactions with neighbours. The Committee notes the long-standing disputes between the NSW National Parks and Wildlife Service and a small number of its neighbours and encourages the NSW Government to urgently resolve these disputes. The Committee encourages the NSW Government to consider ways to resolve the disparity in responsibility with regard to the *Dividing Fences Act 1991* between public and private land managers.

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<sup>1175</sup> Mr Conroy, Evidence, 5 December 2012, pp 49-50.

<sup>1176</sup> Mr Andrew Hestelow, Evidence, 5 December 2012, p 63.

<sup>1177</sup> Mr Hestelow, Evidence, 5 December 2012, p 63.

<sup>1178</sup> Mr Hestelow, Evidence, 5 December 2012, p 69.

**12.153** Further, the Committee acknowledges the evidence regarding inadequate consultation with service users before major works are undertaken, as exemplified by the difficulties caused by upgrade work on Roseville Boat Ramp.

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**Recommendation 8**

That the NSW Government take urgent action to resolve outstanding disputes between the National Parks and Wildlife Service and its neighbours, particularly in regard to disputes on boundary fences and access roads.

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**Recommendation 9**

That the NSW Government investigate whether the *Dividing Fences Act 1991* should be amended to apply to all public land managers in New South Wales.

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## Chapter 13 Economic impacts

This Chapter will examine the economic impacts, both positive and negative, in areas where land has been converted to national park estate. During the course of this Inquiry the Committee conducted three site visits to six regional towns particularly impacted by conversion. The Committee visited newly created national parks, as well as timber mills, State forests and forestry operations. They spoke with local councils, residents, workers and business owners both informally and at regional hearings. While it was suggested that national parks contribute positively to the economy, the evidence indicated that for the communities most recently effected by the conversions of State forests and agricultural and Crown land to national park estate, the economic impacts have been significant, substantially reducing or, in some cases, shutting down whole industries.

### Positive economic impacts of conversion

**13.1** The NSW Government advised that ‘the establishment of new national parks can have a range of economic impacts and benefits for neighbours, local government and the broader regional economy’.<sup>1179</sup> In order to better understand the economic impacts, the Committee was informed that since the mid-1990s the NSW National Parks and Wildlife Service (NPWS) has ‘commissioned a series of expert economic assessments to estimate the direct and flow-on impacts on local economies and other aspects of the economic value of national parks’.<sup>1180</sup> The NSW Government advised that the key findings ‘consistently demonstrate the important contribution that national parks make to regional economies through park management expenditure and visitor expenditure’.<sup>1181</sup>

**13.2** The North East Forest Alliance presented evidence on the history of the forest reform process:

The Forestry Reform process delivered a significant increase in the reserve system in north east NSW based on a rigorous scientific assessment and delivered a comprehensive regime for off reserve management. Tragically the reserve outcome fell far short of what was required to fulfil the minimum requirements of the national reserve criteria. Government agencies identified 1,027,655 hectares of public forests in north-east NSW as requiring reservation in order to reasonably satisfy the national reserve criteria, though the outcome was the reservation of 410,547 ha in 1998, with a further 122,334 hectares of unloggable forests and Crown land being added by 2002. A further 370,000 hectares of unloggable forests, wilderness, old growth and rainforest was included in Forest Management Zones excluded from logging.<sup>1182</sup>

**13.3** The following table (Table 11) from the submission by the NSW Government draws on the findings of this research to illustrate the key economic contributions of the national park system, by region.

<sup>1179</sup> Submission 332, New South Wales Government, p 7.

<sup>1180</sup> Submission 332, p 7.

<sup>1181</sup> Submission 332, p 7.

<sup>1182</sup> Submission 304, North East Forest Alliance, p 2.

- 13.4** The full findings of the research, including more discussion of the economic benefits of national parks and other reserves in specific regions of New South Wales, are detailed in a document tendered by Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage (OEH).<sup>1183</sup>
- 13.5** While the figures provided by the NSW Government demonstrate the economic contribution of the national park system, some Inquiry participants questioned whether national parks should in fact be expected to produce economic returns. For example, Mr Keith Muir, Director of the Colong Foundation for Wilderness Ltd, argued that ‘you do not expect to make profits from schools, hospitals and a police force’ and should therefore ‘not expect to make a profit from a national park’. Mr Pepe Clark, Chief Executive Officer of the Nature Conservation Council added that, ‘the investment that we make in our natural areas, and national parks in particular, is a question of social values and public policy’.<sup>1184</sup>

**Table 11 Summary of key economic contributions of the national parks system, by region**

Region	Annual contribution of NPWS expenditure to regional value-added activity	Annual contribution of park visitor expenditure to regional value-added activity	Equivalent jobs generated in the region
North East	\$17.00 m	\$107.0 m	1915
Far South Coast	\$8.00 m	\$54.0 m	921
Far West	\$6.25 m	\$6.1 m	203
Wheat Sheep Belt	\$7.50 m	\$8.8 m	295

### Adverse impacts on the timber industry

- 13.6** The evidence received during the Inquiry indicated that the timber industry and the communities this industry supports have been heavily impacted by recent conversions of public land to national park estate. While some Inquiry participants believe the impact of conversion will not be known for years to come as the process of change and recovery unfolds, it is evident that for many communities, the immediate economic impact has been both dramatic and devastating.

<sup>1183</sup> Tabled document, Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage. Acting Head, National Parks and Wildlife Service, 7 September 2012, *Summary Report – Economic benefits of national parks and other reserves in New South Wales – Department of Environment, Climate Change and Water, NSW*, October 2009.

<sup>1184</sup> Mr Keith Muir, Director, The Colong Foundation for Wilderness Ltd, Evidence, 4 December 2012, p 5; Mr Pepe Clark, Chief Executive Officer, Nature Conservation Council, Evidence, 4 December 2012, p 8.

### Reduction in harvestable land

- 13.7** The decisions to convert areas of State forest to national park estate, which have been discussed in the respective case studies, resulted in a significant reduction of harvestable land, available to the timber industry. In the Riverina, 107,000 hectares of river red gum forest was reserved, reducing annual sawlog yields from 60,000 to 10,000.<sup>1185</sup> The Brigalow decision increased the area of land in the Pilliga forest managed for reservation and Indigenous use by 173 per cent, and reduced the area of land managed for forestry by 56 per cent.<sup>1186</sup> On the north coast the Regional Forest Agreements (RFA) placed 370,000 hectares of native hardwood forest into reservation, with a further 68,000 hectares subsequently reserved in 2003.<sup>1187</sup> The NSW Forest Products Association (FPA) have said that the effect of reservation and the Integrated Forestry Operations Approvals (IFOAs) have resulted in the land available for harvesting being reduced from 843,000 hectares to 314,000 hectares.<sup>1188</sup>
- 13.8** The Committee also received evidence on the impact of the conversion decisions on revenue from the timber industry. Mr Russell Ainley, Executive Director of the NSW FPA highlighted the reduction in revenue from the pre to the post conversion period. Mr Ainley told the Committee that NSW contributed around ‘one third of the total Australian production’ of hardwood timber in 2010-2011, which is worth ‘about \$153 million’, but that this volume is ‘actually less than half of the productions levels of 2002-2003’.<sup>1189</sup>
- 13.9** Inquiry participants from the timber industry were unanimous in the disappointment and shock they expressed at the conversion decisions arrived at in their respective regions. Mr Ken O’Brien, sawmiller from the Riverina, described his view of the enormity of the impact, commenting, ‘Whichever way you look at it, it has been a significant hit to the timber industry—the most historic hit in the timber industry in the whole time that timber has been harvested in this country from pre-European settlement.’<sup>1190</sup> Mr Patrick Paul of Gunnedah Timbers and Baradine Sawmilling Company expressed the view that the level of reservation was ‘substantial’ and remarked that it would make the ‘virtually unsustainable.’<sup>1191</sup> Mr Paul Hyde, of Hyde Haulage, also located in the Pilliga said he ‘disappointed with the outcome’ and ‘knew it would put a lot of pressure on the existing resource’, adding that his company was ‘already struggling to find and supply wood.’<sup>1192</sup>

<sup>1185</sup> Mr Nic Roberts, Chief Executive Officer, Forests NSW, Evidence, 7 September 2012, p 26. Please note that all references to Forests NSW witnesses refer to their titles at the time they gave evidence to the Committee, before Forests NSW became Forestry Corporation of NSW.

<sup>1186</sup> Tabled document, Natural Resource Commission, *Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report*, May 2012, p 33.

<sup>1187</sup> Mr Roberts, Evidence, 7 September 2012, pp 25-26.

<sup>1188</sup> Submission 225, NSW Forest Products Association, p 21.

<sup>1189</sup> Mr Russell Ainley, Executive Director, NSW Forest Products Association, Evidence, 14 September 2012, p 51.

<sup>1190</sup> Mr Ken O’Brien, Proprietor, O’Brien Redgum Sawmills, Evidence, 1 August 2012, p 7.

<sup>1191</sup> Mr Patrick Paul, Gunnedah Timbers and Baradine Sawmilling Company, Evidence, 27 September 2012, p 29.

<sup>1192</sup> Mr Paul Hyde, Hyde Haulage, Evidence, 27 September 2012, p 25.

### Closure of mills and employment losses

- 13.10** Conversion of public land to national park estate resulted in the closure of many timber mills and substantially reduced levels of employment in the remaining mills. In the Riverina, the number of mills reliant on harvesting from public land reduced from 20 to two.<sup>1193</sup> Prior to the Brigalow decision 17 cypress mills were reliant on timber from State forests across New South Wales. After the decision 12 mill owners either left the industry or changed the nature of their business.<sup>1194</sup>
- 13.11** Mrs Heather Andrews, of V & HD Andrews Haulage in the Pilliga, highlighted the impact of conversion on her town of Gwabegar, describing herself as a ‘threatened species’, as hers was the ‘only business left after the Brigalow decision’.<sup>1195</sup> She told the Committee that as a result of the decision to reserve areas of the Pilliga and the initial moratorium on logging, her ‘business ceased that day’.<sup>1196</sup>
- 13.12** In Grafton, the Committee heard that the timber industry in that region employs approximately 1,000 people from a population of 21,000, and timber mills in particular are some of the biggest employers.<sup>1197</sup> Mill owner Mr Spiro Notaras of J Notaras & Sons Pty Ltd, a Grafton-based sawmilling operation, described the effect that conversion had on his sawmill. He explained to the Committee that not only had the number of positions decreased, but that in order to retain positions for his remaining employees, he was forced to decrease working hours and eliminate overtime opportunities:
- Two years ago I was employing 50 people. I went back to 48 last Christmas. I had to downsize 12 out of my staff in April...When you have had staff for 30 and 40 years it is pretty hard. Sawmillers do not get paid a lot of money; they average about \$700 to \$750 a week, but they are very good, very well trained and they come to work every day. I have found that over the years half my staff would want to work overtime so we let them stay back cleaning for an hour or two and it gave them \$100 or \$120 extra a week. I had to stop all that. That was number one. Then I had to go onto a four-day week. Six weeks ago I put the sawmill back onto five days. It was on four days for three or four months. That was probably the hardest thing I had to do.<sup>1198</sup>
- 13.13** Mr Hyde of Hyde Haulage highlighted the negative impact that conversion of land in the Pilliga has had on his business, telling the Committee, ‘In 2002 we invoiced out 32,000 cubic metres of all product and last year we invoiced out 18,000, so we have dropped a fair bit.’<sup>1199</sup> He explained that these volumes were not purely cypress pine, but necessarily included ironbark, because following conversion his business had integrated its operations with

<sup>1193</sup> Mr Roberts, Evidence, 7 September 2012, p 26.

<sup>1194</sup> Office of Environment and Heritage, NSW National Parks and Wildlife Service, History since colonization, accessed 24 April 2013, <[www.environment.nsw.gov.au/NationalParks/parkHistory.aspx?id=N1064](http://www.environment.nsw.gov.au/NationalParks/parkHistory.aspx?id=N1064)>; Tabled document, *Regional Forest Assessment: South-Western Cypress State Forests*, pp 217.

<sup>1195</sup> Mrs Heather Andrews, V & HD Andrews Haulage, Evidence, 27 September 2012, p 25.

<sup>1196</sup> Mrs Andrews, Evidence, 27 September 2012, p 31.

<sup>1197</sup> Mr Desmond Schroder, Deputy General Manager, Clarence Valley Shire Council, Evidence, 5 October 2012, p 4.

<sup>1198</sup> Mr Spiro Notaras, J Notaras & Sons Pty Ltd, Evidence, 5 October 2012, p 30.

<sup>1199</sup> Mr Hyde, Evidence, 27 September 2012, p 31.

ironbark to become 'more viable' commenting that 'we knew in the new estate...that the stands would be, as far as the cypress went, less volume per hectare'.<sup>1200</sup> Mr Hyde advised, however, that these changes did not immediately improve his situation, but that his business 'spent three years without hauling any ironbark at all to any sawmill customer and very limited firewood due to the restrictions that were on us at the time'.<sup>1201</sup> Further, Mr Hyde told the Committee that at the time of the Brigalow decision, Hyde Haulage had six customers, whereas now they have three.

### Industry compensation packages

- 13.14** Given the substantial economic impacts to the timber industry expected to result from the conversion of land to national park estate, in the cases of the river red gum decision, the Brigalow decision and the North East Forest Agreement, the Government provided compensation in the form of exit and structural adjustment packages. The NSW Government advised that the package for the timber industry in the Riverina totalled \$97 million with \$51.5 million set aside for structural adjustment,<sup>1202</sup> that the package for the North East forests was \$120 million, and for the Brigalow the compensation package was \$48 million.<sup>1203</sup>
- 13.15** Mill owners who chose to stay in the industry were eligible for structural readjustment assistance to invest in value adding, market development and plant and equipment upgrades. The investment packages emphasise the importance of investment to business viability because of the reduction in available timber volumes. In the cases of the north coast and the Pilliga, adjustment packages were tied to owner investment,<sup>1204</sup> which was financially prohibitive for some businesses.
- 13.16** Compensation packages were also provided to mill owners, and affected employees, who chose to leave the timber industry, and in some part were designed to encourage some contraction of the industry commensurate with the reduction in the available resource.
- 13.17** Many Inquiry participants expressed the view that compensation was inadequate, pointing to the lost annual revenue of the timber industry in comparison to a one off payment. For example, Ms Ashwin, a sawmill proprietor from the Riverina, commented that '\$97 million as a total package does not replace the \$70 million per annum that the red gum timber industry contributed to the local and regional economies'.<sup>1205</sup> Similarly, Mr Norman Brennan, Vice-Chair of the Deniliquin Business Chamber and Mayor of Conargo Shire remarked, 'when you are looking at a \$70-or-\$80-million-per industry, and you get a \$12 million compensation package...that really does not add to me. It does not add up in the long term'.<sup>1206</sup>

<sup>1200</sup> Mr Hyde, Evidence, 27 September 2012, p 31.

<sup>1201</sup> Mr Hyde, Evidence, 27 September 2012, p 31.

<sup>1202</sup> Submission 332, NSW Government, p 11.

<sup>1203</sup> Mr Roberts, Evidence, 7 September 2012, p 25.

<sup>1204</sup> Mr Spiro Notaras, Evidence, 5 October 2012, p 26 and Mr Patrick Paul, Evidence, 27 September 2012, p 27.

<sup>1205</sup> Ms Faye Ashwin, Proprietor, O'Brien Redgum Sawmills, Evidence, 1 August 2012, p 2.

<sup>1206</sup> Mr Norman Brennan, Vice-Chair of the Deniliquin Business Chamber and Mayor of Conargo Shire, Evidence, 1 August 2012, p 15.

- 13.18** Several Inquiry participants from the Pilliga who were affected by the Brigalow Decision criticised the application and assessment process for the structural readjustment packages, saying it was poorly handled, resulting in delays or in some cases, no compensation. Mrs Andrews of Andrews Haulage told the Committee, 'Because we were in the firewood industry we had to wait for a review before we were even going to know whether we were going to be staying or going. We did not get the first round of business funding because the review took that long.'<sup>1207</sup>
- 13.19** Mr Hyde, whose company Hyde Haulage harvests and transports timber to mills, was also disappointed with the assessment process. Mr Hyde informed the Committee that the structural readjustment package was supposed to compensate his business for losses resulting from the closure of other businesses. On assessment for his claim, he was told his business was 'supposed to be just as productive and as viable as it was prior to the decision, and the \$300,000 loss was going to be made up', and consequently he was not eligible for payment. Mr Hyde told the Committee that since then his business has halved its turnover due to the closure of other mills. Mr Hyde asserted that while they 'were not initially eligible for the exit package, as time has gone on under the new arrangement, new estate, we certainly would be today if you put it back there today'.<sup>1208</sup>
- 13.20** Mr Notaras told the Committee that his business was urged to stay in the industry because of their value-adding enterprises, but that structural adjustment packages designed to assist investment to increase his value-add lines, were actually reduced over time:

In 1997-98, because of the loss of all the State forests and national parks, we were given a choice of taking redundancy or restructure... The Government said, "Look, you cannot take redundancy. We want the industry to do what you are doing. You are value-adding." We were already doing value-adding to a small degree; about 15 per cent of our production. We made the decision then to take the restructure, which was dollar for dollar for the first round... If we spent \$1 million they would give us \$1 million, which we paid tax on by the way, so it was not all rosy... We spent \$2.5 million in that round and the Government gave us \$1 million into further value-adding... it reduced it from dollar for dollar to 20 per cent of what we spent... Over the next three or four years, we spent around about \$8 million, of which \$2 million was in government grants.<sup>1209</sup>

### **Committee comment**

- 13.21** The Committee acknowledges the dramatic and devastating impact on the timber industry in areas affected by recent conversions, in particular, on communities neighbouring the river red gum and Pilliga forests. As a result of conversion, the timber industry experienced a substantial reduction in harvestable land leading to the closure of mills and significant employment losses. The Committee is concerned by evidence that, despite the provision of exit and structural adjustment packages, the adverse economic impacts in these communities have been significant and long-lasting.

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<sup>1207</sup> Mrs Andrews, Evidence, 27 September 2012, p 28.

<sup>1208</sup> Mr Hyde, Evidence, 27 September 2012, p 27

<sup>1209</sup> Mr Notaras, Evidence, 5 October 2012, p 26.

## Wood supply agreements

- 13.22** In the Pilliga and the north coast, 20 year Wood Supply Agreements were entered into by those mills that chose to remain following conversion. The agreements were intended to deliver a sustainable and secure supply of timber in terms of both total overall volume and log size. Inquiry participants raised concerns about the ability of the Forestry Corporation of NSW to meet these commitments, and hence ensure the future viability of the timber industry.

### Commitments given under wood supply agreements

- 13.23** The wood supply agreements made a number of commitments regarding the supply of timber, in regards the volume of timber to be delivered and the size of sawlogs. Wood Supply Agreements for the Pilliga are current until 2025, and guarantee the supply of 57,000 cubic metres of High Quality Large cypress sawlogs to the industry and 2050 cubic metres of iron bark sawlogs. Wood Supply Agreements for the north coast are current until 2023. Legislated by the *Forestry and National Park Estate Act 1998* and now the *Forestry Act 2012*, the NSW North East Forest Agreement guarantee the supply of 269,000 cubic metres of high quality large sawlogs, 380,000 cubic metres of low quality sawlogs and 150,000 tonnes of hardwood pulp.<sup>1210</sup> In 2003, Forests NSW (now Forestry Corporation NSW) varied the agreements to ‘196,149’ cubic metres which, according to the NSW Forest Products Association, were ‘entered into with industry agreement’.<sup>1211</sup> It is important, however, that the volumes specified in the NSW North East Forest Agreement have remained 269,000 cubic metres and are still due to expire on 5 March 2019, while the amended Wood Supply Agreements have been extended to 2023.<sup>1212</sup>
- 13.24** However, the North East Forest Alliance, whose members were involved in the Forest Reform process, had a different view:

Regrettably the industry was given 20 year Wood Supply Agreements until 2018 for volumes of large quota sawlogs from public lands at intentionally unsustainable levels. Industry groups supported the outcome while conservation groups opposed it. Soon after the RFA it became apparent that yields were substantially below those predicted. By 2002 it was apparent that at least an immediate 18% reduction in commitments was required because of Forests NSW’s over-estimates. Estimates of long-term sustainable yields had plummeted.

The 2003 Icon decision protected 45,000 hectares in 15 “icon” areas as reserves and placed 20,000 hectares of oldgrowth forest on state forest into protected zones. This filled some significant gaps in the reserve system and resulted in the protection of most large patches of oldgrowth on public lands, though still left many reserve targets unmet. Forests NSW’s resource assessment showed this reduction in areas available for logging could be compensated for by reducing the protection provided to exclusion areas by removing “buffers on buffers”.

<sup>1210</sup> Submission 225, p iii.

<sup>1211</sup> Submission, 225, p 23.

<sup>1212</sup> Submission, 225, p 21.

The Government then reduced annual timber commitments down to the levels identified in the limited 2002 review. Regrettably the Government entrenched unsustainable logging by extending Wood Supply Agreements for a further 5 years until 2023, thereby increasing total committed volumes of large sawlogs and adding commitments for small and low quality sawlogs.<sup>1213</sup>

- 13.25** The Committee was told that the available timber specified in the wood supply agreements was one of the decisive factors for mill owners in choosing whether to exit or remain in the industry, and subsequently upon which decisions relating to industry investment from structural adjustment packages was made. Mill owners said that being assured of the amount and type of timber available allowed them to make informed projections regarding the viability of their business. However, doubts over the ability of Forestry Corporation to meet these wood supply agreements have been raised by Inquiry participants from both the north coast and the Pilliga, with many asserting that already, Forestry Corporation is failing to deliver promised quotas.
- 13.26** On this issue the NSW Forest Products Association said that the ‘NSW Government has consistently failed its obligations, and the forest agreement legislation, to supply resource’ and that ‘it is the responsibility of the NSW government to determine the timber yield from state Forests and other crown timbered land’ and that the industry ‘relies on those determinations to substantiate business and investment’.<sup>1214</sup>
- 13.27** However, Mr Nic Roberts, Chief Executive Officer of Forests NSW (now Forestry Corporation of NSW), disputed these assertions and told the Committee that the contractual obligations ‘can be met in total volume terms’.<sup>1215</sup> He said that ‘there is no shortage of logs at the moment’ and that timber is in ‘plentiful supply’. Mr Roberts added that he has ‘had to lay off crews recently’ because ‘log yards are full’. Mr Roberts attributed industry comments on restricted supply primarily to ‘cost pressures and preferred species’<sup>1216</sup> but did acknowledge that there are pressures on the supply of large sawlogs, saying, ‘the difficulty we have within the 270,000 cubic, if I just talk about high-quality sawlog, and the volume of preferred species that will be available. That is the tricky bit’.<sup>1217</sup> While the figures quoted by Mr Roberts refer specifically to the agreements for the north coast, the Committee heard that sawmillers in the Pilliga are also experiencing a reduction in the supply of large quality sawlogs.

### **Size of sawlogs**

- 13.28** In addition to the guarantee of overall volumes of timber, a key component of the wood supply agreements is the supply of large high quality sawlogs. The supply of these logs is a critical factor as they are the most profitable. Indeed all Inquiry participants involved in the timber industry in the Pilliga and north coast explained to the Committee that large sawlogs result in greater wood recovery, higher value product and less waste, which equals a higher return. Conversely, smaller logs are a lower-demand value product, produce more waste and

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<sup>1213</sup> Submission 304, p 2.

<sup>1214</sup> Submission 225, p 6.

<sup>1215</sup> Mr Roberts, Evidence, 5 December 2012, p 27.

<sup>1216</sup> Mr Roberts, Evidence, 5 December 2012, pp 28-29.

<sup>1217</sup> Mr Roberts, Evidence, 5 December 2012, p 27.

result in a substantially smaller economic return. In some cases smaller logs are unable to meet the specifications for required products.

- 13.29** Mr Patrick Paul told the Committee that for the Pilliga forest the size of available sawlogs ‘is a huge problem’ for both saw millers and harvesters:

It is our number one problem. The actual size of the trees is getting smaller and becoming virtually unmarketable in the market place: we cannot sell them. It is becoming harder for the contractor to log and maintain his viability because he is cutting that many more pieces per load to get a load of logs and he is covering that much more area. He is becoming unviable at the same rate as us basically. <sup>1218</sup>

- 13.30** Under the wood supply agreements, the minimum average log size is 0.15 cubic metres per piece.<sup>1219</sup> Mr Patrick Paul told the Committee that at the time of the Brigalow decision, Forests NSW had given assurances that the average log size would stay above the minimum average specified in the agreements, saying, ‘we signed up in good faith in 2005 that the average log size would not become the minimum requirement as per the wood supply agreement’.<sup>1220</sup> Mr Paul told the Committee that prior to the Brigalow decision the average yield of logs at his sawmill was 0.2 cubic metres but that ‘the last 20 loads’ of timber were ‘0.156’ cubic metres.<sup>1221</sup>

- 13.31** Mr Paul said that the average size needed to increase in order for his company and others in the industry to stay in business in the long term:

We have to get back out to 0.2...for us and our logging contractor to survive and to become viable, to invest and to employ more people. <sup>1222</sup>

- 13.32** Mr Paul highlighted the critical implications for his company, explaining that if the average log size falls below 0.15 cubic metres his company would ‘not even make the month’.<sup>1223</sup> Mr Paul asserted that the threat of economic collapse is very real to his company and is illustrated by the closure of other mills. He told the Committee that since the Brigalow decision, two mills who chose to restructure and remain in the industry have closed down as a consequence of the failure of Forests NSW to supply the promised volumes of large sawlogs:

The Forestry has not backed us to date. It has said yes it can deliver and we are sure it can deliver but as we saw yesterday at the mill—I showed you that minimum spec log...That will send us broke. I am not sure whether you are aware that since the decision, to my knowledge, two mills have closed up and gone broke mainly due to the resource. That was Millabill Timbers at Mendooran and Gulargambone Cypress at Gulargambone, which was the biggest employer in the shire, has closed since 2005.<sup>1224</sup>

<sup>1218</sup> Mr Paul, Evidence, 27 September 2012, p 29.

<sup>1219</sup> Mr Paul, Evidence, 27 September 2012, p 33.

<sup>1220</sup> Mr Paul, Evidence, 27 September 2012, p 30.

<sup>1221</sup> Mr Paul, Evidence, 27 September 2012, p 30.

<sup>1222</sup> Mr Paul, Evidence, 27 September 2012, p 33.

<sup>1223</sup> Mr Paul, Evidence, 27 September 2012, p 30.

<sup>1224</sup> Mr Paul, Evidence, 27 September 2012, p 29.

- 13.33** Mr Ted Hayman, President of the Baradine District Progress Association, described how the limited volume of large sawlogs and reduced sawlog size impacts sawmills in his community:

The situation today is that the volume of small log has had to increase as a percentage of total supply in an attempt to maintain quota as there is insufficient larger logs to achieve a profitable balance. This is due directly to the misinformation used in the forest decision. The effect this is having on the mills is a great loss in efficiency, as the small logs are more costly to harvest and mill and only produce product that has a low market demand.<sup>1225</sup>

- 13.34** Mr Daniel Clissold, Director of Pilliga Natural Timbers, told the Committee that the impact of conversion has resulted uneconomical logging because the quality of the timber is far less than what would have been available if the compartments were unreserved.<sup>1226</sup> He illustrated this for the Committee in terms of the recovery percentage of timber in different sized logs, saying that ‘out of the bigger timber we can get close to or better than 50 per cent from the larger logs...I get around 25 per cent from the Pilliga timber. It is just heartache’. Mr Clissold contended that ‘if the timber jumped up by 75mm, which is still comfortably inside our IFOA, our percentages would go up hands down’.<sup>1227</sup>

- 13.35** In the Pilliga where the timber industry is primarily cypress pine, Mr Roberts of Forests NSW acknowledged that ‘sizing is an issue’ as ‘with the smaller log size you are unable to cut the 100 x 100 posts’.<sup>1228</sup> Mr Roberts told the Committee that this is a ‘highly desirable product on the Australian market and sells for a price premium’ and ‘requires a larger sawlog in order to cut those products effectively’. Mr Roberts added that Forestry Corporation is ‘doing whatever we can to assist the customer with larger sawlogs’<sup>1229</sup> and told the committee that the average sawlog is ‘at between 0.17 and 0.19 cubic metres piece size’.<sup>1230</sup>

- 13.36** The Committee notes, however that this is still below the 0.2 cubic metres piece size that Mr Patrick Paul indicated is needed for long term survival of his mill.

### Sustainable yields

- 13.37** The Committee heard from several Inquiry participants who assert that particularly in the Pilliga, the wood supply agreements were based on unsustainable yields from the outset. Mr Hayman outlined the differences in yield and harvestable areas before and after conversion of the Pilliga. He said that prior to the decision the ‘cypress industry had a combined log allocation of 68,000 cubic metres per year, well below the sustainable yield of the forests at 75,000 cubic metres’ which was taken from ‘an area of almost 500,000 hectares’, but following the moratorium in 2003 the full allocation had to be taken from ‘just 28 per cent of the area’.<sup>1231</sup> Mr Hayman said this has had a significant ongoing impact on the current supplies. He

<sup>1225</sup> Mr Ted Hayman, President, Baradine District Progress Association, Evidence, 27 September 2012, p 17.

<sup>1226</sup> Mr Daniel Clissold, Director, Pilliga Natural Timbers, Evidence, 4 October 2012, p 59.

<sup>1227</sup> Mr Clissold, Evidence, 4 October 2012, p 60.

<sup>1228</sup> Mr Roberts, Evidence, 5 December 2012, p 28.

<sup>1229</sup> Mr Roberts, Evidence, 5 December 2012, p 34.

<sup>1230</sup> Mr Roberts, Evidence, 5 December 2012, p 24.

<sup>1231</sup> Mr Hayman, Evidence, 27 September 2012, p 17.

also asserted that the contracted volumes of timber in the wood supply agreements are ‘absurd’ as ‘tree growth rates would need increase two to three times to maintain that volume of supply’.<sup>1232</sup>

- 13.38** Mr George Paul from Gunnedah Timbers also provided calculations relating to sustainable yield, to support his view that reservation and subsequent estimates have resulted in unsustainability for the industry, and dire consequences for the cypress forests:

...the pre 2005 area of available cypress was approximately 306,000 hectares. The area now 140,000 hectares, a reduction of 55 per cent. On the other side of the equation pre 2005 log allocation was 72,000m<sup>3</sup>. It is now 37,200m<sup>3</sup>, a reduction of 49 per cent. That means on a pro rata basis the sustainable yield should only be 32,400m<sup>3</sup> (45 per cent of 72,000m<sup>3</sup>) before consideration of the impact of the moratorium or the loss of Leard Forest is taken into consideration. However, we believe that the current sustainable yield is no more than 25,000m<sup>3</sup> or a present over commitment of 12,200m<sup>3</sup>. A figure that guarantees the destruction of the cypress forests within a short period of time.<sup>1233</sup>

- 13.39** According to the Natural Resources Commission (NRC), the interim sustainable yield estimates for the Pilliga were 40,000 cubic metres following conversion. To meet the 57,000 cubic metres of timber that the NSW Government directed Forests NSW to make available to the industry, a single wood supply area was created, by combining the harvestable areas in the Pilliga with those in the south-western supply areas.<sup>1234</sup> While this may have accounted for the available volumes, the timber industry says it added to the cost pressures associated with increased travel, which is discussed later in the Chapter.

- 13.40** Several other Inquiry participants asserted that reservation and consequent contraction of the land available for harvesting is directly responsible for the falling log sizes. For example, Mr Hyde told the Committee that in terms of the ‘size of the timber we get out of the forests to meet customer requirements...we struggle to find that without spending a lot of extra time in the forests, unpaid time, just walking through finding timber to keep working’.<sup>1235</sup> According to Mr Hyde, this situation was foreseeable: ‘We were disappointed with the outcome at the time because we knew it would put a lot of pressure on the existing resource. We were already struggling to find and supply wood’.<sup>1236</sup> Mr Patrick Paul similarly asserted that reservation made the cypress industry unsustainable:

...it was not a true indication of the actual decision that had to be had. Yes, there had to be a reduction, we knew that and we were all agreeable with that but not the substantial amount that was taken from us to make us virtually unsustainable.<sup>1237</sup>

<sup>1232</sup> Mr Hayman, Evidence, 27 September 2012, p 17.

<sup>1233</sup> Submission, 289, Mr George Paul, Gunnedah Timbers Pty Ltd, p 2.

<sup>1234</sup> Tabled document, *Regional Forest Assessment: South-Western Cypress State Forests*, p 215.

<sup>1235</sup> Mr Hyde, Evidence, 27 September 2012, p 25.

<sup>1236</sup> Mr Hyde, Evidence, 27 September 2012, p 25.

<sup>1237</sup> Mr Paul, Evidence, 27 September 2012, p 29.

**13.41** Inquiry participants have also contended that the best timber stands were included in reservation, reducing not only the area available for harvesting, but the volume and quality of timber as well. Mr Patrick Paul said ‘the log size average is diminishing’ because ‘Bob Carr back in 2005 took the best forests off us...the best timber, as far as we are concerned, for the life of the cypress industry to be continued...is in national park to this day.’<sup>1238</sup> Similarly, Mr Clissold told the Committee that the timber the industry ‘should be looking at our next line of cut...was locked up in western Pilliga.’<sup>1239</sup>

**13.42** Under the wood supply agreements, mills are contractually required to take timber if it is within the prescribed specifications. Mr Patrick Paul told the Committee that ‘we are continually being hounded by State Forests that if it is in spec we must take it’<sup>1240</sup>. Inquiry participants such as Mr Clissold suggested that this situation is jeopardising the future of the industry as forests which should be supplying timber in the future are being logged now:

We are struggling terribly with log size with the ironbark I am harvesting. Some of the trees that we are legally allowed to remove sadden me because it is like taking out a lot of teenagers in the field. We should be leaving those.<sup>1241</sup>

**13.43** Mr Hyde contended that conversion of land to national park estate, and the consequent restriction on the harvestable area available to the timber industry, has not had the intended consequence of improving outcomes for the forests:

...we want to do the best thing by the forest for better outcomes. We have been trained in a way that when we go into a forest we only harvest it if the outcome we can get at the end of the day is better than when we went in there. The question I have asked is when you go into a forest on one side of a road and you log it because that is the better outcome for the forest but on the other side the same country, the same stand of timber, you cannot touch it and you drive back in 12 months’ time and you see the timber deteriorating. I do not see that as a better outcome for the forest.<sup>1242</sup>

**13.44** On the North Coast, wood supply agreements that were originally signed in 1998 were reviewed in 2003 following further reservation of native hardwood forests. Mr Douglas Head described the situation on the North Coast as being unsustainable post 2023, when the current agreements are due to expire. He commented that ‘At the moment, we are in an unsustainable pattern ... in the longer term’ and contended that ‘we will not be able to do in 2024 what we are doing now, and nor should we’.<sup>1243</sup>

**13.45** Mr Roberts responded to comments from Inquiry participants that the current rate of logging is unsustainable. He said that the drop off was planned for and envisaged at the time the wood supply agreements were made, commenting that ‘the resource estimates have been consistent since about 2003’.<sup>1244</sup> He explained that ‘if you interpret sustainability as being even flow, then

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<sup>1238</sup> Mr Paul, Evidence, 27 September 2012, p 30.

<sup>1239</sup> Mr Clissold, Evidence, 4 October 2012, p 58.

<sup>1240</sup> Mr Paul, Evidence, 27 September 2012, p 29.

<sup>1241</sup> Mr Clissold, Evidence, 4 October 2012, p 58.

<sup>1242</sup> Mr Hyde, Evidence, 27 September 2012, p 29.

<sup>1243</sup> Mr Douglas Head, Principal, Australian Solar Timbers, Evidence, 4 October 2012, p 43.

<sup>1244</sup> Mr Roberts, Evidence, 5 December 2012, p 28.

we are not cutting at an even flow rate' and that this is determined by an 'operating environment...where the log harvest rates are determined by the contracts and the area that we have to harvest'.<sup>1245</sup>

### **Committee comment**

- 13.46** Inquiry participants said that the commitments given under the wood supply agreements were a decisive factor for mill owners in choosing whether to exit the timber industry. The Committee is concerned at the suggestion that the Forestry Corporation of NSW has failed to deliver on its commitment to supply the specified volume and quality of saw logs. In addition, the Committee questions whether the wood supply agreements were based on unsustainable yields from the outset, making it impossible to deliver the supply of wood needed to sustain the industry. The issue of increasing supply to support the sustainability of the timber industry is addressed in Recommendation 10.

### **Pressures on the timber industry**

- 13.47** Evidence indicated that internal pressures on the timber industry, which have been highlighted earlier, including the size and availability of timber, are compounded by other pressures including the increased distanced travelled to harvest timber, and its associated costs, and the limited availability of preferred species. The Committee also heard that the strength of the Australian dollar and increasing competition from imports are having a detrimental impact.

#### **Distance travelled to harvesting areas**

- 13.48** Evidence indicated that one of the cost pressures on the timber industry is the distance travelled to harvest timber. Mr Roberts of Forests NSW explained that 'as time goes by we tend to be logging harvesting areas that are further away from the mills and they tend to be in steeper country' both of which 'have an implication on the harvest and haul costs', which have also 'been going up'. Mr Roberts explained that this is a feature across 'the entire industry in Australia' but that 'native forests would be at the extreme end of that because it is such a diverse estate'.<sup>1246</sup>
- 13.49** Indeed, Mr Douglas Head, of Australian Solar Timbers, gave evidence that a plentiful supply of timber does not necessarily equal a profitable outcome for sawmills. Mr Head told the Committee that because some mills are having to travel further to source timber for their mills, the increased costs associated with haulage can make the product unviable even before it has been logged:

<sup>1245</sup> Mr Roberts, Evidence, 5 December 2012, p 25.

<sup>1246</sup> Mr Roberts, Evidence, 7 September 2012, p 26.

One of the big issues with logs is how far you draw them. It is no good saying we will have a timber industry of 10,000 cubic metres for New South Wales and we will take it from over the State. You have made it unviable straightaway, whereas you could have a company surviving on 10,000 cubic metres if it was all within 50 kilometres. It is an issue of where are the trees, what are the trees, and how far you have got to draw them, and what species.<sup>1247</sup>

- 13.50** Mr Clissold told the Committee that distance is a significant issue for his business, 'I am bringing timber from as far away as Bulahdelah to Port Macquarie and back to my sawmill to keep my doors open.<sup>1248</sup> I travel 220 kilometres...Earlier Mr Head was talking 50 kilometres. I am four to five times that distance and trying to make a living out of it.<sup>1249</sup>
- 13.51** While Mr Roberts mentioned the 'rapidly escalating costs' of diesel fuel<sup>1250</sup> as a factor in travel costs, Mr Hyde of the Pilliga-based Hyde Haulage outlined several other factors that make increased distance a drain on his company's finances, including an 'increase in repairs to undercarriage of harvesters due to extra distance required to produce each truckload, increased fuel consumption, increases in time to locate harvestable areas'<sup>1251</sup>

#### **Availability of preferred species**

- 13.52** The limited availability of preferred species was another important factor mentioned by several Inquiry participants from the North Coast. According to Mr Roberts of Forests NSW, preferred species, such as Blackbutt, are 'under very tight supply'<sup>1252</sup>. Mr Roberts told the Committee that 'while again we have the available volume there, the preferred species volume will drop'.<sup>1253</sup>
- 13.53** Preferred species are substantially more valuable than less preferred species. Mr Roberts told the Committee that on average, Blackbutt, for example, 'is selling for \$80 to \$90 stumpage per cubic metre' in comparison to 'the less preferred' for which 'there is a very complex range of different prices' where 'some species get down to the range of \$20 per cubic metre stumpage'.<sup>1254</sup>
- 13.54** Mr Roberts explained to the Committee that 'there is a significant concern about preferred species...particularly in a downturn, people would like to get more Blackbutt than other species' because 'in down markets you can always sell the preferred stuff but it gets harder and harder to sell the less preferred stuff'.<sup>1255</sup>

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<sup>1247</sup> Mr Head, Evidence, 4 October 2012, p 43.

<sup>1248</sup> Mr Clissold, Evidence, 4 October 2012, p 58.

<sup>1249</sup> Mr Clissold, Evidence, 4 October 2012, p 55.

<sup>1250</sup> Mr Roberts, Evidence, 7 September 2012, p 26.

<sup>1251</sup> Correspondence from Mr Paul Hyde, Hyde Haulage to Chair, 27 September 2012, p 2.

<sup>1252</sup> Mr Roberts, Evidence, 5 December 2012, p 28.

<sup>1253</sup> Mr Roberts, Evidence, 5 December 2012, p 28.

<sup>1254</sup> Mr Roberts, Evidence, 5 December 2012, p 28.

<sup>1255</sup> Mr Roberts, Evidence, 5 December 2012, p 28.

- 13.55** Mr Roberts informed the Committee that mills have to ‘package’ their supply of less preferred species with the preferred species, making the supply of high demand product contingent on accepting a certain amount of the other:

If you have preferred species—in this particular case Blackbutt or spotted gum—...you can say, "I've got 10 packs of Blackbutt but I've also got two or three packs of grey iron bark. If you want the Blackbutt you'll take the iron bark as well." It is a little like when you are selling chickens or fish. You try to get rid of some of the less preferred stuff at the same time.<sup>1256</sup>

- 13.56** Mr Notaras highlighted the significance that the availability of preferred species can have on businesses. He commented on the scarcity two years ago of spotted gum, another preferred species, reflecting that similar pressures on other preferred species is being experienced now:

... each area has a species and we have to get a species mix. This is the problem we are having now. Hopefully that will not affect our business too much. For instance, two years ago we could not get spotted gum. We had to stop selling spotted gum. You would not believe it...My yard is full of it.<sup>1257</sup>

- 13.57** When questioned on the possibility of making more Blackbutt available to mills, Mr Roberts responded: ‘It is not possible, given the nature of the forests that we have left’<sup>1258</sup>.

### **Market conditions**

- 13.58** The Committee also heard evidence of pressures on the timber industry resulting from the strength of the Australian dollar and increasing competition from imports.

- 13.59** Mr Roberts highlighted the pressure from imports, saying ‘the markets are so dynamic these days, so what we have seen in the last year, two years, is...significant imports of high-value flooring products out of south-east Asia...competing effectively head-on with Australian hardwoods’.<sup>1259</sup>

- 13.60** In describing the difficulty of the current market conditions, Mr Roberts said:

We are trying to assist industry from an economic perspective at the moment to weather the storm of the current markets. I think that is probably where most people's concerns are at the moment. Trading conditions are extremely difficult and it is very hard for anyone to make any money. If you are looking at capital investments for the future, nobody has the capital to invest right now.<sup>1260</sup>

<sup>1256</sup> Mr Roberts, Evidence, 5 December 2012, p 28.

<sup>1257</sup> Mr Notaras, Evidence, 5 October 2012, p 30.

<sup>1258</sup> Mr Roberts, Evidence, 5 December 2012, p 36.

<sup>1259</sup> Mr Roberts, Evidence, 5 December 2012, p 27.

<sup>1260</sup> Mr Roberts, Evidence, 5 December 2012, p 27.

### Committee comment

- 13.61** The Committee acknowledges the evidence that the constraints on wood supply are compounded by various cost pressures, placing further stress on an already vulnerable industry. As noted in the previous section, issues of supply are addressed in Recommendation 10.

### Future of the timber industry

- 13.62** The Committee heard evidence that, in the words of Mr Roberts, the timber industry is currently experiencing ‘a significant downturn’<sup>1261</sup>. It was suggested that the future of the industry lay in a shift to niche products, accompanied by the investment needed to make this shift. In addition to this more long-term shift, some Inquiry participants said that immediate steps need to be taken to ensure the survival of the timber industry in the short term, namely by opening up more compartments to increase supply.

### Shift to niche markets

- 13.63** Representatives of the North Coast Forest Taskforce told the Committee that the future of the industry is in niche markets. Mr Trevor Sargeant, the Taskforce’s Coordinator, explained that with niche markets ‘you are producing a distinctive product that is in high demand’ and is less susceptible to competitive price pressures of the market.<sup>1262</sup> Mr Ian Conley, a former forester, told the Committee that already the timber industry on the north coast is moving away from commodity products to niche markets, because of the high strength value of native hardwood:

Over time we have seen hardwood taken out of house frames and used in only one part of a truss, the webbing or the bottom cord, wherever the high stresses are, and that is an efficient operation for the trusses involved. It becomes a niche and so long as you have those high stressed members you certainly have a niche product at a premium.<sup>1263</sup>

- 13.64** The Committee heard that this is especially important as the demand for hardwood in the housing market is diminishing as it is being replaced by cheaper softwood, which places greater importance on the development of niche products. Mr Conley contends that this is an appropriate development because native hardwood is a ‘better product for a better end use’.<sup>1264</sup>

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<sup>1261</sup> Mr Roberts, Evidence, 5 December 2012, p 28.

<sup>1262</sup> Mr Trevor Sargeant, Coordinator, North Coast Forests Taskforce, Evidence, 4 October 2012, p 18.

<sup>1263</sup> Mr Ian Conley, Forester Emeritus, North Coast Forests Taskforce, Evidence, 4 October 2012, p 18.

<sup>1264</sup> Mr Conley, Evidence, 4 October 2012, p 19.

- 13.65** Niche markets can also be pursued through investment in value adding, which is another significant factor in industry survival, particularly in light of the questions around available resource. Mr Conley told the Committee that value adding results in a higher margin and a far better product but uses less overall volume.<sup>1265</sup> Mr Sargeant commented that industries which are ‘very focused on the niche markets’ and value adding ‘are the industries that are growing’.<sup>1266</sup> Additionally, value adding lines of production have ‘more intensive labour requirements, therefore, additional spin-off consequences to the rest of the economy’.<sup>1267</sup>
- 13.66** Mr Sargeant outlined that niche markets and value add products for native hardwood include ‘furniture manufacturing, the appearance moulding, and the strength characteristics’.<sup>1268</sup> Mr Notaras described the value-adding lines that his mill has invested in:

We were one of the first companies on the North Coast to utilise what they called thinnies or small regrowth, and we found that you could cut them into a high-value flooring product... we would spend probably another \$2 million or \$3 million on further value-adding, mainly from our waste. We had to put in a woodchipping operation and we had to put in a parquetry line to utilise our shorts... and we are making an overlay floor. We also put in a laminating plant to make laminated timber, which is not selling real well, but we hope that will be the future of the timber industry.<sup>1269</sup>

### **The need for industry investment**

- 13.67** Pursuing niche markets particularly through value-adding lines requires a high level of investment. The current wood supply agreements, particularly for the north coast, include a prescribed and significant reduction in available volumes of timber after 2023, when the current agreements are due to expire. Added to the existing pressures and doubts about resource security, several Inquiry participants have asserted that it is questionable whether many mills will commit to future investment. Mr Roberts of Forests NSW highlighted this issue for the Committee, with particular emphasis on the timeline of investment, explaining that this is an issue mills are facing today:

Most sawmills depreciate over 10 years—a capital investment would be depreciated over 10 years. As we get to 2013, with 10 years left in the contracts, there is an issue in terms of whether people will continue investing.<sup>1270</sup>

- 13.68** Mr Conley told the Committee that ‘the security of resource generates investment. It is a simple, straight line relationship. No security, no investment.’<sup>1271</sup> He outlined the situation which is facing mill owners today, remarking that ‘if you know that your business is going to have a major problem in 2023, then are you going to invest for that last five years, eight years,

<sup>1265</sup> Mr Conley, Evidence, 4 October 2012, p 19.

<sup>1266</sup> Mr Sargeant, Evidence, 4 October 2012, p 18.

<sup>1267</sup> Mr Sargeant, Evidence, 4 October 2012, p 20

<sup>1268</sup> Mr Sargeant, Evidence, 4 October 2012, p 20.

<sup>1269</sup> Mr Notaras, Evidence, 5 October 2012, p 27.

<sup>1270</sup> Mr Roberts, Evidence, 5 December 2012, p 26.

<sup>1271</sup> Mr Conley, Evidence, 4 October 2012, p 14.

10 years of that agreement? I would suggest that the chances of significant investment during that timeframe are fairly low'.<sup>1272</sup>

- 13.69** Mr Notaras, owner of a mill in Grafton, supported this view with reference to his own investment decisions, commenting that 'in this industry you have to look at the long-term, especially with your investments. I have stopped investing because we are not sure whether we are going to have wood. All indications are that by 2019 it will be pretty tough'.<sup>1273</sup> Further to this, Mr Notaras outlined the high level of commitment that investment entails, particularly as high investment does not equal high returns::

We do not make the profit. That is the part a lot of people do not understand. I am in there because I like the industry and I get a wage. Everything we have got out of our business we have invested back into it. People have got the wrong impression. They think there is a fortune out there if you have a plant worth \$20 million and you are making \$5 million a year. It does not happen. We make about 4 per cent on turnover. We were losing.<sup>1274</sup>

- 13.70** The NSW Forest Products Association contends that resource security for forest industries in New South Wales, up to and beyond current agreements depends, among other things, on 'confidence that government may satisfy its commitments without equivocation'.<sup>1275</sup> And that while the industry has 'met its obligations to investment in value adding, job creation, training and skills development...governments refuse to acknowledge the shortfalls of supply, blissfully ignore their obligations and simply leave industry, investment and rural communities on the scrap heap'.<sup>1276</sup>

### **Opening up compartments**

- 13.71** All of the industry participants contend that the survival of the timber industry in New South Wales depends on immediate action to increase supply, which they argue should be achieved by reopening areas of reservation previously available to the timber industry. Moreover, it was argued that reopening these compartments would provide much needed security for the future of the industry.
- 13.72** Mr Clissold told the Committee that, in order to remedy an alleged failure to fulfil the promises of adequate supply made before the conversion decision, it was imperative that the industry be given immediate access to more harvestable land:

We were promised a lot; we were promised quality large size stands of timber. It never came through. We were told that legislation would be changed. I was told by Forestry at the time about west Pilliga, which we know has sound stands of this diameter of timber to work with. I have had to scavenge and salvage and buy from Boral as on-sell and different things to keep my doors open because I have been pushed into having to borrow money to build this mill. I was given some funding to get the ball rolling.

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<sup>1272</sup> Mr Conley, Evidence, 4 October 2012, p 20.

<sup>1273</sup> Mr Notaras, Evidence, 5 October 2012, pp 26-27.

<sup>1274</sup> Mr Notaras, Evidence, 5 October 2012, p 31.

<sup>1275</sup> Submission 225, pp 5-6.

<sup>1276</sup> Submission 225, p 6.

Now I am in a really shitty situation because I do not want to slaughter the forest. We need to access other areas.<sup>1277</sup>

- 13.73** Mr Clissold explained that opening up areas that were reserved would provide access to higher quality wood and would result in less logging per compartment. He said, 'It is not about being greedy and wanting more area; it is about trying to look after my forest. It is about going to areas that Forestry had set to one side for the next lot of harvest and going through and harvesting'.<sup>1278</sup>
- 13.74** In relation to the timber industry on the North Coast, Mr Conley said that releasing land from reservation would provide the industry with resource security, particularly following the end of the current wood supply agreements:
- RFA [Regional Forest Agreements] indicated there would be a drop in supply of merchantable timber after the conclusion of the current wood supply agreement. That was what the RFA was predicated on. Certainly it would assist the commission's ability to supply timber, or the agency at that time, if they had other areas available and more freedom to harvest areas and regenerate them.<sup>1279</sup>
- 13.75** In relation to the amount of additional land required to make the industry sustainable on the North Coast, Mr Ainley gave evidence that: 'At a guess, I would suggest that we would need a little more than one million hectares to be returned. However, it depends on which hectares, where they are and how the regulations may affect them'.<sup>1280</sup>
- 13.76** Mr Patrick Paul informed the Committee that an adequate supply of logs of sufficient size and quantity could be accessed through a 'land swap'. He proposed that 18,000 hectares of land currently in Zone 3 (State Conservation Area) be transferred back to Zone 4 (State Forest) in exchange for 70,000 hectares of land currently in Zone 4 (State Forest) which would be reclassified as Zone 3 (State Conservation Area).<sup>1281</sup>
- 13.77** Mr Paul told the Committee that until a decision on his proposal is made, the jobs of the '15 full-time people' employed at the Baradine Sawmilling Company 'are in jeopardy' because the current area available to the timber industry cannot supply the timber needed for his company to remain viable for the long term.<sup>1282</sup> Mr Paul contends that opening up this area would provide his company with the necessary timber to bring the average supply volume up to the sustainable yield of 0.2 cubic metres per log.<sup>1283</sup>
- 13.78** In response to questioning, Mr Roberts, Chief Executive Officer of Forests NSW, agreed that reopening areas of reservation would relieve current industry pressures by making available more areas containing large trees for harvesting, remarking that: 'If the exchange as is being proposed were to go ahead and deliver them what they are looking for ... that would be good.'

<sup>1277</sup> Mr Clissold, Evidence, 4 October 2012, p 58.

<sup>1278</sup> Mr Clissold, Evidence, 4 October 2012, p 59.

<sup>1279</sup> Mr Conley, Evidence, 4 October 2012, p 17.

<sup>1280</sup> Mr Ainley, Evidence, 14 September 2012, p 61.

<sup>1281</sup> Mr Paul, Evidence, 27 September 2012, p 30; see also Submission 289, p 1.

<sup>1282</sup> Mr Paul, Evidence, 27 September 2012, p 25.

<sup>1283</sup> Mr Paul, Evidence, 27 September 2012, p 33.

He added that ‘some verification work’ would be necessary but that it ‘certainly it has the potential to deliver what is required’.<sup>1284</sup>

**13.79** Mr Roberts was also questioned on how issues of supply on the North Coast would be addressed following the expiry of the wood supply agreements in 2023. Mr Roberts told the Committee that the Hon Katrina Hodgkinson MP, Minister for Primary Industries, had convened a ‘so-called 2023 Steering Committee’ to investigate these issues and make recommendations to the NSW Government.<sup>1285</sup> In answers to questions taken on notice, Mr Roberts told the Committee that the 2023 Steering Committee may choose to investigate the size of the areas of harvestable land required to meet industry needs.<sup>1286</sup>

**13.80** The National Parks Association of NSW stated that they did not:

...believe that this Inquiry should focus on revisiting previous public land use decisions of government. Regularly revisiting major public land use decisions will prove a significant waste of public funds that have already been used to establish national parks and to provide industry adjustment; undermine the value of national parks; create international embarrassment for Australia and NSW, particularly in the lead-up to NSW hosting the 2014 IUCN World Parks Congress, which is a major international conservation event and will focus international attention on the management of protected areas in NSW; break a long-standing bipartisan commitment to the establishment of a CAR reserve system; and create business uncertainty by reopening previously-settled issues.<sup>1287</sup>

### **Committee comment**

**13.81** The evidence indicates that the future of the timber industry in New South Wales is uncertain. In the long term, Inquiry participants talked of the need to shift to niche markets and value-added products.

**13.82** Most importantly, industry participants called for immediate action to increase supply by reopening compartments in areas of reservation previously harvested by the timber industry. The Committee notes the evidence from Mr Nic Roberts, Chief Executive, NSW Forests, that access to harvestable areas that are currently reserved ‘would be good’. In addition, the Committee acknowledges the proposal from Mr Patrick Paul, outlined in the Case Study – Pilliga forest, that the immediate and future needs of the timber industry in the Pilliga could be met through a ‘tenure swap’ between Community Conservation Area (CCA) Zone 3 (State Conservation Area) and CCA Zone 4 (State forest).

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<sup>1284</sup> Mr Roberts, Evidence, 5 December 2012, p 37.

<sup>1285</sup> Mr Roberts, Evidence, 5 December 2012, p 26.

<sup>1286</sup> Answers to questions on notice taken during evidence 7 September 2012, Mr Nic Roberts, Chief Executive Officer, Forests NSW, Question 3.

<sup>1287</sup> Submission 406, National Parks Association of NSW, p 27.

- 13.83** The Committee supports the call for access to additional harvestable areas to increase timber supply. The Committee considers these measures to be necessary in order to provide resource security and ensure the future survival of the timber industry in New South Wales. Therefore, the Committee recommends that the NSW Government identify appropriate compartments for release to meet the levels of wood supply needed to sustain the industry, and that the NSW Government take priority action to release these compartments, particularly in the Pilliga.

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### **Recommendation 10**

That the NSW Government immediately identify appropriate reserved areas for release to meet the levels of wood supply needed to sustain the timber industry, and that the NSW Government take priority action to release these areas, if necessary by a 'tenure swap' between national park estate and State forests. In particular, urgent action is required for the timber industry in the Pilliga region.

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## **Impact on employment and local businesses**

- 13.84** In many towns of the towns visited by the Committee, the Committee was told that the economic prosperity of the communities was intrinsically linked to the direct and indirect economic benefits flowing from the timber industry, mainly in terms of the jobs created by the industry and the flow-on benefits to other local businesses. In the words of Ms Maria Woods, Vice President of the Shires Association of New South Wales, 'the closing down of logging operations have had dramatic influences on communities; and the smaller the community, the larger the impact'.<sup>1288</sup> In addition, certain industries, namely the inland commercial fishing industry and apiarists, experienced detrimental economic impacts as a result of conversion.
- 13.85** However, the North East Forest Alliance gave evidence that national parks were beneficial for regional economies:

National parks and reserves provide a range of economic values to society including those associated with recreation and conservation. Visitation to, and management of protected areas, also provides stimulation to regional economies from the associated expenditures that occur within the region. Tourism is the most rapidly expanding sector of the regional economy. The long-term economic value of national parks for recreation will often outweigh any short-term economic return from logging, mining and/or grazing. It is thus essential that the socio-economic values associated with visitation to parks be duly accounted for.<sup>1289</sup>

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<sup>1288</sup> Ms Maria Woods, Vice President, Shires Association of New South Wales, Evidence, 4 December 2012, p 47.

<sup>1289</sup> Submission 304, p 56.

### Loss of employment

- 13.86** The loss of employment was highlighted by Cr Peter Shinton, Mayor of Warrumbungle Shire Council, who described the impact of conversion as ‘dismantling a forestry industry and the local towns of Baradine and Gwabegar’. He informed the Committee that ‘around 40 jobs were lost when the forestry industry was closed down in the Pilliga. He also asserted that new positions created in the national parks, which he said were supposed to provide employment for a number of affected industry workers, ‘were with a completely different skills set—so 40 jobs were just lost’.<sup>1290</sup>
- 13.87** Similarly, Mr Rick Warren, General Manager of the Coonamble Shire Council, described the impact on the small town of Gulargambone, saying that from a population of ‘500 people’, ‘14 jobs’ were lost because of the closure of the local sawmill. He told the Committee that there has also been a ‘down trade in other businesses’, remarking, ‘that was quite a blow to the community’.<sup>1291</sup>
- 13.88** Mr Hayman informed the Committee that, ‘as a consequence of the decision the Baradine community lost 44 jobs from a full-time jobs base of around 250—that is, 17.5 per cent. Two other businesses that were partly dependent on the timber industry also closed’.<sup>1292</sup>
- 13.89** Similar effects were felt by towns in the Riverina that were impacted by the conversion of river red gum forests to national park estate. The Riverina and Murray Regional Organisation of Councils (RAMROC) described the impact as having ‘severe economic and social consequences’ for local communities:
- As a result, there have been substantial closures of timber mills and the associated loss of both full time and part time redgum industry employment throughout the region, not to mention the indirect job losses and consequent economic and social flow-on impacts.<sup>1293</sup>
- 13.90** Ms Faye Ashwin, Proprietor of O’Brien Redgum Sawmills remarked to the Committee:
- You have had the opportunity to see what we describe as the “dead shed”—Barham sawmill. People are no longer employed to work there and many of them have left our community. That is one of the serious implications of this River Red Gum National Park decision.<sup>1294</sup>
- 13.91** Also in relation to employment losses in the Riverina, Mr Ken O’Brien commented on the economic security that his mill had given his community of Barham, saying that for 35 years his sawmill had been ‘a constant employer’.<sup>1295</sup>

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<sup>1290</sup> Cr Peter Shinton, Mayor, Warrumbungle Shire Council, Evidence, 27 September 2012, p 2.

<sup>1291</sup> Mr Rick Warren, General Manager, Coonamble Shire Council, Evidence, 27 September 2012, p 4.

<sup>1292</sup> Mr Hayman, Evidence, 27 September 2012, p 15.

<sup>1293</sup> Submission 254, Ray Stubbs, Executive Officer, Riverina and Murray Regional Organisation of Councils (RAMROC), p 1.

<sup>1294</sup> Ms Faye Ashwin, Proprietor, O’Brien Redgum Sawmills, Evidence, 1 August 2012, p 2.

<sup>1295</sup> Mr O’Brien, Evidence, 1 August 2012, p 3.

- 13.92** In relation to employment opportunities within the NPWS, the Committee was informed that as at 30 June 2012, there were 1,771 equivalent full-time staff employed within the NPWS.<sup>1296</sup> Commenting on the job opportunities, including opportunities for skilled and indigenous employment, that NPWS brings to regional areas, Ms Sally Barnes, Chief Executive Office, OEH, advised that:

In many areas where you have toured you will have noticed that we are an employer of choice. We offer a different employment opportunity in parks, both for people who have lived in the area and completed science degrees at university to come back and work in ranger roles and also in terms of opportunities for Aboriginal people to work on-country.<sup>1297</sup>

### Closure of local businesses

- 13.93** Local government representatives from the Bourke Shire Council described the negative impact of conversion on their community. The General Manager, Mr Wise, told the Committee that the ‘widely held consensus view by the business houses was that Toorale was contributing about 10 per cent’ of their revenue. He explained to the Committee that ‘the management of Clyde Agriculture had a strong philosophy of ‘shopping locally’: ‘If they could purchase something locally they would irrespective of whether it was at a premium price. I would suspect that a very high proportion of that was spent locally’.<sup>1298</sup>
- 13.94** The Mayor of Bourke, Cr Lewis, described the range of businesses affected by the loss of Toorale as a working station, telling the Committee that his experience comes first hand, as his personal income has also been affected by the loss of business from Toorale:

A lot of people lose a lot of money. Shearing, truck driving—I know myself probably, I have to make \$50,000, \$60,000 a year doing a trucks run. In 2008 Clyde paid me \$200,000, not just in Toorale, but over its four properties, to cart grain away. In 2004 I delivered 1,000 tonne of gypsum. It is worth \$60,000. So just for me, with Toorale gone, that is money I do not make. There are the shopkeepers, fuel depots, it is a big loss to town, not just to rates. The income has just gone. National Park staff live in town but they certainly do not produce the economy like the shearers and contractors did.<sup>1299</sup>

- 13.95** Cr Lewis added that people in the Bourke community still feel anger about the conversion, but that this would possibly clear if they were able to get ‘some financial commercial income’ from the national park.<sup>1300</sup> Mr Wise acknowledged that other circumstances such as drought and the general economic downturn may have also contributed to the hardship in his community, but contended that the conversion of Toorale aggravated existing circumstances and in some cases, may have closed businesses which would otherwise have weathered the

<sup>1296</sup> Answers to supplementary questions 7 September 2012, Office of Environment and Heritage, Question 27, p 30.

<sup>1297</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 44.

<sup>1298</sup> Mr Geoff Wise, General Manager, Bourke Shire Council, Evidence, 26 September 2012, p 12.

<sup>1299</sup> Cr Andrew Lewis, Mayor, Bourke Shire Council, Evidence, 26 September 2012, p 9.

<sup>1300</sup> Cr Lewis, Evidence, 26 September 2012, p 9.

economic climate remarking, 'if they were getting down towards the critical threshold then taking out 10 per cent might be enough to tip them over'.<sup>1301</sup>

**13.96** In relation to the conversion of the river red gum forests, Mr O'Brien highlighted the economic contribution of his sawmill to his community of Barham prior to conversion, informing the Committee that they 'had a range of subcontractors' and 'turned over \$7 million to \$8 million a year and spent most of that within 100 kilometres of Barham'.<sup>1302</sup> Mr O'Brien remarked that 'it does not sound like much money but in a little town of 1,000 to 1,500 people it is a lot'.<sup>1303</sup>

**13.97** Mr David Keech, President of the Chamber of Commerce of Mathoura, commented on the flow-on effect of conversion to other businesses in his town of Mathoura:

Well, half of it has closed down. We have only got a grocer's shop and a service station whereas we had a big café and all that. All that has been gone for two years now, and nobody has even rectified it. It is just sitting there and nobody has any interest in it at all. It is just lost.<sup>1304</sup>

**13.98** Local businesses in the Pilliga region were also significantly impacted by conversion decisions. Commenting on the impact of conversion on the timber industry, Cr Shinton told the Committee that 'business turnover' in Gwabegar and Baradine 'has fallen', commenting that 'the ones that serviced the sawmills went pretty quickly'.<sup>1305</sup>

**13.99** A different situation has been experienced by some businesses in Balranald, close to the former Yanga Station, where the local hardware store in particular has benefited from conversion and the NPWS policy of shopping locally. Ms Barnes of the OEH told the the Committee that 'In Balranald the local hardware shop...got more business out of us than the Black family who had the property before', as they did not tend to purchase their goods locally.<sup>1306</sup>

### Impact on other industries

**13.100** Inquiry participants from other industries have also suffered adverse economic impacts following the conversion of state forests and agricultural land to national park estate. Mr Steve Alexander, President of the Inland Fishers' Association told the Committee that 'inland commercial fishery has been denied access to national parks for more than a decade despite the fact that we were guaranteed access'.<sup>1307</sup> Mr Alexander asserted that commercial fishers 'were discriminated against' and highlighted the subsequent severe impact to himself and other commercial fishers, saying 'we had our livelihoods taken off us'.<sup>1308</sup> On a personal note, Mr

<sup>1301</sup> Mr Wise, Evidence, 26 September 2012, p 11.

<sup>1302</sup> Mr O'Brien, Evidence, 1 August 2012, p 3

<sup>1303</sup> Mr O'Brien, Evidence, 1 August 2012, p 3

<sup>1304</sup> Mr David Keech, President, Mathoura Chamber of Commerce and Citizens, Evidence, 1 August 2012, p 13.

<sup>1305</sup> Cr Shinton, Evidence, 27 September 2012, p 12.

<sup>1306</sup> Ms Barnes, Evidence, 5 December 2012, p 52.

<sup>1307</sup> Mr Steve Alexander, President, Inland Fishers' Association, Evidence, 25 September 2012, p 9.

<sup>1308</sup> Mr Alexander, Evidence, 25 September 2012, p 11.

Alexander conveyed the significance of this loss as he told the Committee that he will ‘never get over that. I am a third-generation fisherman’.<sup>1309</sup>

- 13.101** Mr Henry Davies, a sixth generation commercial fisherman, was similarly affected by conversion. He described the devastating impact of conversion on his livelihood and that of his family:

I fished as a boy with my grandfather. I fished Yanga with other fisherman from 1950 till Yanga was bought by “National Parks” 2005. We had meetings to try to go back to fishing but weren’t able to. We had no access, so have not been able to fish. We were earning \$87,000 a year...It has ruined our whole life.<sup>1310</sup>

- 13.102** Several apiarists contributed to the Inquiry, raising concerns that their level of access to traditional bee-keeping sites has been reduced following the conversion of state forests and agricultural land to national park estate. Apiarists such as Mr Keith Robinson, of the Victorian Apiarists’ Association, expressed concerned about the future economic viability of their businesses, which depends on continued access to the rich pollen sites available in national parks.<sup>1311</sup>
- 13.103** Access, which is key to the concerns of apiarists and to the economic adversity experienced by commercial inland fishers, is discussed further in Chapter 12.

#### **Committee comment**

- 13.104** The Committee acknowledges the significant impacts on many regional towns of the closure of timber mills and the resulting employment losses. Inquiry participants indicated that mill closures have had many flow-on effects for other local businesses, thus multiplying the impact of the mill closures. The resulting social impacts are considered in the next Chapter, and in particular, the significance of such losses for small communities.

### **Impact on local government**

- 13.105** Prior to their purchase by the then Government and subsequent conversion to Crown land, Yanga Station, in the Wakool Shire, and Toorale Station, in the Bourke Shire, contributed to the rates base of their local government area (LGA). Respective local government representatives spoke with the Committee about the loss of rates and the subsequent economic hardships felt by their communities

<sup>1309</sup> Mr Alexander, Evidence, 25 September 2012, p 11.

<sup>1310</sup> Submission 423, Mr Henry Davies, pp 1-2.

<sup>1311</sup> Mr Keith Robinson, Member, Victorian Apiarists’ Association, Evidence, 2 August 2012, p 24.

**Loss of revenue from rates**

- 13.106** In relation to the rates lost as a result of conversion of Yanga Station, Mr Bruce Graham, General Manager of Wakool Shire Council told the Committee that the loss amounted to \$50,000 per annum.<sup>1312</sup> Mr Geoffrey Wise, General Manager of the Bourke Shire Council told the Committee that Toorale's rates prior to conversion were \$46,000 per annum.
- 13.107** In each case, the loss of rates from these properties was spread among the remaining rate payers. Mr Wise told the Committee that in the case of Toorale, where the council increased its rates by 3.2 per cent that year, this resulted in an increase in rates of over seven per cent, in which 'rural ratepayers picked up by far the biggest percentage'.<sup>1313</sup>
- 13.108** Mr Wise told the Committee that although the land tenure of Toorale did not change from Western lands lease until 2011, the Government who purchased the property in 2008 stopped paying rates in 2009. Mr Wise asserted that 'it is still questionable whether the Government owes Bourke council rates for the period that the land was still classified as Western Lands grazing leases'. He added that the council has not 'challenged that legally but I think there is every right that we could have done so'.<sup>1314</sup>
- 13.109** The Committee learned that the issue is not only with conversion to national park estate, but crown land in general. Mr Rick Warren, General Manager of Coonamble Shire Council, told the Committee that the property, Pillicawarrina, which was purchased by the government for its water rights, resulted in the loss of rates worth \$20,000.

We have a place called Pillicawarrina, which was basically sold to the Government. It was taken up for the water rights again to feed into the marshes. It comes at a loss to council of revenue in excess of \$20,000 and while that does not seem a real lot—it is probably half a per cent in our rate base—it is \$20,000.<sup>1315</sup>

- 13.110** Mr Warren told the Committee that compensating for the loss of rates as a result of conversion to crown land is not as simple as spreading the loss among the remaining rate payers, as in some cases the residents may simply not have the financial capacity to meet the higher costs:

Yes, we will apply that across the rate base. However, the capacity to pay also comes into it. We have a \$4-million rate base. About \$400,000 comes from our urban centres and the balance comes from our rural ratepayers. While it might be another couple of hundred dollars here and there, it does add up. We already have an impost on our rural ratepayers. Given the socioeconomic profile of our towns, the capacity to pay is not there.<sup>1316</sup>

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<sup>1312</sup> Mr Bruce Graham, General Manager, Wakool Shire Council, Evidence, 2 August 2012, p 8.

<sup>1313</sup> Mr Wise, Evidence, 26 September 2012, p 5.

<sup>1314</sup> Mr Wise, Evidence, 26 September 2012, p 4.

<sup>1315</sup> Mr Warren, Evidence, 27 September 2012, p 3.

<sup>1316</sup> Mr Warren, Evidence, 27 September 2012, p 6.

- 13.111** It is important to note that the calculable rates contribution of some properties is not always clear and in some cases is contested. In the case above, OEH provided evidence that, based on settlement information at the time of purchase, rates for the whole of Pillicawarrina were \$6,508 for Coonamble Shire and \$2,076 for Warren Shire, and that only the ‘high conservation value part of the property along the Macquarie River, comprising 2,387 hectares’ was purchased and that 6,134 hectares were retained by the owner and continues to be farmed today.<sup>1317</sup>
- 13.112** Several Inquiry participants have expressed the view that if the NPWS purchases rateable land, they have an obligation to the community to continue to pay those rates. Mr Wise told the Committee that he had raised the issue of rates with the then government and were told ‘the State Government could not possibly afford to pay the rates of national parks—Toorale or any other.’ Mr Wise asserted that ‘if the State Government could not afford to pay the rates on Toorale it should not have purchased the property in the first place’.<sup>1318</sup>
- 13.113** In support of his view, Mr Wise reasoned ‘that the decision of the Government to buy a property for a national park is not just a national park for the people in that shire, it is a national park for the wider community, yet it is the locals who have to pay the rates’. He contended that ‘if the wider community want national parks...the wider community should be paying the rates’.<sup>1319</sup>
- 13.114** Mr Chris Littlemore, General Manager of Balranald Shire Council expressed the similar view that State or federal governments should be responsible for paying rates on public land, particularly where conversion has resulted in a loss to the traditional rates base of a council:
- If the state on behalf of the public at large and the environment chooses to remove land from the rate base of a Council, the ratepayers of that shire should not have to make up the shortfall. The responsibility to make up the rates lies with the public at large through either the state or federal sphere.<sup>1320</sup>
- 13.115** Local landholder, Mrs Nancy Robinson, shared the opinion that ‘National Parks must pay shire rates’ remarking that ‘it is ridiculous that National Parks do not contribute to the local community’ as ‘they use all the facilities and roads’. Ms Robinson asserted that ‘they must not be allowed to bludge off the community’.<sup>1321</sup>
- 13.116** Ms Carole Medcalf, Acting Chief Executive Officer of the Brewarrina Business Centre, illustrated to the Committee that in her community the burden of maintaining Crown land is so great that local councils have given management of some areas to the Brewarrina Business Centre:

<sup>1317</sup> Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Health, to Committee Secretariat, 28 November 2012, p 6.

<sup>1318</sup> Mr Wise, Evidence, 26 September 2012, p 4.

<sup>1319</sup> Mr Wise, Evidence, 26 September 2012, p 9.

<sup>1320</sup> Submission 467, Mr Chris Littlemore, General Manager, Balranald Shire Council, p 3.

<sup>1321</sup> Mrs Nancy Robinson, local landholder, Evidence, 26 September 2012, p 13.

Local government in Brewarrina gave the management of Weir Park, which is part of the Crown reserve area, to the Brewarrina Business Centre because it could not afford to do it any longer. The centre also manages the senior citizens' hall because local government could no longer afford to do it. There is a range of community facilities that are falling into local community organisation management because local government out here is struggling.<sup>1322</sup>

- 13.117** The NSW Government provided evidence that Yanga's contribution represented only 1.25 per cent of the total revenue from rates and 0.37 per cent of Wakool Shire's total ordinary revenue.<sup>1323</sup> The OEH provided evidence that the contribution of rates to the Bourke Shire in 2008/09 was \$46,196 which was 1.6 per cent of Bourke Shire's total revenue from rates and 0.25 per cent of total ordinary revenue.<sup>1324</sup> The Government has acknowledged, however, that at a local level, 'the loss of even relatively small amount of rates will have a significant adverse effect on council budgets and the ability to deliver services to local communities'.<sup>1325</sup>

### **Calls for rates on public land**

- 13.118** Where land is converted from State forest to national park the rateable income of a council is not affected, as both national parks and State forests are Crown land, and as such, are not required to pay rates. However, Mr Geoffrey Hudson, Senior Policy Officer of Natural Resources Management from the Local Government and Shires Association of New South Wales argued that 'State Forests should have been paying rates in the first place'.<sup>1326</sup> Mr Hudson also emphasised that it is not just national parks but 'a whole range of other public lands that do not pay rates' adding that 'they use council services to access that land. Therefore, we believe that they should contribute to the local community and local revenue'.<sup>1327</sup>
- 13.119** Ms Maria Woods, Vice President of the Shires Association of New South Wales elaborated on this point saying that 'it is fundamentally wrong for public lands to be exempt from paying local government rates'. Ms Woods asserted that 'this is a direct cost shift from the State, and places an unnecessary burden on both councils and the communities'.<sup>1328</sup>
- 13.120** Mr Hudson explained that the community looks to the Council to address land management issues in their local area, regardless of its tenure:

<sup>1322</sup> Ms Carole Medcalf, Brewarrina Business Centre, Evidence, 26 September 2012, p 24.

<sup>1323</sup> Submission 332, p 28.

<sup>1324</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 5.

<sup>1325</sup> Submission 332, p 7.

<sup>1326</sup> Mr Geoffrey Hudson, Senior Policy Officer, Natural Resources Management, Local Government and Shires Association of New South Wales, Evidence, 4 December 2012, p 49.

<sup>1327</sup> Mr Hudson, Evidence, 4 December 2012, p 50.

<sup>1328</sup> Ms Woods, Evidence, 4 December 2012, p 46.

I suppose councils are the voice and the face of their local community. In a lot of cases members of the community do not really distinguish between services being delivered, whether it is local, Federal or State government, they just want the service delivered, and because council is the government closest to them, that is who they go to.<sup>1329</sup>

**13.121** Mr Hudson told the Committee that as a result of these community expectations and the lack of support from the Government, many councils ‘are just managing vacant Crown land...at their own cost’.<sup>1330</sup>

**13.122** The Shires Association of New South Wales told the Committee that while the NSW Government often leaves councils to manage Crown land in their area without financial support, it is targeting some of the few opportunities in which council can make money from managing Crown land, such as caravan parks, for a share of the profits. Mr Hudson identified a double standard in this situation and commented that ‘councils are, as you would not imagine, not very happy about that because it is the one area where they can actually make money on Crown land, but the State Government is coming in for its cut’.<sup>1331</sup> In their submission the Local Government and Shires Associations of New South Wales recommended that:

The State Government review and remove rate exemptions for all land use for commercial or residential purposes regardless of ownership.

That councils be compensated for the loss of rate revenue resulting from the expansion of national parks onto land that was formerly rateable.<sup>1332</sup>

**13.123** Further, Mr Geoffrey Hudson, Senior Policy Officer, Natural Resources Management, Shires Association of New South Wales, identified that the State government benefits financially from a ‘whole range of commercial ventures that occur on public land in New South Wales’ and argued that ‘all of those commercial ventures should mean that the land should be rateable for local government’.<sup>1333</sup>

If someone is making money out of a venture within a national park, they should pay rates... They are using community services, whether it is even the road that drives up to the national park. Their customers are using that road to get to their commercial facility; therefore, they should pay rates. Whether that is a private industry or a government department maybe with a commercial venture it remains the same.<sup>1334</sup>

**13.124** In evidence, Ms Barnes commented on the concerns of local government and the assertion that rates should be payable on national park estate. While Ms Barnes acknowledged that the NPWS use the infrastructure outside parks, such as roads, she said that the NPWS does not ‘rely on councils to provide services’:

<sup>1329</sup> Mr Hudson, Evidence, 4 December 2012, p 54.

<sup>1330</sup> Mr Hudson, Evidence, 4 December 2012, p 54.

<sup>1331</sup> Mr Hudson, Evidence, 4 December 2012, p 54.

<sup>1332</sup> Submission 203, Local Government and Shires Association of NSW, p 5.

<sup>1333</sup> Mr Hudson, Evidence, 4 December 2012, p 54.

<sup>1334</sup> Mr Hudson, Evidence, 4 December 2012, p 52.

When we do withdraw from paying rates, we are not asking them to provide us with any garbage collection services or any road services—any traditional council services. We become the council area, if you like, for that particular park. I guess it is a quid pro quo in a way.<sup>1335</sup>

- 13.125** Further, in correspondence to the Committee, the OEH advised that the initial results of analysis indicate that conversion decisions have not resulted in negative economic impacts for effected local councils of their communities:

OEH are finalising an analysis of 110 regional and rural councils to examine the impacts of national park acquisitions on local councils and key community indicators over the last decade. The initial results suggest that acquisition of lands for national park purposes does not appear to be correlated with any overall negative socio-economic effects on the either local communities or local councils.

- 13.126** That does not mean there are no specific, short-term impacts from new parks. For example, localised loss of rates from private land and potential employment impacts may occur. Rather, what the analysis appears to show is that land acquisition is correlated with structural changes in the economies of rural and regional communities – where the economic base of these communities is already broadening beyond (predominantly) agricultural production.<sup>1336</sup>

- 13.127** The OEH advised the Committee that this work, once completed and subjected to peer review, will inform the development of future methods to examine the specific social and economic features of areas proposed for new parks, including better predictions of the likely impacts and identification of measures that could be used to offset specific adverse outcomes.<sup>1337</sup>

### **Costs of road maintenance**

- 13.128** The Committee heard that although councils do not receive income from crown land in the form of rates, they are still required to maintain roads that provide access to that land, which is a significant financial burden. Adding to the burden is the increased damage caused by vehicles associated with commercial activities being carried out on that land, whether they are tourist vehicles or heavy logging trucks. The Shires Association of NSW highlighted the inequity in this situation:

Local government would like to point out that there is currently a major lack of ongoing funding to assist with supply of infrastructure to State-owned public lands. Councils are responsible for access roads to these areas, and many times significant damage is caused to local roads without adequate compensation. Trucks and logging equipment are an example of this.<sup>1338</sup>

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<sup>1335</sup> Ms Barnes, Evidence, 5 December 2012, p 52.

<sup>1336</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 13.

<sup>1337</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 13.

<sup>1338</sup> Ms Woods, Evidence, 4 December 2012, p 46.

- 13.129** Cr Besseling similarly observed that ‘wherever you have forestry and logging trucks the issue of the impact of those operations on those rural and regional roads is essential to take into account’ as ‘quite often they are the ones that cause the most damage to those roads’.<sup>1339</sup> Mr Rogers added that roads are one of Port Macquarie-Hastings’ ‘biggest problems in terms of resourcing’.<sup>1340</sup> Balranald Shire Council observed that ‘the amount of damage that tourists do to roads to Mungo National Park is enormous compared to that caused by local traffic’ arguing that ‘this alone justifies parks paying rates and then the shire would have a revenue stream to repair the roads’.<sup>1341</sup>
- 13.130** Mr Desmond Schroder, Deputy General Manager of the Clarence Valley Shire Council, told the Committee that the ‘asset problem...with roads’ is between ‘\$10 million to \$20 million’. He added that maintaining roads is a ‘vexed’ issue, particularly where access to private land is shared by forestry or the NPWS. In some cases such as these, the responsibility for maintaining that road may rest with that particular agency. Mr Schroder observed that, similar to the management of Crown land, the ‘citizens out there... have got a road they cannot drive along and they blame council for it’.<sup>1342</sup>
- 13.131** Local government representatives from both Wakool and Clarence Valley told the Committee that road maintenance is a broader issue than just the grading of roads. They added that infrastructure such as bridges are also affected. Mr Bruce Graham, General Manager of the Wakool Shire Council told the Committee that his council was responsible for the maintenance of Waugorah road, the main access road to Yanga National Park, which has seven bridges along it.<sup>1343</sup> Cr Williamson, Mayor of the Clarence Valley Shire Council told the Committee that timber bridges on roads used by forestry vehicles and logging trucks are placed under a lot of pressure, ‘at a very significant cost to the ratepayer’.<sup>1344</sup>
- 13.132** Currently, there are no statutory measures or prescribed guidelines to apportion financial responsibility for road maintenance among government agencies and local councils. The only avenue available to councils to negotiate the shared cost of road maintenance is through the development of a memorandum of understanding (MOU) between the interested parties. The Committee heard that while this works well in some cases, it is dependent on individual relationships. Mr Robert Scott, Director of Infrastructure Services for the Kempsey Shire Council, gave the example of Carrai Road which traverses three shires and provides access to national park and state forest, as well as some private properties:

It is recognised in council's management scheme as being unmaintained. However, council through the leadership of the national parks and wildlife organisation, as well as State forests, is party to a memorandum of understanding for maintenance of that where each of the organisations pays a contribution on an annual basis.<sup>1345</sup>

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<sup>1339</sup> Cr Peter Besseling, Mayor, Port Macquarie-Hastings Shire Council, Evidence, 4 October 2012, p 4.

<sup>1340</sup> Mr Matthew Rogers, Director of Development and Environment Services, Port Macquarie-Hastings Shire Council, Evidence, 4 October 2012, p 4.

<sup>1341</sup> Submission 467, p 3.

<sup>1342</sup> Mr Schroder, Evidence, 5 October 2012, p 8.

<sup>1343</sup> Mr Bruce Graham, General Manager of the Wakool Shire Council, Evidence, 2 August 2012, p 4.

<sup>1344</sup> Cr Richie Williamson, Mayor, Clarence Valley Shire Council, Evidence, 5 October 2012, p 8.

<sup>1345</sup> Mr Robert Scott, Director of Infrastructure Services, Kempsey Shire Council, Evidence, 4 October 2012, p 4.

- 13.133** Both Mr Schroder and Mr Walker told the Committee that currently ‘there are no specific arrangements’ in place for sharing costs of road maintenance in their shires, although there are several cases where responsibility should be shared between agencies.<sup>1346</sup>
- 13.134** Several local council representatives agreed that it would be beneficial to have a standardised model brought in across the State to formally apportion road maintenance costs, and commented that such a proposal would be welcomed.<sup>1347</sup>

### **Committee comment**

- 13.135** Some local councils highlighted the detrimental impact on council revenue of converting private land to national park estate. The Committee notes the substantial impacts of the conversion of Yanga Station on Wakool Shire Council and Toorale Station on Bourke Shire Council, who also raised concerns that their communities have been required to pay higher rates to offset the lost revenue.
- 13.136** These and other councils expressed concern that public land managers are not required to pay rates or contribute to infrastructure maintenance, even though they use council-maintained infrastructure such as roads. The Committee supports examination of the call from local government for public land managers to be subject to the same obligations as private land managers, and be required to make a financial contribution to maintain local infrastructure, whether this be through rates or other means. Therefore, as part of the independent full-scale review of public land management in New South Wales, the Committee recommends that the NSW Government ‘examine requiring all public land managers to make a financial contribution to maintain local infrastructure, and investigate whether this contribution should be made through council rates or an alternative mechanism’, as outlined in Recommendation 1.5.

### **Impact on tourism**

- 13.137** The ability of tourism to offset or replace an industry which has been lost as a result of conversion to national park estate has been a contested issue in this Inquiry. In each area affected by the recent conversion of land to national park estate, Inquiry participants said that the NSW Government had put forward tourism as a means to offset economic losses resulting from conversion, but argued that the promised tourism benefits had failed to materialise.

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<sup>1346</sup> Mr Lindsay Walker, Strategic Property Project Manager, Lismore City Council, Evidence, 5 October 2012, p 8; Mr Schroder, Evidence, 5 October 2012, p 8.

<sup>1347</sup> Cr Besseling, Evidence, 4 October 2012, p 5; Cr Williamson, Evidence, 5 October 2012, p 8; Mr Walker, Evidence, 5 October 2012, p 8.

### Capacity of tourism to offset economic impacts

- 13.138** The NSW Government noted that it values the national parks system as a significant public asset that supports the tourism industry and greatly contributes to regional economies. According to the NSW Government submission, national parks in New South Wales ‘received over 34 million visits in 2010’ and in 2009 two-thirds of international nature-based visitors to Australia visited a national park.<sup>1348</sup> Other data from the Australian Bureau of Statistics indicates that in 2011-12, there were 2.77 million people over the age of 18 in New South Wales who participated in a nature based activity, including visiting a national park or botanical garden.<sup>1349</sup>
- 13.139** While some Inquiry participants spoke in positive terms about the contribution of tourism from national parks in their area, others affected by recently created national parks said that the purported tourism benefits are as yet, far from being realised, with many expressing incredulity that tourism could ever replace revenue from the negative impacts of conversion on the timber or agricultural industries in their communities.
- 13.140** Indeed, Ms Maria Woods, Vice President of the Shires Association of New South Wales questioned the validity of the premise that tourism has the potential to offset economic loss where whole industries have been affected by conversion.<sup>1350</sup>

I am sure all members of the Committee have heard of instances where the closing down of logging operations have had dramatic influences on communities... It has been suggested that having more national parks will more than make up for the loss of that industry. There is absolutely no evidence that I know of to support that suggestion. If people are going to make these statements, you need to do more economic modelling of those particular communities to ascertain the factual position.<sup>1351</sup>

- 13.141** Ms Woods’ views were supported by residents of areas affected by conversion who told the Committee that tourism cannot and has not replaced lost revenue previously generated by industry in their area. For example, Mr Norman Brennan, Vice-Chair, Deniliquin Business Chamber and Mayor of Conargo Shire, told the Committee that:

There is nothing that will replace it [the timber industry] ... and to think that tourism is going to replace a \$100-million-a-year industry, no matter how much you pour into it, you are playing with the fairies down at the end of the garden. It is not going to happen.<sup>1352</sup>

<sup>1348</sup> Submission 332, p 7.

<sup>1349</sup> Australian Bureau of Statistics, *2011-2012 Census*, accessed, 23 April 2013, <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4602.0.00.0022011-12?OpenDocument>>.

<sup>1350</sup> Ms Woods, Evidence, 4 December 2012, p 46.

<sup>1351</sup> Ms Woods, Evidence, 4 December 2012, p 47.

<sup>1352</sup> Mr Brennan, Evidence, 1 August 2012, p 13.

- 13.142** In relation to the capacity of the tourism industry to offset the negative economic impacts of conversion in the Riverina, Mr Todd Gelletley gave evidence that: ‘A husband and wife and two kids would have to stay a week in the Riverina and spend \$14,000 to replace the timber industry.’<sup>1353</sup>
- 13.143** Mr O’Brien remarked that in relation to the negative economic impacts expected to follow the conversion of the river red gum forests, the community had been told ‘that tourism would fix all this, and tourism has not given us a cracker since’.<sup>1354</sup> Mr Hayman made similar remarks with regard to tourism in the Pilliga, telling the Committee that ‘the boom in jobs that was supposed to come from tourism and national park visits ... has not happened’.<sup>1355</sup>
- 13.144** However, Mr Keith Stockwell from Birdlife Australia told the Committee of the increasing numbers of birdwatchers visiting the area. He tells of the ‘photo congress’ of the Bird Observation and Conservation Australia group in Gunbower:

Over 80 bird photographers attended. Every piece of accommodation in Gunbower was booked out for that week. As well as the photographers, there were their partners and in some cases children. The whole community was involved. The football club, for instance, catered for a dinner. The fishing club catered for a dinner. The Country Women's Association [CWA] catered for morning and afternoon tea. The whole little community—it is not a very big community—was involved. We also had two bird camps nearby, which were attended by about 50 people each time. Why Gunbower? Why not Mathoura?

Well, the sign on the door of the information centre is a sort of an anti-greenie type sign and there were nasty signs on some of the shops. The first thing to do is for shopkeepers and the information centre to take those signs down and try to welcome people who have a green bent.<sup>1356</sup>

- 13.145** Mr Geoff Wise, General Manager of the Bourke Shire Council, described the contribution of tourism to his community relative to the former contribution of the agricultural sector through Toorale station:

... the tourist income to the community ... would pale into insignificance compared to the income from irrigation in the years when there is water in the river. This year there are probably \$50 million or more of cotton, and there is no way the tourist industry comes anywhere near that.<sup>1357</sup>

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<sup>1353</sup> Mr Todd Gelletly, Evidence, 1 August 2012, p 10.

<sup>1354</sup> Mr O’Brien, Evidence, 1 August 2012, p 6.

<sup>1355</sup> Mr Ted Hayman, President, Baradine and District Progress Association, Evidence, 27 September 2012, p 15.

<sup>1356</sup> Mr Keith Stockwell, Secretary, Acting Conservation Officer, Birdlife Australia, Evidence, 2 August 2013, p 32.

<sup>1357</sup> Mr Wise, Evidence, 26 September 2012, p 10.

- 13.146** The Committee heard that whereas it will take the tourism industry time to develop and generate revenue, the loss of revenue as a result of conversion was sudden and dramatic. For example, Mr Gregory Murdoch, General Manager, Murray Valley Shire Council told the Committee that ‘anything that happens with tourism is incremental at best’.<sup>1358</sup>
- 13.147** In relation to the development of tourism at Toorale, Mr Wise noted that ‘despite the fact that from day one...we were being sold on how marvellous tourism was going to be at Toorale, and that was going to compensate for the loss of rates and whatever else, four years down the track really there has been no opportunity for tourism of any significance’.<sup>1359</sup>
- 13.148** A very different picture of the tourism benefits of national parks emerged from the evidence given by North Coast residents who appeared before the Committee. According to this evidence, on the North Coast tourism is synonymous with national parks and the benefits this attracts to their town are substantial. It is important to note that while some conversion of land to national park estate has been recently experienced around Lismore and Port Macquarie, other national parks in these areas have been established for some time.
- 13.149** Cr Besseling, Mayor of the Port Macquarie-Hastings Shire Council, spoke of the contribution that national park estate makes to the tourism industry in his local government area:

Within the area of the CBD and probably five kilometres around it you have got five nature reserves or national parks. In terms of the attractiveness of the area and the opportunities for tourism it is quite large. It allows for things like the koala hospital to operate within the Macquarie Nature Reserve essentially right in the heart of town...We have got Sea Acres, which is a great tourist attraction with the boardwalk there. It plays a significant role in tourism, there is no doubt about that. People come to this area because of its natural beauty.<sup>1360</sup>

- 13.150** Mr Matt Rogers, Director of Development and Environment Services, Port Macquarie-Hastings Shire Council explained that his Council relies on the national parks in the area as an important way to attract tourists: ‘It is probably also fair to say that we market that in terms of our tourism strategies. It is something that as a community we leverage on fairly significantly to attract tourism’.<sup>1361</sup>

- 13.151** Reflecting on the contribution that tourists visiting national parks make to the economy of the State’s North East, Mr Dailan Pugh, Spokesperson, North East Forest Alliance, advised that:

In 2010 there were some nine to 11 million visits to north-east New South Wales national parks. That is up 250 per cent since 1997. This visitation is generating a business turnover of the order of \$400 million to \$500 million per annum and some 2,600 to 3,000 direct and indirect jobs in the regional economy.<sup>1362</sup>

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<sup>1358</sup> Mr Gregory Murdoch, General Manager, Murray Valley Shire Council, Evidence, 2 August 2012, p 5.

<sup>1359</sup> Mr Wise, Evidence, 26 September 2012, p 5.

<sup>1360</sup> Cr Besseling, Evidence, 4 October 2012, p 5.

<sup>1361</sup> Mr Rogers, Evidence, 4 October 2012, p 5.

<sup>1362</sup> Mr Dailan Pugh, Spokesperson, North East Forest Alliance, Evidence, 5 October 2012, p 34.

### **Maximising tourism benefits to local communities**

- 13.152** The Committee heard that even if there is an increase in tourist numbers to a newly created national park, this does not always result in financial gain for the local community. If the entry to national parks is located off a highway, the towns that would expect to benefit from visitation to the park may be bypassed. Cr Shinton, Mayor of the Warrumbungle Shire Council, said this was true for the town of Baradine, located next to the Pilliga National Park. Cr Shinton explained that although tourism to the Pilliga is ‘going very well’ with ‘up to 5,000 or 6,000 people visiting’, Baradine does not benefit as the people who visit often shop at major supermarkets outside the area, and travel directly to the parks where they camp for free:

You might find 30 or 40 people camping for nothing. They have stopped at Woolworths at Dubbo and filled up and they pass through us until they come to the next Woolworths...They try and keep on the main drags and then turn in; they probably bypass Baradine totally. That is why we are trying to promote them to go through Baradine and out that way.<sup>1363</sup>

- 13.153** A similar situation has been experienced by the residents of the Wakool Shire who were affected by the conversion of Yanga Station to national park estate. Yanga, while situated almost completely within the Wakool Shire, is located only 2 kilometres from the town of Balranald in the neighbouring shire. Mr Bruce Graham, General Manager of the Wakool Shire Council, told the Committee that while residents of Wakool have had to pay increased rates to offset the loss of rates paid by Yanga, it is the town of Balranald which is benefiting most from tourism to the new national park:

The NSW Government has overlooked the obvious inequity arising from creating a National Park in Wakool Shire which is only of direct benefit to the Balranald Shire community. Effectively the ratepayers of Wakool Shire have to bear the costs of a Balranald tourism asset.<sup>1364</sup>

- 13.154** Mr Pepe Clark, Chief Executive Officer of the Nature Conservation Council, observed that in order to maximise the benefits of tourism to local communities, any new facilities should be located outside the parks. He argued that building new facilities inside national parks not only causes environmental damage to areas which have been primarily set aside for conservation purposes, it also draws tourism away from existing facilities in the neighbouring towns:

You can have tourism in the adjoining areas benefiting from the national park, but if you actually locate the facilities in the national park then you actually draw away the tourism from the established facilities to the facility in the national park and both the natural environment in the park and the existing tourism are disadvantaged.<sup>1365</sup>

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<sup>1363</sup> Cr Shinton, Evidence, 27 September 2012, p 13.

<sup>1364</sup> Mr Graham, Evidence, 2 August 2012, p 3.

<sup>1365</sup> Mr Clark, Evidence, 4 December 2012, p 4.

### Tourism promotion

- 13.155** Several Inquiry participants told the Committee that the creation of national parks is not of itself sufficient to grow tourism in their areas, arguing that new activities, ‘must see’ infrastructure or educational facilities were needed to generate tourism revenue. Mr Murdoch of Murray Shire Council, for example, expressed the view ‘that any transformational change in our area needed to include some iconic infrastructure that is “must see” in order for tourism in the river red gums to flourish.
- 13.156** Another Riverina resident, Mr Des Bilske, General Manager of the Deniliquin Shire Council, told the Committee that while Deniliquin experienced severe economic hardship as a result of conversion, the town itself does ‘not have the forests ... or the major parts of the forests there’, and that in order to attract tourism to the town, Deniliquin would need to ‘create a destination that is attractive to a new range of people.’<sup>1366</sup>
- 13.157** Some Inquiry participants suggested that the NSW Government has delivered inadequate marketing and promotion of national parks in there are. For example, in the Pilliga, Mr Ted Hayman, President of the Baradine district Progress Association expressed the view that the NSW Government had displayed a ‘lack of interest in developing tourism’ and consequently ‘has left an unfunded community to attempt the work’.<sup>1367</sup>
- 13.158** Cr Shinton, Mayor of the Warrumbungle Shire Council was also critical of NPWS efforts to promote tourism. He told the Committee that the ‘council fosters’ tourism, which is possibly ‘the second biggest industry in Coonabarabran’ and that while ‘meetings with the National Parks and Wildlife Service about’ tourism are held, the NPWS ‘does not pay into it’. Mr Shinton remarked, ‘If we want people to come to the Warrumbungle National Park, we have to promote it’.<sup>1368</sup>
- 13.159** Further, Cr O’Neill from Wakool Shire told the Committee that Wakool gets ‘very little spent on tourism’ and that significant investment in an attraction to the Shire would be welcomed.<sup>1369</sup>
- 13.160** Mr Murdoch contended that NPWS should be responsible for providing activities to attract tourists to national parks, and that it is insufficient for NPWS to instead outsource these activities through the licencing of external operators: ‘All the promises that were made about tourism and increases are shallow unless the real on-the-ground work happens with local activities run by the National Parks.’<sup>1370</sup>
- 13.161** The Committee heard that, in order to support the NSW Government’s commitment to double tourism expenditure by 2020, the NPWS has placed an increased focus on attracting tourists to national parks. According to Ms Barnes:

<sup>1366</sup> Mr Desmond Bilske, General Manager, Deniliquin Shire Council, Evidence, 2 August 2012, p 12.

<sup>1367</sup> Mr Hayman, Evidence, 27 September 2012, p 15.

<sup>1368</sup> Cr Shinton, Evidence, 27 September 2012, p 4.

<sup>1369</sup> Cr Philip O’Neill, Councillor, Wakool Shire Council, Evidence, 2 August 2012, p 12.

<sup>1370</sup> Mr Murdoch, Evidence, 2 August 2012, p 12.

What we have done is create a tourism and partnership branch ... We have received additional funding for tourism activities. Part of the Government's \$40 million over four years is going into tourism and visitation. We were already spending quite a large proportion of our money on visitor facilities and visitor access ... What we have tried to do now is be a bit more strategic and have it as a more planned, more prioritised look at where we can actually increase visitation and where we can increase revenue from visitation, and then we can put back into the park system.<sup>1371</sup>

- 13.162** Ms Barnes told the Committee that the NPWS is also looking into ways that greater access for activities such as cycling, mountain biking, and four-wheel driving, can be offered and enjoyed in a sustainable way and 'definitely looking at how we can contribute to the local economy'.<sup>1372</sup>
- 13.163** To underscore the success of NPWS efforts to offer quality tourist experiences to visitors to national parks, Ms Barnes pointed to a number of tourism awards won by the NPWS. These awards included a gold award for a tourist attraction in the Cape Byron State Conservation Area; a bronze award for a new tourism development, the Green Gully Track, in the Oxley Wild Rivers National Park, near Walcha; a silver award for heritage and cultural tourism to the Blue Mountains National Park; and a gold award for a major tourist attraction to the Blue Mountains National Park.<sup>1373</sup>

#### **Tourism in former State forests**

- 13.164** In some cases where the existing tourism base was centred on State forests, Inquiry participants, particularly those living near the river red gums forests, asserted that conversion to national park estate had a detrimental effect on tourism. Mr Murdoch attributed this negative impact to new restrictions on activities in national parks, which were formerly permitted in areas of river red gum forest under State forest tenure: 'We had a traditional tourism sector that used our national parks and that has been reduced with the limitations on taking dogs into the parks as well as some of the restrictions on direct access to the river'.<sup>1374</sup>
- 13.165** This view was supported by Mr Malcolm Poole, Chairman of the Recreational Fishing Alliance of NSW, who spoke about the impact of conversion of river red gum forests on anglers. He said that the river red gum national parks are no longer attractive destinations for anglers who feel their access to traditional camping and fishing areas is now restricted. He highlighted the economic loss to those communities who no longer benefit from their visitation. Mr Poole said that conversion:

... has had some massive effects in terms of social and economic returns to the local regions. Anglers are itinerant people. They travel ... They want to go and enjoy something in the quiet. The river red gum forest areas offered that opportunity to actually camp beside a river system and actually fish it. Those things we cannot experience anymore ...<sup>1375</sup>

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<sup>1371</sup> Ms Barnes, Evidence, 5 December 2012, p 59.

<sup>1372</sup> Ms Barnes, Evidence, 5 December 2012, p 61.

<sup>1373</sup> Ms Barnes, Evidence, 5 December 2012, pp 44-45.

<sup>1374</sup> Mr Murdoch, Evidence, 2 August 2012, p 5.

<sup>1375</sup> Mr Malcolm Poole, Chairman, Recreational Fishing Alliance of NSW, Evidence, 4 December 2012, p 30.

**Committee comment**

- 13.166** The Committee acknowledges the view put forward by many Inquiry participants that the potential benefits of tourism were greatly overstated at the time when conversion decisions were being made. The Committee questions whether tourism can ever offset the loss of a significant industry in regional communities. Inquiry participants in areas affected by recent conversions stated that the timber and agricultural industries were already well-established and provided significant income, whereas it will take time to build a tourism industry based on new national parks, without the certainty that revenue from tourism will ever match that of the timber or agricultural industries.
- 13.167** The Committee acknowledges that without significant investment, it will be difficult for the tourism industry to ever off-set the loss of significant industries. Therefore the Committee recommends that the NSW Government provide further investment in promoting tourism and developing facilities and infrastructure for national parks, and in particular, those created following recent conversion decisions.

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**Recommendation 11**

That the NSW Government provide further investment in promoting tourism and developing facilities and infrastructure for national parks, and in particular, those in western and southern New South Wales, created following recent conversion decisions.

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## Chapter 14 Social impacts

This Chapter considers the social impacts following the conversion of agricultural and public land to national park estate. The Chapter begins with the social benefits associated with national parks. Next, the detrimental impacts of conversion are discussed, including the flow-on effects of unemployment, decreases in population and reductions in services to the community. The Chapter concludes by examining opportunities for indigenous communities that arise through the management of public lands.

### Benefits of national parks

- 14.1** The submission from the NSW Government highlighted the health benefits and social opportunities afforded to society by the national parks system, stating that ‘Access to national parks can have significant physical, social and mental health benefits for communities. National parks provide an important recreational area for a diverse range of passive and active pursuits, promote healthy outdoor experiences, provide areas for social and community gatherings, and foster a connection with nature.’<sup>1376</sup>
- 14.2** In New South Wales, the national parks system provides the opportunity for a range of recreational outdoor activities, with over 2,500 km of walking tracks, and thousands of kilometres of trail available for mountain biking, horse riding and four wheel driving. There are more than 800 picnic sites, 660 lookouts and 470 campgrounds. National parks also provide access to a multitude of beaches, lakes and rivers available for water sports, swimming and fishing. In addition there are six environmental education centres leased to the Department of Education and Communities used extensively by school groups.<sup>1377</sup>
- 14.3** The NSW Government also said that the NSW National Parks and Wildlife Service (NPWS), Forests NSW (now Forestry Corporation of NSW), NSW Fisheries and Crown Lands Division are working together ‘to strengthen the whole of Government approach to recreation and tourism on publicly managed lands, adding that ‘this will further assist in promoting the health benefits of access to public lands.’<sup>1378</sup>

### Recreation and relaxation

- 14.4** Many Inquiry participants praised the national parks system for the opportunities it provides for recreation, relaxation and enjoyment of the natural environment. According to the NSW Environmental Defenders Office, ‘the benefits to the broader public of spending time in protected areas are well-documented and include relaxation, a sense of peace and enhanced appreciation of the natural environment’.<sup>1379</sup>

<sup>1376</sup> Submission 332, New South Wales Government, p 8.

<sup>1377</sup> Submission 332, p 8.

<sup>1378</sup> Submission 332, p 8.

<sup>1379</sup> Submission 395, Environmental Defenders Office, p 9.

- 14.5** The Committee also heard from a number of Inquiry Participants who spoke of the personal benefits and the enjoyment they derive from access to national parks. For example, Mr John Gain said in his submission: ‘My family and I have enjoyed many hours in the national parks over the years. We enjoy them for their diversity and their natural abundance’.<sup>1380</sup>
- 14.6** Mr Daryl Gibson told the Committee that he cherishes the opportunities for rest and relaxation provided by the national parks system, advising that:
- Living in the city with not a lot of recreational time available, I work and study, that time is precious. It means getting clean air, quiet, and experiencing regions in this state which qualify as natural wonders of the world. They are magnificent, stumbling across such beauty in our heavily populated Eastern seaboard is almost miraculous.<sup>1381</sup>
- 14.7** The Committee heard from a number of different recreational groups who utilise national parks for their activities. These include bushwalkers, mountain bikers, fishers, bird watchers, horse riders, 4WDDrivers and campers. While some raised concerns about access, which is discussed in Chapter 12, all have emphasised the importance of national parks in providing an ideal place for the pursuit of their recreational interests. The Canberra Bushwalking Club advised the Committee that:
- Many of the walks organised under CBC’s auspices are in some of the most beautiful parks of New South Wales, such as Morton National Park, Tallaganda National Park, Brindabella National Park, Kosciuszko National Park, and further afield ... CBC would like to firstly acknowledge and thank the New South Wales National Parks and Wildlife Service (NPWS) for their work. It is clear the NPWS works hard at preserving the environment and beauty of national parks in New South Wales, whilst making it possible for the general public to visit these treasures.<sup>1382</sup>
- 14.8** Cr Peter Besseling, Mayor of Port Macquarie-Hastings Shire, told the Committee that national parks are important to both local residents and visitors to the shire in terms of the outdoor recreational opportunities they provide. Cr Besseling highlighted the popularity of mountain bike riding in the local national parks, commenting that ‘it works very well in terms of the benefit to the local community, the bike riders—who engage in a healthy, active, enjoyable pastime—and the park’.<sup>1383</sup>
- 14.9** During a site visit to the area, the Committee met with officers from Forests NSW and the National Parks and Wildlife Service and were shown examples of the extensive mountain biking routes that have been created in State forests and adjoining National parks. The Committee also heard anecdotally that the incidence of illegal rubbish dumping, including abandoned vehicles had reduced as a result of the community engagement and the stewardship this engenders.

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<sup>1380</sup> Submission 3, Mr John Gain, p 1.

<sup>1381</sup> Submission 5, Mr Daryl Gibson BS, p 1.

<sup>1382</sup> Submission 415, Canberra Bushwalking Club, p 1.

<sup>1383</sup> Cr Peter Besseling, Mayor, Port Macquarie-Hastings Shire Council, Evidence, 4 October 2012, p 2.

### Health benefits

- 14.10** Other Inquiry participants spoke about the potential health benefits arising from access to national parks, arguing that national parks provide opportunities for community engagement and connection with nature, which can then flow into health benefits for society.
- 14.11** Ms Susie Russell, President of the North Coast Environment Council Inc, commented that the ‘emotional, health and wellbeing benefits for people being involved in restoration and regeneration work are phenomenal’. Ms Russell expressed the view that organisations involved in environmental regeneration initiatives provide an important community service adding, ‘there are advantages that come back to society for the number of people who are not then filling the prisons and accessing health services and so on.’ She asserted that ‘If we had the figures I am sure you would see that those involved in that kind of work are then not a cost to society in some of those other fields’.<sup>1384</sup>
- 14.12** The health benefits of environmental regeneration activities were also observed by Mr Ashley Love, President, National Parks Association NSW, Coffs Harbour-Bellingen Branch. Mr Love highlighted the work of an organisation in Lismore, which engages volunteers and another ‘community organisation in Coffs Harbour that deals purely with people with social welfare issues’, commenting that the ‘health benefits of being involved in restoration of native vegetation are immense’.<sup>1385</sup>

### Volunteering

- 14.13** Community engagement in national parks is also fostered through volunteerism. According to the NSW Government:

NPWS strongly encourages active community involvement in park management, consistent with the NSW 2021 goal of increasing volunteer participation above the national average. Volunteers contribute significantly to the management of national parks, with over 6,300 volunteers contributing more than 126,000 hours in parks and reserves across NSW in 2010-2011 (compared to 3,800 in 2007-08). Volunteers participate in a range of programs, including bush regeneration, wildlife rescue, whale surveys, historic building restoration, mountain bike track maintenance, campground hosts and guided tours.<sup>1386</sup>

- 14.14** An example of a successful of volunteer program can be found at Yanga National Park, where since conversion and the subsequent opening of the area to the public, the Friends of Yanga group has been engaged in restoring and maintaining the historic colonial gardens around Yanga Homestead. The NSW Government submission described the Friends of Yanga as a ‘group of committed, and predominantly retired, locals’, and informed the Committee that membership of the group has grown to ‘10 volunteers meeting once a week accruing a total of 339 hours per year’.<sup>1387</sup>

<sup>1384</sup> Ms Susie Russell, President, North Coast Environment Council Inc., Evidence, 4 October 2012, p 33.

<sup>1385</sup> Mr Ashley Love, President, National Parks Association of New South Wales, Coffs Harbour-Bellingen Branch, Evidence, 4 October 2012, p 32.

<sup>1386</sup> Submission 332, p 9.

<sup>1387</sup> Submission 332, p 29.

- 14.15** The Friends of Yanga were recognised for their contribution to the local community when they won an Australia Day award in 2012. According to the NSW Government, the local community has directly benefited from their work ‘with the new gardens attracting weddings, visitor coaches and other special events, including the 2011 NSW Inland Tourism Awards.’<sup>1388</sup>
- 14.16** Mrs Margaret Van Zanten, a member of the Friends of Yanga, described the benefits to herself and her community following the establishment of Yanga National Park:
- (the) thing I like most about Yanga is that the community is invited and encouraged to be part of the park. I myself joined the Friends of Yanga and enjoy being part of what I believe is our park. The park brings many benefits to our community. It gives me a feeling of ownership and commitment to participate in its continuing upkeep and improvements.<sup>1389</sup>
- 14.17** The Committee visited Yanga National Park during a site visit to the Riverina and heard from some members of the Friends of Yanga who felt that the conversion to national park estate had opened up access to the homestead and other areas previously closed to the public, allowing the community and visitors to experience and connect with the rich pastoral heritage of the area.

#### **Committee comment**

- 14.18** The Committee acknowledges the evidence that national parks provide important health benefits and social opportunities. In particular, the Committee notes the appreciation expressed by a number of Inquiry participants of the opportunities for recreation, relaxation and enjoyment of the natural environment.
- 14.19** In addition, the Committee acknowledges the suggestion that the evidence regarding negative impacts of conversion relates largely to areas affected by recent conversions, whereas residents living near older, well-established national parks tended to express positive views.

#### **Adverse impacts of conversion on local communities**

- 14.20** A number of Inquiry participants, particularly from those areas considered in the case studies, opined the adverse social impacts they and their communities attributed to the recent conversion of land to national park estate in their area. This section considers the adverse social impacts suffered by individuals, families and communities in areas affected by recent conversion of land to national park estate.

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<sup>1388</sup> Submission 332, p 29.

<sup>1389</sup> Submission 105, Mrs Margaret VanZanten, p 1.

## Job losses

- 14.21** Unemployment was arguably the most direct, immediate, and for some people, long term impact of conversion, with the Committee receiving evidence that many individuals and communities still feeling the effects today. Mr Rick Warren, General Manager of the Coonamble Shire Council, described the conversion of the Pilliga forest as ‘quite a blow to the community’.<sup>1390</sup> Mr Warren told the Committee that Gulargambone ‘has a very low socioeconomic base’ and that in terms of the employment opportunities for displaced timber workers, ‘the ability to pick up, move and go somewhere else just is not there’.<sup>1391</sup>
- 14.22** In the Riverina, Mr Ken O’Brien, Proprietor of O’Brien Redgum Sawmills said that as a result of conversion, ‘a lot of people lost their jobs’ and there are many that ‘are still unemployed’. He commented that many of these people ‘have worked in the timber industry for a long time’.<sup>1392</sup>
- 14.23** The Committee heard that workers displaced from the timber industry in the Pilliga were offered compensation packages by the Government following the Brigalow decision. Inquiry participants said that the compensation was often misspent, with many people choosing to spend the money on new cars and boats instead of taking up education opportunities. Cr Peter Shinton, Mayor, Warrumbungle Shire Council, gave evidence that:
- I can remember when the whole thing happened and we were told to try to convince people—they offered you a cash payment and there was a payment with education attached—and I tried to convince everybody at a public meeting the best option would be to take a small amount and educate yourself, but we noticed that boat sales increased and new car sales went up and they blew the money. That is all there was to it, there was no education.<sup>1393</sup>
- 14.24** Mrs Heather Andrews, Owner V & H D Andrews Haulage in Gwabegar similarly observed that a lot of people ‘opted not to take the training’<sup>1394</sup> and suggested that in relation to the compensation packages, some people ‘spent it on new cars, alcohol and drugs’.<sup>1395</sup>
- 14.25** Mr Warren said that while re-education was made available to affected workers, it would have required those who lost their jobs to move or travel to another area, which would be beyond the financial reach of many of them. He said, ‘certainly those sorts of things were made available but the opportunity is not locally and for them to go elsewhere for that education ... the financial ability for that to happen just is not there’.<sup>1396</sup>
- 14.26** Mill owners from the Pilliga commented on the literacy of their unskilled employees more generally and the implications for their capacity for retraining. Mr Patrick Paul of Gunnedah Timbers and Baradine Sawmilling Company described the literacy of his workers as ‘an ongoing problem’. He remarked that ‘even our induction process, when they first start on the

<sup>1390</sup> Mr Rick Warren, General Manager, Coonamble Shire Council, Evidence, 27 September 2012, p 4.

<sup>1391</sup> Mr Warren, Evidence, 27 September 2012, p 4.

<sup>1392</sup> Mr Ken O’Brien, Proprietor, O’Brien Redgum Sawmills, Evidence, 1 August 2012, p 3.

<sup>1393</sup> Cr Peter Shinton, Mayor, Warrumbungle Shire Council, Evidence, 27 September 2012, p 9.

<sup>1394</sup> Mrs Heather Andrews, V & HD Andrews Haulage, Evidence, 27 September 2012, p 25.

<sup>1395</sup> Mrs Andrews, Evidence, 27 September 2012, p 25.

<sup>1396</sup> Mr Warren, Evidence, 27 September 2012, p 9.

first day of the mill... We have to read that to them ourselves'. Mr Paul observed that it would be very difficult for his workers to 'relocate or retrain in other areas'.<sup>1397</sup>

**14.27** Mr Paul commented that in addition to giving his employees extra assistance with training, his employees would also rely on him for financial advice and social support. He said many ask for advice 'when they get bank loans' and that he provides character references 'when they have other issues like DUIs' and things like that we assist them and give them great credit for their ability to work and look after us in the work and be very loyal to us'.<sup>1398</sup>

**14.28** Mrs Andrews praised the social support provided by Mr Paul and his company, comparing it to the involvement and support provided by Mr Tom Underwood, a former mill owner in the Pilliga whose business closed as a result of the conversions:

...he was everything from the guidance counsellor to the bank loaning officer to getting them out of jail. That is the kind of influence Tom had on the community. To lose someone like Tom was devastating. He nurtured his staff incredibly well, the same with the Pauls. You have to be everything to them—counsellor, bank manager, that kind of thing. I know it is hard for people in the city to understand that we have people in our communities like that, but we have. Unfortunately, we have to deal with it as employers and as community members the best way we can.<sup>1399</sup>

**14.29** The Committee was also told that one of the more serious social impacts resulting from the loss of jobs was the incidence of anti-social or even criminal behaviour in affected areas, with Mrs Andrews giving evidence that following her community experienced 'a lot of social problems' following conversion. Mrs Andrews said that as a result of the 'loss of jobs' and the adverse 'financial situation' faced by some members of the community, there were 'three domestic violence cases'.<sup>1400</sup>

### **Population decline**

**14.30** As a result of the loss of jobs, several Inquiry participants reported a decline in their community's population. The Committee heard that many families affected by job losses had left towns to find work elsewhere, as the small rural communities affected by conversion were simply not big enough to absorb job losses when major employers such as sawmills have closed down, particularly as in these cases significant numbers of workers have been displaced within very short periods of time.

**14.31** Mr Ted Hayman, President of the Baradine District Progress Association, outlined the causal relationship between unemployment and population decrease in his community by referring to the example of his own business, commenting that 'in my quite small business the loss of my five employees meant that 19 people left town'.<sup>1401</sup> He said the closure of sawmills and other

<sup>1397</sup> Mr Patrcik Paul, Gunnedah Timbers and Baradine Sawmilling Company, Evidence, 27 September 2012, p 26.

<sup>1398</sup> Mr Paul, Evidence, 27 September 2012, p 26.

<sup>1399</sup> Mrs Andrews, Evidence, 27 September 2012, p 256.

<sup>1400</sup> Mrs Andrews, Evidence, 27 September 2012, p 25.

<sup>1401</sup> Mr Ted Hayman, President, Baradine District Progress Association, Evidence, 27 September 2012, p 23.

businesses as a result of the Brigalow decision meant a ‘total of 157 people left the district ...’. According to Mr Hayman, the demographics of his community are changing with a number of retirees moving to the area. Mr Hayman described Baradine as an ‘as old folk’s home’ and contended that these changes will have long term implications for the community.<sup>1402</sup>

- 14.32** According to Cr Shinton, the town of Gwabegar has experienced ‘an overall drop in population’, as evidenced in the number of ‘vacant houses’ in the town.<sup>1403</sup>
- 14.33** Inquiry participants also referred to the impact of conversion on the population of towns in the Riverina. Mr David Keech, President of the Mathoura Chamber of Commerce and Citizens, claimed a direct correlation between conversion of the river red gum forests and population loss, demonstrated in the housing market in his community of Mathoura. He told the Committee that prior to conversion there was ‘a definite increase’ in population and that ‘new homes’ were built on ‘27 lots’ provided by council. Mr Keech said that since conversion, however, there is a ‘decline in wanting to build there again’ and observed that there ‘are definitely more houses for sale again now’ because the population is declining.<sup>1404</sup>
- 14.34** In relation to Deniliquin, Mr Des Bilske, General Manager of Deniliquin Shire Council, informed the Committee that a number of people formerly employed in the timber industry ‘have relocated out of Deniliquin because there is no chance of employment in other industries’. He told the Committee that the ‘2011 census showed a decline in population in Deniliquin ... from 8,300 to some 7,500-odd people’. Mr Bilske attributed the decline to the closure of the timber industry.<sup>1405</sup>
- 14.35** Inquiry participants were questioned on whether the population decline was attributable to the conversion of land to national park estate, or whether the long-running drought was responsible. Inquiry participants tended to acknowledge that the drought contributed to the adversity experienced by their communities, but argued that while it was possible to recover from the effects of drought, conversion had resulted in permanent losses to the communities and compounded existing hardships.
- 14.36** For example, Mr Norman Brennan, from the Deniliquin Business Chamber and Mayor of the Cobargo Shire Council, said that as a result of the drought, the town of Deniliquin was ‘on its knees’ but that ‘the removal of this industry and subsequently the jobs and the sawmill ... was another kick in the guts to our regional economy’.<sup>1406</sup> He said that the timber industry was ‘not as affected by drought as other industries’ and that it provided a ‘more secure, stable and solid’ base to the economy’.<sup>1407</sup>

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<sup>1402</sup> Mr Hayman, Evidence, 27 September 2012, p 24.

<sup>1403</sup> Cr Shinton, Evidence, 27 September 2012, p 12.

<sup>1404</sup> Mr David Keech, President, Mathoura Chamber of Commerce and Citizens, Evidence, 1 August 2012, p 14.

<sup>1405</sup> Mr Des Bilske, General Manager, Deniliquin Shire Council, Evidence, 2 August 2012, p 5.

<sup>1406</sup> Mr Norman Brennan, Deniliquin Business Chamber and Mayor, Cobargo Shire Council, Evidence, 1 August 2012, p 13.

<sup>1407</sup> Mr Brennan, Evidence, 1 August 2012, p 18.

- 14.37** Commenting on the relative impacts of drought and conversion in Bourke, Mr Geoff Wise, General Manager, Bourke Shire Council, noted that the drought had broken prior to the purchase of Toorale. Mr Wise drew attention to the impacts of conversion on local businesses and the local school, observing that the loss of income from Toorale was ‘enough to tip them [local businesses] over’ and that ‘the school was exactly that situation’.<sup>1408</sup>

### **Reduction in services**

- 14.38** Ms Carole Medcalf, Acting Chief Executive Officer of the Brewarrina Business Centre, explained that in many of the towns affected by recent conversions, the key economic driver was the agriculture or timber industry, which generated most of the town’s employment, and thereby ensured the survival of ‘a range of supporting service activities, such as retail, trade, government administration, education and health and community services’.<sup>1409</sup> Indeed, many Inquiry participants have told the Committee that this is precisely the case in their community.
- 14.39** Mr Brennan told the Committee that the retail industry in Deniliquin was particularly effected remarking that ‘even after two years’ it is ‘still doing it very hard’.<sup>1410</sup> He reflected particularly on the businesses that had closed, commenting that ‘if you drive around Deni, you will see a lot of vacant windows here’.<sup>1411</sup>
- 14.40** Mr Keech commented on how conversion and the consequent losses sustained by the timber industry affected the services available in his community. Speaking of Mathoura, Mr Keech remarked that ‘half of it has closed down’. He explained:

We have only got a grocer’s shop and a service station whereas we had a big café and all that. All that has been gone for two years now, and nobody has even rectified it. It is just sitting there and nobody has any interest in it at all. It is just lost.<sup>1412</sup>

- 14.41** Cr Shinton similarly remarked that the number of businesses in Baradine had fallen as a result of conversion, highlighting that the businesses that ‘service the sawmills’ were particularly impacted. Cr Shinton gave evidence that the town has experienced an overall reduction in both population and services, observing that, ‘definitely the population has fallen and so have the businesses’.<sup>1413</sup>
- 14.42** Other Inquiry participants commented on the impact on community services, with representatives from Bourke and Coonamble informing the Committee that schools in their respective communities had been adversely impacted. Mr Wise informed the Committee that as a direct result of the conversion of Toorale station to national park estate, a school in Bourke had closed down. He explained:

<sup>1408</sup> Mr Geoff Wise, General Manager, Bourke Shire Council, Evidence, 26 September 2012, p 11.

<sup>1409</sup> Ms Carole Medcalf, Acting Chief Executive Officer, Brewarrina Business Centre, Evidence, 26 September 2012, pp 19-20.

<sup>1410</sup> Mr Brennan, Evidence, 1 August 2012, p 13.

<sup>1411</sup> Mr Brennan, Evidence, 1 August 2012, p 15.

<sup>1412</sup> Mr Keech, Evidence, 1 August 2012, p 13.

<sup>1413</sup> Cr Shinton, Evidence, 27 September 2012, p 12.

...there was one family on Toorale, the irrigation manager at the time had a large number of children who attended that school, and probably created the critical mass to keep the school going. So, when he lost his job and left town that virtually tripped it over the edge.<sup>1414</sup>

- 14.43** Mr Warren gave evidence that the town of Gulargambone was similarly affected, because ‘the town basically lost a teacher from the school in effect because people were moving from the town’.<sup>1415</sup> He explained that the Council had tried to provide temporary employment to support the school and offset the wider effects on the community: ‘At one stage council had a couple on as temporary employees. We did that in the short term to try to keep the school going and keep the self-esteem and that higher’.<sup>1416</sup>
- 14.44** Other Inquiry participants reported an impact on local sports clubs, as a result of conversion, with some unable to field numbers for their teams and others experiencing a reduction or loss of sponsorship. For example, Mr Greg Murdoch, General Manager of the Murray Shire Council, said that in Mathoura ‘the local football club and the local netball club struggled this year to fill teams’. He said that this is partly ‘related to sponsorship’ which is no longer available, commenting that ‘because some of the timber industry businesses have gone out of the area they are not able to provide that sponsorship’.<sup>1417</sup>
- 14.45** Cr Shinton made similar observations of his community. He told the Committee that ‘they lost one club ... where the national park was set up’, commenting that it is part of the larger community impact of conversion, together with a fall in population and ‘business turnover’.<sup>1418</sup>
- 14.46** Mrs Andrews, a resident of Gwabegar, informed the committee that the town ‘has a post office but it has no store and no hotel’. She also suggested that the community is losing other important community organisations, commenting that ‘we no longer have any meeting place and slowly but surely we are losing our skills to communicate with one another’.<sup>1419</sup>

### **Community identity**

- 14.47** In some instances, the conversion of land to national park estate was also deeply symbolic, impacting on the identity of communities and individuals. This was particularly evident in the Riverina, where the Committee heard that the character of many towns was shaped by the timber industry and where several families have a historical connection to the pioneering past.
- 14.48** Mr Ian Fisher, Secretary, Mathoura Chamber of Commerce and Citizens, emphasised the significance of the red gum industry to the town of Mathoura, highlighting its pervasive presence in each aspect of the community:

<sup>1414</sup> Mr Wise, Evidence, 26 September 2012, p 10.

<sup>1415</sup> Mr Warren, Evidence, 27 September 2012, p 9.

<sup>1416</sup> Mr Warren, Evidence, 27 September 2012, p 9.

<sup>1417</sup> Mr Greg Murdoch, General Manager, Murray Shire Council, Evidence, 2 August 2012, p 6.

<sup>1418</sup> Cr Shinton, Evidence, 27 September 2012, p 12.

<sup>1419</sup> Mrs Andrews, Evidence, 27 September 2012, p 25.

At a community level we have red gum in the blood...The town is known as the timber cutters' town. The football club is called the Timber Cutters. We have a big red gum log at each end of the town. The school emblem on the children's uniform is a red gum tree. It has a great, proud history. If you take that away, it will be devastating for the town from the general thrust of the community point of view.<sup>1420</sup>

- 14.49** Mr Todd Gelletley, General Manager of Gelletly Redgum at Barham, for example, highlighted the lifelong connection he has had to the red gum timber industry, stating, 'I have been a full-time employer in a family business for 15 years but my involvement in red gums goes back further than that. I have been involved in red gums since I was a 10-year-old kid helping my father out in his business'.<sup>1421</sup>
- 14.50** Mr Chris Crump of Mathoura Redgum Sawmill told the Committee that his family has been in Mathoura for 'almost 150 years'. He said, 'we were pioneers and among the first people there', remarking, 'I learnt a lot of what I know from my father'.<sup>1422</sup>
- 14.51** There was also strong local feeling evident in Bourke regarding the conversion of Toorale, where Cr Andrew Lewis, Mayor, Bourke Shire Council, told the Committee that there was a street protest against the sale and 'a large crowd was very upset about it'.<sup>1423</sup> When Cr Lewis was questioned on the community attitude now, several years after the conversion of Toorale, 'there is still heat out there about it'.<sup>1424</sup>

#### **Committee comment**

- 14.52** Inquiry participants gave compelling evidence that, particularly for the areas considered in the Case Studies, significant adverse social impacts have been experienced by individuals, families and communities following the conversion of land to national park estate. The Committee notes that many of these areas already had a low socio-economic base, which compounded the negative social impacts of conversion.
- 14.53** In addition, the Committee heard that many smaller communities could not absorb the job losses when major employers closed down, and many individuals and families moved elsewhere in search of work, leading to population decline. In turn, this led to a reduction in services. The Committee notes the evidence that conversion has affected community identity, with some Inquiry participants in the southern Riverina expressing sorrow at the loss of their identity as 'timber towns'.

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<sup>1420</sup> Mr Ian Fisher, Secretary, Mathoura Chamber of Commerce and Citizens, Evidence, 1 August 2012, p 12.

<sup>1421</sup> Mr Todd Gelletley, Evidence, General Manager, Gelletly Redgum Barham 1 August 2013, p 4.

<sup>1422</sup> Mr Christopher Crump, Mathoura Redgum Sawmill, Evidence, 1 August 2012, p 4.

<sup>1423</sup> Cr Andrew Lewis, Mayor, Bourke Shire Council, Evidence, 26 September 2012, p 9.

<sup>1424</sup> Cr Lewis, Evidence, 26 September 2012, p 9.

- 14.54** The Committee considers that the detrimental social and economic impacts highlighted in this and the preceding Chapter, together with the Case Studies, demonstrate the need for better assessment of social and economic impacts, and how best to address these consequences once conversion takes place. The Committee recognises the need to consider impacts at a community as well as an individual level, and notes that structural adjustment packages were designed to assist affected business owners and their employees rather than the community at large.

### **Impacts on indigenous communities**

- 14.55** One of the issues considered in evidence to the Inquiry was the impact on indigenous communities of converting land to national park estate. While the evidence indicated that the management of public land can provide significant opportunities for Aboriginal communities, Inquiry participants raised concerns that the potential benefits have not been fully realised to date.

#### **Benefits of national parks for indigenous communities**

- 14.56** The submission from the NSW Government outlined a number of ‘significant benefits’ that the national parks to Aboriginal people including through joint management arrangements, employment opportunities, Aboriginal cultural heritage programs and by providing access to country.<sup>1425</sup>
- 14.57** Commenting on the number of joint management schemes in place, Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, stated ‘there is definitely an intention and there is definitely an appetite across National Parks to do joint management or co-management wherever possible ... we are more than happy to look at how we extend that’.<sup>1426</sup> Indigenous management arrangements are examined in Chapter 15.
- 14.58** In relation to the employment benefits of national parks, the NSW Government advised that the NPWS is a significant employer of Aboriginal people, and that ‘there are over 200 jobs that are specifically reserved for Aboriginal people within NPWS, which account for just under 10% of the NPWS workforce’.<sup>1427</sup>
- 14.59** Ms Barnes informed the Committee that the NPWS plays an important role in providing ‘a different employment opportunity’, including the opportunity for Aboriginal people to work on-country:

We offer a different employment opportunity in parks ... also in terms of opportunities for Aboriginal people to work on-country. You would have seen people working with their communities to bring people back to country, help them build the health of Aboriginal communities and play a role in reconciliation’.<sup>1428</sup>

<sup>1425</sup> Submission 332, p 9.

<sup>1426</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 46.

<sup>1427</sup> Submission 332, p 9.

<sup>1428</sup> Ms Barnes, Evidence, 5 December 2012, p 44.

**14.60** In addition, the NSW Government advised that the NPWS has instated a series of training and cadetship programs to support indigenous employment within the NPWS. These training programs are as follows:

- NPWS indigenous cadetship program – support for individuals undertaking tertiary study. Since 2002, 53 cadets have commenced appointment and 18 have been permanently appointed to positions in NPWS.
- Indigenous traineeship program – work-based training program for field officers and interpretive assistants. After a twelve month traineeship program, participants attain a Certificate II in Conservation and Land Management. Since 2006, 41 indigenous trainees have completed the program, 28 of whom have gained further temporary or permanent employment with NPWS. Seven trainees are currently undertaking the program.
- Aboriginal Tour Guide Training program – developed by NPWS in collaboration with NSW TAFE. Since 2007, over 300 Aboriginal participants in 32 Aboriginal communities throughout NSW have been trained through the program.<sup>1429</sup>

#### **Concerns around realisation of potential benefits**

**14.61** Inquiry participants generally acknowledged the potential benefits to indigenous peoples of greater involvement in the management of public land. However, a number of witnesses also described perceived barriers to realising the potential benefits of increased involvement.

**14.62** In relation to the desired outcome of greater involvement in the management of public land, Mr Neville Atkinson, Chair of the Yorta Yorta National Aboriginal Corporation, said: ‘It has to be able to be a meaningful arrangement that stops us from being the poor cousins in the local situation or being seen as welfare recipients. If you have this type of arrangement you need to do it properly’.<sup>1430</sup>

**14.63** Mr David Crew, Manager of the Yarkuwa Indigenous Knowledge Centre, acknowledged the potential economic and other benefits from indigenous management of public land, but expressed disappointment that the ‘traditional owners of the local area are yet to see any benefits from the current management system’. Mr Crew repeated the words of an indigenous owner:

I quote from one traditional owner: ‘These forests were our economic base for thousands of years and now provide no economic return for my people, while at the same time making many non-Aboriginal people wealthy. My people’s spiritual and religious connection to country is directly linked to, and cannot be separated from, the environment.’

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<sup>1429</sup> Submission 332, p 9.

<sup>1430</sup> Mr Neville Atkinson, Chair, Yorta Yorta Nation Aboriginal Corporation, Evidence, 2 August 2012, p 13.

Those words were spoken almost three years ago, and we continue to wait for them to be heard. However, we remain convinced that benefits can come, if we find a way to work collaboratively and in partnership.<sup>1431</sup>

- 14.64** Similarly, Ms Flower called on the NSW Government to be more proactive in achieving the potential economic benefits of indigenous management of public land:

I believe that we have raised the expectations for our community. We can see the benefits that this transfer can bring. We can see that it will be part of our children's future. What we cannot see yet is a commitment from our government agencies to really invest in making this happen.<sup>1432</sup>

- 14.65** However, Mr Sandy Atkinson, an Elder of the Bangerang Nation and Chairperson of the Cummeragunja Local Aboriginal Land Council, expressed the view that conversion has been 'detrimental' to the Bangerang people. Mr Sandy Atkinson said:

Since the declaration of Parks and the loss of the grazing and timber industries from our local communities there has been significant pressure brought about by the removal of industry and youth from our region.<sup>1433</sup>

- 14.66** Mr Sandy Atkinson said that the 'Bangerang people would like to see our forests returned to the local community' and to 'multi-use' tenure, contending that the 'future' of the forests and their 'small rural communities' depends on it.<sup>1434</sup>

- 14.67** The NSW Government also listed access to country as one of the benefits that national parks can provide for Aboriginal people. Several Inquiry participants emphasised the importance of access to country in maintaining traditional relationships and indigenous identity. For example, Mr Atkinson stated that:

We still try to maintain our traditional relationships through customs. It is all associated with our belief and our traditional usage of land, animals, and plant species for medicinal and ceremonial reasons. Even though we exist in the modern world we try to keep that up and pass it on to our children ... I do not think anyone in Australia would want to see anybody lose their customary relationships or religious relationships.<sup>1435</sup>

- 14.68** Despite the importance of access to country, the NSW Aboriginal Land Council raised concerns about the way in which Government agencies arrangements facilitate this access, highlighting the variable nature of this access:

<sup>1431</sup> Mr David Crew, Manager, Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation, and Evidence, 2 August 2012, pp 18-19.

<sup>1432</sup> Ms Debbie Flower, Member, Yarkuwa Indigenous Knowledge Centre and traditional land owner, Evidence, 2 August 2012, p 19.

<sup>1433</sup> Submission 429, Cummeragunja Local Aboriginal Land Council, p 2.

<sup>1434</sup> Submission 429, p 2.

<sup>1435</sup> Mr Atkinson, Evidence, 2 August 2012, p 14.

In terms of general access issues, as outlined above this varies depending on the type of land and which Government agency has responsibility for managing the land. For example, NSWALC has received advice that decisions by government officers about whether fees will be waived for Aboriginal Elders seeking to access a park with groups of Aboriginal young people for cultural purposes varies even within the same region, depending on which government officer is making the decision.

This appears to be partly as a result of the lack of information within the Aboriginal community about the necessary paperwork required to gain access to public lands for these purposes, but also a result of a lack of awareness by some government staff about the rights of Aboriginal peoples and provisions available in legislation such as the ALRA, National Parks and Wildlife Act and National Parks and Wildlife Regulations.<sup>1436</sup>

- 14.69** Opportunities for greater involvement of indigenous people in the management of public land are discussed further in the following and final chapter, Chapter 15.

#### **Committee comment**

- 14.70** Despite the NSW Government indicating that significant opportunities are available to Aboriginal communities through the conversion of land to national park estate, the Committee is concerned that the potential benefits have not been fully realised. The Committee believes that the Government should be proactive in assisting indigenous people to achieve positive social and economic outcomes for their communities. One means to do this is through improved opportunities for indigenous management, whether by joint or sole management arrangements, which are considered in the final Chapter.

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<sup>1436</sup> Submission 130a, NSW Aboriginal Land Council, p2.

## Chapter 15 Models of public land management

This Chapter discusses broader questions about the current approach to management of public land in New South Wales. It begins by reviewing our current approach to land management, which is characterised by lands of different tenure that are administered by a number of Government authorities to meet various objectives. The Chapter then examines how the conversion of land from one tenure to another, namely from public and private land to national park estate, has highlighted the differences in management approaches across the tenures. Given these differences, the Chapter explores the question raised by many Inquiry participants of whether public land in New South Wales is currently being managed as effectively and appropriately as it could be.

The Chapter considers alternatives to the current land management approach, including suggestions of a cross-tenure or tenure-free approach to managing public land, as well as private land, particularly to address threats to the landscape which do not recognise borders or boundaries, such as fire, pests and weeds. The multiple land-use approach to public land management is also investigated, which suggests that environmental outcomes can be achieved, together and equally with economic and social outcomes if greater flexibility of use was given to land restricted for conservation. Opportunities for Indigenous management of public land, both jointly with and solely by Aboriginal communities, were also recommended by Inquiry participants, as was greater use of private conservancies, which are both discussed in this Chapter. Finally, the Chapter concludes with an examination of whether there should be a greater role for the community in the management of public land in New South Wales.

### The current approach to public land management in New South Wales

- 15.1** As outlined in Chapter 2, public land in New South Wales is managed through a complex and extensive approach comprised of multiple Government agencies and bodies who are each responsible for public lands of different tenure under the direction of various legislation and policy instruments. As described by the NSW Office of Environment and Heritage (OEH), the model is a ‘mosaic of management arrangements, land uses and regulatory controls’.<sup>1437</sup>
- 15.2** The OEH explained that the system is designed to meet a broad range of objectives and outcomes, ‘with the overall aim being to provide a balance of uses across the entire public lands system for the benefit of both present and future generations’.<sup>1438</sup> As such, decisions about the most appropriate and beneficial uses of public land and how they should be managed are made, according to the OEH, ‘after weighing up and balancing a diverse range of variables and, at times, competing objectives’.<sup>1439</sup>
- 15.3** The OEH advised that it is these considerations that have informed and shaped the ‘current matrix of uses and management arrangements’ across public lands in New South Wales,<sup>1440</sup> and have given rise to the current approach which acknowledges that, ultimately, ‘not all public lands are appropriate for all purposes’.<sup>1441</sup>

<sup>1437</sup> Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, to Committee Secretariat, 28 November 2012, p 9.

<sup>1438</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>1439</sup> Submission 332, NSW Government, p 55.

<sup>1440</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 8.

<sup>1441</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

### **Management differences across land tenures**

- 15.4** Given the spectrum of land uses to be accommodated, different management approaches have been required by public land managers in New South Wales. Indeed the OEH stated that tailored management regimes are applied to ‘fit the desired outcomes’.<sup>1442</sup>
- 15.5** The conversion of land from one tenure to another, namely from Crown land, State forest and agricultural land to national park estate, as examined in this Inquiry, has drawn attention to the differences in management across the tenures. As a focus of this Inquiry, the conversion process and, more significantly, the impacts of conversion raised by Inquiry participants, indicate the nature and extent of differences in the way different types of public land are managed.
- 15.6** For example, as discussed in Chapter 10, for lands assessed as having significant conservation value, a change in tenure to national park estate represents a fundamental shift in priorities. Thereafter, decisions about land management are driven by the pre-eminent objective to conserve biodiversity and to limit or restrict those activities which are deemed to threaten it.
- 15.7** Under the current land management approach, this necessitates the cessation of logging and other forestry operations in national parks, for example. In other, less obvious terms, however, conversion also precipitates a change in perspective when determining how outcomes are to be achieved. For instance, while the timber industry and conservationists alike discussed the merits of thinning to promote forest health in Chapter 10, there was disagreement over whether there is a difference between thinning for commercial purposes and thinning for ecological purposes.
- 15.8** Similarly, in Chapter 11, several Inquiry participants discussed how approaches to fire management differed from one tenure to another, with some arguing that national parks have significantly higher fuel loads than other public and private lands, and that this reflects a less active management approach by the NSW National Parks and Wildlife Service (NPWS). Likewise, some Inquiry participants suggested there were marked differences in the prevalence of pests and weeds in national parks as compared with lands of other tenure, again attributing these differences to management approach as well as resources.

### **Is the current approach effective and appropriate?**

- 15.9** As raised throughout the Report, many Inquiry participants questioned the effectiveness of current management practices on land converted to national park estate. They argued that national parks are ‘locked up’ for nature to take its course, and accordingly, there is no ‘active’ management of the land.<sup>1443</sup>

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<sup>1442</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, p 9.

<sup>1443</sup> See Chapter 2. For example, Ms Fiona Simson, President, NSW Farmers Association, Evidence, 14 September 2012, p 72.

**15.10** While some Inquiry participants maintained that for conservation ‘the best thing that humans can do to some areas of land is just to leave them alone’,<sup>1444</sup> others contended that this equates to poor or ‘inadequate’ management. For example, the Australian Forest Products Association (AFPA) stated that land reserved as national park estate ‘has not resulted in improved land management and conservation outcomes’ but rather ‘inadequate management [whereby] national parks have become reservoirs of weeds, feral animals and very high fuel loads’.<sup>1445</sup> The AFPA asserted that, as they stand, national parks now pose a threat to national park land and the surrounding land because of poor management:

... national parks... threaten not only the environmental values for which the forest was originally preserved, they also pose a risk to adjoining multiple use forest and the broader regional landscape values of native forests, which can be devastated by the catastrophic wild fires emanating from poorly managed national parks.<sup>1446</sup>

**15.11** The NSW Farmers’ Association expressed a similar view, commenting that it is ‘vitaly important that any measures to change the tenure of a parcel land do not adversely affect the weed, pest and land and soil activities being conducted on adjacent land’.<sup>1447</sup> NSW Farmers went on to say, however, that ‘unfortunately, this has not always been the case for past conversions of Crown Land, State Forests and agricultural land into National Park estate or other types of conservation areas’.<sup>1448</sup>

**15.12** Ms Simson, President of the NSW Farmers’ Association, cited a number of reserved areas to demonstrate that some national parks are not being adequately managed to deliver the best outcomes for everyone:

I do not think that the management of some of those lands – if we have a look at Toorale, Hunthawang or any of those ones – I do not think they are being properly managed at the moment in terms of the best outcomes for the community or for the environment or for the catchment.<sup>1449</sup>

**15.13** Some Inquiry participants ascribed what they believed to be the poorer management of national parks to the inequity of standards and obligations required of land managers across the State, as examined in Chapters 11 and 12. Ms Louise Burge, a resident from the Riverina, commented on the management of pests and weeds to illustrate this argument, declaring that ‘it seems inequitable for private land holders to be subject to one set of rules, when over the boundary fence Government imposing the rules on private landowners, are not subject to the same imposition themselves’.<sup>1450</sup>

**15.14** Similarly, NSW Farmers stated that their members expressed concern over inconsistencies in fire management across the tenures, explaining that ‘members are concerned that insufficient hazard reduction activities are being conducted on public land such as national parks’.<sup>1451</sup>

<sup>1444</sup> Ms Jane Watson, The Oxygen Farm, Evidence, 4 October 2012, p 34.

<sup>1445</sup> Submission 216, Australian Forest Products Association, p 6.

<sup>1446</sup> Submission 216, p 6.

<sup>1447</sup> Submission 260, NSW Farmers Association, p 6.

<sup>1448</sup> Submission 260, p 6.

<sup>1449</sup> Ms Simson, Evidence, 14 September 2012, p 79.

<sup>1450</sup> Submission 485, Ms Louise Burge, p 16.

<sup>1451</sup> Submission 260, p 12.

Moreover, NSW Farmers argued that ‘the interface between public land and private land is a critical factor in the management and control of fires’ but that public land managers are not required, as private land managers are, to ensure suitable buffer zones are created on their land for the purposes of bushfire mitigation.<sup>1452</sup> This was starkly evident in the recent bushfires in north-western New South Wales, including Warrumbungle National Park.

- 15.15** Ms Burge concluded that ‘Government controlled land is not subject to the same policies’ and that this is largely assumed because ‘Government cannot afford the cost burden’.<sup>1453</sup>
- 15.16** As discussed in Chapter 12, other Inquiry participants also suggested that national parks are not being adequately maintained and managed because of limited resources. Indeed, the Senate Standing Committee on Environment, Communication, Information Technology and the Arts acknowledged in their 2007 report, *Conserving Australia – Australia’s national parks, conservation reserves and marine protected areas*, that a recurrent theme throughout their Inquiry was that there were ‘insufficient resources available “on the ground” to ensure adequate management of the conservation estate’.<sup>1454</sup>
- 15.17** Several Inquiry participants also expressed concern that the NPWS lacks sufficient resources to manage national park estate. For example, Mr Lindsay Walker, Strategic Property Manager, Lismore City Council raised concerns about the management of reserves around Lismore, stating, ‘it is quite correct that there is land in our area that is not correctly resourced and is not well managed by National Parks’.<sup>1455</sup>
- 15.18** In relation to the conversion of land to national park estate, the Shires Association of NSW expressed ‘concern over converting land into national parks without the resources to manage them appropriately’.<sup>1456</sup> Similar views were expressed by Mr Geoff Wise, General Manager, Bourke Shire Council, regarding the conversion of Toorale: ‘...there was equal concern from us that the Government would not be able to equally afford to effectively manage the property and, to some extent, we believe that is coming to fruition’.<sup>1457</sup>
- 15.19** Cr Besseling concluded that ‘we need to make sure that what we have locally that is already a nature reserve or national park needs to be resourced correctly... and for that land to be managed correctly’.<sup>1458</sup>

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<sup>1452</sup> Submission 260, p 12.

<sup>1453</sup> Submission 485, p 15.

<sup>1454</sup> Senate Standing Committee on Environment, Communication, Information Technology and the Arts, *Conserving Australia – Australia’s national parks, conservation reserves and marine protected areas*, April 2007, pp xix-xx.

<sup>1455</sup> Mr Lindsay Walker, Strategic Property Manager, Lismore City Council, Evidence, 5 October 2012, p 8.

<sup>1456</sup> Ms Maria Woods, Vice President, Shires Association of New South Wales, Evidence, 4 December 2012, p 46.

<sup>1457</sup> Mr Geoff Wise, General Manager, Bourke Shire Council, Evidence, 26 September 2012, p 4.

<sup>1458</sup> Cr Peter Besseling, Mayor, Port Macquarie-Hastings Shire Council, Evidence, 4 October 2012, p 9.

- 15.20** Professor Jerome Vanclay suggested that the perceived inefficiencies of national park management can be attributed to what he believed to be conflicting roles of the NPWS. He likened the need to separate the conflicting roles of production and regulation in State forests in mid-1990s with the current need to separate the conflicting roles of national parks. Professor Vanclay observed that ‘national parks services should provide education, recreation, conservation (habitat management to control weeds, feral animals and fire; rescue operations for critically endangered species), monitoring and research...’.<sup>1459</sup> Professor Vanclay thus asked, ‘might it not be a good strategy to divide these tasks among different providers?’.<sup>1460</sup>
- 15.21** Beyond questioning the quality of management that is being delivered to national parks under the current approach, some Inquiry participants challenged the very premise that national parks are the best and most appropriate means of conserving biodiversity and protecting the environment. They asserted that the change in tenure to national park estate has had a detrimental impact on not only the environmental value of the land, but on all other values that make the land significant.
- 15.22** For example, Professor Vanclay contended that simply equating conservation with national parks ‘is not supported by logic or by empirical evidence’.<sup>1461</sup> He expressed the view that, on the contrary, there is evidence that ‘national parks sometimes struggle to maintain conservation values (because of fires, weeds, feral animals), and that other land tenures and management agencies... can deliver comparable or better outcomes’.<sup>1462</sup>
- 15.23** As discussed in Chapter 10, other Inquiry participants argued that since becoming national parks some forests, such as the river red gum and cypress forests, have been allowed to grow at such rates that tree stems are now so dense biodiversity has been thwarted. As Mr Peter Rutherford contended, ‘passive parks management has not always resulted in positive biodiversity outcomes for threatened species’.<sup>1463</sup>
- 15.24** Similarly, Ms Simson argued that national parks are not providing good environmental, economic or social outcomes: ‘I do not think that the way they are being managed now as a park is providing those good outcomes that we should see on a triple bottom line basis across the community’.<sup>1464</sup>
- 15.25** Others, such as Ms Burge, believe that Government policy for conservation has mistakenly measured outcomes in terms of one land tenure type alone, failing to recognise that ‘in reality biodiversity outcomes are not exclusive to national parks estates’.<sup>1465</sup>
- 15.26** As such, many Inquiry participants reasoned that the current approach to public land management in New South Wales is not the most effective or appropriate model to deliver balanced outcomes for all public lands and their neighbours across the State.

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<sup>1459</sup> Submission 471, Professor Jerome Vanclay, Dean of Science, Southern Cross University, p 5.

<sup>1460</sup> Submission 471, p 5.

<sup>1461</sup> Submission 471, p 6.

<sup>1462</sup> Submission 471, p 6.

<sup>1463</sup> Submission 88, Mr Peter Rutherford, p 3.

<sup>1464</sup> Ms Simson, Evidence, 14 September 2012, p 79.

<sup>1465</sup> Submission 485, p 7.

- 15.27** While the conservation of our environment is generally valued, it is argued that other ways to achieve this need to be explored. As Ms Burge suggested ‘conservation goals in themselves may not be the issue, it becomes a question of how the goals are obtained and can we deliver greater outcomes through a new model of application’.<sup>1466</sup>
- 15.28** In the case studies of conversion considered in this Inquiry, a number of Inquiry participants concluded that a change in tenure to national park estate ultimately denotes a change in quality of management of the land. Moreover, several Inquiry participants contended that the change in tenure to national park estate is in fact detrimental to the land and its ecosystems, yielding poorer environmental outcomes and begging the question – is reservation indeed the most appropriate means of conservation? For these Inquiry participants, the current approach to public land management in New South Wales is neither effective nor appropriate.

### A call for change

- 15.29** A number of Inquiry participants insisted that new opportunities and alternatives to the current land management approach need to be explored if public lands in New South Wales are to achieve the full range of its objectives and purposes.
- 15.30** For example, Professor Vanclay argued that New South Wales and Australia should be seeking a more effective and appropriate approach to public land management. He contended that the efficiency of various alternatives need to be examined. As such, Professor Vanclay challenged that, in addition to pursuing multiple services from public lands, Australia needs a management model that is ‘forward looking’, active in its approach to managing the environment, and habitat-oriented, amongst other features. He presented this ‘desired approach’ in the following table and compared it with what he contends to be the assumptions driving our current approach to land management in Australia:

**Table 12 A comparison of management approaches by Professor Vanclay**

Australian stereotype	Desired approach
Backward looking (re-create past)	Forward looking (define desired outcomes)
Passive (‘fence and forget’)	Active (manage environment to achieve outcomes)
Place-oriented (gazette land area)	Habitat-oriented (reward desired land condition)
Binary (preservation versus production)	Multiple services (conservation with production)
Process driven (through regulations)	Outcome oriented (incentives and rewards for outcomes)
Micromanage minor issues	Holistic whole-of-landscape viewpoint
Politicise petty differences	Find common ground for win-win outcomes
Policing of reported breaches	Systematic monitoring and reporting
Bush tender (empty promises)	Pay for performance (annual payment for outputs)
Patches of excellence	Incremental landscape-wide improvements
Crown control of public land	Competitive approach for best management
NPWS ‘knows best’	Clear definition of desired conservation outcomes

- 15.31** An alternative model for the use of public land in New South Wales, in the form of a multiple land-use approach, will be examined in the following section of this Chapter, as will the cross-tenure approach to managing and implementing policy. It is important to note that these efforts are not considered mutually-exclusive, nor are they presented to suggest that elements of these efforts do not already exist in the current approach to public land management.

<sup>1466</sup> Submission 485, p 8.

### Committee comment

- 15.32** Throughout the Inquiry, Inquiry participants raised serious questions about the adequacy and effectiveness of the land management practices utilised by public land managers. The evidence, however, does not provide a clear picture of public land management and practices in New South Wales or provide a clear consensus on the best way to move forward.
- 15.33** As outlined in Recommendation 1, the Committee therefore recommends that ‘the NSW Government conduct an independent, full-scale and comprehensive assessment of the management of all public lands in New South Wales, and that this be achieved by extending the current review of Crown land management to include an evaluation of the management of all public lands, including all national parks and State forests in New South Wales.’ In relation to this review of the management of all public lands, the Committee believes that the NSW Government should follow the approach taken to the Independent Scientific Audit of Marine Parks in New South Wales, which was undertaken by an Independent Scientific Panel comprised of experts in the field and was headed by an independent chair.
- 15.34** Further, as noted in Recommendation 2, the Committee recommends that ‘the NSW Government impose a moratorium on the creation of any new national parks or the extensive of any existing national parks, for the duration of the review of public land management in New South Wales, with the exception of conversion of existing reserved areas, or a National Park declaration that is currently before the NSW Government’.
- 15.35** Another clear message from the evidence is the complexity and breadth of the current approach to public land management in New South Wales. The Committee notes that this approach is designed to meet a broad range of objectives and outcomes through various land tenures. This approach reflects the Government’s view that ‘not all public lands are appropriate for all purposes’. The Committee, however, challenges this premise, and looks instead to using a more flexible approach to land use. The evidence on the multiple land-use model as a means to address inadequacies in the current approach is considered in the following section.

### The multiple land-use model

- 15.36** During the course of the Inquiry, a number of Inquiry participants suggested that the inadequacies of the current approach could be addressed if greater flexibility was applied to the use of national parks, and an opportunity was given for a multiple land-use model of management to be applied to all public lands in New South Wales. Many Inquiry participants saw this model as utilising the principles of sustainable management, whilst continuing to achieve the significant conservation outcomes currently delivered by national parks. For these Inquiry participants, the multiple-use model provides a new pathway to not only measuring and protecting environmental values but equally accounting for economic and social values as well.
- 15.37** The multiple land-use model of management, as described by several Inquiry participants, facilitates the use of public lands for various purposes to meet a range of environmental, economic and social objectives. For example, according to this model, some reserved areas could be suitable for timber harvesting and/or grazing, as well as offering opportunities for recreation. As Mr Grant Johnson, Policy Manager, Australian Forest Products Association

(AFPA), explained ‘actively managed, multiple-use forests produce more than just wood. They also provide for recreation, improved biodiversity, carbon sequestration, fire control and water quality outcomes, and regional economic development’.<sup>1467</sup>

- 15.38** As suggested by those Inquiry participants who called for a ‘tenure swap’ to enable reserved areas to be opened up to forestry operations, it is possible that non-productive areas within State forests may be better managed by another agency or another part of the public land management matrix.
- 15.39** While proponents of the multiple land-use model have generally acknowledged the need to conserve certain areas of significant environmental value, they maintain that the restriction of land for this single purpose unnecessarily ignores the many other values of that land. Moreover, they argue that this restriction assumes that the range of outcomes are mutually exclusive. As Professor Vanclay observed, ‘many people assume that conservation is a binary choice: that conservation happens in national parks, and production happens on agricultural lands, and that never the twain shall meet’.<sup>1468</sup>
- 15.40** Professor Vanclay argued, however, that there are many examples demonstrating that land can provide both conservation and production simultaneously, concluding that ‘wildlife habitat and sylvan scenery are just two of the many non-consumptive services that forest landscapes can provide simultaneously with other goods and services’.<sup>1469</sup> Similarly, other Inquiry participants asserted that conservation can be reconciled with a host of other land uses and practices, such as forestry and agriculture, without adversely impacting on biodiversity. As such, the multiple land-use model is a direct contrast to the current approach which, according to the OEH, deems that ‘no one single management or tenure arrangement... can deliver all these benefits on its own’.<sup>1470</sup>
- 15.41** While acknowledging that while there is room for improvements to the current approach for the management of public land in New South Wales, the National Parks and Wildlife Advisory Council highlighted that the approach in place at present already allows for some limited forms of activity on some land within the reserve system:
- Under Section 72AA and Section 151A of the NPW Act, there is also flexibility and scope for multiple use of some areas within the parks estate eg the adaptive reuse of structures and use of modified landscapes as long as the primary objective is for conservation of key reserve values, and this brings benefits to local communities.
  - Part 4A and Sections 86 and 87 of NPW Act (and also Section 52.4 of the Land Rights Act) provide for joint management of national parks and reserves and for the protection of Aboriginal cultural heritage. The National Parks and Wildlife Advisory Council strongly supports these provisions.

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<sup>1467</sup> Mr Grant Johnson, Policy Manager, Australian Forest Products Association, Evidence, 14 September 2012, p 52.

<sup>1468</sup> Submission 471, p 3.

<sup>1469</sup> Submission 471, p 3.

<sup>1470</sup> Answers to supplementary questions, 15 October 2012, Ms Sally Barnes, Chief Executive, Officer of Environment and Heritage, Question 1b, p 9.

- The National Parks and Wildlife Advisory Council accepts that the existing system is not perfect. However, the National Parks and Wildlife Advisory Council believes that the current system is robust, delivers an appropriate range of conservation management models for the parks estate for the conservation of nature and that other management models are appropriate for other types of public lands.<sup>1471</sup>

**15.42** The integration of conservation with forestry and agriculture will be now be discussed, followed by criticisms of the multiple land-use approach.

### **Integrating conservation with forestry practices**

**15.43** A number of Inquiry participants presented the view that conservation could be integrated with forestry practices as part of a multiple land-use model of management, so as to achieve a range of economic and social outcomes in addition to environmental outcomes. As mentioned in Chapter 2, Mr Warwick Ragg, Senior Policy Advisor, NSW Forest Products Association, for example, argued that there is ample evidence to suggest that ‘you can integrate protection into sustainably managed forest systems’.<sup>1472</sup> This view was also reflected by Mr Peter Rutherford, a resident of the far South Coast, who asserted that the relationship between environmental values and seemingly conflicting land uses could be one of co-existence: ‘There is long-term evidence to show that even threatened species of flora and fauna can co-exist with other forest uses, including harvesting, for forest products’.<sup>1473</sup>

**15.44** Indeed, Mr Johnson added that he did not see a conflict between multiple land-use and the current objectives of national parks. He stated: ‘I think a properly managed and sustainably managed multiple-use forest is able to reach a range of high conservation value outcomes’.<sup>1474</sup> In the words of the NSW Forest Products Association, ecologically sustainable forest management ‘has been and will always be a protective process’.<sup>1475</sup>

**15.45** This issue was discussed in Chapter 10, where the forestry industry claimed that sustainable forest management has been so successful in the past that it is those lands that have been managed for forestry over many years that have been identified for their high conservation values and subsequently reserved. As the AFPA stated:

Ironically, many of the forests that have been added to the national parks and conservation estate, over the past fifteen or so years, were sustainably managed regrowth (or production) forests. The fact that these regrowth (and, in some instances, plantation) forests continue to maintain the ecological/biodiversity values that renders them suitable for conservation, highlights the effectiveness of the sustainable forest management practices.<sup>1476</sup>

<sup>1471</sup> Submission 169, National Parks and Wildlife Advisory Council, p 10.

<sup>1472</sup> Mr Warwick Ragg, Senior Policy Advisor, NSW Forest Products Association, Evidence, 14 September 2012, p 56.

<sup>1473</sup> Submission 88, p 3.

<sup>1474</sup> Mr Johnson, Evidence, 14 September 2012, p 52.

<sup>1475</sup> Submission 225, NSW Forest Products Association, p 13.

<sup>1476</sup> Submission 216, p 6.

- 15.46** Mr Vic Jurskis, a retired forester, expressed a similar view and highlighted the ‘paradox’ of reserving lands previously managed for multiple purposes:

The biggest failure in the whole assessment process has been evident in the paradox that lands assessed as having high environmental values after up to a century of multiple use management have been taken out of the management ostensibly to protect those same values<sup>1477</sup>.

### **Integrating conservation with agriculture**

- 15.47** Similarly, some Inquiry participants argued that conservation could be integrated with agriculture as part of a multiple land-use model of management, also as means of meeting economic and social objectives in addition to environmental ones. For example, as previously referred to in Chapter 2, NSW Farmers argued that, even today, there are a number of national parks that are capable of supporting a range of activities, including controlled grazing and beekeeping, which they believe can lead to ‘improved biodiversity, bushfire management and economic outcomes’.<sup>1478</sup>

- 15.48** As such, Ms Fiona Simson, NSW Farmers, asserted that environmental outcomes could indeed be achieved whilst running a farming operation:

I think that most certainly our members can achieve environmental outcomes while at the same time have a productive farm and productive area of land that produces food. I think it quite wrong to think you cannot achieve environmental outcomes while still running a sustainable farm.<sup>1479</sup>

- 15.49** Ms Simson observed that farmers view themselves as ‘stewards of the land’<sup>1480</sup> and take their role as land managers ‘seriously’.<sup>1481</sup> As such, farmers are already actively involved in natural resource management activities on a daily basis, with agricultural business in New South Wales spending, according to NSW Farmers, ‘the most overall on weed, pest and land and soil activities nationally’.<sup>1482</sup>

- 15.50** According to some Inquiry participants, such as Mr Peter Laird, President, Western Division Councils of NSW, this relationship with the land indicates both a management strength and sensitivity to protecting the values of the land. Mr Laird commented:

Some of the best managers of land and environment are farmers and graziers. To get a good return out of land today you have to manage it properly... you find that land is managed better than the national parks because we manage the fire, we manage the weeds and we manage the feral animals. We are there all the time and we are doing it.<sup>1483</sup>

<sup>1477</sup> Submission 460, Mr Vic Jurskis, p 8.

<sup>1478</sup> Submission 260, p 19.

<sup>1479</sup> Ms Simson, Evidence, 14 September 2012, p 74.

<sup>1480</sup> Ms Simson, Evidence, 14 September 2012, p 74.

<sup>1481</sup> Submission 260, p 5.

<sup>1482</sup> Submission 260, p 6.

<sup>1483</sup> Mr Peter Laird, President, Western Division Councils of NSW, Evidence, 14 September 2012, p 64.

- 15.51** Ms Simson added that, while a small percentage of the State is reserved as national parks, an equally small percentage of the whole of Australia is arable, suggesting that the Government has an obligation make decisions that will ‘ensure the sustainability of our resources for the future’.<sup>1484</sup> Ms Simson challenged the idea that activities such as farming and logging ‘are not sustainable activities and are going to be of detriment to the environment’. She maintained that if properly managed, ‘they are very sustainable industries’.<sup>1485</sup>

### **Criticisms of the multiple land-use model**

- 15.52** While a number of Inquiry participants advocated the multiple land-use model, other participants expressed concern that the model negates the conservation objectives of national parks. This view was expressed by the Colong Foundation for Wilderness, who argued that ‘any proposed undertaking of multiple use management for the exploitation of natural resources in national parks and reserves would defeat the nature conservation purpose of the reservation of these areas’.<sup>1486</sup>
- 15.53** Similarly, the Clarence Environment Centre spoke of the threat to biodiversity posed by the multiple land-use approach:

We believe that it is critically important to protect and enhance biodiversity, and that grazing, mining and logging, which are all identified as major threats to biodiversity, should not, indeed must not, be undertaken in any national park or other conservation reserves. Likewise, highly destructive recreational activities such as hunting, 4 wheel driving, and other motorised activities, horse riding and mountain biking must also be banned.<sup>1487</sup>

- 15.54** The submission from the Clarence Valley Conservation Coalition underscored:

... problems with national parks being opened up for activities that are incompatible with their core function - biodiversity conservation. Recent years have seen an increase in pressure from a range of interest groups for access to national parks for their activities. In response bureaucrats and governments have often acceded to these demands ... At a time when environmental degradation and species loss is alarming an increasing number of scientists and community members, governments and those entrusted with managing our remaining natural areas should be taking a much more precautionary approach than they have been’.<sup>1488</sup>

- 15.55** The Coalition concluded by recommending that ‘...the national parks estate’s core function of biodiversity protection not be endangered by opening up these special areas to activities incompatible with that core function’.<sup>1489</sup>

<sup>1484</sup> Ms Simson, Evidence, 14 September 2012, p 75.

<sup>1485</sup> Ms Simson, Evidence, 14 September 2012, p 76.

<sup>1486</sup> Submission 317, The Colong Foundation for Wilderness, p 1.

<sup>1487</sup> Submission 181, Clarence Environment Centre, p 7.

<sup>1488</sup> Submission 433, Clarence Valley Conservation Coalition Inc., p 6.

<sup>1489</sup> Submission 433, p 6

- 15.56** Ms Jane Watson of The Oxygen Farm raised concerns about the multiple land-use model, asserting that opening up national parks to multiple land uses is ‘short sighted’ and dismissive of the science known about protecting biodiversity:

Allowing shooting, mining, logging or high-impact human recreational activities in national parks is very short-sighted and sort of unforgivable considering how much science we know about preserving biodiversity, the value of keeping catchment areas as pristine as possible, the value of old growth forests in particular and large tracts of forests in general...<sup>1490</sup>

- 15.57** Ms Watson went on to comment on the conflict between management objectives within the model, arguing that it is not possible to remain faithful to managing areas for conservation values while under the pressure of producing a product ‘where then is a profit factor involved’.<sup>1491</sup>

- 15.58** Instead of applying a multiple land use approach to national parks, the Colong Foundation for Wilderness argued that ‘society must continue to encourage sustainable multiple use of farms, forests and Crown reserves where nature conservation goes hand in hand with primary productions and conservation management practices’.<sup>1492</sup>

- 15.59** The National Parks Association of NSW cautioned that applying a multiple land-use approach to the management of highly protected areas would be inappropriate, particularly since these areas make up such a small percentage of the State’s landscape.<sup>1493</sup> They explained:

It is not appropriate to consider introducing multiple uses such as logging, grazing and high impact recreation planning at very local scales within these highly protected areas. If introduced, these uses would simply reduce the total amount of land set aside for strong biodiversity protection within the region.<sup>1494</sup>

## Application of the multiple land-use model

- 15.60** A number of Inquiry participants presented examples of the multiple land-use model in practice, both in Australia and as a trend internationally. In addition, tools for the implementation of the multiple land-use approach were identified, and are discussed below.

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<sup>1490</sup> Ms Watson, Evidence, 4 October 2012, p 34.

<sup>1491</sup> Ms Watson, Evidence, 4 October 2012, p 34.

<sup>1492</sup> Submission 317, p 1.

<sup>1493</sup> Submission 406, National Parks Association of NSW, p 54.

<sup>1494</sup> Submission 406, p 54.

### The multiple land-use model as an international trend

- 15.61** The Committee received evidence that the management principles behind the multiple land-use model are ‘the basis of forest management around the world’.<sup>1495</sup> Dr Leon Bren, Forester and former academic at the University of Melbourne, advised that ‘everywhere around the world’ this model is being subscribed to but ‘it has been comprehensively rejected as a model by the Australian political system.’<sup>1496</sup> Amongst international examples, such as North and South America, Dr Bren cited France, where sawmills are visible in forests such as the Jura Forest.<sup>1497</sup>
- 15.62** Likewise, Professor Vanclay advised the Committee of the United Nations *Educational, Scientific and Cultural Organisation* (UNESCO) Biosphere reserves scheme, the concept of which is based on ‘a whole-of-landscape approach to land management, minimising of discontinuities in tenure boundaries, and encouraging adjoining public private landholders to collaborate to achieve mutual goals’.<sup>1498</sup> Professor Vanclay advised that Biosphere reserves essentially demonstrate conservation and agriculture in simultaneous operation, stating that they have been proven to be successful. Professor Vanclay advised that while these reserves ‘are pursued enthusiastically elsewhere’ they have been ‘embraced only modestly in Australia (with three such reserves in New South Wales)’.<sup>1499</sup>
- 15.63** Ms Louise Burge also gave evidence about a similar multiple land-use approach that was undertaken in Zimbabwe called the Communal Areas Management Programs for Indigenous Resources, as known as the CAMPFIRE Project. She advised that the Project devised a way for rural communities and native wildlife to co-inhabit the same landscapes by overcoming poaching practices that were destroying native wildlife. Ms Burge informed that the Project permitted conservation based hunting to provide commercial returns for the community, whilst providing sustainable meat supplies. While Ms Burge acknowledged the unique cultural relevance of this example to Africa, she encouraged the NSW Government to reflect on international examples such as this to seek innovate ways achieve outcomes ‘within the economic realities of life’.<sup>1500</sup>

### A model of multiple use: The Innamincka Regional Reserve

- 15.64** Some Inquiry participants identified the Innamincka Regional Reserve in South Australia as a prominent example of the multiple land-use model in practice, and of particular relevance to the Western Division of New South Wales. The Innamincka Regional Reserve covers 1.3 million hectares of land and was proclaimed a reserve to protect the integrity of the internationally significant wetlands.<sup>1501</sup>

<sup>1495</sup> Dr Leon Bren, Forester and former academic at the University of Melbourne, Briefing, 26 July 2012, p 2.

<sup>1496</sup> Dr Bren, Briefing, 26 July 2012, p 6.

<sup>1497</sup> Dr Bren, Briefing, 26 July 2012, p 18.

<sup>1498</sup> Submission 471, p 3.

<sup>1499</sup> Submission 471, p 3.

<sup>1500</sup> Submission 485, p 18.

<sup>1501</sup> Submission 329, Bourke Shire Council, Attachment 1, SA Department of Environment and Natural Resources, *Innamincka Regional Reserve and Coongie Lakes National Park – Healthy Parks, Healthy People*.

- 15.65** Described as a ‘reserve of contrasts’ and the first reserve of its kind, the regional reserve classification permits ‘conservation, grazing, petroleum exploration and mining, and managed recreation use to continue side by side’.<sup>1502</sup>
- 15.66** While some Inquiry participants acknowledged that various reserve categories exist under the current land management approach in New South Wales to allow a range of uses, they argued that there are still a number of limitations to these categories which prevent activities such as commercial grazing on state conservation areas, for example.<sup>1503</sup>
- 15.67** According to Bourke Shire Council, the Innamincka Reserve model is thus ideal, particularly for the Western Division of the State. The Bourke Shire Council asserted that the rangeland features where this regional reserve operates in South Australia, including large areas, low and variable rainfall, low population numbers of both local residents and tourists, are ‘equally applicable to the Western Division Region of New South Wales’.<sup>1504</sup> The Council therefore suggested that the reserve could be replicated within lands currently classified as national park, nature reserve and other similar categories in the Western Division.<sup>1505</sup>
- 15.68** This example therefore highlights that certain areas may be better suited to this particular multiple land-use model, and that different areas may require different variations of the model.

#### **Tools for the implementation of the multiple land-use model**

- 15.69** Dr Kremmerer of Frontier Optimisation argued that consideration of a new approach to decision making is required, given the limitations of the current approach. According to Frontier Optimisation, the tools being used at present to identify areas of high conservation value and opportunities for the expansion of the reserve system are limited as they are built for a single objective and are static models. They argued that these tools have very specific uses and do not consider the range of land uses and activities, or how these relate to wider landscape or catchment issues.<sup>1506</sup>
- 15.70** As an alternative, Frontier Optimisation suggested that multiple-criteria decision making or analysis tools would be more effective to address the increasing demands on public lands and understanding the long-term cumulative impacts of land use activities.<sup>1507</sup> Dr Kremmerer argued that these multiple criteria tools would enable land to be assessed at ‘a landscape level across a range of tenures, with multiple objectives and over long planning horizons’.<sup>1508</sup> In addition, they asserted that these tools could fully utilise the principles of sustainable development.<sup>1509</sup>

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<sup>1502</sup> Submission 329, Attachment 1.

<sup>1503</sup> Mr Wise, Evidence, 26 September 2012, p 7.

<sup>1504</sup> Submission 329, p 4.

<sup>1505</sup> Submission 329, p 4.

<sup>1506</sup> Submission 486, Frontier Optimisation, p 3.

<sup>1507</sup> Submission 486, p 7.

<sup>1508</sup> Submission 486, p 4.

<sup>1509</sup> Submission 486, p 4.

### Committee comment

- 15.71** The Committee notes that the current approach to land management allows multiple land use on some types of land in the reserve system. However, the Committee believes that the current approach is still too restrictive. The Committee considers that reservation is not the only means to protect biodiversity, and that conservation outcomes can be achieved alongside other land uses.
- 15.72** As outlined in Recommendation 1.2, the Committee therefore recommends that, as part of the independent full-scale review of public land management in New South Wales, the NSW Government ‘investigate the wider application of the multiple land-use model in the management of public land in New South Wales, and identify appropriate areas for the multiple land-use model to be implemented on a trial basis’.

### A nil-tenure approach

- 15.73** A number of Inquiry participants suggested that, in addition to a shift to a multiple-use model of land management, a consistent approach to land management across all land tenures, relying on improved tools to achieve land management outcomes should be considered in New South Wales. This is sometimes referred to as a ‘nil-tenure’, ‘cross-tenure’ or ‘tenure-free’ approach. The Committee heard that such an approach is particularly important to address threats to the landscape that affect all land managers, not just public land managers. These threats include fire, pests and weeds, which many argued require a uniform and measured approach not just for the protection of the land but for the interests and benefit of the community.

### A ‘silo mentality’ in current management practice

- 15.74** Some Inquiry participants, such as the NSW Farmers’ Association, commented that a ‘silo mentality’ towards land management is prevalent amongst both private and public land managers in New South Wales.<sup>1510</sup> They asserted that a silo approach is particularly problematic in relation to the data collection required to make informed decisions, and in relation to inspiring cooperation and participation between land managers.
- 15.75** For example, Dr Ernst Kremmerer of the Frontier Optimisation consultancy argued that amongst public land managers in New South Wales there is not a consistent or complete approach to maintaining a land information database (a historical record of actions and events), a spatial information system (area and attribute information for the decision criteria) or engaging in optimisation software (for simulation, forecasting and optimisation) to support decision making.<sup>1511</sup> Therefore, they recommended that an ‘integrated and whole of government approach be taken to the collection and sharing of baseline data (such as vegetation mapping)’ to improve public land management and decision making.<sup>1512</sup>

<sup>1510</sup> For example, Ms Simson, Evidence, 14 September 2012, p 73.

<sup>1511</sup> Submission 486, p 10.

<sup>1512</sup> Submission 486, p 10.

- 15.76** Similarly, Ms Burge spoke of the ‘rigid department policies’ which she believes require a review so that ‘new models that are inclusive of voluntary cooperation’ can be considered.<sup>1513</sup> Ms Burge stated that the conversion of land to national park estate is now typified by conflict and disengagement, eventuating in lost opportunities for cooperation and collaboration. Ms Burge explained:

Conversion of land has often been accompanied by conflict, disengagement and the development of generational attitudes towards environmental agencies. This is extremely unfortunate because this is often accompanied by lost opportunities.<sup>1514</sup>

### **The nil-tenure approach in action**

- 15.77** A number of Inquiry participants called for a more holistic nil-tenure, or cross-tenure, approach to managing public lands in New South Wales. For example, the National Parks and Wildlife Advisory Council, who suggest that a nil-tenure approach exists in the current approach to some extent, advocated for ‘more improved and rigorous regional tenure-free planning’ for a host of issues, including environmental protection and conservation, recreational use, pest management, fire management, and infrastructure provision.<sup>1515</sup>
- 15.78** Similarly, the NSW Environmental Defender’s Office advocated taking a landscape approach to the conservation of biodiversity and argued that ‘best practice land management activities need to be applied appropriately across the tenures’.<sup>1516</sup> They recommended that ‘the same legal requirements and best practice land management standards be applied across all land tenures whether public or private’ and asserted that in order to achieve this, environmental laws and adequate funding should be provided.<sup>1517</sup>
- 15.79** Inquiry participants’ views on the value of a nil-tenure approach in relation to specific land management issues were discussed in Chapter 11. These views were reflected by Ms Burge who acknowledged that ‘it may prove difficult to apply mandated management practice across all land tenures’,<sup>1518</sup> but that, at the very least, ‘some policy areas should apply to all regions regardless of ownership’.<sup>1519</sup> For many Inquiry participants, these areas include the management of fire, pests and weeds.
- 15.80** For example, the NSW Farmers’ Association called for a nil-tenure approach to fire, pest and weed management.<sup>1520</sup> Ms Simson indicated ‘we have tried to look at this holistically by taking that nil tenure approach to bushfire management, weeds, pest animals...’.<sup>1521</sup> For example, NSW Farmers maintained that ‘ensuring appropriate hazard reduction activity across all land

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<sup>1513</sup> Submission 485, p 7.

<sup>1514</sup> Submission 485, p 6.

<sup>1515</sup> Submission 169, p 10.

<sup>1516</sup> Submission 395, NSW Environmental Defender’s Office, p 10.

<sup>1517</sup> Submission 395, p 10.

<sup>1518</sup> Submission 485, p 15.

<sup>1519</sup> Submission 485, p 15.

<sup>1520</sup> Submission 260, p 16.

<sup>1521</sup> Ms Simson, Evidence, 14 September 2012, p 73.

tenures' should be 'an absolute priority'.<sup>1522</sup> Similarly, they asserted that 'all land managers – be they public or private – must play a role in weed management' because they argued that 'one of the most significant impediments to controlling the growing weed problem in New South Wales is the inconsistent approach to weed management across tenures'.<sup>1523</sup> NSW Farmers also insisted on a nil-tenure approach to pest animal management, proposing that a nationally consistent framework be set up for pest animal control while allowing regionally appropriate management regimes to be developed at the local level.<sup>1524</sup>

- 15.81** During the course of the Inquiry, the Committee was informed of a number of programs and trials that have effectively implemented a nil-tenure approach. For example, in Chapter 12, Inquiry participants highlighted the success of the Wee-Jasper Wild Dog and Fox Control Plan, in which public and private land managers worked together to evaluate control methods and select baiting locations across the landscape, regardless of tenure, resulting in a significant decrease in stock loss in the area.
- 15.82** Similarly, Inquiry participants in Chapter 11 commented on various fire management programs, such as the Hotspots Fire Project, which have taken a whole of landscape approach to fire management and mitigation. Other models discussed include the Canobolas Bushfire Model which is described by the Volunteer Fire Fighters Association (VFFA) as a 'map-based, bushfire risk management plan that provides a tenure blind, whole of landscape approach to bushfire management' by dividing landscapes into different zones to determine treatment options.<sup>1525</sup>
- 15.83** The VFFA recommended the creation of an overarching body, such as a 'super department', to guarantee a nil-tenure approach to planning and managing bushfire mitigation across the State. They argued that this 'super department' could be an amalgam of current public land managers, which would 'improve planning, productivity, and free up scarce resources and funds for vital land management works across all public lands in New South Wales'.<sup>1526</sup> The VFFA suggested that this would be akin to the management model currently operating in Victoria under which a 'super department' was created, namely the Department of Sustainability and Environment. The Committee was advised that through this department, 'the financial, physical and human resources are shared across the whole public land estate irrespective of public land tenure to manage pests, fire and weeds'.<sup>1527</sup>

### **Committee comment**

- 15.84** The Committee believes that the same rules should be applied to public and private land managers to achieve consistency in land management practices, and thereby improve land management outcomes. As indicated in previous chapters, the evidence received by the Inquiry supports the need for a nil-tenure approach to the management of public land in New South Wales, particularly for the management of fire, pests and weeds. The Committee notes

<sup>1522</sup> Submission 260, p 12.

<sup>1523</sup> Submission 260, p 12.

<sup>1524</sup> Submission 260, p 16.

<sup>1525</sup> Submission 273, Volunteer Fire Fighters Association, p 4.

<sup>1526</sup> Submission 273, p 2.

<sup>1527</sup> Submission 273, p 2.

the evidence that a nil-tenure approach has been adopted in a limited number of instances, and calls for the approach to be greatly expanded. In particular, the Committee draws attention to the steps taken in Victoria to pursue a cooperative approach through the ‘super department’ of Department of Sustainability and Environment.

- 15.85** Therefore, as outlined in Recommendation 1.3, the Committee believes that the independent full-scale review to be conducted on public land management in New South Wales should ‘investigate the adoption of a nil-tenure approach to the management of public land in New South Wales’.

### **Indigenous management of public land**

- 15.86** As discussed in Chapter 14, the NSW Government advised the Committee that the national parks system in New South Wales offers a number of significant benefits to Indigenous communities across the State, amongst which are opportunities for joint management and access to country.<sup>1528</sup> During the course of the Inquiry, a number of Inquiry participants suggested that joint management arrangements with the Indigenous should be accelerated and expanded, and that sole management should be considered an option for some Indigenous groups seeking full control of an area.
- 15.87** Joint management is described by the NSW Government as ‘a partnership between NPWS and Aboriginal communities for shared park management’.<sup>1529</sup> The NSW Government asserted that a number of opportunities to foster these partnerships currently exist, as evidenced by the 25 joint management arrangements now in place which cover almost a quarter of the national parks system, and the appointment of over 200 Aboriginal people for the oversight of jointly managed parks in addition to the over 100 Aboriginal staff members directly employed in the management of these parks.<sup>1530</sup>
- 15.88** Ms Sally Barnes, Chief Executive, OEH, advised that joint management arrangements can take different forms, and be implemented ‘... through part 4A of the Act or we have a number of less formal mechanisms for memorandums of understanding ... Under those different arrangements there are different levels of formality—some are under law and some are under agreement’.<sup>1531</sup>
- 15.89** Several Inquiry participants discussed various examples of management opportunities given to Indigenous groups and Aboriginal communities across the State, with some speaking positively of these arrangements.
- 15.90** For example, Mr Neville Atkinson, Chair of the Yorta Yorta National Aboriginal Corporation, commented on the partnership arrangements with the Aboriginal community of Wreck Bay, which has resulted in a range of environmental, economic and social benefits to that community. Mr Atkinson advised that the traditional owners at Wreck Bay strongly emphasised the ‘value they had with the national park being established’, and were forthright

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<sup>1528</sup> Submission 332, p 9.

<sup>1529</sup> Submission 332, p 9.

<sup>1530</sup> Submission 332, p 9.

<sup>1531</sup> Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, Evidence, 5 December 2012, p 46.

with their environmental expectations even before discussing the economic development that was to come out of the arrangement.<sup>1532</sup>

- 15.91** Mr Atkinson reflected on the various social and economic issues Aboriginal communities face today and said that arrangements such as that in Wreck Bay ‘give us the ability to address those socio-economic issues that affect us’.<sup>1533</sup> Mr Atkinson asserted that a great outcome had been achieved at Wreck Bay with the Government’s support, and that ‘it is a good model and something we should be looking at to consider’.<sup>1534</sup>
- 15.92** Likewise, when the Committee visited Toorale National Park and State Conservation Area in Bourke, representatives from NPWS informed the Committee of the joint management arrangements in place with the Indigenous community there. They advised that a non-statutory arrangement was made for Toorale in the form of a Memorandum of Understanding (MOU), which they argued has delivered a number of benefits for the local Aboriginal community.<sup>1535</sup> They asserted that the MOU provides similar benefits to those in a statutory arrangement and genuinely provide exposure to joint management issues and responsibilities.<sup>1536</sup> They stated that an MOU does not necessarily require ‘proof’ of ownership of the land, and is thus quicker to facilitate and less expensive to set up and maintain.<sup>1537</sup> In addition, the NPWS spoke of the various activities and practices available to the Indigenous community at Toorale, including access to areas, and cultural renewal and heritage protection, and the opportunities for employment, with 25 per cent of permanent park management positions in the Far West being designated for Aboriginal people.<sup>1538</sup>
- 15.93** With examples such as these, Mr Atkinson remarked that national parks are being seen by Indigenous groups, including the Yorta Yorta nation, as ‘providing common ground and an avenue for... traditional owners to have a role in the joint management of the national parks’.<sup>1539</sup> He indicated that this opportunity therefore provides impetus for Aboriginal communities to work collaboratively with authorities and the wider community on various social and economic issues.<sup>1540</sup>

<sup>1532</sup> Mr Neville Atkinson, Chair, Yorta Yorta National Aboriginal Corporation, Evidence, 2 August 2012, p 14.

<sup>1533</sup> Mr Atkinson, Evidence, 2 August 2012, p 14.

<sup>1534</sup> Mr Atkinson, Evidence, 2 August 2012, p 14.

<sup>1535</sup> Correspondence from Ms Sally Barnes, Chief Executive, Office of Environment and Health, to Committee Secretariat, 28 November 2012, Attachment 1A – Toorale presentation on Indigenous partnerships, pp 2-4.

<sup>1536</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, Attachment 1A – Toorale presentation on Indigenous partnerships, pp 3-4.

<sup>1537</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, Attachment 1A – Toorale presentation on Indigenous partnerships, pp 3-4.

<sup>1538</sup> Correspondence from Ms Barnes to Committee Secretariat, 28 November 2012, Attachment 1A – Toorale presentation on Indigenous partnerships, pp 3-4.

<sup>1539</sup> Mr Atkinson, Evidence, 2 August 2012, p 13.

<sup>1540</sup> Mr Atkinson, Evidence, 2 August 2012, p 13.

- 15.94** However, several Inquiry participants identified the limitations to current opportunities for joint management. For example, the NSW Aboriginal Land Council raised a number of concerns regarding the extent to which Aboriginal people are involved in the management of public land:

Currently, the involvement of Aboriginal people in the management of public lands varies significantly, depending on the type of land, the area, which department or agency is responsible, and the goodwill of regional/local government officers. Our key concern is that, while there are several mechanisms that Aboriginal people may be able to pursue to achieve greater access, management and ownership of public lands their use and implementation can be ad-hoc, inconsistent, under-resourced, and face a lack of awareness within government and the broader public.<sup>1541</sup>

- 15.95** These concerns are demonstrated in the experiences shared by Indigenous groups in the following section.

### **Expansion of indigenous management opportunities**

- 15.96** Some Indigenous Inquiry participants advised the Committee of their efforts to pursue management opportunities for traditional lands. While they acknowledged the value of the opportunities available, these Inquiry participants described the difficulties they have faced during the process.
- 15.97** One example was provided by Mr David Crew and Ms Debbie Flower of the Yarkuwa Indigenous Knowledge Centre. Mr Crew gave evidence regarding their organisation's role in managing aspects of the Werai forest as national park estate, and, significantly, their efforts in advocating a change in land classification and management for parts of the forest to an Indigenous Protected Area (IPA). The particular areas of interest include the Werai Reserve and Murray Valley Regional Park which Mr Crew indicated contains 'important cultural and environmental resources with over 200 cultural locations found in the Werai Reserve...'.<sup>1542</sup>
- 15.98** Mr Crew described the difference between national parks and IPAs, advising that IPAs 'allow customary and current use of that environment with the protection of environmental and cultural values'.<sup>1543</sup> He explained that IPAs permit multi-use of those areas 'with the very clear provision that it is about conserving those values while allowing communities to use the land'.<sup>1544</sup>
- 15.99** According to Ms Flower, transferring the Werai to an IPA would provide greater control over the land for her community and greater opportunities for economic benefit: 'We believe if we have control of the forest there will be economic opportunities for our community'.<sup>1545</sup> She explained this in terms of the missed opportunities for her community in the past:

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<sup>1541</sup> Submission 130a, NSW Aboriginal Land Council, p 1.

<sup>1542</sup> Mr David Crew, Manager, Yarkuwa Indigenous Knowledge Centre, Evidence, 2 August 2012, p 18.

<sup>1543</sup> Mr Crew, Evidence, 2 August 2012, p 20.

<sup>1544</sup> Mr Crew, Evidence, 2 August 2012, p 20.

<sup>1545</sup> Ms Debbie Flower, Traditional owner and member, Yarkuwa Indigenous Knowledge Centre, Evidence, 2 August 2012, p 20.

We want a say in our country and we want jobs for our people. We believe the only way through that is for Werai to become an Indigenous Protected Area. Too long have we missed out. Everybody else has become rich off the forest but Aboriginal people have missed out for too long. We would like to have a go at managing it and have economic outcomes for our people.<sup>1546</sup>

- 15.100** When questioned on the type of economic opportunities that could be pursued by her community, Ms Flower expressed some support for forestry operations within the Werai, explaining ‘We are not against logging completely, as long as it is us benefiting’.<sup>1547</sup>
- 15.101** As described by other inquiry participants in Chapter 14 and the Case Study – River red gums, Mr Crew identified a number of concerns relating to the nature and extent of Indigenous engagement in the process of establishing partnerships and the impediments to realising the potential benefits for Aboriginal communities. Furthermore, Mr Crew advised that barriers to indigenous participation in management arrangements may not be due to a lack of Government support, but rather, a lack of coordination amongst these agencies that has made it more difficult for indigenous organisations to pursue management opportunities.<sup>1548</sup>

#### **An example of indigenous management: Baiame’s Ngunnhu, Brewarrina**

- 15.102** Other Indigenous Inquiry participants shared their experiences of existing management opportunities including some of the challenges in maximising these opportunities, and the improvements they would like to pursue in future. For example, Ms Carol Medcalf, Acting Chief Executive Officer of the Brewarrina Business Centre, spoke of their organisation who currently holds the licence for heritage-listed Crown reserve land in Brewarrina, an area known to Aboriginal people as Baiame’s Ngunnhu but more commonly known as ‘the fish traps area’.<sup>1549</sup>
- 15.103** Ms Medcalf described the Ngunnuh as a ‘central place of cultural significance’, advising that the area holds ‘great potential’ for cultural renewal and cohesion in the Aboriginal community.<sup>1550</sup> However, she also acknowledged the significance of the fish traps to the wider Brewarrina community: ‘The current and future management of Baiame’s Ngunnhu is inextricably linked to the Brewarrina community, not just the Aboriginal community’.<sup>1551</sup> Ms Medcalf explained how future management of the fish traps signifies a host of possibilities:

The future management of the fish traps holds the possibility of reversing some of the damage to the cultural and natural values of the place, of employment and training opportunities, and of financial benefits associated with cultural tourism and education.<sup>1552</sup>

<sup>1546</sup> Ms Flower, Evidence, 2 August 2012, p 21.

<sup>1547</sup> Ms Flower, Evidence, 2 August 2012, p 20.

<sup>1548</sup> Mr Crew, Evidence, 2 August 2012, p 20.

<sup>1549</sup> Ms Carol Medcalf, Acting Chief Executive Officer of the Brewarrina Business Centre, Evidence, 26 September 2012, p 19.

<sup>1550</sup> Ms Medcalf, Evidence, 26 September 2012, p 20.

<sup>1551</sup> Ms Medcalf, Evidence, 26 September 2012, p 19.

<sup>1552</sup> Ms Medcalf, Evidence, 26 September 2012, p 20.

- 15.104** The Committee was informed that management of Aboriginal sites in this area is covered by a conservation management plan developed by the Brewarrina Business Centre in consultation with the community, local council and the Government.<sup>1553</sup>
- 15.105** For her organisation, Ms Medcalf advised that management of the fish traps encompasses extensive training and education, stating:
- All of those skills have needed to be taught to local people and they still continue to be needed to be taught to local people. The training and education around management of a significant conservation area, as you can imagine, is quite extensive.<sup>1554</sup>
- 15.106** With this, Ms Medcalf highlighted the challenges of managing land ‘as best they can within the resources they have available’, particularly for Indigenous groups in western New South Wales.<sup>1555</sup> She remarked ‘obviously an Aboriginal business in Western New South Wales has sometimes little resources to draw upon’.<sup>1556</sup> Ms Medcalf stated that her organisation has established partnerships with private enterprises to provide the technical knowledge and expertise needed to manage the area, but indicated that once these short-term partnerships conclude, there is no certainty that ongoing training education can be provided.<sup>1557</sup> She reflected on the impact of limited support from the Government, who she feels have acknowledged the significance of the fish traps and the need for Indigenous involvement in its management, but have made limited contributions to its management.<sup>1558</sup>
- 15.107** For Ms Medcalf, longer term grants would go some way to providing certainty for their plans. She stated that triennial funding, in particular, would be of benefit ‘not only for us but for anyone who takes over management of public land’, given that more and more community facilities ‘are falling into local community organisation management because local government out here is struggling’.<sup>1559</sup>

### **Other obstacles to pursuing Indigenous management**

- 15.108** In addition to the concerns raised by Inquiry participants above and in Chapter 14, particularly with regard to consultation and engagement with Indigenous groups and the wider Aboriginal community, other obstacles to pursuing Indigenous management were also identified.
- 15.109** For example, Ms Tori Edwards, Senior Solicitor, Native Title Services Corp (NTSCORP) raised the problems inherent with identifying who the traditional owners are of certain lands. She recognised the difficulty for Government in ‘knowing who they should be speaking to about certain matters’, but emphasised that the onus placed on traditional owners to provide

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<sup>1553</sup> Ms Medcalf, Evidence, 26 September 2012, p 21.

<sup>1554</sup> Ms Medcalf, Evidence, 26 September 2012, p 20.

<sup>1555</sup> Ms Medcalf, Evidence, 26 September 2012, p 19.

<sup>1556</sup> Ms Medcalf, Evidence, 26 September 2012, p 19.

<sup>1557</sup> Ms Medcalf, Evidence, 26 September 2012, p 20.

<sup>1558</sup> Ms Medcalf, Evidence, 26 September 2012, p 21.

<sup>1559</sup> Ms Medcalf, Evidence, 26 September 2012, p 24.

information is high.<sup>1560</sup> Moreover, Ms Edwards explained how this process has contributed to the lengthy delays in achieving outcomes. She stated:

In terms of responding to previous questions about the reasons for delay in settlement of outcomes, the credible evidence process in the past particularly has been one of them. A number of claims that NTSCORP represents have spent in excess of six or eight years in provision of credible evidence to the State.<sup>1561</sup>

- 15.110** As outlined in the Case Study – River red gums and in Chapter 10, the Committee received evidence of dispute in the southern Riverina over the traditional ownership of land. In particular, Mr Sandy Atkinson of the Cummeragunja Local Aboriginal Land Council and a Bangerang Elder, contended that the Bangerang Nation ‘have built great rapport with the European community over many years’ but that through the NSW Government’s negotiations with the Yorta Yorta Nation, ‘we are seeing a rift developing in our Community, potentially destroying generations of friendship and replacing it with racism’.<sup>1562</sup>
- 15.111** Ms Barnes gave evidence on how OEH seeks to negotiate joint management arrangements, including the process for identifying traditional owners. Ms Barnes advised that in the first instance, the NPWS seeks to work collaboratively with a range of different groups with an interest in the land, without going through a legalistic process of formal identification of the traditional owners. According to Ms Barnes: ‘I would say from my experience if we can work on relationships through a non-legal trail first, build up trust, build up the on-the-ground relationship then that is a good way to go’.<sup>1563</sup> However, Ms Barnes noted that in other cases, particularly where there is dispute as to ownership of the land, there was a need for formal arrangements, and ‘...there has to be registered owners and there has to be quite a process where we use the registrar to actually negotiate who are the owners’.<sup>1564</sup>

### **Committee comment**

- 15.112** The Committee believes that at present, there are too many barriers to indigenous communities achieving the potential benefits that could flow from Indigenous management of public land, including ineffective engagement with indigenous communities. To address this, the Government needs to create a clear pathway for indigenous communities to initiate and pursue management arrangements, whether they be joint or sole management. The Committee recognises that while different forms of partnership will suit different communities, all outcomes should be community-driven.
- 15.113** As discussed in Chapter 10, the evidence indicates that there is a pressing need for greater Indigenous involvement in the management of public land. This discussion highlights the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation as an example of an Indigenous community seeking greater, if not sole, control of traditional lands.

<sup>1560</sup> Ms Tori Edwards, Senior Solicitor, Native Title Services Corp, Evidence, 14 September 2012, p 36.

<sup>1561</sup> Ms Edwards Evidence, 14 September 2012, p 36.

<sup>1562</sup> Submission 429, Mr John Atkinson, Cummeragunja Local Aboriginal Land Council, p 1.

<sup>1563</sup> Ms Barnes, Evidence, 5 December 2012, p 46.

<sup>1564</sup> Ms Barnes, Evidence, 5 December 2012, p 46.

- 15.114** The Committee therefore calls on the NSW Government to expand indigenous land management opportunities, including the acceleration and expansion of joint management arrangements. In addition, the Committee believes that the NSW Government should as a priority pursue the development of sole management opportunities for Indigenous peoples. As part of the priority development of sole management arrangements, the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation should be given the opportunity to solely manage the Werai forest on a trial basis.

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**Recommendation 12**

That the NSW Government improve engagement with Indigenous communities to explore opportunities for the management of public land, including the acceleration and expansion of joint management arrangements and the priority development of sole management opportunities. As part of the priority development of sole management arrangements, the Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation should be given the opportunity to solely manage the Werai forest on a trial basis.

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**Private conservancies**

- 15.115** Like joint management arrangement with Indigenous communities, private conservancies were also raised by some Inquiry participants as a management approach that should be given further consideration in New South Wales.
- 15.116** For example, Professor Vanclay, Southern Cross University, expressed support for private conservancies, declaring that they ‘provide an important role in complementing the national parks system’.<sup>1565</sup> While recognising that private conservancies vary in size and performance, he stated that in Australia, several organisations operate scores of conservancies over millions of hectares for what he argued to be ‘successful conservation outcomes’, some of whom have been ‘particularly innovative and successful in attaining some conservation goals (for example, through feral-proof fencing)’.<sup>1566</sup> According to Professor Vanclay, the success of private conservancies ‘begs the question whether traditional national parks remain the best approach for delivering conservation outcomes’.<sup>1567</sup>
- 15.117** Professor Vanclay spoke of his experiences of national parks and private conservancies overseas. He shared how he visited national parks in east Africa and how many of them ‘are excellent, particularly given the context within which they operate’.<sup>1568</sup> However, he commented that many of the wildlife conservancies he visited provided ‘better conservation outcomes (and visitor experience) than national parks’.<sup>1569</sup>

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<sup>1565</sup> Submission 471, p 5.

<sup>1566</sup> Submission 471, p 5.

<sup>1567</sup> Submission 471, p 5.

<sup>1568</sup> Submission 471, p 5.

<sup>1569</sup> Submission 471, p 5.

- 15.118** An examples of a private conservancy operating in New South Wales was provided by Ms Jane Watson, who gave evidence about The Oxygen Farm, an incorporated association of which she is a member that owns and manages 375 hectares of land in Elands, on the mid North Coast of New South Wales, which she described as ‘high biodiversity and wet and dry sclerophyll escarpment country’.<sup>1570</sup>
- 15.119** While Ms Watson told the Committee ‘I am not saying this is what the model for everything should be’, she stated that her association’s approach is an example of how land is being conserved outside of the national parks system.<sup>1571</sup> She advised that ‘we are pretty much self-sufficient so far as managing goes, and we micromanage’,<sup>1572</sup> informing that they mitigate fire through the use of fire breaks and actively control the weeds along the borders of their land. She stated that ‘the rest of the land just lives and is’, asserting that ‘over the years we have seen that the best thing that humans can do to some areas of the land is just to leave them alone.’<sup>1573</sup>
- 15.120** Ms Watson advised that the Oxygen Farm was assessed by the local Catchment Management Authority and was found to rate highly on biodiversity limit factors and water, which Ms Watson said highlighted the success of the Farm’s management arrangements.<sup>1574</sup>

#### **Committee comment**

- 15.121** The Committee notes the evidence received regarding the potential benefits of alternative approaches to public land management to achieve conservation outcomes, including private conservancies. As outlined in Recommendation 1.4, the Committee believes that, as part of the independent full-scale assessment of public land management in New South Wales, the review should ‘investigate innovative land management models, including the use of private conservancies, for possible application to public land in New South Wales’.

### **A role for the community**

- 15.122** Regardless of which approach to public land management is pursued, many Inquiry participants emphasised the importance of community engagement on the issue of how land is managed in New South Wales. As is evident throughout the Case Studies, and through the evidence reflecting the deep connection that Inquiry participants feel for the natural environment, the significance of community input and support cannot be understated. This was expressed by Dr Bren, who stated that ‘in forests around the world there is a saying that if the local community does not support you your forest will disappear’.<sup>1575</sup>

<sup>1570</sup> Ms Watson, Evidence, 4 October 2012, p 34.

<sup>1571</sup> Ms Watson, Evidence, 4 October 2012, p 39.

<sup>1572</sup> Ms Watson, Evidence, 4 October 2012, p 36.

<sup>1573</sup> Ms Watson, Evidence, 4 October 2012, p 34.

<sup>1574</sup> Ms Watson, Evidence, 4 October 2012, p 38.

<sup>1575</sup> Dr Bren, Briefing, 26 July 2012, p 14.

- 15.123** According to the NSW Farmers' Association, there is a need to better involve local communities and affected landholders in decisions about the management of public land, particularly if land is to be converted from one tenure to another. As noted in the Case Study – River red gum forests, NSW Farmers argued that decisions about public lands need to be 'made *with* the community rather than *on behalf of* the community'<sup>1576</sup>.
- 15.124** As discussed is evident throughout the Report, the evidence from Inquiry participants showed the wealth of knowledge to be found within local communities and how this knowledge would be of significant benefit to public land managers, if local residents are given the opportunity to share it.
- 15.125** As such, some Inquiry participants, including NSW Farmers, called for more innovative and effective community engagement strategies to not only safeguard the involvement of communities in land management issues but also to ensure that they are genuinely listened and responded to by land management authorities across all public lands.<sup>1577</sup>

#### **Committee comment**

- 15.126** Public land belongs to the people of New South Wales. As such, the importance of community engagement in the management of public land cannot be understated. The Committee believes that the community should play an important role in making decisions about how public land is managed for the benefit of all, now and into the future.

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<sup>1576</sup> Submission 260, p 8.

<sup>1577</sup> Submission 260, p 8.

## Appendix 1 Submissions

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458	David & Wendy Mumford
459	The University of Sydney Faculty of Agriculture and Environment
460	Mr Vic Jurskis
461	Ms Noeline Franklin
462	Name suppressed
463	National Party of Australia (NSW)
464	NPWS Western Rivers Regional Advisory Committee
465	Australian Deer Association (NSW)
466	Trevor and Carol Deane
467	Balranald Shire Council
468	Yarkuwa Indigenous Knowledge Centre
469	Nimbin Environment Centre
470	Motorcycle Council of NSW
471	Southern Cross University School of Environment, Science and Engineering
472	Campervan & Motorhome Club of Australia Ltd

<b>No</b>	<b>Author</b>
473	Hurford Hardwood Kyogle Pty Ltd
474	Mr Bill Gammage
475	Mr Laurence Newell
476	Mrs Dorothea Willey
477	Name suppressed
478	Name suppressed
479	Mr Lee Taylor
480	Name suppressed
481	Name suppressed
482	Hon Ian Cohen
483	Name suppressed
484	Duffys Forest Residents Association Inc
485	Mrs Louise Burge
486	Frontier Optimisation
487	Mr Wayne Bryant
488	Mr Peter Browning
489	Name suppressed
490	Name suppressed
491	Mr Mark Conliffe
492	Mr Robert Nash
493	Name suppressed
494	Mr Brendon Carre
495	Name suppressed
496	Name suppressed
497	Confidential
498	National Parks Association of NSW Mid North Coast Branch
499	Ms J Hindley
500	Ms J Nankivell
501	Ms M W Schneider
502	Ms Rhonda Ferguson
503	Mr RH Nankivell
504	Mr PL Randell
505	Mr Laurie Drennan
506	Mr Glen Sutton
507	Mrs Naomi Willis

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<b>No</b>	<b>Author</b>
508	Lismore City Council
509	Mr Wally Mitchell AM
510	Mr Andrew Hestelow
511	Coastal Rights Association Inc.
512	Name suppressed
513	Walcha Council
514	Trail Care
515	Ms Emma Turner
516	The Little Garie Protection League
517	Dr Christine Finlay
518	Name suppressed

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## Appendix 2 Proformas

Proforma A	
1	Tassos Xenofontos
2	Name suppressed
3	Jack Johnstone
4	Name suppressed
5	Name suppressed
6	Name suppressed
7	Confidential
8	Name suppressed
9	Name suppressed
10	Confidential
11	Name suppressed

Proforma B	
1	John R Schirmer
2	Sandra Lieschke
3	Graeme Lieschke
4	Signature only
5	Signature only
6	Signature only
7	Signature only
8	Signature only
9	Signature only

Proforma C	
1	Enid Seely
2	Jean Sutton
3	Signature only
4	Signature only
5	PM Laker
6	Jan Laker
7	RJ Bolton
8	Annie Larcombe

**Proforma C**

9	R Willis
10	Jessie W Beer
11	BE Hattwell
12	Judy Cully
13	Stuart Laudon
14	Evelyn Hubbard
15	D Street
16	Signature only
17	Maureen Edwards
18	Kathy Street
19	Signature only
20	Signature only
21	Cherie Howorth
22	Signature only
23	Signature only
24	Betty Hindley
25	N Hoare
26	Signature only
27	Signature only
28	H Bassett
29	MJ Clayton
30	Maria Kennedy
31	Norman Roberts
32	M Hillier
33	Diane Spalding
34	Signature only
35	Coral Parfrey
36	Bill Spicer
37	JW Oram
38	Signature only
39	Prue Chalmers
40	Signature only
41	Signature only
42	J Murphy
43	Karan Butcher

**Proforma C**

44	N Allit
45	R Sinclair
46	Signature only
47	Leonie Dighton
48	Sue Semple
49	Judy Jordan
50	Stephen Murray
51	Signature only
52	Signature only
53	Signature only
54	J Rawson
55	Waye Mitchell
56	Kristie Mitchell
57	D Thomas
58	Signature only
59	Daryl Whateley
60	Janet Arnold
61	Allison Collins-Roe
62	N Willis
63	Frank Daniels
64	Lynette A Rose
65	Pam Limbrick
66	PR Henson
67	Karen Hay
68	Jeffrey Dighton
69	Toni Pearn
70	Julie Murray
71	Signature only
72	Andrew Willis
73	H Mallin
74	Signature only
75	Signature only
76	Allan Graham
77	Signature only
78	HW Willis

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**Proforma C**

79	Signature only
80	Signature only
81	M Randall
82	Walter Beer
83	Julie Goodwin
84	Signature only
85	Pat Smith

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## Appendix 3 Witnesses at hearings

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
<b>26 July 2012</b> <b>Parliament House, Sydney</b>	Dr Leon Bren	Retired Forest Academic, University of Melbourne
<b>1 August 2012</b> <b>Country Club Motel, Deniliquin</b>	Ms Faye Ashwin	Proprietor, O'Brien Sawmill
	Mr Ken O'Brien	Proprietor, O'Brien Sawmill
	Mr Todd Gelletly	General Manager Gelletly Redgum Barham
	Mr Christopher Crump	Mathoura Redgum Sawmill
	Mr Norm Brennan	Deniliquin Business Chamber and Mayor, Cobargo Shire Council
	Mr David Keech	President, Mathoura Chamber of Commerce and Citizens
	Mr Ian Fisher	Secretary, Mathoura Chamber of Commerce and Citizens
	Mr David Joss	Mathoura community member
<b>2 August 2012</b> <b>Deniliquin RSL Club, Deniliquin</b>	Cr Alan Purtill	Mayor, Balranald Shire Council
	Mr Chris Littlemore	General Manager, Balranald Shire Council
	Mr Des Bilske	General Manager, Deniliquin Shire Council
	Mr Greg Murdoch	General Manager, Murray Shire Council
	Cr Phil O'Neill	Wakool Shire Council
	Mr Bruce Graham	General Manager, Wakool Shire Council
	Mr Neville Atkinson	Chair, Yorta Yorta Nation Aboriginal Corporation
	Mr Ray Ahmat	Project Coordinator, Yorta Yorta Nation Aboriginal Corporation
	Mr David Crew	Manager, Yarkuwa Indigenous Knowledge Centre
	Ms Debbie Flower	Member, Yarkuwa Indigenous Knowledge Centre and traditional land owner
	Mr Ron Robinson	North West Resource Manager, Victorian Apiarists Association

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Mr Brian Rich	Commercial Apiarist and former Executive, Victorian Apiarists Association
	Mr Keith Stockwell	Secretary and Acting Conservation Officer, BirdLife Australia, Echuca District Branch
	Mr Vic Eddy	Former Forest Manager, Yanga Station
	Mr Max Rheese	Executive Director, Australian Environment Foundation
	Mr Ken Murphy	Chair, Riverina Regional Tourism
	Mr Frank White	Board Member, Riverina Regional Tourism, and local operator
	Ms Linda Tillman	Executive Officer, Riverina Regional Tourism
<b>7 September 2012 Parliament House, Sydney</b>	Mr Bob Conroy	Acting Deputy Chief Executive, Office of Environment and Heritage, Acting Head, National Parks and Wildlife Service
	Ms Melinda Murray	Acting Director, Conservation Programs, National Parks and Wildlife Service
	Mr Terence Bailey	Director Coastal, National Parks and Wildlife Service
	Mr Mark Peacock	Director Western, National Parks and Wildlife Service
	Mr Ross McDonnell	Regional Manager, Western Rivers, National Parks and Wildlife Service
	Mr Michael Hood	Manager, Forestry Operations Policy and Program, Environment Protection Authority
	Dr Renata Brooks	Acting Director General, Catchments and Lands, Department of Primary Industries
	Mr Mark Matchett	Director, Strategy and Management, Catchments and Lands, Department of Primary Industries
	Mr Rahmat Khaiami	Executive Officer, Government and Community Relations, Forests NSW, Department of Primary Industries
	Mr Nick Roberts	Chief Executive Officer, Forests NSW, Department of Primary Industries
	Mr Paul Wells	Manager of Private Forestry Programs, Department of Primary

Date	Name	Position and Organisation
	Mr Bruce Christie	Industries Executive Director, Biosecurity NSW, Department of Primary Industries
	Mr John Tracey	Invasive Species Manager, Biosecurity NSW, Department of Primary Industries
	Mr Brian Boyle	Chief Executive Officer, NSW Game Council, Department of Trade and Investment, Regional Infrastructure and Services
	Mr John Mumford	Chairman, NSW Game Council, Department of Trade and Investment, Regional Infrastructure and Services
<b>14 September 2012 Parliament House, Sydney</b>	Mr Bryce Wilde	Executive Director, National Resources Commission
	Professor Richard Kingsford	Director, Australian Wetlands and Rivers Centre, UNSW
	Ms Rachel Blakey	Research Assistant, Australian Wetlands and Rivers Centre, UNSW
	Hon Frank Sartor	Former Minister for Climate Change and the Environment
	Ms Tori Edwards	Senior Solicitor, Native Title Services Corp
	Ms Julia Martignoni	Legal Intern, Native Title Services Corp
	Dr John Williams	Former Commissioner, Natural Resources Commission
	Mr John Williams, MP	Member for Murray-Darling
	Mr Grant Johnson	Manager, Policy, Australian Forest Products Association
	Mr Russell Ainley	Executive Director, NSW Forest Products Association
	Mr Warwick Ragg	Senior Policy Advisor, NSW Forest Products Association, Chief Executive, Australian Forest Growers
	Mr Peter Laird	President, Division Councils of NSW
	Mr Wally Mitchell	Western Division Councils of NSW

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Ms Fiona Simson	President, NSW Farmers
	Ms Brianna Casey	Environment Policy Director, NSW Farmers
<b>25 September 2012</b>		Former Chairman and Chief Executive Officer, Clyde Agriculture Limited
<b>Bourke Bowling Club, Bourke</b>	Mr David Boyd	President, Inland Fishers' Association
	Mr Steve Alexander	Inland Fishers' Association
	Mr Jason Rivett	
<b>26 September 2012</b>		Mayor, Bourke Shire Council
<b>Bourke Bowling Club, Bourke</b>	Cr Andrew Lewis	General Manager, Bourke Shire Council
	Mr Geoff Wise	
	Mrs Nancy Robinson	Local Landholder
	Ms Carole Medcalf	Chief Executive Officer, Brewarrina Business Centre
<b>27 September 2012</b>		Mayor, Warrumbungle Shire Council
<b>Connabarabran Bowling Club, Coonabarabran</b>	Cr Peter Shinton	General Manager, Warrumbungle Shire Council
	Mr Rick Warren	President, Baradine and District Progress Association
	Mr Ted Hayman	V & H D Andrews Haulage
	Ms Heather Andrews	Hyde Haulage
	Mr Paul Hyde	Gunnedah Timbers
	Mr Patrick Paul	Private Individual
	Mr Rod Young	Member, National Parks Association
	Ms Beverly Smiles	
	Mr John Denham	Local Landholder
<b>4 October 2012</b>		Director of Infrastructure Services, Kempsey Shire Council
<b>Panthers Club, Port Macquarie</b>	Mr Robert Scott	Mayor, Port Macquarie-Hastings Shire Council
	Cr Peter Besseling	Director of Development and Environment Services, Port Macquarie-Hastings Shire Council
	Mr Matt Rogerst	Forester Emeritus, North Coast Forest Taskforce
	Mr Ian Conley	Coordinator, North Coast Forest Taskforce
	Mr Trevor Sargeant	
	Mr Ashley Love	President, National Parks Association NSW – Coffs Harbour-Bellingen Branch

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Ms Susie Russell	North Coast Environment Council Inc
	Ms Jane Watson	The Oxygen Farm
	Mr Douglas Head	Australian Solar Timbers
	Ms Bronwyn Petrie	Local Landholder
	Mr Daniel Clissold	Director, Pilliga Natural Timbers
<b>5 October 2012</b>		Deputy General manager, Clarence Valley Shire Council
<b>Grafton Services Club, Grafton</b>	Mr Des Schroder	
	Cr Jenny Dowell	Mayor, Lismore City Council
	Mr Lindsay Walker	Strategic Property Project Manager, Lismore City Council
	Cr Richie Williamson	Mayor, Clarence Valley Shire Council
	Mr John Edwards	Clarence Environment Centre
	Ms Leonie Blain	Honorary Secretary, Clarence Valley Conservation Coalition
	Mr Spiro Notaras	Managing Director, J Notara & Sons Pty Ltd
	Mr Dailan Pugh	Spokesperson, North East Forest Alliance
	Mr Rob Andrews	Northern Zone Hunting Club (Inc)
	Mr Craig Klingner	President, NSW Apiarists Association
	Mr Bill Weiss	Former President, NSW Apiarists Association
	Mr Steve & Mrs Elise Fittler	Gloray Pastoral Company
	Dr Roy Powell	Centre for Agricultural and Regional Economics
<b>4 December 2012</b>		Chief Executive Officer, Nature Conservation Council
<b>Parliament House, Sydney</b>	Mr Pepe Clarke	
	Mr Keith Muir	Director, The Colong Foundation of Wilderness Ltd
	Professor Mark Adams	Dean, Faculty of Agriculture and Environment, University of Sydney
	Rt Hon Ian Sinclair	
	Mr Malcolm Poole	President, Recreational Fishing Alliance of NSW
	Mr Chris Robertson	Project Officer, NSW Angler Access Project
	Mr James Robertson	Resident of New England
	Mr Gary Elks	Resident of New England
	Ms Emma Turner	Resident of New England
	Mr David Donnelly	Resident of New England

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Mr Rob Costello	Resident of New England
	Mr Vic Jurskis	Retired Forester
	Cr Maria Woods	Vice President, Shires Association of NSW
	Mr Geoff Hudson	Senior Policy Officer, Natural Resource Management, Local Government & Shires Association of NSW
	Mr Mike Blake	Chairman, Natural Resources & Energy Policy Committee, National Party of Australia (NSW)
	Mr Duncan Macintyre	Member, Natural Resources & Energy Policy Committee, National Party of Australia (NSW)
	Mr Brian Williams	Vice President, Volunteer Fire Fighters Association
	Mr Andrew Scholz	Volunteer Fire Fighters Association
	Hon Andrew Fraser, MP	Member of Parliament
<b>5 December 2012</b>		Vice President, Snowy Mountains Bush Users Group
<b>Parliament House, Sydney</b>	Mr Clive Edwards	
	Ms Lisa Stone	South East Forest Rescue
	Ms Renata Brooks	Deputy Director General, Crown Lands, Department of Primary Industries
	Mr Mark Matchett	Acting Director General, Catchment and Lands, Department of Primary Industries
	Mr Nicolas Roberts	Chief Executive Officer, Forests NSW
	Mr Rahmet Khaiami	Executive Officer, Forests NSW
	Ms Melinda Murray	Acting Manager, Strategy and Performance, Office of Environment and Heritage
	Mr Bob Conroy	Director, Conservation Programs Division, NSW National Parks and Wildlife Service
	Ms Sally Barnes	Chief Executive, Office of Environment and Heritage
	Mr Andrew Hestelow	

## Appendix 4 Site Visits

**Tuesday, 31 July 2012**

### **Yanga National Park, New South Wales**

The Committee travelled to Yanga National Park where they were briefed by the following representatives from the NSW National Parks and Wildlife Service (NPWS): Mr Mark Peacock, Director, Western Branch, Mr Ross McDonnell, Regional Manager, Western Rivers, Ms Silvana Keating, Area Manager, and Mr Paul Childs, Wetland ecologist.

From Yanga National Park the Committee travelled to Balranald for afternoon tea where they met with local community members, including members of the 'Friends of Yanga' community group, Mr Bes Murray, an Aboriginal elder and members of the Yanga Working Group.

**Wednesday, 1 August 2012**

### **River red gum forests around Deniliquin, Mathoura and Barham, New South Wales**

The Committee toured River Red Gum Forests around the townships of Deniliquin, Mathoura and Barham. The Committee was escorted by the following people who organised the tour: Mr Russell Douglas, Ms Joan Douglas and Mr Jim Muirhead.

During the tour the Committee met with a number of local community members, including: Mr Chris Crump, Proprietor, Mathoura Red Gum Sawmills, Mr David Joss, community member, Mathoura, Mr John (Sandy) Atkinson, Elder, Bangarang Cultural Centre Co-operative, Mr Peter Newman, Barmah Preservation League, Mr Ken O'Brien, Proprietor, O'Brien Sawmill, Ms Faye Ashwin, Proprietor, O'Brien Sawmill, Mr Todd Gelletly, General Manager, Gelletly Redgum Barham, Mr Russ Ainley, Executive Director, NSW Forest Products Association, Ms Louise Burge, Mr Phil O'Neill, Councillor, Wakool Shire Council, Mr Neil Gorrie and Mr Ben Danckert, Gulpa Saw Mill.

**Tuesday, 25 September 2012**

### **Toorale National Park and Toorale State Conservation Area, New South Wales**

The Committee travelled to Bourke to visit nearby Toorale National Park and State Conservation Area. They met with the following NPWS representatives: Ms Nerida Green, Area Manager, Bourke, Mr Steve Millington, Regional Manager, Far West, Mr Mark Peacock, Director, Western Branch, Mr Peter Terrill, Wetlands and Rivers Conservation Officer and Mr Martin Westbrook, Ballarat University, and were briefed on the National Park and State Conservation Area.

**Wednesday, 26 September 2012**

### **Pilliga National Park and State Forest, New South Wales**

The Committee travelled to Pilliga National Park and State Forest, near Coonabarabran and Narrabri. The Committee met with local residents and representatives of Baradine Sawmill: Mr Patrick Paul, Manager/Director of Baradine Sawmill, Cr Denis Todd, local farmer and Councillor of the Warrumbungle Shire Council, and Mr Tom Underwood, resident of the Pilliga forest. The Committee were taken on a tour of the Sawmill and of the surrounding forest.

Following the visit to Baradine Sawmill, the Committee met with representatives of NPWS and Forests NSW (now Forestry Corporation of NSW): Mr Warwick Bratby, Regional Manager, Forests NSW, Mr Robert Smith, Regional Manager, NPWS. The Committee inspected the Pilliga Forest Discovery Centre and visited Pilliga State Forest.

### **Wednesday, 3 October 2012**

#### **Queen's Lake Nature Reserve, Dooragan National Park, Kerewong State Forest, and Middle Brother State Forest and National Park, New South Wales**

The Committee travelled to Queens Lake Nature Reserve, Dooragan National Park, Kerewong State Forest plantation and Middle Brother State Forest and National Park. The Committee was accompanied and briefed by the following representatives of NPWS and Forests NSW (now Forestry Corporation of NSW): Ms Kathy Jones, Regional Manager, Western Region Forests NSW, Mr Justin Williams, Planning Manager, Forests NSW, Mr Peter Levitske, Harvesting Team Leader, Forests NSW, Matt Potter, Resources Team Leader, Forests NSW, Mr Alan Jeffery, Regional Manager, North Coast, NPWS, Mr Peter Clark, Hastings Area Manager, NPWS and Mr Andy Marshall, Hastings Ranger, NPWS.

## Appendix 5 Tabled documents

**Thursday, 26 July 2012**

***In camera* briefing, Room 1153, Parliament House, Sydney**

- 1 PowerPoint presentation - 'Talking About "Forest Health"' – tendered by Dr Leon Bren

**Tuesday, 31 July 2012**

**Site Visit, Yanga National Park**

- 2 Information pack for site visit to Yanga Station – including the document 'Step into our pioneering past, Yanga National Park', National Parks and Wildlife Service, and a collection of maps, tendered by Mr Mark Peacock, Director, Western Branch, National Parks and Wildlife Service.

**Wednesday, 1 August 2012**

**Public hearing, Deniliquin RSL Club, Deniliquin**

- 3 Map – tendered by Gavin Jamieson, Apiarist
- 4 Document - 'Collection of articles and photographs relating to the history of the River Red Gum Forests' – tendered by Mr David Joss, Mathoura community member

**Thursday, 2 August 2012**

**Public hearing, Deniliquin RSL Club, Deniliquin**

- 5 Map - 'Weraï Use and Occupancy Map Survey' – tendered by Ms Debbie Flower, Member, Yarkuwa Indigenous Knowledge Centre, and traditional land owner

**Friday, 7 September 2012**

***In camera* briefing, Macquarie Room, Parliament House, Sydney**

- 6 PowerPoint presentation – The scientific basis for establishing national parks - NSW National Parks and Wildlife Service, tendered by Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service
- 7 Document - Conservation planning principles - NSW National Parks and Wildlife Service
- 8 Document - New South Wales National Parks Establishment Plan 2008 - NSW National Parks and Wildlife Service, tendered by Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service
- 9 Guide - Purchasing land for the national park system in Western NSW - NSW National Parks and Wildlife Service, tendered by Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service

- 10 Document - Reserve Establishment Guidelines, 2<sup>nd</sup> Edition, 2007 - Department of Environment and Climate Change, tendered by Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service
- 11 Document - Australia's strategy for the national Reserve System 2009-2030 – National Reserve System Task Group convened under the Natural Resource Policies and Program Committee, tendered by Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service
- 12 Document - Australian guidelines for establishing the national Reserve System, 2009 - Commonwealth of Australia, tendered by Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service
- 13 Document - The Bioregions of New South Wales, their biodiversity, conservation and history, 2003 - National parks and Wildlife Service, tendered by Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service

**Friday, 7 September 2012****Public hearing, Macquarie Room, Parliament House, Sydney**

- 14 Summary Report – Economic benefits of national parks and other reserves in New South Wales - Department of Environment, Climate Change and Water, NSW – tendered by Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage. Acting Head, National Parks and Wildlife Service
- 15 Document - New South Wales Invasive Species Plan 2008 – 2012 - Biosecurity NSW, Department of Primary Industries – tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries
- 16 Document - New South Wales Weeds Action Program 2010 – 2011- Biosecurity NSW, Department of Primary Industries – tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries
- 17 Document - New South Wales Wild Dog Management Strategy 2012 – 2015 - Biosecurity NSW, Department of Primary Industries – tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries
- 18 Document - New South Wales Orange Hawkweed Strategy 2011 – 2017 - Biosecurity NSW, Department of Primary Industries – tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries
- 19 Graph - Generalised invasion curve showing actions appropriate to each stage - Biosecurity NSW, Department of Primary Industries – tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries
- 20 Document - Opening statement - Game Council NSW – tendered by Mr Brian Boyle, Chief Executive Officer, NSW Game Council, Department of Trade and Investment, Regional Infrastructure and Services

**Friday, 14 September 2012****Public hearing, Macquarie Room, Parliament House, Sydney**

- 21 Recommendations Report – Riverina Bioregion Regional Forest Assessment – River Red Gums and Woodland Forests – December 2009 – Natural Resources Commission – tendered by Dr John Williams, Former Commissioner, Natural Resources Commission

- 22 Final Assessment Report - Riverina Bioregion Regional Forest Assessment – River Red Gums and Woodland Forests – December 2009 – Natural Resources Commission – tendered by Dr John Williams, Former Commissioner, Natural Resources Commission
- 23 Assessment Report - Regional Forest Assessment – South-Western Cypress State Forests – May 2010 - Natural Resources Commission – tendered by Dr John Williams, Former Commissioner, Natural Resources Commission
- 24 Notice of reservation of a National Park and a State Conservation Area – National Parks and Wildlife Act, 1974 – Toorale National Park – Toorale State Conservation Area – Official Notices – 26 November 2010 – tendered by Mr Wally Mitchell, Western Division Councils of NSW

### **Tuesday, 25 September 2012**

#### **Public hearing, Bourke Bowling Club, Bourke, NSW**

- 25 Information package for NSW Upper House Parliamentary Inquiry site visit – Toorale National Park and State Conservation Area – tendered by Mr Mark Peacock, Director, Western Branch, National Parks and Wildlife Service.
- 26 Documents, letters and information regarding Inland Commercial Fishing Licence – tendered by Mr Jason Rivett, Inland Fishers' Association

### **Wednesday, 26 September 2012**

#### **Public hearing, Bourke Bowling Club, Bourke, NSW**

- 27 Book - 100 Years: Celebrating 100 years of natural resource progress in the Western Division of NSW, Maree Barnes and Geoff Wise – tendered by Mr Geoff Wise, General Manager, Bourke Shire Council
- 28 Letter - to Malcolm Robinson regarding cattle in Ledknapper Nature Reserve – undated - from NSW National Parks and Wildlife Service – tendered by Mrs Nancy Robinson, Local landholder
- 29 Spinifex Country: Places, people, plants, animals of the Glenmore Area - N.J.Robinson, G.Brown, T.Ridge, M.C.Robinson, D.Webb, A.P.Thompson, C.Bergin, M.Fraser Reserve – tendered by Mrs Nancy Robinson, Local landholder
- 30 Excerpt from Conservation Management Plan for the Brewarrina Fishtraps – tendered by Ms Carole Medcalf, Chief Executive Officer, Brewarrina Business Centre
- 31 Presentation: Managing Aboriginal Heritage on Crown Reserves, Brewarrina Business Co-operative Ltd – tendered by Ms Carole Medcalf, Chief Executive Officer, Brewarrina Business Centre

### **Thursday, 27 September 2012**

#### **Public hearing, Coonabarabran Bowling Club, Coonabarabran, NSW**

- 32 Opening statement from Cr Peter Shinton, Mayor, Coonabarabran Shire Council – tendered by Cr Peter Shinton, Mayor, Coonabarabran Shire Council
- 33 Figures for livestock deaths from Kempsey Rural Lands Protection Board – tendered by Mr Rod Young, Private Individual
- 34 Correspondence regrading feral animals – tendered by Mr Rod Young, Private Individual

- 35 Time line for correspondence on access via Goonoo – tendered by Mr John Denham, Local landholder
- 36 Pictures of Creek Erosion and Mount Carl Road – tendered by Mr John Denham, Local landholder

**Wednesday, 3 October 2012****Site Visit, Forests NSW and National Parks and Wildlife Service, Port Macquarie, NSW**

- 37 Document - Timber Plantations in Queens Lake State Conservation Area, previously parts Cowarra and Queens Lake State Forests – tendered by Mr Matt Potter, Resources Team Leader, Forests NSW
- 38 Large Map – Mid North Coast Region, Queens Lake Nature Reserve and State Conservation Area, Fire Management Strategy, 2005 – tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- 39 Large Map – Mid North Coast Region, Dooragan National Park, Fire Management Strategy, 2005– tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- 40 Maps – Queens Lake State Conservation Area, Mountain Bike Tracks– tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- 41 Map s– Wild Dog Tracking information, 2010 – 2011– tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- 42 Map – National Parks and State Forests in the Port Macquarie area– tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- 43 Journal Article – Greenhouse Gas Balance of Native Forests in New South Wales, Australia, Forests 2012, ISSN 1999-4907, August 2012 – tendered by Mr Justin Williams, Planning Manager, Forests NSW
- 44 Presentation – Forest Management and the Carbon Cycle in Native Forests on the Mid North Coast of New South Wales (including maps) – tendered by Mr Justin Williams, Planning Manager, Forests NSW

**Thursday, 4 October 2012****Public hearing, Rushcutters Room Panthers, Port Macquarie, NSW**

- 45 Chart - Draft Forestry / Timber Structure – tendered by Mr Trevor Sargeant, Coordinator, North Coast Forest Taskforce
- 46 Presentation - Janis Conservation Criteria: a brief introduction – tendered by Mr Ashley Love, President, National Parks Association NSW – Coffs Harbour-Bellingen Branch
- 47 Photographs and information - Pilliga Natural Timbers, pictures of Pilliga Forest and information about Pilliga mouse – tendered by Mr Daniel Clissold, Director, Pilliga Natural Timbers

**Friday, 5 October 2012****Public hearing, Grafton District Services Club, Grafton, NSW**

- 48 Document – Information on Commercial Activities in National Parks – tendered by Cr Jenny Dowell, Mayor, Lismore City Council

- 49 Document – Investing in the Timber Heartland, Clarence Valley, Clarence Valley Council – tendered by Mr Des Schroder, Deputy General Manager, Clarence Valley Shire Council
- 50 Opening statement – Rob Andrews – tendered by Mr Rob Andrews, Secretary, Northern Zone Hunting Club (Inc).
- 51 Letter – Letter of resignation to Mark Johnson, Regional Manager, NPWS Hestonville from Mr Rob Andrews – tendered by Mr Rob Andrews, Secretary, Northern Zone Hunting Club (Inc).
- 52 Letter – Letter to Mr Andrews from Mr Bob Conroy, Acting Head, NPWS– tendered by Mr Rob Andrews, Secretary, Northern Zone Hunting Club (Inc).
- 53 Opening Statement – and accompanying photographs and information – tendered by Mr Steve Fittler, Gloray Pastoral Company

**Tuesday, 4 December 2012**

**Public hearing, Macquarie Room, Parliament House, Sydney**

- 54 Document – Information regarding State and Territory levels of protection, Nature Conservation Council – tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 55 Graphs – rate of woody vegetation change and annual loss of woody vegetation, NSW Native Vegetation Report Card, NSW Government, November 2011 – tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 56 Icons Under Threat, Natural areas and threatened species at risk from mining and gas in NSW, Nature Conservation Council– tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 57 Nature Conservation Council of NSW submission on fire management on public land– tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 58 Green Carbon: The role of natural forests in carbon storage– tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 59 Report: Economic policy settings in the forest and timber industry – inter-jurisdictional comparison, Department of Primary Industries– tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 60 Policy E4: Forest Policy 2011, Nature Conservation Council of NSW– tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 61 Rural Fires Act 1997 No 65, Division 2 Bush Fire Co-ordinating – tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 62 Book review: Burning Issues – Sustainability and Management of Australia's Southern Forests – tendered by Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- 63 Letter from Coonabarabran Chamber of Commerce – tendered by Mr Keith Muir, Director, The Colong Foundation for Wilderness Ltd
- 64 Press release from Andrew Stoner MP– tendered by Mr Keith Muir, Director, The Colong Foundation for Wilderness Ltd
- 65 World Conservation Union (IUCN) protected area categories 2008– tendered by Mr Keith Muir, Director, The Colong Foundation for Wilderness Ltd
- 66 Article from The Sun Herald, "BYO wilderness", 8 October 1995– tendered by Mr Keith Muir, Director, The Colong Foundation for Wilderness Ltd

- 67 The nature of pre-European native vegetation in south-eastern Australia: a critique of Ryan, D.G., Ryan J.R. and Starr, B.J. (1995) *The Australian Landscape – Observations of Explorers and Early Settlers*, J.S. Benson and P.A. Redpath, Royal Botanic Gardens Sydney– tendered by Mr Keith Muir, Director, The Colong Foundation for Wilderness Ltd
- 68 Document – Human fire maintains a balance of nature, Proceedings of Bushfire CRC & AFAC 2011 Conference Science Day, Vic Jurskis, 1 September, 2011 – tendered by Mr Vic Jurskis
- 69 Document – Fire and N cycling: getting the perspective right, Vic Jurskis, John Turner, Marcia Lambert & Huiquan Bi, *Applied Vegetation Science* 14 (2011) 433–434 – tendered by Mr Vic Jurskis
- 70 Article – Benchmarks of fallen timber and man’s role in nature: Some evidence from eucalypt woodlands in southeastern Australia, *Forest Ecology and Management* 261 (2011) 2149–2156, Vic Jurskis, – tendered by Mr Vic Jurskis
- 71 Article – Eucalypt decline in Australia, and a general concept of tree decline and dieback, *Forest Ecology and Management* 215, Vic Jurskis, (2005) 1–20 – tendered by Mr Vic Jurskis
- 72 Article – River red gum and white cypress forests in south-western New South Wales, Australia: Ecological history and implications for conservation of grassy woodlands, *Forest Ecology and Management* 258, Vic Jurskis, (2009) 2593–2601 – tendered by Mr Vic Jurskis
- 73 Article – Long term accumulation of nitrogen in soils of dry mixed eucalypt forest in the absence of fire, *Forest Ecology and Management* 256 John Turner, Marcia Lambert, Vic Jurskis, Huiquan Bi, (2008) 1133–1142 – tendered by Mr Vic Jurskis
- 74 Various photographs of forests and woodland.
- 75 Information brochure about the Volunteer Fire Fighters Association – *The Volunteer Fire Fighter magazine* (Summer 2012) – tendered by Mr Brian Williams, Vice President, Volunteer Fire Fighters Association
- 76 Article from *The Global Mail*, Ellen Fanning, "A feral cat ate my bilbies", 27 November 2012 – tendered by Mr Andrew Fraser MP, Member for Coffs Harbour
- 77 Two maps of the Bongle Bongle region – tendered by Mr Andrew Fraser MP, Member for Coffs Harbour

### **Wednesday, 5 December 2012**

#### **Public hearing, Macquarie Room, Parliament House, Sydney**

- 78 Toorale and Gunnabook Nature Tourism Action Plan, NSW National Parks and Wildlife Service – tendered by Ms Sally Barnes, Chief Executive, Office of Environment and Heritage
- 79 Further information regarding Roseville Boat Ramp, Garigal National Park, Middle Harbour – tendered by Mr Andrew Hestelow

## Appendix 6 Answers to questions on notice

The Committee received answers to questions on notice from:

- Australian Forest Products Association
- Australian Wetlands, Rivers and Landscapes Centre
- Baradine & District Progress Association
- Clarence Valley Shire Council
- Coonamble Shire Council
- Department of Primary Industries (including Environmental Protection Authority, Catchments and Lands, Forests NSW, Biosecurity NSW)
- Dr John Williams, former Commissioner, Natural Resources Commission
- Forestry Corporation of NSW (formerly Forests NSW)
- GAME Council NSW
- Kempsey Shire Council
- Lismore City Council
- Local Government & Shires Associations of NSW
- Mr David Boyd
- Mr John Williams MP Murray-Darling
- Mr Vic Juskis
- Mr Victor Eddy
- Mr Walter Mitchell AM
- Ms Nancy Robinson
- Murray Shire Council
- Natural Resources Commission
- Northern Zone Hunting Club (Inc)
- NSW Angler Access Project
- NSW Apiarists Association
- NSW Farmers
- Office of Environment and Heritage
- Port Macquarie-Hastings Shire Council
- Professor Mark Adams, NSW Inland Fisher's Association
- Riverina Regional Tourism
- South East Forest Rescue
- The University of Sydney Faculty of Agriculture and Environment
- Volunteer Fire Fighters Association
- Western Division Councils of NSW
- Yarkuwa Indigenous Knowledge Centre

## Appendix 7 Minutes

### Minutes No. 23

Monday, 23 April 2012

General Purpose Standing Committee No. 5

Room 1136, Parliament House, Sydney at 9.30 am

#### 1. Members present

Mr Robert Brown, *Chair*

Mr Jeremy Buckingham, *Deputy Chair*

Mr Rick Colless (at 9.35am)

Mr Greg Donnelly

Mr Scot MacDonald

Dr Peter Phelps

Mr Peter Primrose

#### 2. Previous minutes

Resolved, on the motion of Dr Phelps: That draft Minutes No. 22 be confirmed.

#### 3. Proposed inquiry into the management of public land in NSW

The Chair tabled a letter to the Clerk of the Committee signed by Mr Colless, Mr Brown, Dr Phelps and Mr MacDonald requesting a meeting of the Committee to consider the following terms of reference for an inquiry into public land management in NSW:

That General Purpose Standing Committee No 5 inquire into and report on the management of public land in New South Wales, including State Forests and National Park estate, and in particular:

1. The conversion of Crown Land, State Forests and agricultural land into National Park estate or other types of conservation areas, including the:
  - a. Process of conversion and the assessment of potential operational, economic, social and environmental impacts
  - b. Operational, economic, social and environmental impacts after conversion, and in particular, impacts upon neighbours of public land and upon Local Government
  - c. That the following cases be considered in relation to Terms of Reference 1(a) and 1(b):
    - (i) River Red Gum State Forests in the Southern Riverina,
    - (ii) Native Hardwood State Forests in Northern NSW,
    - (iii) Yanga Station in the Balranald Shire, and
    - (iv) Toorale Station in Bourke Shire.
2. The adherence to management practices on all public land, that are mandated for private property holders, including fire, weed and pest management practices.
3. Examination of models for the management of public land, including models that provide for conservation outcomes which utilises the principles of "sustainable use".
4. Any other related matters.

Mr Colless arrived at 9.35am.

Dr Phelps moved: That the Committee adopt the terms of reference.

Question put.

The Committee divided.

Ayes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps

Noes: Mr Buckingham, Mr Donnelly, Mr Primrose

Question resolved in the affirmative.

Resolved, on the motion of Dr Phelps: That the inquiry and the call for submissions be advertised on 9 May 2012 in the *Sydney Morning Herald*, *Daily Telegraph*, *Weekly Times*, *The Land* and selected regional newspapers.

Resolved, on the motion of Mr Colless: That members email the Secretariat with any suggestions on local/specialist publications in which to advertise the Inquiry. Further, that the Secretariat email the Committee to seek agreement to advertising in these proposed publications.

Resolved, on the motion of Mr MacDonald: That the closing date for submissions be 3 August 2012.

Resolved, on the motion of Mr Primrose: That the Secretariat email members with a list of proposed stakeholders to be invited to make written submissions, and that members be requested to nominate additional stakeholders.

Resolved, on the motion of Mr Primrose: That the Committee authorise the publication of all submissions to the Inquiry into Public Land Management, subject to the Committee Clerk checking for confidentiality, adverse mention and other issues.

Resolved, on the motion of Mr Colless: That the indicative tabling date for the final report be late April 2013.

The Chair informed the Committee of his intention to undertake most site visits in the period 23 July to October 2012, and that if necessary additional site visits would be scheduled for late 2012 or early 2013.

Resolved, on the motion of Dr Phelps: That the Committee conduct site visits to the places named in the Terms of Reference, additional site visits to locations determined by submissions received, and three Sydney hearings. Further, that the dates for Inquiry activity be determined by the Chair after consultation with members regarding their availability.

4. ###

5. **Adjournment**

The Committee adjourned at 5.52pm *sine die*.

Madeleine Foley

**Clerk to the Committee**

**Minutes No. 24**

Wednesday, 30 May 2012

General Purpose Standing Committee No. 5

Members' Lounge, Parliament House, Sydney at 10.02 am

1. **Members present**

Mr Brown, *Chair*

Mr Colless

Ms Faehrmann

Mr Foley

Mr MacDonald

Dr Phelps

Mr Primrose

## 2. Substitutions

The Chair advised that Ms Faehrmann would be substituting for Mr Buckingham for the duration of the inquiry into public land management.

The Chair advised that Mr Foley would be substituting for Mr Donnelly for the duration of the inquiry into public land management.

## 3. Previous minutes

Resolved, on the motion of Dr Phelps: That draft Minutes No. 23 be confirmed.

## 4. ###

## 5. Inquiry into the management of public land in NSW

### 5.1 Correspondence

The Committee noted the following items of correspondence:

#### *Received*

- 23 May 2012 - From Mr Bruce Graham, General Manager, Wakool Shire, to Chair, requesting that the inquiry's Terms of Reference be corrected.

#### *Sent*

- 10 May 2012 – Chair to Hon Robyn Parker MP, Minister for the Environment, requesting the names of contact persons from the Office of Environment and Heritage to help facilitate the Committee's proposed site visits to national parks.
- 10 May 2012 – Chair to Hon Katrina Hodgkinson MP, Minister for Primary Industries, requesting the:
  - names of contact persons from the Department of Primary Industries to help facilitate the Committee's proposed site visits to State forests or Crown lands
  - Minister's assistance in identifying persons to deliver an expert briefing to the Committee on issues to be examined during the Inquiry, such as forestry and silviculture issues in relation to River Red Gum forests, Brigalow/Cypress forests, and coastal hardwood forests.
- 16 May 2012 – Chair to various stakeholders inviting them to make written submissions to the Inquiry.

### 5.2 Amendment to the Terms of Reference

Resolved, on the motion of Mr Colless, that the Terms of Reference be amended as follows:

That General Purpose Standing Committee No 5 inquire into and report on the management of public land in New South Wales, including State Forests and National Park estate, and in particular:

1. The conversion of Crown Land, State Forests and agricultural land into National Park estate or other types of conservation areas, including the:
  - a. Process of conversion and the assessment of potential operational, economic, social and environmental impacts
  - b. Operational, economic, social and environmental impacts after conversion, and in particular, impacts upon neighbours of public land and upon Local Government
  - c. That the following cases be considered in relation to Terms of Reference 1(a) and 1(b):
    - (i) River Red Gum State Forests in the Southern Riverina,
    - (ii) Native Hardwood State Forests in Northern NSW,
    - (iii) Yanga Station in Wakool Shire, and
    - (iv) Toorale Station in Bourke Shire.
2. The adherence to management practices on all public land, that are mandated for private property holders, including fire, weed and pest management practices.
3. Examination of models for the management of public land, including models that provide for conservation outcomes which utilises the principles of "sustainable use".

4. Any other related matters.

**5.3 Briefing by industry experts**

Resolved, on the motion by Dr Phelps, that the private briefing/s be recorded by Hansard, on the understanding that the transcript will only be published subject to the agreement of the person/s delivering the briefing/s, or the approval of the Minister, if the briefing is provided by Departmental officers.

**5.4 Authority to conduct interstate travel**

Resolved, on the motion of Mr Colless, that the Chair seek the authority of the House, with the approval of the President, to make a visit of inspection to Victoria for the purpose of the current Inquiry into public land management in New South Wales.

**5.5 Additional regional hearings**

Resolved, on the motion of Mr MacDonald, that the Committee conduct an additional hearing and site visit in Coonabarabran and an additional hearing in Armidale.

**5.6 Travel by charter plane**

Resolved, on the motion by Dr Phelps, that the Committee authorise the use of a charter plane for the site visits to Balranald/Deniliquin, Bourke/Coonabarabran, Port Macquarie/Armidale at an approximate total cost of \$76,000.

**6. Adjournment**

The Committee adjourned at 10.17am *sine die*.

Stewart Smith  
Clerk to the Committee

**Minutes No. 25**

Thursday, 26 July 2012  
General Purpose Standing Committee No. 5  
Room 1153, Parliament House, Sydney at 1.55pm

**1. Members present**

Mr Brown, *Chair*  
Mr Colless  
Mr MacDonald  
Dr Phelps (from 2 pm)  
Mr Primrose

**2. Apologies**

Ms Faehrmann  
Mr Foley

**3. Previous minutes**

Resolved, on the motion of Mr Colless: That draft Minutes No. 24 be confirmed.

**4. ###**

**5. Inquiry into the management of public land in NSW**

**5.1 Correspondence**

The Committee noted the following items of correspondence:

***Received:***

- 13 June 2012 - Letter from the Hon Robyn Parker MP, Minister for the Environment, to Chair re Office of Environment and Heritage liaison officer and potential site visits.
- 2 July 2012 - Email from the Hon Scot MacDonald MLC to Chair re paper prepared by his office entitled 'Public Land Use – International Overview'.
- 3 July 2012 - Letter from the Hon Katrina Hodgkinson MP, Minister for Primary Industries, to Chair re Department of Primary Industries liaison officers.
- 25 July 2012 – Letter from Mr Vic Eddy, former forest manager, Yanga Station, to Principal Council Officer, re his meeting with the Committee during the site visit to Yanga National Park and public hearing and outlining his professional forestry background and experience.

**Sent:**

- 2 July 2012 – Memo from the Chair to the Hon Don Harwin MLC, President of the Legislative Council, re request for approval for interstate travel to Victoria for the purposes of the inquiry (please note that the memo has been approved).

**5.2 Submissions**

Resolved, on the motion of Mr Colless: That the Committee note that submission no's. 1-3, 5, 6, 9, 10, 12-23, 25, 26, 29, 30 and 32 were published by the Committee Clerk under the authorisation of an earlier resolution.

Resolved, on the motion of Mr Primrose: That the Committee note that submission no's. 4, 7, 8, 11, 24, 27, 28 and 33 were published by the Committee Clerk under the authorisation of an earlier resolution, with the exception of the authors' names. Further, that the Committee keep confidential the authors' names at the request of the submissions' authors.

Resolved, on the motion of Mr Colless: That submission no. 31 remain confidential at the request of the author.

**5.3 Site visit itinerary and witness list**

Resolved, on the motion of Mr Colless: That the Committee approve the site visit itinerary and witness list as previously circulated.

Dr Phelps joined the meeting.

**5.4 Briefing by Dr Leon Bren**

Dr Leon Bren, a retired forestry academic from the University of Melbourne, briefed the Committee on scientific issues relating to River Red Gum management.

Resolved, on the motion of Mr Primrose: That the Committee publish the PowerPoint presentation delivered by Dr Bren.

**6. Other business**

Resolved, on the motion of Mr Colless: That recent comments made by Ms Faehrmann in a blog post about the Inquiry into the management of public land be addressed as an agenda item at the next meeting.

**7. Adjournment**

The Committee adjourned at 4 pm until Thursday, 31 July 2012 at 7.30am.

Stewart Smith  
**Clerk to the Committee**

**Minutes No. 26**

Tuesday, 31 July 2012

General Purpose Standing Committee No. 5

General Aviation Terminal, Bankstown Airport at 7.30 am

**1. Members present**

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann

Mr Foley

Mr MacDonald

Dr Phelps

Mr Primrose

**2. Inquiry into the management of public land in NSW****2.1 Election of Deputy Chair**

The Chair noted that Ms Faehrmann is substituting for Mr Buckingham for the duration of this Inquiry and called for nominations for Deputy Chair.

Mr MacDonald moved: That Mr Colless be elected Deputy Chair of the Committee.

There being no further nominations, the Chair declared Mr Colless elected Deputy Chair.

**2.2 Extension of submission deadline**

Resolved, on the motion of Mr Colless: That the deadline for providing submissions be extended to 31 August 2012.

**2.3 Proposed briefing by the National Parks and Wildlife Service**

Resolved, on the motion of Ms Faehrmann: That the Committee seek a briefing by the National Parks and Wildlife Service on protected area management and the process behind converting public lands to national parks.

**2.4 Site visit to Yanga National Park**

The Committee conducted a site visit to Yanga National Park, accompanied by staff of the National Parks and Wildlife Service, namely:

- Mr Mark Peacock, Director, Western Branch
- Mr Ross McDonnell, Regional Manager, Western Rivers
- Ms Silvana Keating, Area Manager
- Mr Paul Childs, Wetland ecologist.

The Committee also met members of the 'Friends of Yanga' community group.

The Committee travelled to Balranald and met with local stakeholders concerned about the declaration and management of Yanga National Park.

**2.5 Publication of submissions**

Resolved, on the motion of Ms Faehrmann: That submission no. 63 be made public.

Resolved, on the motion of Mr Colless: That submission no. 61 be made partially confidential, and that the attachment be kept confidential.

**3. Adjournment**

The Committee adjourned at 5 pm until Wednesday, 1 August 2012 at 7.40 am.

Stewart Smith  
**Clerk to the Committee**

**Minutes No. 27**

Wednesday, 1 August 2012

General Purpose Standing Committee No. 5

Country Club Motel, Deniliquin at 7.40 am

**4. Members present**

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann

Mr Foley

Mr MacDonald

Dr Phelps

Mr Primrose

**5. Inquiry into the management of public land in NSW**

**5.1 Site visit to River Red Gum Forests**

The Committee toured River Red Gum Forests around the townships of Deniliquin, Mathoura and Barham. The Committee was escorted by the following people who organised the tour:

- Mr Russell Douglas
- Ms Joan Douglas
- Mr Jim Muirhead.

During the tour the Committee met with the following people:

- Mr Chris Crump, Proprietor, Mathoura Red Gum Sawmills
- Mr David Joss, community member, Mathoura
- Mr John (Sandy) Atkinson, Elder, Bangarang Cultural Centre Co-operative
- Mr Peter Newman, Barmah Preservation League
- Mr Ken O'Brien, Proprietor, O'Brien Sawmill
- Ms Faye Ashwin, Proprietor, O'Brien Sawmill
- Mr Todd Gelletly, General Manager, Gelletly Redgum Barham
- Mr Russ Ainley, Executive Director, NSW Forest Products Association
- Ms Louise Burge
- Mr Phil O'Neill, Councillor, Wakool Shire Council
- Mr Neil Gorrie
- Mr Ben Danckert, Gulpa Saw Mill.

**5.2 Public hearing**

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Faye Ashwin, Proprietor, O'Brien Sawmill
- Mr Ken O'Brien, Proprietor, O'Brien Sawmill
- Mr Todd Gelletly, General Manager, Gelletly Redgum Barham
- Mr Christopher Crump, Mathoura Redgum Sawmills.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Norm Brennan, Deniliquin Business Chamber and Mayor, Cobargo Shire Council
- Mr David Keech, President, Mathoura Chamber of Commerce and Citizens
- Mr Ian Fisher, Secretary, Mathoura Chamber of Commerce and Citizens.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr David Joss, Mathoura community member.

Mr Joss tendered the following document:

- 'Collection of articles and photographs relating to the history of the River Red Gum Forests'.

The evidence concluded and the witness withdrew.

The public hearing concluded at 7.30 pm. The public and the media withdrew.

Resolved, on the motion of Mr MacDonald: That the document tendered by Mr Joss be made public.

Resolved, on the motion of Ms Faehrmann: That the return date for questions taken on notice during the hearings, and supplementary questions submitted after the hearings, be 21 days.

## 6. Adjournment

The Committee adjourned at 7.35 pm until Thursday, 2 August 2012 at 9.00 am.

Stewart Smith  
**Clerk to the Committee**

## Minutes No. 28

Thursday, 2 August 2012

General Purpose Standing Committee No. 5

Deniliquin RSL Club, Deniliquin at 9.00 am

### 1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann

Mr Foley

Mr MacDonald

Dr Phelps

Mr Primrose

### 2. Inquiry into the management of public land in NSW

#### 2.1 Public hearing

The Chair informed the Committee of his intention to contact *The Land* for a story to publicise the extension of the submission closing date.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Cr Alan Purtill, Mayor, Balranald Shire Council
- Mr Chris Littlemore, General Manager, Balranald Shire Council
- Mr Des Bilske, General Manager, Deniliquin Shire Council
- Mr Greg Murdoch, General Manager, Murray Shire Council
- Cr Phil O'Neill, Wakool Shire Council
- Mr Bruce Graham, General Manager, Wakool Shire Council.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Neville Atkinson, Chair, Yorta Yorta Nation Aboriginal Corporation
- Mr Ray Ahmat, Project Coordinator, Yorta Yorta Nation Aboriginal Corporation.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr David Crew, Manager, Yarkuwa Indigenous Knowledge Centre
- Ms Debbie Flower, Member, Yarkuwa Indigenous Knowledge Centre, and traditional land owner.

Ms Flower tendered the following document:

- 'Weraï Use and Occupancy Map Survey'.

The evidence concluded and the witnesses withdrew.

Mr Colless took the Chair.

The following witnesses were sworn and examined:

- Mr Ron Robinson, North West Resource Manager, Victorian Apiarists Association
- Mr Brian Rich, Commercial Apiarist and former Executive, Victorian Apiarists Association.

The evidence concluded and the witnesses withdrew.

Mr Brown resumed the Chair.

The following witness was sworn and examined:

- Mr Keith Stockwell, Secretary and Acting Conservation Officer, BirdLife Australia Echuca District Branch.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Vic Eddy, former Forest Manager, Yanga Station.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Max Rheese, Executive Director, Australian Environment Foundation.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Ken Murphy, Chair, Riverina Regional Tourism
- Mr Frank White, Board Member, Riverina Regional Tourism, and local operator
- Ms Linda Tillman, Executive Officer, Riverina Regional Tourism.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 2.30 pm. The public and the media withdrew.

## 2.2 Deliberative meeting

Resolved, on the motion of Dr Phelps: That the Committee write to former minister Mr Frank Sartor to alert him to comments in the transcript of 1 August 2012, and invite him to respond to the comments should he wish to do so.

Resolved, on the motion of Mr Colless: That the Committee publish the document tendered by Ms Flower, 'Werai Use and Occupancy Map Survey'.

## 3. Adjournment

The Committee adjourned at 5.00 pm until Thursday 16 August 2012.

Stewart Smith

**Clerk to the Committee**

### Minutes No. 29

Thursday, 16 August 2012

General Purpose Standing Committee No. 5

Clerk's Meeting Room at 1.05 pm

## 1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Mr Buckingham (1.05-1.15 pm)

Mr Donnelly (1.05-1.15 pm)

Ms Faehrmann (1.15-2 pm)

Mr Foley (1.15-2 pm)

Mr MacDonald

Dr Phelps

Mr Primrose

## 2. Draft minutes

Resolved, on the motion of Dr Phelps: That draft Minutes No. 25, 26, 27 and 28 be confirmed.

## 3. ###

## 4. Inquiry into the management of public land in NSW

### 4.1 Site visits

Resolved, on the motion of Mr MacDonald: That Mr Colless take the chair for consideration of Item 4.1 on the agenda.

Mr Colless took the Chair.

The Committee discussed the site visits to Deniliquin and Balranald, and agreed on an approach towards the planning and conduct of future site visits for the Inquiry.

Mr Brown resumed the Chair.

Resolved, on the motion of Mr Foley: That the Committee invite the following organisation and individual to appear as witnesses at the Inquiry:

- Natural Resources Commission, subject to the approval of the relevant Minister
- Mr John Williams, former Commissioner, Natural Resources Commission.

Resolved, on the motion of Mr Foley: That the Committee consider holding a hearing at either Grafton or Lismore instead of holding a hearing in Armidale, due to the limited number of submissions from the Armidale area.

#### **4.2 Comments made by committee members**

The Committee discussed public comments made by Committee members regarding the Inquiry.

Resolved, on the motion of Mr Colless: That members note the initial resolution of the Committee, which provides that media statements on behalf of the Committee may be made only by the Chair.

### **5. Adjournment**

The Committee adjourned at 2 pm until Friday 7 September 2012.

Madeleine Foley

**Clerk to the Committee**

#### **Minutes No. 30**

Friday, 7 September 2012

General Purpose Standing Committee No. 5

Macquarie Room, Parliament House, Sydney at 8.45 am

#### **1. Members present**

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann

Mr Foley

Mr MacDonald

Dr Phelps

Mr Primrose

#### **2. Draft minutes**

Resolved, on the motion of Dr Phelps: That draft Minutes No. 29 be confirmed.

### **3. Inquiry into the management of public land in NSW**

#### **3.1 Correspondence**

The Committee noted the following items of correspondence received:

- 6 August 2012 – Letter from Mr Ron Harriss, Ramps Ridge Rural, to Chair regarding additional information following meeting with the Committee in Balranald on 31 July 2012.
- 31 August 2012 – Email from Associate Professor Bob Beeton, University of Queensland, to Chair advising that he is unable to make a submission but refers the Committee to a report he was involved in as a member of the Visions for the New Millennium Review Steering Committee, titled *'Visions for the New Millenium: Report of the Steering Committee to the Minister for the Enviroment'*, November 1998.

Resolved, on the motion of Mr MacDonald: That the Committee publish the correspondence received from Mr Ron Harriss for the purposes of preparing the report.

The Committee note the following items of correspondence sent:

- 15 August 2012 – Letter from the Chair to Hon Frank Sartor, inviting him to respond to comments about his actions as Minister for Climate Change and the Environment made during the public hearing in Deniliquin on 1 August 2012.
- 28 August 2012 – Letter from the Committee Director to Mr Mark Paterson AO, Director General, Department of Trade and Investment, Regional Infrastructure and Services, advising that officers from the Department of Primary Industries and the NSW Game Council will be appearing as witnesses at the public hearing in Parliament House on 7 September 2012.
- 28 August 2012 – Letter from the Committee Director to Mr Chris Eccles, Director General, Department of Premier and Cabinet, advising that arrangements were being made for officers from the National Parks and Wildlife Service to appear as witnesses at the public hearing in Parliament House on 7 September 2012.

### **3.2 Submissions**

#### ***Public***

Resolved, on the motion of Mr Colless: That the Committee note that submission no's. 35, 37, 42, 46, 49-52, 54, 56-57, 59-60, 62-70, 72, 76-77, 80-85, 87-92, 96, 98-101, 104-109, 114-115, 117-118, 120-123, 126-128, 130-132, 135-139, 142-143, 146, 150-151, 153, 156, 158, 162, 164-165, 167-170, 172-175, 177-178, 181, 183-184, 188-193, 195, 198, 201, 203-206, 209, 212-216, 219, 223-225, 227-229, 232-233, 235, 237, 240-247, 249-251, 253-254, 256-257, 259-265, 267-268, and 270 were published by the Committee Clerk under the authorisation of an earlier resolution.

#### ***Name suppressed***

Resolved, on the motion of Mr Primrose: That the Committee note that submission no's. 34, 38-41, 43-45, 47, 58, 61, 71, 73, 75, 78-79, 86, 94, 97, 102-103, 110-112, 116, 119, 124-125, 129, 133-134, 140-141, 145, 147-148, 152, 154, 157, 161, 163, 166, 171, 176, 179-180, 185-187, 194, 196-197, 199, 202, 210-211, 217, 220-222, 226, 230-231, 234, 236, 238, 252, 255, 258, and 269 were published by the Committee Clerk under the authorisation of an earlier resolution, with the exception of the authors' names. Further, that the Committee keep confidential the authors' names at the request of the submissions' authors.

#### ***Partially confidential***

Resolved, on the motion of Mr Macdonald: That the Committee authorise the publication of submission no. 239 with the exception of the highlighted sections, and that the attachments be kept confidential as they contain individual names and information.

#### ***Confidential***

Resolved, on the motion of Mr Primrose: That submission no's. 36, 48, 53, 55, 60a, 74, 93, 95, 113, 144, 149, 155, 159, 160, 182, 200, 207, 208, 218, 248 and 266 remain confidential at the request of the author.

Ms Faehrmann joined the meeting.

### **3.3 Additional witnesses**

Resolved, on the motion of Mr Foley: That the Committee invite Mr John Williams MP to appear as a witness at its public hearing on Friday 14 September 2012.

Resolved, on the motion of Mr Colless: That the Committee invite Mr Andrew Fraser MP to appear as a witness at its public hearing at either Grafton or Port Macquarie.

### **3.4 Supplementary questions**

Resolved, on motion of Mr Foley: That following the hearing on Friday, 7 September 2012 Members forward any supplementary questions to the secretariat by 5 pm, Wednesday 12 September 2012.

### **3.5 Briefing by National Parks and Wildlife Service**

The following witnesses from the National Parks and Wildlife Service briefed the Committee on scientific issues relating to national parks management.

- Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage, Acting Head, National Parks and Wildlife Service
- Ms Melinda Murray, Acting Director, Conservation Programs, National Parks and Wildlife Service
- Mr Kevin Shanahan, Manager, Key Initiatives, National Parks and Wildlife Service
- Mr Ray Fowke, Environmental Planning Advisor, National Parks and Wildlife Service.

Mr Fowke tendered the following documents:

- Presentation - The scientific basis for establishing national parks, National Parks and Wildlife Service
- Conservation planning principles, National Parks and Wildlife Service
- New South Wales National Parks Establishment Plan 2008, National Parks and Wildlife Service
- Guide - Purchasing land for the national park system in Western NSW, National Parks and Wildlife Service
- Reserve Establishment Guidelines, 2<sup>nd</sup> Edition, 2007, Department of Environment and Climate Change
- Australia's strategy for the National Reserve System 2009-2030
- Australian guidelines for establishing the national Reserve System, 2009, Commonwealth of Australia
- The Bioregions of New South Wales, their biodiversity, conservation and history, 2003, National Parks and Wildlife Service.

### **3.6 Public hearing**

Witnesses, the public and the media were admitted.

The following witnesses were sworn and examined:

- Ms Melinda Murray, Acting Director, Conservation Programs, National Parks and Wildlife Service
- Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage. Acting Head, National Parks and Wildlife Service
- Mr Terrence Bailey, Director Coastal, National Parks and Wildlife Service
- Mr Mark Peacock, Director Western, National Parks and Wildlife Service
- Mr Ross McDonnell, Regional Manager, Western Rivers, National Parks and Wildlife Service
- Mr Michael Hood, Manager Forestry Operations Policy and Programs, Environment Protection Authority.

Mr Conroy tendered the following document:

- Summary Report – Economic benefits of national parks and other reserves in New South Wales, Department of Environment, Climate Change and Water, NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Renata Brooks, Acting Director General, Catchments and Lands, Department of Primary Industries
- Mr Mark Matchett, Director, Strategy and Management, Catchments and Lands, Department of Primary Industries.

The evidence concluded and the witnesses withdrew.

Mr Primrose left the meeting.

The following witnesses were sworn and examined:

- Mr Rahmat Khaiami, Executive Officer, Government and Community Relations, Forests NSW, Department of Primary Industries
- Mr Nic Roberts, Chief Executive Officer, Forests NSW, Department of Primary Industries
- Mr Paul Wells, Manager of Private Forestry Programs, Department of Primary Industries.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries
- Mr John Tracey, Invasive Species Manager, Biosecurity NSW, Department of Primary Industries.

Mr Christie tendered the following documents:

- New South Wales Invasive Species Plan 2008 – 2012
- New South Wales Weeds Action Program 2010 - 2011
- New South Wales Wild Dog Management Strategy 2012 – 2015
- New South Wales Orange Hawkweed Strategy 2011 – 2017
- Graph – Generalised invasion curve showing actions appropriate to each stage.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Brian Boyle, Chief Executive Officer, NSW Game Council, Department of Trade and Investment, Regional Infrastructure and Services
- Mr John Mumford, Chairman, NSW Game Council, Department of Trade and Investment, Regional Infrastructure and Services.

Mr Boyle tendered the following document:

- Opening statement, Game Council NSW.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.05 pm. The public and the media withdrew.

Resolved, on the motion of Mr Colless: That the return date for questions taken on notice during the hearings and supplementary questions submitted after the hearings for the witnesses from the NSW Game Council be 28 days.

#### 4. Adjournment

The Committee adjourned at 5.10 pm until Friday, 14 September 2012 at 8.45 am.

Madeleine Foley

**Clerk to the Committee**

#### Minutes No. 31

Friday, 14 September 2012

General Purpose Standing Committee No. 5

Jubilee Room at 8.45 am

#### 1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann

Mr Foley (from 8.50 am)

Mr MacDonald

Dr Phelps (from 8.55 am)

Mr Primrose

**2. Draft minutes**

Resolved, on the motion of Mr MacDonald: That draft Minutes No. 30 be confirmed.

**3. ###****4. ###**

Dr Phelps joined the meeting.

**5. Inquiry into the management of public land in NSW****5.1 Submissions*****Public***

Resolved, on the motion of Dr Phelps: That the Committee note that submission no's. 286-289, 291-293, 295-296, 299, 301-302, 304, 306-309, 311-323, 325-327, 329-335, 337-343, 345-350, 353-367 and 369-371 were published by the Committee Clerk under the authorisation of an earlier resolution.

***Name suppressed***

Resolved, on the motion of Ms Faehrmann: That the Committee note that submission no's. 284, 297, 303, 310, 324, 328, 336, 344, and 352 were published by the Committee Clerk under the authorisation of an earlier resolution, with the exception of the authors' names. Further, that the Committee keep confidential the authors' names at the request of the submissions' authors.

***Partially confidential***

Resolved, on the motion of Mr Colless: That the Committee authorise the publication of submission no. 358 with the exception of the offensive material.

***Confidential***

Resolved, on the motion of Dr Phelps: That submissions no. 285, 290, 294, 298, 300, 305, 351 and 368 remain confidential at the request of the author.

**5.2 Tended documents**

Resolved, on the motion of Mr Colless: That the Committee accept the following documents and publish those documents that are not already public:

***Tuesday, 31 July 2012***

- *Yanga National Park brochure 'Step into our pioneering past', collection of maps of the Yanga precinct, and 'NSW River Red Gum Nature Tourism Action Plan' – tendered by Mr Ross McDonnell, Regional Manager, Western Rivers, National Parks and Wildlife Service.*

***Friday, 7 September 2012***

- *Summary Report – Economic benefits of national parks and other reserves in New South Wales, Department of Environment, Climate Change and Water, NSW, tendered by Mr Bob Conroy, Acting Deputy Chief Executive, Office of Environment and Heritage, and Acting Head, National Parks and Wildlife Service*
- *New South Wales Invasive Species Plan 2008 – 2012, tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries*
- *New South Wales Weeds Action Program 2010 – 2011, tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries*
- *New South Wales Wild Dog Management Strategy 2012 – 2015, tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries*

- *New South Wales Orange Hawkweed Strategy 2011 – 2017, tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries*
- *Graph - Generalised invasion curve showing actions appropriate to each stage, tendered by Mr Bruce Christie, Executive Director, Biosecurity NSW, Department of Primary Industries*
- *Opening statement, Game Council NSW, tendered by Mr Brian Boyle, Chief Executive Officer, Game Council NSW.*

## 6. Public hearing

Witnesses, the public and the media were admitted.

The following witness was sworn and examined:

- Mr Bryce Wilde, Executive Director, Natural Resources Commission.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Prof Richard Kingsford, Director, Australian Wetlands and Rivers Centre, UNSW
- Ms Rachel Blakey, Research Assistant, Australian Wetlands and Rivers Centre, UNSW.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Hon Frank Sartor, Former Minister for Climate change and the Environment.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Tori Edwards, Senior Solicitor, Native Title Services Corp
- Ms Julia Martignoni, Legal Intern, Native Title Services Corp.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Dr John Williams, Former Commissioner, Natural Resources Commission.

Dr Williams tendered the following documents:

- Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Recommendations Report, December 2009, Natural Resources Commission
- Riverina Bioregion Regional Forest Assessment, River Red Gums and Woodland Forests, Final Assessment Report, December 2009, Natural Resources Commission
- Regional Forest Assessment, South-Western Cypress State Forests, Assessment Report, May 2010, Natural Resources Commission

The evidence concluded and the witness withdrew.

The following witness was examined:

- Mr John Williams MP, Member for Murray-Darling.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Grant Johnson, Manager, Policy, Australian Forest Products Association

- Mr Russell Ainley, Executive Director, NSW Forest Products Association
- Mr Warwick Ragg, Senior Policy Advisor, NSW Forest Products Association, Chief Executive, Australian Forest Growers.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Peter Laird, President, Division Councils of NSW
- Mr Wally Mitchell, Western Division Councils Of NSW.

Mr Mitchell tendered the following documents:

- Submission, Walter Henry Mitchell AM
- Map and information about Toorale National Park and Toorale State Conservation Area, New South Wales Government Gazette No.130, 26 November 2010

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Fiona Simson, President, NSW Farmers
- Ms Brianna Casey, Environment Policy Director, NSW Farmers.

The evidence concluded and the witnesses withdrew.

Dr Phelps left the hearing.

The public hearing concluded at 4.35 pm. The public and the media withdrew.

Resolved, on the motion of Mr Colless: That all documents tabled at the hearing be published.

## 7. Adjournment

The Committee adjourned at 5.10 pm until Tuesday, 25 September 2012, 7.30 am, at Sydney Airport, for site visit to Bourke/Coonabarabran.

Madeleine Foley

**Clerk to the Committee**

**Minutes No. 32**

Tuesday, 25 September 2012

General Purpose Standing Committee No. 5

Bourke Bowling Club. Bourke at 10.30 am

**1. Members present**

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann

Mr Foley

Mr MacDonald

Dr Phelps

Mr Primrose

**2. Inquiry into the management of public land in NSW****2.1 Site Visit**

The Committee met with representatives of the National Parks and Wildlife Service, including:

- Ms Nerida Green, Area Manager, Bourke
- Mr Steve Millington, Regional Manager, Far West
- Mr Mark Peacock, Director, Western Branch
- Mr Peter Terrill, Wetlands and Rivers Conservation Officer
- Mr Martin Westbrook, Ballarat University

and visited Toorale National Park and Toorale State Conservation Area.

Mr Peacock tendered the following document:

- Toorale National Park and State Conservation Area: Information package for NSW Upper House Parliamentary Inquiry site visit, NSW National Parks and Wildlife Service.

**2.2 Public hearing**

Witnesses, the public and the media were admitted.

The following witness was sworn and examined:

- Mr David Boyd, Former Chairman and Chief Executive Officer, Clyde Agriculture Limited.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Steve Alexander, President, Inland Fishers' Association
- Mr Jason Rivett, Inland Fishers' Association.

Mr Rivett tendered the following document:

- Documents, letters and information regarding Inland Commercial Fishing Licences

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 6.15 pm. The public and the media withdrew.

**3. Adjournment**

The Committee adjourned at 6.15 pm until Wednesday, 26 September 2012, 9 am, at Bourke Bowling Club, Bourke, NSW.

Madeleine Foley

**Clerk to the Committee**

## Minutes No. 33

Wednesday, 26 September 2012

General Purpose Standing Committee No. 5

Bourke Bowling Club, Bourke at 9.00 am

### 1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann

Mr Foley

Mr MacDonald

Dr Phelps

Mr Primrose

### 2. Correspondence

The Committee noted the following item of correspondence received:

- 25 September 2012 – Nicole Buskiewicz, Advisor, Office of the Minister of Environment and Heritage, to the Chair, requesting that for the Minister's Budget Estimates appearance that officials from the Office of Environment and Heritage be questioned for the first 1.5 hours and officials from the Environment Protection Authority be questioned for the following 1.5 hours.

### 3. Inquiry into the management of public land in NSW

#### 3.1 Public hearing

Witnesses, the public and the media were admitted.

The following witnesses were sworn and examined:

- Cr Andrew Lewis, Mayor, Bourke Shire Council
- Mr Geoff Wise, General Manager, Bourke Shire Council.

Mr Wise tendered the following documents:

- Submission to the inquiry into the management of public land in NSW, Geoff Wise, General Manager, Bourke Shire Council, 26 September 2012
- 100 Years: Celebrating 100 years of natural resource progress in the Western Division of NSW, Maree Barnes and Geoff Wise.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mrs Nancy Robinson, Local landholder.

Mrs Robinson tendered the following documents:

- Letter from NSW National Parks and Wildlife Service regarding cattle in Ledknapper Nature Reserve
- Spinifex Country: Places, people, plants, animals of the Glenmore Area, N.J.Robinson, G.Brown, T.Ridge, M.C.Robinson, D.Webb, A.P.Thompson, C.Bergin, M.Fraser.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Carole Medcalf, Chief Executive Officer, Brewarrina Business Centre.

Ms Medcalf tendered the following documents:

- Excerpt from Conservation Management Plan for the Brewarrina Fishtraps
- Presentation: Managing Aboriginal Heritage on Crown Reserves, Brewarrina Business Co-operative Ltd.

The evidence concluded and the witness withdrew.

The public hearing concluded at 11.20 am. The public and the media withdrew.

### 3.2 Site Visit

The Committee met with local residents, including:

- Cr Denis Todd, local farmer and Councillor of the Warrumbungle Shire Council
- Mr Tom Underwood, resident of the Pilliga forest
- Mr Patrick Paul, Manager/Director of Baradine Sawmill.

The Committee inspected Baradine Sawmill and visited Pilliga State Forest.

The Committee met with representatives of the National Parks and Wildlife Service and Forests NSW, including:

- Mr Warwick Bratby, Regional Manager, Forests NSW
- Mr Robert Smith, Regional Manager, NPWS

The Committee inspected the Pilliga Forest Discover Centre and visited Pilliga State Forest.

## 4. ###

## 5. Adjournment

The Committee adjourned at 6.45 pm until Wednesday, 2 October 2012, 9 am, at Coonabarabran Bowling Club, Bourke, NSW.

Madeleine Foley

**Clerk to the Committee**

## Minutes No. 34

Thursday, 27 September 2012

General Purpose Standing Committee No. 5

Coonabarabran Bowling Club, Coonabarabran at 9.00 am

### 1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann

Mr Foley

Mr MacDonald

Dr Phelps

Mr Primrose

### 2. Public hearing

Witnesses, the public and the media were admitted.

The following witnesses were sworn and examined:

- Cr Peter Shinton, Mayor, Coonabarabran Shire Council
- Mr Rick Warren, General Manager, Coonabarabran Shire Council.

Cr Shinton tendered the following documents:

- Opening statement from Cr Peter Shinton, Mayor, Coonabarabran Shire Council.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Ted Hayman, President, Baradine and District Progress Association.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Heather Andrews, V & HD Andrews Haulage
- Mr Paul Hyde, Hyde Haulage
- Mr Patrick Paul, Gunnedah Timbers.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Rod Young, Private Individual.

Mr Young tendered the following documents:

- Figures for livestock deaths from Kempsey Rural Lands Protection Board
- Correspondence regrading feral animals.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Beverly Smiles, Member, National Parks Association.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr John Denham, Local landholder.

Mr Denham tendered the following documents:

- Time line for correspondence on access via Goonoo
- Pictures of Creek Erosion and Mount Carl Road.

The evidence concluded and the witness withdrew.

The public hearing concluded at 1 pm. The public and the media withdrew.

### **3. Deliberative meeting**

Resolved, on the motion of Mr Colless: That Mr Daniel Clissold, Director of Pilliga Natural Timbers, be invited to give evidence at the hearing at Port Macquarie on Thursday 4 October 2012.

Resolved, on the motion of Mr Primrose: That for all hearings supplementary questions be due by 5 pm on the second working day after a hearing, and that the deadline for providing answers be 21 days from the day on which the questions are sent.

Resolved, on the motion of Ms Faehrmann: That, as suggested by Bourke Shire Council, the Committee contact Mr Terry Mazzer, Office of Environment and Heritage, Dubbo, regarding his research into the biodiversity and conservation benefits of grazing of Western Division land compared to destocking.

4. ###

5. **Adjournment**

The Committee adjourned at 1 pm until Wednesday, 3 October 2012, 9 am, at Port Macquarie, NSW.

Madeleine Foley

**Clerk to the Committee**

**Minutes No. 35**

Wednesday, 3 October 2012

General Purpose Standing Committee No. 5

Sydney Airport, Sydney at 8.00 am

1. **Members present**

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann (Buckingham)

Mr Foley (Donnelly)

Mr MacDonald

Dr Phelps

Mr Primrose

2. **Draft minutes**

Resolved, on the motion of Mr Colless: That draft minutes 32, 33 and 34 be confirmed, as amended for typographical errors.

3. **Inquiry into the management of public land in NSW**

3.1 **Submissions**

***Public***

Resolved, on the motion of Dr Phelps: That the Committee note that submissions no. 373-377, 380-382, 384, 386-389, 392-393, 395-396, 398-415, 417-420, 423-424 and 426-427 were published by the Committee Clerk under the authorisation of an earlier resolution.

***Name suppressed***

Resolved, on the motion of Mr Colless: That the Committee note that submissions no. 372, 378-379, 383, 390, 416, 421- 422 and 425 were published by the Committee Clerk under the authorisation of an earlier resolution, with the exception of the authors' names. Further, that the Committee keep confidential the authors' names at the request of the submissions' authors.

***Confidential***

Resolved, on the motion of Mr Primrose: That submissions no. 385, 391 and 397 remain confidential at the request of the author.

***Confidential – distributed to members as public***

Resolved, on the motion of Dr Phelps: That submission no. 394 remain confidential at the request of the author.

4. ###

## 5. Site visit to Dooragan National Park and Queen's Lake Nature Reserve, Middle Brother State Forest and National Park and Kerewong State Forest

The Committee travelled to Queens Lake Nature Reserve, Dooragan National Park, Kerewong State Forest plantation and Middle Brother State Forest and National Park and was accompanied by the representatives of the National Parks and Wildlife Service and Forests NSW, including:

- Ms Kathy Jones, Regional Manager, Western Region Forests NSW
- Mr Justin Williams, Planning Manager, Forests NSW
- Mr Peter Levitske, Harvesting Team Leader, Forests NSW
- Matt Potter, Resources Team Leader, Forests NSW
- Mr Alan Jeffery, Regional Manager, North Coast, National Parks and Wildlife Service
- Mr Peter Clark, Hastings Area Manager, National Parks and Wildlife Service
- Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service.

Mr Potter tendered the following documents:

- Timber Plantations in Queens Lake State Conservation Area, previously parts Cowarra and Queens Lake State Forests

Mr Marshall tendered the following documents:

- Large Map, Mid North Coast Region, Queens Lake Nature Reserve and State Conservation Area, Fire Management Strategy, 2005
- Large Map, Mid North Coast Region, Dooragan National Park, Fire Management Strategy, 2005
- Maps, Queens Lake State Conservation Area, Mountain Bike Tracks
- Maps, Wild Dog Tracking information, 2010 – 2011
- Map, National Parks and State Forests in the Port Macquarie area

Mr Williams tendered the following documents:

- Journal Article, Greenhouse Gas Balance of Native Forests in New South Wales, Australia, Forests 2012, ISSN 1999-4907, August 2012
- Presentation, Forest Management and the Carbon Cycle in Native Forests on the Mid North Coast of New South Wales (including maps), Justin Williams

## 6. Adjournment

The Committee adjourned at 5 pm until Thursday, 4 October 2012, 9 am, at Port Macquarie, NSW.

Madeleine Foley

**Clerk to the Committee**

## Minutes No. 36

Thursday, 4 October 2012

General Purpose Standing Committee No. 5

Panthers Club, Port Macquarie at 9.00 am

### 1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann (Buckingham)

Mr Foley (Donnelly)

Mr MacDonald

Dr Phelps  
Mr Primrose

## 2. Inquiry into the management of public land in NSW

### 2.1 Public hearing

Witnesses, the public and the media were admitted.

The following witnesses were sworn and examined:

- Mr Robert Scott, Director of Infrastructure Services, Kempsey Shire Council
- Cr Peter Besseling, Mayor, Port Macquarie-Hastings Shire Council
- Mr Matt Rogers, Director of Development and Environment Services, Port Macquarie-Hastings Shire Council.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Ian Conley, Forester Emeritus, North Coast Forest Taskforce
- Mr Trevor Sargeant, Coordinator, North Coast Forest Taskforce.

Mr Sargeant tendered the following document:

- Draft Forestry / Timber Structure chart

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Ashley Love, President, National Parks Association NSW – Coffs Harbour-Bellingen Branch
- Ms Susie Russell, North Coast Environment Council Inc.

Mr Love tendered the following document:

- Presentation - Janis Conservation Criteria: a brief introduction, Ashley Love

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Jane Watson, The Oxygen Farm.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Douglas Head, Australian Solar Timbers.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Bronwyn Petrie, Local Landholder.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Daniel Clissold, Director, Pilliga Natural Timbers.

Mr Clissold tendered the following document:

- Pilliga Natural Timbers - pictures of Pilliga Forest and information about Pilliga mouse

Mr Foley left the meeting.

The evidence concluded and the witness withdrew.

The public hearing concluded at 2.15 pm. The public and the media withdrew.

**3. Adjournment**

The Committee adjourned at 2.15 pm until Friday, 5 October 2012, 8.45 am, at Grafton, NSW.

Madeleine Foley

**Clerk to the Committee**

**Minutes No. 37**

Friday, 5 October 2012

General Purpose Standing Committee No. 5

Grafton Services Club, Grafton at 8.45 am

**1. Members present**

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Fachrmann (Buckingham)

Mr MacDonald

Dr Phelps

Mr Primrose

**2. Apologies**

Mr Foley (Donnelly)

**3. Inquiry into the management of public land in NSW**

**3.1 Public hearing**

Witnesses, the public and the media were admitted.

The following witnesses were sworn and examined:

- Mr Des Schroder, Deputy General Manager, Clarence Valley Shire Council
- Cr Jenny Dowell, Mayor, Lismore City Council
- Mr Lindsay Walker, Strategic Property Project Manager, Lismore City Council.

Mr Walker tendered the following document:

- Submission, Lismore City Council

Cr Dowell tendered the following document:

- Information on Commercial Activities in National Parks

Mr Schroder tabled the following document:

- Investing in the Timber Heartland, Clarence Valley, Clarence Valley Council

Cr Richie Williamson, Mayor, Clarence Valley Shire Council joined the hearing and was sworn and examined.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr John Edwards, Clarence Environment Centre

- Ms Leonie Blain, Honorary Secretary, Clarence Valley Conservation Coalition.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Spiro Notaras, Managing Director, J Notaras and Sons Pty Ltd

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Dailan Pugh, Spokesperson, North East Forest Alliance.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Rob Andrews, Northern Zone Hunting Club (Inc).

Mr Andrews tendered the following documents:

- Opening statement, Rob Andrews
- Letter of resignation to Mark Johnson, Regional Manager, NPWS Hestonville from Mr Rob Andrews
- Letter to Mr Andrews from Mr Bob Conroy, Acting Head, NPWS

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Craig Klingner, President, NSW Apiarists Association
- Mr Bill Weiss, Former President, NSW Apiarists Association.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Steve & Mrs Elise Fittler, Gloray Pastoral Company.

Mr Fittler tabled the following document:

- Statement to the Committee and accompanying photographs and information.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Dr Roy Powell, Centre for Agricultural and Regional Economics.

The evidence concluded and the witness withdrew.

The public hearing concluded at 3.05 pm. The public and the media withdrew.

#### 4. Adjournment

The Committee adjourned at 3.05 pm until 9.45 am on Monday 8 October 2012 at Parliament House, Sydney.

Madeleine Foley

**Clerk to the Committee**

**Minutes No. 43**

Tuesday, 4 December 2012

General Purpose Standing Committee No. 5

Macquarie Room, Parliament House, Sydney at 9.15 am

**1. Members present**Mr Brown, *Chair*Mr Colless, *Deputy Chair*

Ms Faehrmann (Buckingham) (from 9.30 am)

Mr Foley (Donnelly)

Mr MacDonald

Dr Phelps (from 10.00 am)

Mr Primrose

**2. Apologies**

Ms Faehrmann (until 9.30 am)

Dr Phelps (until 10.00 am)

**3. Minutes**

Resolved, on the motion of Mr MacDonald: That draft minutes 31, 35, 36 and 37 be confirmed.

**4. ###****5. Inquiry into the management of public land in NSW****5.1 Correspondence**

The Committee noted the following items of correspondence received:

- 26 April 2012 – Letter from Cr Nick Berman, Mayor, Hornsby Shire Council, to the Chair regarding Berowra Valley Regional Park.
- 27 September 2012 – Letter from Mr Paul Hyde, Hyde Haulage, to the Chair providing information about Hyde Haulage's Business Plan.
- 29 October 2012 – Letter from Mr Rod Young to the Chair providing additional information to evidence given during his appearance at the Coonabarabran hearing.
- 14 November 2012 – Letter from Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, to the Committee Director advising of Ministerial approval to publish the transcript and documents tendered at the private briefing given to the Committee by representatives of the National Parks and Wildlife Service on 7 September 2012.

The Committee noted the following items of correspondence sent:

- 14 September 2012 – Letter from the Committee Director to Ms Sally Barnes, Chief Executive, Office of Environment and Heritage, regarding publication of the transcript and documents tendered at the private briefing given to the Committee by representatives of the National Parks and Wildlife Service on 7 September 2012.
- 25 September 2012 – Letter from the Chair to Mr James McKenzie acknowledging his concerns in relation to consultation with the Aboriginal community about the management of public lands on the Far North Coast.
- September 2012 – Letter from the Chair to Mr Terry Mazzer, Office of Environment and Heritage, regarding his research into the Enterprise Based Conservation project for the Western Division of NSW.

## 5.2 Date for report deliberative

Resolved, on the motion of Mr MacDonald: That the Committee hold a deliberative meeting to consider the Chair's draft report in the week beginning Monday 6 May 2013, preferably on Monday 6 May 2013, with a reserve date of Monday, 13 May 2013, subject to the Secretariat emailing members to confirm their availability.

## 5.3 Answers to questions on notice and supplementary questions

Resolved, on the motion of Mr Colless: That the Committee note that the following answers to questions on notice and supplementary questions provided by the following witnesses were published by the Committee Clerk under the authorisation of an earlier resolution:

- 1 October 2012 – Professor Richard Kingsford (from hearing on 14 September)
- 8 October 2012 – Department of Primary Industries (including Environmental Protection Authority, Catchments and Lands, Forests NSW, Biosecurity NSW) (from hearing on 7 September)
- 15 October 2012 – Game Council NSW (from hearing on 7 September)
- 15 October 2012 – Dr John Williams, former Commissioner, Natural Resources Commission (from hearing on 14 September)
- 15 October 2012 – Mr John Williams MP (from hearing on 14 September)
- 16 October 2012 – Natural Resources Commission (from hearing on 14 September)
- 16 October 2012 – NSW and Australian Forest Products Associations (from hearing on 14 September)
- 28 August 2012 – Mr Victor Eddy (from hearing 2 August).

## 5.4 Publication of documents from the private briefing by National Parks and Wildlife Service

Resolved, on the motion of Mr MacDonald: That the Committee accept the following documents from the private briefing given to the Committee by representatives of the National Parks and Wildlife Service on 7 September 2012 and publish those that are not already public:

- National Parks and Wildlife Service presentation: The scientific basis for establishing national parks
- NSW National Parks Establishment Plan 2008, National Parks and Wildlife Service
- Reserve Establishment Guidelines, 2nd edition, September 2007, Department of Environment and Climate Change
- Conservation planning principles, National Parks and Wildlife Service
- Guide - Purchasing land for the national park system in Western NSW, National Parks and Wildlife Service
- Australia's strategy for the National Reserve System 2009-2030
- Australian guidelines for establishing the national Reserve System, 2009, Commonwealth of Australia
- The Bioregions of New South Wales, their biodiversity, conservation and history, 2003, National Parks and Wildlife Service.

## 5.5 Tended documents

### Public

Resolved, on the motion of Mr Colless: That the Committee accept the following documents and publish those documents that are not already public:

### Tuesday, 25 September 2012

- Toorale National Park and State Conservation Area: Information package for NSW Upper House Parliamentary Inquiry site visit – tendered by Mr Mark Peacock, Director, Western Branch, National Parks and Wildlife Service
- Documents, letters and information regarding Inland Commercial Fishing Licence – tendered by Mr Jason Rivett, Inland Fishers' Association

**Wednesday, 26 September 2012**

- 100 Years: Celebrating 100 years of natural resource progress in the Western Division of NSW, Maree Barnes and Geoff Wise – tendered by Mr Geoff Wise, General Manager, Bourke Shire Council
- Letter from NSW National Parks and Wildlife Service regarding cattle in Ledknapper Nature Reserve – tendered by Mrs Nancy Robinson, Local landholder
- Spinifex Country: Places, people, plants, animals of the Glenmore Area, N.J.Robinson, G.Brown, T.Ridge, M.C.Robinson, D.Webb, A.P.Thompson, C.Bergin, M.Fraser Reserve – tendered by Mrs Nancy Robinson, Local landholder
- Excerpt from Conservation Management Plan for the Brewarrina Fishtraps – tendered by Ms Carole Medcalf, Chief Executive Officer, Brewarrina Business Centre
- Presentation: Managing Aboriginal Heritage on Crown Reserves, Brewarrina Business Co-operative Ltd – tendered by Ms Carole Medcalf, Chief Executive Officer, Brewarrina Business Centre

**Thursday, 27 September 2012**

- Opening statement from Cr Peter Shinton, Mayor, Coonabarabran Shire Council – tendered by Cr Peter Shinton, Mayor, Coonabarabran Shire Council
- Figures for livestock deaths from Kempsey Rural Lands Protection Board – tendered by Mr Rod Young, Private Individual
- Correspondence regrading feral animals – tendered by Mr Rod Young, Private Individual
- Time line for correspondence on access via Goonoo – tendered by Mr John Denham, Local landholder
- Pictures of Creek Erosion and Mount Carl Road – tendered by Mr John Denham, Local landholder

**Wednesday, 3 October 2012**

- Document – Timber Plantations in Queens Lake State Conservation Area, previously parts Cowarra and Queens Lake State Forests – tendered by Mr Matt Potter, Resources Team Leader, Forests NSW
- Large Map – Mid North Coast Region, Queens Lake Nature Reserve and State Conservation Area, Fire Management Strategy, 2005 – tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- Large Map – Mid North Coast Region, Dooragan National Park, Fire Management Strategy, 2005 – tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- Maps – Queens Lake State Conservation Area, Mountain Bike Tracks – tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- Maps – Wild Dog Tracking information, 2010 – 2011– tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- Map – National Parks and State Forests in the Port Macquarie area– tendered by Mr Andy Marshall, Hastings Ranger, National Parks and Wildlife Service
- Journal Article – Greenhouse Gas Balance of Native Forests in New South Wales, Australia, Forests 2012, ISSN 1999-4907, August 2012 – tendered by Mr Justin Williams, Planning Manager, Forests NSW
- Presentation – Forest Management and the Carbon Cycle in Native Forests on the Mid North Coast of New South Wales (including maps) – tendered by Mr Justin Williams, Planning Manager, Forests NSW

**Thursday, 4 October 2012**

- Chart – Draft Forestry / Timber Structure – tendered by Mr Trevor Sargeant, Coordinator, North Coast Forest Taskforce
- Presentation – Janis Conservation Criteria: a brief introduction – tendered by Mr Ashley Love, President, National Parks Association NSW, Coffs Harbour-Bellingen Branch
- Photographs and information – Pilliga Natural Timbers, pictures of Pilliga Forest and information about Pilliga mouse – tendered by Mr Daniel Clissold, Director, Pilliga Natural Timbers

**Friday, 5 October 2012**

- Document – Information on Commercial Activities in National Parks – tendered by Cr Jenny Dowell, Mayor, Lismore City Council
- Document – Investing in the Timber Heartland, Clarence Valley, Clarence Valley Council – tendered by Mr Des Schroder, Deputy General Manager, Clarence Valley Shire Council
- Opening statement – Rob Andrews – tendered by Mr Rob Andrews, Secretary, Northern Zone Hunting Club (Inc).
- Letter – Letter of resignation to Mark Johnson, Regional Manager, NPWS Hestonville from Mr Rob Andrews – tendered by Mr Rob Andrews, Secretary, Northern Zone Hunting Club (Inc).
- Letter – Letter to Mr Andrews from Mr Bob Conroy, Acting Head, NPWS – tendered by Mr Rob Andrews, Secretary, Northern Zone Hunting Club (Inc).
- Opening Statement – and accompanying photographs and information – tendered by Mr Mr Steve Fittler, Gloray Pastoral Company.

#### **Partially confidential**

Resolved, on the motion of Mr Colless: That the Committee authorise the publication of the following documents with the exception of the names and other personal details of third parties:

#### **Tuesday, 25 September 2012**

- Documents, letters and information regarding Inland Commercial Fishing Licence – tendered by Mr Jason Rivett, Inland Fishers' Association

#### **Thursday, 27 September 2012**

- Correspondence regrading feral animals – tendered by Mr Rod Young, Private Individual

### **5.6 Submissions**

#### **Public**

Resolved, on the motion of Mr Colless: That the Committee note that submissions no. 23a, 63a, 130a, 173a, 204a, 214a, 278a, 283a, 311a, 329a, 428-433, 433a, 434, 436, 438-440, 442, 445-448, 450-461, 463-476, 479, 482, 484-488, 491-492, 494 and 498-51, 513, 514 and 515 were published by the Committee Clerk under the authorisation of an earlier resolution.

#### **Name suppressed**

Resolved, on the motion of Mr MacDonald: That the Committee note that submissions no. 437, 443-444, 449, 462, 477-478, 480-481, 483, 489-490, 493 and 495-496 were published by the Committee Clerk under the authorisation of an earlier resolution, with the exception of the authors' names. Further, that the Committee keep confidential the authors' names at the request of the submissions' authors.

#### **Name suppressed and partially confidential**

Resolved, on the motion of Mr Colless: That the Committee note that submission no. 512 was published by the Committee Clerk under the authorisation of an earlier resolution, with the exception of the author's name and the names of third parties. Further, that the Committee keep confidential the author's name and the names of third parties.

#### **Confidential**

Resolved, on the motion of Mr Colless: That submissions no. 371a, 435, 441 and 497 remain confidential at the request of the author.

### **5.7 Supplementary questions**

Resolved, on the motion of Mr Colless: That following the public hearings on Tuesday, 4 December 2012 and Wednesday, 5 December 2012, members forward any supplementary questions to the Secretariat by 5 pm, Wednesday 12 December 2012.

### 5.8 Return of answers to questions on notice and supplementary questions

Resolved, on the motion of Mr MacDonal: That the return date for answers to questions on notice and supplementary questions following the public hearings on Tuesday, 4 December 2012 and Wednesday, 5 December 2012 be extended to Friday, 18 January 2013 and that, if necessary, witness requests for extensions be negotiated with the Secretariat.

### 5.9 Public hearing

Witnesses, the public and the media were admitted.

Ms Faehrmann joined the meeting.

The following witnesses were sworn and examined:

- Mr Pepe Clarke, Chief Executive Officer, Nature Conservation Council
- Mr Keith Muir, Director, The Colong Foundation for Wilderness Ltd.

Mr Clarke tendered the following documents:

- Information regarding State and Territory levels of protection, Nature Conservation Council
- Graphs of rate of woody vegetation change and annual loss of woody vegetation, NSW Native Vegetation Report Card, NSW Government, November 2011
- Icons Under Threat, Natural areas and threatened species at risk from mining and gas in NSW, Nature Conservation Council
- Nature Conservation Council of NSW submission on fire management on public land
- Green Carbon: The role of natural forests in carbon storage
- Report: Economic policy settings in the forest and timber industry – inter-jurisdictional comparison, Department of Primary Industries
- Policy E4: Forest Policy 2011, Nature Conservation Council of NSW
- Rural Fires Act 1997 No 65, Division 2 Bush Fire Co-ordinating
- Book review: Burning Issues – Sustainability and Management of Australia's Southern Forests.

Mr Muir tendered the following documents:

- Letter from Coonabarabran Chamber of Commerce
- Press release from Andrew Stoner MP
- World Conservation Union (IUCN) protected area categories 2008
- Article from The Sun Herald, "BYO wilderness", 8 October 1995.
- The nature of pre-European native vegetation in south-eastern Australia: a critique of Ryan, D.G., Ryan J.R. and Starr, B.J. (1995) The Australian Landscape – Observations of Explorers and Early Settlers, J.S. Benson and P.A. Redpath, Royal Botanic Gardens Sydney.

Dr Phelps joined the meeting.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Professor Mark Adams, Dean, Faculty of Agriculture and Environment, University of Sydney.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Rt Hon Ian Sinclair.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Malcolm Poole, President, Recreational Fishing Alliance of NSW

- Mr Chris Robertson, Project Officer, NSW Angler Access Project.

Mr Poole tendered the following document:

- Additional information to submission 0219 NSW Angler Access Project, The Recreational Fishing Alliance of NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined via teleconference:

- Mr James Roberston, resident of New England
- Mr Gary Elks, resident of New England
- Ms Emma Turner, resident of New England
- Mr David Donnelly, resident of New England
- Mr Rob Costello, resident of New England.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Vic Jurskis, retired forester.

Mr Jurskis tendered the following documents:

- Vic Jurskis, Human fire maintains a balance of nature, Proceedings of Bushfire CRC & AFAC 2011 Conference Science Day, 1 September, 2011
- Vic Jurskis, John Turner, Marcia Lambert & Huiquan Bi, Fire and N cycling: getting the perspective right, Applied Vegetation Science 14 (2011) 433–434
- Vic Jurskis, Benchmarks of fallen timber and man's role in nature: Some evidence from eucalypt woodlands in southeastern Australia, Forest Ecology and Management 261 (2011) 2149–2156
- Vic Jurskis, Eucalypt decline in Australia, and a general concept of tree decline and dieback, Forest Ecology and Management 215 (2005) 1–20
- Vic Jurskis, River red gum and white cypress forests in south-western New South Wales, Australia: Ecological history and implications for conservation of grassy woodlands, Forest Ecology and Management 258 (2009) 2593–2601
- John Turner, Marcia Lambert, Vic Jurskis, Huiquan Bi, Long term accumulation of nitrogen in soils of dry mixed eucalypt forest in the absence of fire, Forest Ecology and Management 256 (2008) 1133–1142
- Various photographs of forests and woodland.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Cr Maria Woods, Vice President, Shires Association of NSW
- Mr Geoff Hudson, Senior Policy Officer, Natural Resource Management, Local Government & Shires Associations of NSW.

The evidence concluded and the witnesses withdrew

The following witnesses were sworn and examined:

- Mr Mike Blake, Chairman, Natural Resources & Energy Policy Committee, National Party of Australia (NSW)
- Mr Duncan Macintyre, Member, Natural Resources & Energy Policy Committee, National Party of Australia (NSW).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Brian Williams, Vice President, Volunteer Fire Fighters Association
- Mr Andrew Scholz, Volunteer Fire Fighters Association.

Mr Williams tendered the following document:

- Information brochure about the Volunteer Fire Fighters Association – The Volunteer Fire Fighter magazine (Summer 2012).

The evidence concluded and the witnesses withdrew.

Ms Faehrmann left the meeting.

The Hon Andrew Fraser MP was admitted and examined. The Chair advised that Members of Parliament swear an oath to their office, and therefore Mr Fraser did not need to be sworn prior to giving evidence before the Committee.

Mr Fraser tendered the following documents:

- Article from The Global Mail, Ellen Fanning, "A feral cat ate my bilbies", 27 November 2012
- Two maps of the Bongle Bongle region.

The evidence concluded and the witness withdrew.

The public hearing concluded at 5.15 pm. The public and the media withdrew.

Resolved, on the motion of Mr Colless: That the Committee contact Mr Guy Ballard to request that he provides the results of his research into wild dogs, as suggested by Mr Rob Costello, resident of New England (witness).

## 6. Adjournment

The Committee adjourned at 5.15 pm until 9.30 am on Wednesday 3 December 2012 at Parliament House, Sydney.

Madeleine Foley  
**Clerk to the Committee**

## Minutes No. 44

Wednesday, 5 December 2012

General Purpose Standing Committee No. 5

Macquarie Room, Parliament House, Sydney at 9.30 am

### 1. Members present

Mr Brown, *Chair*  
Mr Colless, *Deputy Chair*  
Ms Faehrmann (Buckingham) (from 11 am)  
Mr Foley (Donnelly)  
Mr Lynn (MacDonald)  
Dr Phelps (from 11 am)  
Mr Primrose

### 2. Apologies

Ms Faehrmann (until 11 am)  
Dr Phelps (until 11 am)

### 3. Substitutions

Advice has been received for the following substitution:

- Mr Lynn to substitute for Mr MacDonald.

### 4. Inquiry into the management of public land in NSW

#### 4.1 Correspondence

The Committee noted the following items of correspondence received:

- 4 December 2012 – Letter from Ms Sally Barnes, Chief Executive Officer, Office of Environment and Heritage to Committee Secretariat containing supplementary information regarding Toorale Vegetation Survey, the Toorale presentation on Indigenous partnerships, information regarding the Enterprise Based Conservation Project and responses to extracts from public hearings.

Resolved, on the motion of Mr Foley: That the Committee accept and publish the supplementary information, including all attachments, provided by the Office of Environment and Heritage, for the purposes of using this information in the report.

#### 4.2 Public hearing

Witnesses, the public and the media were admitted.

The following witness was sworn and examined via teleconference:

- Mr Clive Edwards, Vice President, Snowy Mountains Bush Users Group.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Peter Smith, Access for All.

The evidence concluded and the witness withdrew.

Dr Phelps joined the meeting.

The following witness was sworn and examined via teleconference.

- Ms Lisa Stone, South East Forest Rescue.

The evidence concluded and the witness withdrew.

The following witnesses were examined on their former oath:

- Ms Renata Brooks, Deputy Director General, Crown Lands, Department of Primary Industries
- Mr Mark Matchett, Acting Director General, Catchment and Lands, Department of Primary Industries.

The evidence concluded and the witnesses withdrew.

The following witnesses were examined on their former oath:

- Mr Nicolas Roberts, Chief Executive Officer, Forests NSW
- Mr Rahmet Khaiami, Executive Officer, Forests NSW.

The evidence concluded and the witness withdrew.

Dr Phelps left the meeting.

The following witnesses were examined on their former oath:

- Ms Melinda Murray, Acting Manager, Strategy and Performance, Office of Environment and Heritage
- Mr Bob Conroy, Director, Conservation Programs Division, NSW National Parks and Wildlife Service.

The following witness was sworn and examined:

- Ms Sally Barnes, Chief Executive, Office of Environment and Heritage.

Ms Barnes tendered the following document:

- Toorale and Gunnabook Nature Tourism Action Plan, NSW National Parks and Wildlife Service.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Andrew Hestelow.

Mr Hestelow tendered the following document:

- Further information regarding Roseville Boat Ramp, Garigal National Park, Middle Harbour

The evidence concluded and the witness withdrew.

The public hearing concluded at 5.15 pm. The public and the media withdrew.

Resolved, on the motion of Mr Colless: That the Committee accept and publish documents tendered during the public hearings on 4 and 5 December 2012, subject to the Secretariat checking these documents for adverse mention and information identifying third parties.

## 5. Adjournment

The Committee adjourned at 5.15 pm until *sine die*.

Madeleine Foley

**Clerk to the Committee**

## Draft Minutes No. 45

Monday, 6 May 2013

General Purpose Standing Committee No. 5

Room 1153, Parliament House, Sydney at 9.37 am

### 1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Ms Faehrmann (Buckingham)

Mr Foley (Donnelly)

Mr MacDonald

Dr Phelps

Mr Primrose

### 2. Minutes

Resolved, on the motion of Mr Colless: That draft minutes no. 42 (Budget Estimates), 43 and 44 be confirmed.

### 3. Inquiry into coal seam gas

#### 3.1 Correspondence

The Committee noted the following item of correspondence received:

- 23 January 2013 – Letter from Ms Jeanette Gow to Chair, regarding the health risks of coal seam gas activities and requesting that the Committee respond to her concerns.

The Committee noted the following items of correspondence sent:

- 10 December 2012 – Letter from the Chair to Mr Peter Henderson, Managing Director and Chief Executive Officer, Metgasco, acknowledging his response to a previous request to clarify evidence given to the Committee during the Coal seam gas inquiry.
- 15 February 2013 – Letter from the Director – Committees to Ms Jeanette Gow, in response to her letter dated 23 January 2013.

#### **4. Inquiry into the management of public land in NSW**

##### **4.1 Correspondence**

The Committee noted the following items of correspondence received:

- 5 December 2012 – Letter from Mr Craig Klingner, President, NSW Apiarists' Association, to the Chair regarding the issue of securing increased access to National Parks for beekeeping.
- 21 February 2013 – Letter from Hon Katrina Hodgkinson MP, Minister for Primary Industries, to the Chair in response to and providing information requested from Dr Guy Ballard, Project Officer Wild Dog Management, regarding his research into wild dog management on public lands.

The Committee noted the following item of correspondence sent:

- 10 December 2012 – Letter to Dr Guy Ballard, Project Officer – Wild Dog Management, Department of Primary Industries, requesting that he provide details of his research into wild dog management on public lands.

##### **4.2 Submissions**

###### **Public**

Resolved, on the motion of Mr Foley: That the Committee note that submissions no. 23c, 317a, 354a, 516 and 517 were published by the Committee Clerk under the authorisation of an earlier resolution.

###### **Name suppressed**

Resolved, on the motion of Mr MacDonald: That the Committee note that submission no. 518 was published by the Committee Clerk under the authorisation of an earlier resolution, with the exception of the author's name. Further, that the Committee keep confidential the author's name at the request of the submission's author.

###### **Answers to questions on notice**

Resolved, on the motion of Mr Colless: That the Committee note that the following answers to questions on notice and supplementary questions provided by the following witnesses were published by the Committee under the authorisation of an earlier resolution:

- 23 October 2012 – Coonamble Shire Council (from hearing on 27 September 2012)
- 5 February 2013 – Baradine and District Progress Association (from hearing on 27 September 2012)
- 21 February 2013 – Western Division Councils of NSW (from hearing on 14 September 2012).

#### **5. Consideration of the Chair's draft report on the management of public land in New South Wales**

The Chair submitted his draft report entitled Management of public land in New South Wales, which, having been previously circulated, was taken as being read.

Table of Contents read.

Ms Faehrmann moved: That the Table of Contents be amended on page vii by omitting the quotation marks around the word 'science'.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Summary of key issues read.

Mr Foley moved: That the second paragraph on page xvii be amended by omitting the word 'growing'.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That the second paragraph on page xvii be amended by omitting the second sentence beginning with the words 'While it is not clear...'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That the fourth and fifth paragraphs on page xvii be omitted and new paragraphs be inserted to read:

'The Committee asserts the conservation achievement of NSW's National Parks system. International science confirms that a large national park system, managed primarily for conservation, is the central piece of an effective biodiversity protection regime.

Latest science suggests that other land tenures, additional to the national park system, managed to allow compatible uses such as recreation, can also be an effective nature conservation tool in complimenting national parks. They must be additional to the key conservation strongholds of national parks.

The Inquiry heard evidence from a number of participants who questioned whether national parks provide the best means of conservation and, if so, whether they are indeed fulfilling the conservation objective they were designed to meet. The Committee received a wealth of conflicting evidence on these issues.'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Foley: That the sixth paragraph on page xvii be amended by inserting the word 'some' after the words 'supported by' and before the words 'Inquiry participants' in the first sentence.

Resolved, on the motion of Mr Foley: That the sixth paragraph on page xvii be amended by inserting the words 'The Inquiry also heard evidence that effective conservation management and planning is best done

with a tenure-blind approach, working to improve natural vegetation corridors and ecological health across the landscape' after the first sentence.

Resolved, on the motion of Mr Foley: That the sixth paragraph on page xvii be amended by inserting the words 'and conservation management' after the word 'weeds' and before the word 'to' in the last sentence.

Resolved, on the motion of Mr Foley: That the first paragraph on page xviii be amended by inserting the word 'Some' before the words 'Inquiry participants' in the first sentence.

Mr Foley moved: That the first paragraph on page xviii be amended by omitting the words 'it is unclear whether' and inserting instead the words 'evidence revealed that', and omitting the word 'equally' and inserting instead the word 'also' in the second sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That the first paragraph on page xviii be amended by omitting the word 'Many' and inserting instead the word 'Some' before the words 'Inquiry participants' at the beginning of the third sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That the first paragraph on page xviii be amended by omitting the last two sentences, and that the second and third paragraphs also be omitted and a new paragraph be inserted to read:

'Evidence from Government agencies, however revealed considerable effort is made evaluating social and economic impacts of conversion and generous structural adjustment programs and funding is provided to assist with changes in local economies and communities.'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Foley: That the fourth paragraph on page xviii be amended by omitting the words 'paint a clear picture of public land management and practices in New South Wales or' after the words 'does not' and before the words 'provide a clear' in the second sentence.

Mr Foley moved: That the fourth paragraph on page xviii be amended by omitting the last two sentences.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That the second and third paragraphs and Recommendation 1 on page xix be omitted and a new paragraph be inserted to read:

‘The Committee believes that there are a number of issues relating to effective public land management that deserve further investigation which are encapsulated in our recommendations.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That the first paragraph on page xx be omitted and a new paragraph be inserted to read:

‘The Committee notes that less than 9% of NSW land mass is protected as national park. This is below the Australian national average of 12% and well below our international obligation under the Convention on Biological Diversity (CBD) which sets the target for national park reservation at 17%.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Dr Phelps: That Recommendation 1 on page xix be amended by inserting a new recommendation after recommendation 1.5 to read:

‘1.6 for the sake of simplification of land tenure arrangements in the State, investigate the option of converting all remaining Western Land Leases into freehold title.’

Mr Foley moved: That the Recommendation 2 page xx be omitted and a new recommendation be inserted to read:

‘That the NSW Government recommit to National Park establishment, aiming to raise the percentage of land protected as National Park to 12% by the end of this decade, with a particular focus on the reservation in the west of the state, as outlined in the *NSW National Park Establishment Plan 2008*.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr MacDonald: That Recommendation 2 on page xx be amended by inserting the words ‘, with the exception of conversion of existing reserved areas, or a National Park declaration that is currently before the NSW Government’ at the end of the recommendation.

Mr Foley moved: That the paragraph following Recommendation 2 on page xx be omitted and a new paragraph be inserted to read:

‘The Committee acknowledges the concerns raised by some Inquiry participants regarding the process of converting land to national park estate and believes that every effort should be made to ensure that local communities have a positive experience of land conversion. Therefore the Committee recommends that

the Government commits to constant review and improvement in providing a consistent, transparent, inclusive and independent conversion process.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Foley: That the paragraph before Recommendation 3 on page xx be amended by inserting the word ‘some’ after the words ‘mindful that’ and before the words ‘Inquiry participants’ in the first sentence.

Mr Foley moved: That Recommendation 3 on page xx be omitted and that a new recommendation be inserted to read:

‘That the NSW Government commits to continually improving processes for assessing impacts and communicating with local communities concerning conversion of land to National Park, ensuring that processes:

3.1 are consistent, transparent, inclusive and independent

3.2 include the development of a community engagement strategy to guide consultation with local communities prior to making decisions on the conversion of land to national park estate. The strategy should set clear expectations regarding what consultation will occur and mandate consultation with local government throughout the conversion process.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Chapter 1 read.

Chapter 2 read.

Resolved, on the motion of Ms Faehrmann: That new paragraphs be inserted after paragraph 2.65 to read:

‘The NSW *National Parks and Wildlife Act 1974* defines ‘sustainable’, in relation to visitor or tourist use and enjoyment of land, as being in accordance with the principles of Ecologically Sustainable Development, as described in Section 6(2) of the NSW *Protection of the Environment Administration Act 1991*.

This NSW *Protection of the Environment Administration Act 1991* states that:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

(a) the precautionary principle-namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

- (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity-namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity-namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms-namely, that environmental factors should be included in the valuation of assets and services, such as:
  - (i) polluter pays-that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
  - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
  - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.’

Chapter 3 read.

Resolved, on the motion of Ms Faehrmann: That new paragraphs be inserted after paragraph 3.2 to read:

‘Further, the purpose of National Parks is laid out in Section 30E of the NSW *National Parks and Wildlife Act 1974*. This states:

- (1) The purpose of reserving land as a national park is to identify, protect and conserve areas containing outstanding or representative ecosystems, natural or cultural features or landscapes or phenomena that provide opportunities for public appreciation and inspiration and sustainable visitor or tourist use and enjoyment so as to enable those areas to be managed in accordance with subsection (2).
- (2) A national park is to be managed in accordance with the following principles:
  - (a) the conservation of biodiversity, the maintenance of ecosystem function, the protection of geological and geomorphological features and natural phenomena and the maintenance of natural landscapes,
  - (b) the conservation of places, objects, features and landscapes of cultural value,
  - (c) the protection of the ecological integrity of one or more ecosystems for present and future generations,
  - (d) the promotion of public appreciation and understanding of the national park’s natural and cultural values,
  - (e) provision for sustainable visitor or tourist use and enjoyment that is compatible with the conservation of the national park’s natural and cultural values,
  - (f) provision for the sustainable use (including adaptive reuse) of any buildings or structures or modified natural areas having regard to the conservation of the national park’s natural and cultural values,
  - (fa) provision for the carrying out of development in any part of a special area (within the meaning of the Hunter Water Act 1991) in the national park that is permitted under section 185A having regard to the conservation of the national park’s natural and cultural values,
  - (g) provision for appropriate research and monitoring.

As noted in Chapter 2, ‘sustainable’ use is defined in this Act as being in accordance with the principles of Ecologically Sustainable Development, as described in Section 6(2) of the NSW *Protection of the Environment Administration Act 1991*.’

Resolved, on the motion of Ms Faehrmann: That Table 1 ‘Reserve categories under the *National Parks and Wildlife Act 1974* and the *Brigalow and Nandewar Community Conservation Area Act 2005* be amended by

omitting the last row of the table beginning with the words 'Nature Reserve', and by separating the table into two tables – one for the *National Parks and Wildlife Act 1974* and another for the *Brigalow and Nandewar Community Conservation Area Act 2005*.

Ms Faehrmann moved: That paragraph 3.31 be amended by omitting the words 'The OEH asserted that' and inserting instead 'According to the OEH'.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That paragraph 3.56 be amended by inserting the words 'However, many Inquiry participants emphasised the importance of national parks as a means of protecting biodiversity. Mr Pepe Clarke, Chief Executive Officer of the Nature Conservation Council, stated: "The establishment of protected areas and reserves is known to be the single most effective method for protecting conservation values, in particular the habitat of wildlife and the survival of threatened plant and animal species over time".' at the end of the paragraph.

Ms Faehrmann moved: That paragraph 3.61 be amended by omitting the third and all subsequent sentences in the paragraph, beginning with the words 'Indeed, this view...'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That new paragraphs be inserted after paragraph 3.61 to read:

'The National Parks and Wildlife Service did not describe their management of parks in terms of a 'locking up' or 'fence and forget' approach, instead stating that 'the key areas of fire, pest and weed management' were of the 'the highest order priority in ongoing management of our parks and reserves.' Mr Bob Conroy, Acting Deputy Chief Executive, OEH, and Acting Head, NPWS, observed that 'management of the national parks system is a significant undertaking' and highlighted that NPWS employs around 1,750 staff.

Similarly, Mr Clarke stated:

...protected areas need to be managed effectively to ensure their conservation values are maintained or enhanced over time. On a number of land management indicators the National Parks and Wildlife Service performs strongly when compared with other public land managers and indeed many private managers of land.

Professor Vancleay's view was shared by a number of community members of the southern Riverina, who contended that the river red gum forests of the area are essentially 'man made' and of recent creation and have, therefore, been reserved inappropriately. However, this view of the forests' origin was rejected by a number of Traditional Owners, who argue that the red gum forests are 10,000 to 15,000 years old (please refer to the Case Study on River Red Gums).'

Ms Faehrmann moved: That paragraphs 3.63 and 3.64 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 3.66 to read:

‘Other Inquiry participants raised serious questions about the view that the conservation objectives of national parks can be adequately achieved through management for other primary objectives, such as forestry or agriculture. For example, Mr John Edwards from the Clarence Environment Centre expressed serious concerns with the protection of hollow-bearing trees in forestry operations, stating that despite requirements to “retain 10 hollow-bearing trees and 10 recruitment trees per each two hectares”, audits conducted by environment groups “have yet to find a forest where there is that number of trees retained”. Mr Clarke stated that the view of the Nature Conservation Council and its members is that “native forest logging operations as they are currently conducted in New South Wales are unsustainable in a couple of key regards.”’

Chapter 4 read.

Ms Faehrmann moved: That paragraph 4.32 be amended by omitting the words ‘with Mr O’Brien contending that the environmental assessments conducted on the river red gum forests were “totally wrong; the science was absolutely flawed”.’ in the last sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 4.45 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That paragraph 4.73 be amended by omitting the words ‘the “flawed”’ and inserting instead the words ‘their perception of flaws in the’ after the words ‘Inquiry participants,’ and before the words ‘science of the’, and omitting the word ‘the’ and inserting instead the word ‘their’ after the words ‘have fed’ and before the words ‘perception that’ in the last sentence.

Ms Faehrmann moved: That a new paragraph be inserted after paragraph 4.79 to read:

‘A significant number of participants to the Inquiry acknowledged the politicisation of the debate around national parks and their management, and raised concerns that the Inquiry itself was politicised. For example, the Colong Foundation for Wilderness raised strong concerns that “this Upper House Inquiry will favour the critics of national parks and sustainable land management practices”. It suggested that this perception of politicisation prevented many from participating in the Inquiry:

The terms of reference and the membership of the committee are biased toward findings that will confirm greater resource exploitation of public lands set aside for conservation and identify faults with the reservation processes of particular parks and reserves in NSW. Many citizen conservationists from all political backgrounds are aware of the pre-conceived intent of this Inquiry and will have nothing to do with the Committee’s processes.’

Question put.

The Committee divided.

Ayes: Mr Brown, Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the affirmative.

Mr Foley moved: That paragraph 4.80 be amended by omitting the words 'a significant number of' and inserting instead the word 'some' in the second sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraph 4.80 be amended by omitting the last sentence, beginning with the words 'These Inquiry participants...?'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraph 4.81 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraph 4.82 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Colless: That paragraph 4.83 be amended by omitting the last sentence, beginning with the words 'In addition...?'

Mr Foley moved: That paragraph 4.84 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Foley: That paragraph 4.85 be amended by omitting the word 'that' and inserting instead the word 'regarding' after the words 'Inquiry participants' and before the words 'consultation with'.

Mr Foley moved: That paragraph 4.85 be amended by omitting the words 'was limited and inadequate' after the words 'local communities' in the first sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Chapter 5 read.

Resolved, on the motion of Ms Faehrmann: That paragraph 5.4 be amended by omitting the words 'Given the space to spread, river red gums have quite stunted trunks before spreading out, into what is considered their true iconic form. In ideal conditions the river red gum is a fast growing tree and when grown for timber production, grows tall and straight.' from the end of the paragraph.

Resolved, on the motion of Ms Faehrmann: That paragraph 5.6 be amended by inserting the words 'Professor Richard Kingsford, Director of the Australian Wetlands, Rivers and Landscape Centre at the University of New South Wales Management, gave evidence that management for timber production leads to forests with dense, tall, young trees, and fewer older, hollow bearing habitat trees.' at the end of the paragraph.

Resolved, on the motion of Ms Faehrmann: That paragraph 5.7 be omitted and a new paragraph be inserted to read 'High value is placed on the Red Gum Forests for their conservation values and the habitat they can provide. The Riverina bioregion contains 50 threatened terrestrial fauna species and 18 listed migratory bird species. Many of these species are dependent on habitat provided by the Red Gum Forests, such as wetlands (25 species), hollow bearing trees (18 species), or dead fallen timber (13 species). Twenty-eight listed threatened species are considered to be dependent on two or more of the habitats provided by the Red Gum Forests.'

Ms Faehrmann moved: That paragraph 5.10 be amended by omitting the words 'their use of fire has been identified as a feature of the forests' development and is said to have had some impact on the character of the red gum forests today.' after the words 'In particular' and inserting instead the words 'it is thought that the Yorta Yorta people used fire for a range of purposes, although the relationship between the use of fire and vegetation structure in the forests is contested and still unclear.' at the end of the paragraph.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 5.15 be amended by omitting the word 'suggested' from the last sentence and insert instead the word 'found'.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 5.16 be amended by omitting the word ‘asserted’ in the first sentence and insert instead the word ‘concluded’.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.16 to read ‘Based on confidential surveys and meetings with members of the timber industry, Mr Wilde stated:

Without a restructure ... the profitability of some of the mills, such as those outside the central Murray area—Barmah-Millewa and Koondrook-Perricoota—was questionable and that they would have left the business, because there just was not enough timber in those forests and within what was agreed to be the forest prescriptions. There would have been a consolidation of the industry over time. At the same time there would have been a fastening, a rapid use and depletion of the timber stock which would have denied further regrowth and regeneration in those areas.’

Resolved, on the motion of Ms Faehrmann: That paragraph 5.17 be amended by omitting the word ‘being’ from the first sentence and inserting instead the words ‘and are’.

Resolved, on the motion of Ms Faehrmann: That paragraph 5.19 be amended by omitting the words ‘to enhance health’ after the words ‘ecological thinning’ and inserting instead the words ‘trials to assess the potential for ecological thinning to enhance forest health’.

Resolved, on the motion of Ms Faehrmann: That paragraph 5.22 be amended by omitting the word ‘Many’ from the beginning of the paragraph and inserting instead the words ‘Some Inquiry participants’.

Ms Faehrmann moved: That paragraph 5.22 be amended by omitting the last sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.22 to read ‘Evidence provided by other Inquiry participants did not support the assertion that the environmental values of forests are a result of management for silvicultural purposes. As discussed below, Professor Kingsford gave evidence that:

We know that as a result of past management we have long thin poles, very high stem density across river red gum forests and a tendency not to have large old trees that develop hollows. As a result, the scientific evidence indicates that the biodiversity is declining because there are not enough habitats.’

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.23 to read ‘Mr John Williams, former Commissioner of the Natural Resources Commission, disputed these claims, saying that: “Our modelling recognised that there would be some 1974-type years—which we had in 2010 and 2011. They were part of the range of rainfall patterns that were in the modelling task”.’

Resolved, on the motion of Ms Faehrmann: That paragraph 5.24 be amended by omitting the word 'However' from the beginning of the paragraph, and inserting the words 'Mr Wilde also explained that "the important point with planning for future trajectories is to look over the long-term trend, not what happens for one or two years".' after the words 'time of assessment.' at the end of the third sentence.

Resolved, on the motion of Ms Faehrmann: That paragraph 5.29 be amended by inserting the words 'Other Inquiry participants had a positive response to the declaration of the parks, with the National Parks Association describing them as 'an important step forward in creating a comprehensive, adequate and representative system of protected areas.' at the end of the paragraph.

Ms Faehrmann moved: That a new paragraph be inserted after paragraph 5.34 to read 'Dr Williams described the Commission's assessment process in this case as "world best practice", and explained that the Commission "used external panels of experts to provide peer review of the science, the economics and the social science".'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That the subheading 'Impacts of conversion' in Chapters 5 through to 9 be amended by omitting the word 'Impacts' and inserting instead the word 'Results'.

Resolved, on the motion of Ms Faehrmann: That paragraph 5.35 be amended by inserting the word 'Some' before the words 'Inquiry participants' at the beginning of the paragraph, and by omitting the word 'many' in the first sentence and inserting instead the words 'a range of' before the word 'concerns', and by inserting the word 'negative' in the first sentence after the words 'about the' and before the words 'impact of', and by omitting the words 'the negative effect' in the second sentence and inserting instead the word 'impacts'.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.35 to read 'Other participants identified positive environmental, social and economic outcomes of the conversion. These included the importance of this conversion and ongoing engagement between communities and government in delivering positive outcomes for Indigenous communities, investment by the government in local businesses and the River Red Gum Nature Tourism Action Plan, and the potential for improved environmental outcomes through management for conservation purposes.'

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.37 to read 'However, the Hon. Frank Sartor asserted that the decline in the timber industry was not due solely to the conversion to national park estate:

But the misleading component of this is that there was an 85 per cent cut. It had to be cut. It was unsustainable. The industry was acknowledging that privately to me. It was always going to drop by 44 per cent, even if no national parks had been declared.'

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.40 to read 'Mr O'Brien also acknowledged that he did not use the money he received from the business exit assistance package to exit the industry, but "put every cent of that so-called compensation money back into our business because we are not going to lie down... We have put every cent back in and we are employing over 20 people and we are trying to stay in business".'

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.41 to read 'In response to these criticisms, the Hon. Frank Sartor asserted that the aim of the package was to invest in projects that would create ongoing jobs:

Richard Bull's brief and his committee's brief was to look at those where we could pay for entry costs to businesses that then could create ongoing recurrent jobs. The idea was to try to kick-start some

businesses that would provide sustainable jobs, not to throw money into little programs that would fizzle after about a year or two.'

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.43 to read 'The Hon. Frank Sartor gave evidence that he had been advised that NPWS had created approximately 39 positions, and that "nine or 10 of those were actually redeployed from forestry". The NSW Government stated that an initial allocation of \$9.5 million in grants from the Riverina Red Gum Regional Employment and Community Development Fund was "estimated to support over 100 direct jobs and a further 120 indirect jobs. A further \$2.5 million in grants were provided to 27 projects in early 2012. These were expected to create and/or retain a further 90 direct jobs in the region".'

Ms Faehrmann moved: That a new paragraph be inserted after paragraph 5.48 to read 'A more positive view of the social impacts of conversion was provided by Mr Neville Atkinson from the Yorta Yorta nation, who stated that the establishment of the parks will provide the impetus for Traditional Owners and the wider community "to work together on social and economic issues" and provide a "common-ground perspective".'

Question put.

The Committee divided.

Ayes: Ms Faehrmann

Noes: Mr Brown, Mr Colless, Mr Foley, Mr MacDonald, Dr Phelps, Mr Primrose.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.55 to read 'Conservation groups noted that excessive firewood collection can have ecological impacts, particularly on threatened species such as the Southern Bell Frog which rely on fallen timber and debris as habitat. Removal of dead wood and dead trees, including collecting fallen timber for firewood, has been listed as a Key Threatening Process by the NSW Scientific Committee.<sup>1</sup> NPWS aims to manage these impacts by maintaining a level of 45 tonnes per hectare of coarse woody debris on the ground at collection sites.<sup>2</sup>

Resolved, on the motion of Ms Faehrmann: That paragraph 5.57 be amended by omitting the words 'impact of conversion on' in the first sentence and inserting instead the words 'outcomes of conversion for'.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.59 to read 'However, Mr Crew also acknowledged:

the important work being undertaken by both the New South Wales and Federal Governments to achieve a positive result for our community, which includes the support for the Werai Aboriginal Negotiating Team, the partnership work with the Murray Catchment Management Authority and the continuing support of the Commonwealth Department of Sustainability, Environment, Water, Population and Communities through the Indigenous Protected Area Program

and stated that "Yarkuwa remains committed to working with all levels of government to improve outcomes for our community".'

Resolved, on the motion of Ms Faehrmann: That paragraph 5.63 be amended by omitting the words 'were incredulous' in the second sentence and inserting instead the words 'did not believe'.

Ms Faehrmann moved: That paragraph 5.63 be amended by omitting the words 'He asked, 'Why would they point to tourism as being the saviour of a \$70 million a year industry?'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That new paragraphs be inserted after paragraph 5.64 to read 'As part of the conversion process, approximately 15,000 hectares of regional parks, which allow activities such as fishing and dog walking, were created. Adjustments following the declaration included the transfer of 1,117 hectares from national park estate to regional park because of the historical use of the area for dogwalking.'<sup>2</sup>

'An alternative view of the effects of conversion to national park estate on attracting tourists was presented by Mr Keith Stockwell, Secretary and Acting Conservation Officer, Birdlife Australia Echuca District Branch, who stated that

There is no doubt that more people will be attracted to a national park. The term in itself will attract more birders and bushwalkers than a State forest will, especially because a national park is likely to be better habitat and be more pleasant in which to walk.

He also noted the success of tourism in Gunbower, Victoria, following the Red Gum national park declarations in Victoria. He suggested the success of national parks in attracting tourism 'depends on the community getting behind promotions.'

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted before paragraph 5.67 to read 'The National Parks Association stated that

The Riverina bioregion, in which the park is located, is an area of very high national and state conservation priority. It is one of the most highly threatened bioregions in the country. More than 80% of the subregion along the Murray River has been cleared of native vegetation since 1788. About 50% of the Riverina bioregion has been cleared for agriculture. Before the creation of the River Red Gum National Parks, only 1.8% of the bioregion in NSW was protected in NPWS-managed conservation reserves.'

Resolved, on the motion of Ms Faehrmann: That paragraph 5.68 be amended by omitting the word 'Other' at the beginning of the paragraph and inserting instead the word 'Some', and by omitting the words 'Some traditional owners maintain, however, that the forests are 10,000 to 15,000 years old and that the existence of the red gum forests is evident in the "stories that have been passed down from Elders for generations".' at the end of the paragraph, and that new paragraphs be inserted after 5.68 to read 'This view was contested by other inquiry participants. Several representatives of indigenous communities stated that traditional owners maintain that the forests are 10,000 to 15,000 years old and that the existence of the red gum forests is evident in the "stories that have been passed down from Elders for generations", as in the existence of "lots of scar trees". Mr Neville Atkinson observed that European activities may have increased red gum or had a "changing effect" on the landscape, but stated:

Scientific evidence also says, and even Aboriginal knowledge says that just from the story I gave you, the forests are 10,000 to 15,000 years old. There is a description of red gum being in the landscape and being associated with the wetland. That is a natural tree for that type of environment.

The National Parks Association of NSW, in their submission to the Inquiry, referenced western scientific evidence 'suggesting that prior to European settlement, forest structure was dominated by large, spreading trees, some over 500 years old, interspersed with a mosaic of mixed and even-aged patches.'

Resolved, on the motion of Ms Faehrmann: That paragraph 5.69 be amended by omitting the words 'large-scale ecological thinning was a recommendation of the Riverina Bioregion Forest Assessment to maintain the health of the river red gum forests' from the first sentence and inserting instead the words 'the Riverina Bioregion Forest Assessment recommended a large scale trial of ecological thinning to determine whether this technique could play a role in maintaining the health of the river red gum forests.'

Resolved, on the motion of Dr Phelps: That paragraph 5.69 be amended by inserting the words 'small-scale' before the word 'trial' in the last sentence.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 5.70 to read 'Mr Stockwell, on the other hand, stated that "past forestry practices were not perfect", leading to 'an

inadequate number of good habitat trees”. Dr Bren expressed doubts about the effectiveness of thinning for achieving conservation outcomes like encouraging hollow formation, stating: “The retained trees will get certainly bigger and healthier, that is the nature of thinning, but if they are healthy they probably will not perform hollows quite as easily”.

Resolved, on the motion of Ms Faehrmann: That paragraph 5. 71 be amended by omitting the word ‘However’ from the beginning of the paragraph.

Mr Foley moved: That paragraphs 5.74, 5.75, 5.76 and 5.77 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Chapter 6 read.

Resolved, on the motion of Ms Faehrmann: That the introductory paragraph on page 77 be amended by omitting the words ‘conservation-only’ and inserting instead the words ‘conservation-focussed’ after to words ‘Crown lands to’ and before the word ‘tenures’ in the first sentence.

Resolved, on the motion of Ms Faehrmann: That the introductory paragraph on page 77 be amended by omitting the words ‘impacts of conversion on the local communities and timber industry on the north coast.’ and inserting instead the words ‘social, economic and environmental outcomes of this conversion.’ at the end of the paragraph.

Resolved, on the motion of Ms Faehrmann: That paragraph 6.12 be amended by inserting the words ‘This reduction was an initial step to reduce yields to what was thought to be a likely sustainable yield.’ at the end of the paragraph.

Resolved, on the motion of Ms Faehrmann: That paragraph 6.32 be amended by:

- inserting the words ‘of conversion’ after the words ‘the impacts’ and before the words ‘on the timber’, and inserting the words ‘of timber supply pressure’ before the words ‘on the environment’ in the first sentence.
- omitting the words ‘how conversion had affected’ and inserting instead the words ‘the outcomes of conversion for’ after the words ‘issue raised was’ and before the words ‘the significant tourism’ in the last sentence.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 6.35 to read:

‘However, this view was disputed by Inquiry participants from environmental groups. Mr Pugh contended that sustainable yields of timber volumes were identified as “217,000 cubic metres per annum”. He stated that the industry reached an agreement to “deliberately overcut the public native forest available for logging at that time”. Mr Pugh stated that the industry “knew that after 2018 they were going to have a major reduction in resource” and argued: “That was their decision to do so. They could have taken a lesser volume at the time and maintained it in perpetuity”.’

Resolved, on the motion of Ms Faehrmann: That new paragraphs be inserted after paragraph 6.47 to read:

‘While Inquiry participants from the timber industry have attributed what they perceive as over-logging to conversion decisions, environmentalists contend that difficulties in supply and over-logging are due to overestimated timber yields.

As noted previously, Mr Pugh expressed the view that “logging of public forests in north-east New South Wales has never been undertaken on a sustainable yield basis”. Mr Pugh contended, despite sustainable yields of timber volumes being identified as 217,000 cubic metres per annum, the decision was made to “log at the unsustainable rate of 269,000 cubic metres per annum until 2018 before reducing down to an estimated sustainable yield of 183,500 cubic metres per annum thereafter”. Mr Ashley Love, President of the National Parks Association of New South Wales, Coffs Harbour-Bellingen Branch, expressed a similar view saying that there is “clearly an over-allocation of the timber resource”. Ms Susie Russell told the Committee that previous forestry management plans “have always overestimated” timber yields which she contends demonstrates that “forestry has always operated on an unsustainable basis in this State”. Ms Russell said:

It has always had over-allocations... It is nothing new. It is like most extractive industries. The people who are involved overestimate the size of the resource because it generates investment possibilities and jobs, but sooner or later you hit the wall.

Mr Pugh recommended that there should be an:

urgent reduction in allocations of sawlogs from native forests and State forests down to the estimated long-term sustainable yield and the refocus of silviculture from liquidating the large sawlog resource to sustaining it in multi-aged forests.’

Resolved, on the motion of Ms Faehrmann: That paragraphs 6.52 and 6.53 be omitted.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 6.51 to read: ‘In a case study of Whian Whian State Forest, Mr Pugh asserted that “tourism far outweighed... the value of logging to the regional economy and to regional employment”.’

Mr Foley moved: That paragraph 6.68 be omitted and a new paragraph be inserted to read:

‘The Committee recognises the strength of evidence that in this Case Study national parks have attracted tourism to the area, with Inquiry participants presenting evidence which suggested an important role for national parks in drawing tourists to these regions.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 6.69 be amended by:

- inserting the words ‘The Committee also acknowledges the evidence received from conservationists which expressed the alternative view that this difficulty in meeting wood supply volumes is due to a serious over allocation of timber resources based on unsustainable yield estimates.’ after the first sentence
- omitting the word ‘this’ and inserting instead the words ‘timber supply pressure’ after the words ‘suggesting that’ and before the words ‘has led to’ in the last sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Chapter 7 read.

Ms Faehrmann moved: That paragraph 7.31 be amended by omitting the last sentence beginning with the words ‘The NSW Forests...’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 7.45 be amended by omitting the words ‘, commenting that the predicted 50,000 tourists per annum was “ridiculous”.’ at the end of the paragraph.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 7.54 be amended by omitting the last sentence beginning with the words ‘The Committee notes...’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Foley: That paragraph 7.54 be amended by inserting the word ‘some’ after the words ‘evidence from’ and before the words ‘Inquiry participants’ in the last sentence.

Ms Faehrmann moved: That paragraph 7.55 be amended by:

- omitting the word ‘, but’ and inserting instead the word ‘. It’ after the words ‘around Yanga’ and before the words ‘notes the’
- inserting the word ‘some’ after the words ‘raised by’ and before the words ‘Inquiry participants’
- omitting the words ‘and the strain put on available tourism budgets caused to an extent by competing national park locations.’ and inserting instead the words ‘and the need for targeted investment to further promote and develop Yanga as a tourist destination.’ at the end of the paragraph.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Foley: That paragraph 7.55 be amended by inserting the word ‘some’ after the words ‘raised by’ and before the words ‘Inquiry participants’.

Chapter 8 read.

Resolved, on the motion of Ms Faehrmann: That paragraph 8.1 be amended to omit the words ‘According to the NSW Government this was’ after the words ‘national park estate’ and before the words ‘to preserve’, and to omit the word ‘the’ and insert instead the word ‘its’ after the words ‘to preserve’ and before the words ‘conservation values’.

Chapter 9 read.

Resolved, on the motion of Ms Faehrmann: That Table 5 ‘Current land classification and area in the Pilliga, following the Brigalow decision’ be amended by omitting the words ‘Nature reserve’ in the last row of the table and inserting instead the words ‘Reserve system’.

Resolved, on the motion of Ms Faehrmann: That paragraph 9.21 be amended by omitting the words ‘Mr Sinclair consulted extensively, and it is understood that he recommended the NSW Government adopt the BRUS Option’ and inserting instead the words ‘Mr Sinclair stated he consulted extensively and that he recommended the NSW Government adopt the BRUS Option.’

Mr Foley moved: That paragraph 9.49 be amended by:

- omitting the word ‘deep’ in the first sentence
- omitting the word ‘many’ and inserting instead the word ‘some’ in the first sentence
- omitting the word ‘many’ and inserting instead the word ‘some’ in the second sentence
- omitting the words ‘Of particular concern was the apparent dismissal of the BRUS Option recommended by the independent Sinclair Report, chaired by Ian Sinclair’ at the end of the paragraph.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraph 9.50 be amended by omitting the word ‘significant’ and the words ‘, which were at times dramatic and devastating’.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraphs 9.51 and 9.52 be omitted and a new paragraph inserted to read: ‘The Committee recognises the importance of protecting large areas of the Pilliga primarily for conservation. It recognises the ecological import of the remaining large patch of native vegetation in a mostly cleared landscape and congratulates previous Governments for protecting it.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Chapter 10 read.

Ms Faehrmann moved: That the Chapter heading be amended by omitting the word ‘impacts’ and inserting instead ‘outcomes’.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That the introductory paragraph on page 129 be amended by:

- omitting the word ‘impacts’ and inserting instead the word ‘outcomes’ in the first sentence
- omitting the word ‘impact’ and inserting instead the word ‘results’ in the second sentence
- omitting the word ‘on’ and inserting instead the word ‘for’ in the second sentence
- omitting the words ‘This issue is at the core of whether national parks are delivering the environmental outcomes they are designed to produce’ at the end of the paragraph.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That a new paragraph be inserted after paragraph 10.15 to read: ‘Mr Pepe Clarke, Chief Executive Officer of the Nature Conservation Council, stated that establishing protected areas ‘is known to be the single most effective method for protecting conservation values, in particular the habitat of wildlife and the survival of threatened plant and animal species over time.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That the heading ‘Potential impacts of forestry practices on biodiversity’ on page 132 be amended by omitting the word ‘potential’.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 10.17 be amended by inserting the word ‘significant’ after the words ‘represents a...’ and before the words ‘threat to biodiversity’ in the first sentence.

Question put.

The Committee divided.

Ayes: Mr Brown, Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the affirmative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 10.38 to read:

‘As discussed above, other Inquiry participants disputed that current forestry practices have a positive effect on biodiversity. Mr Keith Stockwell considered past forestry practices in the red gum forests were “not perfect”, and led to “an inadequate number of good habitat trees”. Ms Beverly Smiles, a representative of the National Parks Association of NSW, discussed the fundamental different objectives of different land managers:

The view of people who harvest timber and manage an area of land to obtain harvestable timber revolves around silviculture. They look at how to manage an area to grow good logs. The fact that some native species can use some of those elements in those forests is a sideline to the consideration of the way those forests are managed. Managing an area for the benefit or survival of threatened species is totally different.’

Ms Faehrmann moved: That paragraph 10.39 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 10.40 to read: ‘However, Ms Sally Barnes, Chief Executive of the Office of Environment and Heritage, stated that only ‘a very small percentage’ of the reserve system comprises plantations’.

Ms Faehrmann moved: That a new paragraph be inserted after paragraph 10.40 to read:

‘This view was echoed by Mr Dailan Pugh, representative of the North East Forest Alliance, who stated that he had been a member of the State Forests Plantation Advisory Committee, which reviewed national parks in the north-east of NSW. He stated:

We went through a whole lot of areas that were claimed as plantations and we just found that a lot of them were not. There was no evidence of planted trees in them.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That paragraph 10.58 be amended by omitting the words ‘that large scale ecological thinning was necessary’ and inserting instead the words ‘recommended a large-scale trial of ecological thinning’ in the first sentence.

Resolved, on the motion of Ms Faehrmann: That a paragraph be inserted after paragraph 10.70 to read: ‘Professor Richard Kingsford advised that “the core of the issue is your objectives”. He cautioned that if the desired objective is nature conservation, “then a lot of the other land uses that have been put forward to be done in national parks would be incompatible”. He also noted that past forestry management practices in red gum forests had resulted in “a tendency not to have large old trees that develop hollows”.’

Mr Foley moved: That paragraphs 10.74, 10.75 and Recommendation 4 be omitted and a new recommendation inserted to read: ‘That the NSW Government supports the current joint New South Wales-Victorian thinning trial and apply its lessons, where applicable, to other disturbed forests. The

Government should commit to ensuring that the thinning operations have no commercial component as their goal is ecological’.

Question put.

The Committee divided.

Ayes: Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Ms Faehrmann, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That Recommendation 4 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann.

Noes: Mr Brown, Mr Colless, Mr Foley, Mr MacDonald, Dr Phelps, Mr Primrose.

Question resolved in the negative.

Dr Phelps moved: That all references to ‘carbon sequestration’ and ‘the sequestration of carbon’ between pages 148 and 151 be amended by inserting the word ‘dioxide’ after the word ‘carbon’.

Question put.

The Committee divided.

Ayes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps

Noes: Ms Faehrmann, Mr Foley, Mr Primrose.

Question resolved in the affirmative.

Resolved, on the motion of Dr Phelps: That all references to ‘climate change’ be amended by omitting the words ‘climate change’ and inserting instead the words ‘anthropogenic global warming’.

Resolved, on the motion of Mr Foley: That paragraph 10.90 be amended by omitting the words ‘and the environment more broadly’ after the words ‘atmospheric carbon’ and before the words ‘, although this impact’ in the second sentence.

Mr Foley moved: That paragraph 10.90 be amended by omitting the second sentence and inserting instead the words ‘The forest industry argues that logging forests allow us to capture the carbon stored in trees by converting it into long term uses such as housing while allowing new trees to grow, storing more carbon as they do so. This argument fails if logged forests are used for short-life uses such as paper production or firewood. Ecologists argue that forests sequester more carbon if allowed to regenerate to their natural state where carbon is in a natural cycle of growth and decay.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Foley: That Recommendation 5 be amended by omitting the word ‘undertake’ and inserting instead the word ‘commission’, and by inserting the word ‘independent’ after the word ‘more’ and before the word ‘research’.

Chapter 11 read.

Resolved, on the motion of Ms Faehrmann: That paragraph 11.32 be amended by inserting the words ‘...the pre-European extent of river red gums is a contested area. There is a lot of literature which have differing opinions of the accounts; and we were transparent about that contestation in our assessment report. The New South Wales native vegetation classification system found, from memory, that there were some 700,000 hectares pre-European extent of red gums’ at the beginning of the quoted evidence.

Ms Faehrmann moved: That paragraph 11.46 be amended by omitting final sentence beginning with the words ‘On the other hand...’.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 11.48 to read:

‘The Nature Conservation Council of NSW stated:

To mitigate the risk of bushfire, public land managers currently use prescribed burning to attempt to protect human assets by reducing fuel loads. They also actively suppress bushfires when they occur. This has resulted in the need to re-establish fire in ecosystems that require fire for their regeneration and ecological function. The management of fire is therefore complex and this complexity has been further exacerbated by climate change. Although there is a growing body of peer reviewed science to guide ecologically sustainable bushfire management, public perceptions and expectations put constant pressure on government to adopt policies that do not necessarily produce the best outcomes for life, property or the environment.’

Resolved, on the motion of Ms Faehrmann: That paragraph 11.60 be amended by omitting the words from ‘Broadly these views...’ to ‘who suggested,’ and inserting instead the words ‘Some witnesses gave evidence that too frequent hazard reduction damages ecosystems and that burning needs to be strategic and based on the best available science, while others advocated’, before the words ‘that fire, as a natural part...’

Ms Faehrmann moved: That paragraph 11.66 be omitted and a new paragraph inserted to read:

‘The Nature Conservation Council of NSW submitted:

The efficacy of hazard reduction burning in mitigating bushfire risk is dependent on a number of factors including climate, weather, terrain and time since the treatment was conducted. The behaviour of wildfires is primarily determined by weather, terrain and fuel in that order (Pyne et al, 1996). Research shows that under extreme weather conditions, such as those experienced during the Victorian fires, weather is a stronger driver of fire behaviour than fuel. Prescribed burning is only successful for a number of years (between 3-5 years in areas around greater Sydney area) and is less effective for mitigating risk on steep slopes (Price and Bradstock 2010). Therefore a combination of prescribed burning, ignition management and public education is a more effective way of mitigating the extent of unplanned fires (Cary et al. 2009).’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 11.69 to read: ‘However the Nature Conservation Council of NSW submitted that ‘Logging has been put forward as a tool to reduce the fire proneness of forests. However, research conducted on the 2009 Victorian fires showed that houses close to State Forests were at similar risk from bushfire as those located close to National Parks (Gibbons et al. 2012)’ and ‘Although logging slash is often burned post harvesting to reduce fuels, regrowth saplings can create more available fuel than mixed age stands’ (Reviewed in Lindenmayer et al 2009).’

Resolved, on the motion of Ms Faehrmann: That paragraph 11.74 be amended by omitting the evidence quoted and inserting instead new evidence to read:

‘The limited research that has been conducted shows that the relationship between grazing and fuel level is very much dependent on vegetation type. Overall for grassy systems, grazing does appear to reduce fuel levels, but not necessarily mitigate bushfire risk. In NSW and Victorian alpine and subalpine grasslands and heathlands (where grazing is often advocated by grazing interest groups), grazed areas were just as likely to be burnt during the 2003 fires as the ungrazed areas and grazing did not reduce fire intensity in the heathland communities (Williams et al. 2004). These findings support the conclusions of the Esplin Report of the Victorian Government Inquiry into the 2003 bushfire (Chapter 8), that high country grazing did not reduce the incidence of fire.’

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 11.77 to read: ‘The Nature Conservation Council stressed the need to manage fire on national park estate based on the best available science. They recommended that the NPWS draft plan of management *Living with Fire in NSW National Parks – A Strategy for Managing Bushfire in National Parks and Reserves to 2021* to all current parks and newly acquired land and support NPWS five primary fire management objectives. They stated that the draft strategy is a comprehensive and strategic document which aims to manage both current and emerging bushfire risks.’

Ms Faehrmann moved: That paragraph 11.78 be omitted and a new paragraph inserted to read: ‘The Committee received evidence from some Inquiry participants expressing concern regarding the management of fuel loads on public land, in particular on national park estate, and the alleged fire risk this fuel load represents.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 11.79 be omitted and new paragraphs inserted to read:

‘The Committee received additional evidence however on the impact of hazard reduction on biodiversity, with some witnesses stating that many ecosystems in the Australian landscape benefit from fire but that too frequent hazard reduction burning damages ecosystems and that burning needs to be strategic and based on the best available science.

In particular, it was drawn to the Committee’s attention that there is a growing body of peer reviewed science being used to guide ecologically sustainable bushfire management and that this was increasingly being applied by the NPWS in its draft plan of management.’

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That after Recommendation 6 a new recommendation, which would become Recommendation 6.2, be inserted to read: 'That the NSW Government investigate the application of the NPWS draft plan of management *Living with Fire in NSW National Parks – A Strategy for Managing Bushfire in National Parks and Reserves to 2021* to all current parks and newly acquired land and support NPWS five primary fire management objectives.'

Chapter 12 read.

Resolved, on the motion of Mr MacDonald: That paragraph 12.20 be amended by inserting the words 'feral cats and foxes' after the words 'Wild dogs, feral pigs and goats...' and before the words 'as well as carp'.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 12.45 to read:

'Additionally, Mr Keith Stockwell from Birdlife Australia told the Committee of a local rabbit and fox control programs in the Echuca district area:

Because we were concerned with the increase in rabbit and fox numbers after the rains a contractor was employed. He did two 100 kilometre transects around the national park. The local people and parks employees gathered at a public meeting in Pyramid Hill and it was decided to have a baiting program. Free baits were made available through the Conservation Management Network. They were laid during a very short time and the bait stations were checked daily. After a couple of weeks that program of laying liver baits ended and the contractor and his employees fumigated warrens and attempted to get rid of rabbits by destroying the warrens and fumigating them.

There was then a second round of baiting using Foxoff. The contractor, Nick Hunter, once again conducted two surveys of over 100 kilometres each and found there was at least an 85 per cent reduction in fox numbers and well over 90 per cent going on to 100 per cent in rabbit numbers.'

Ms Faehrmann moved: That a new paragraph be inserted after paragraph 12.46 to read:

'The Colong Foundation for Wilderness contested the assertion that amateur hunting in National Parks is an effective form of feral animal control:

In 2010-11 the Game Council issued 15,080 hunting licences and reported 14,161 animals killed on public land or 0.9 pests per hunting trip. Some 46% of the animals shot were 11 rabbits, about 20% were goats and about 16% were pigs. Wild dogs, which are one of the biggest problems for landholders made up just 0.5% of all animals taken (Game Council Ann. Rpt., pgs 13 & 15). The annual budget for the Game Council is \$2.5 million, so each pest animal killed on public land cost \$176.50. These figures demonstrate ground-based recreational hunting is an ineffective means of feral animal control. Removing the occasional rabbit, goat or pig using is a waste of public money and time.'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraphs 12.64, 12.65 and 12.66 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann.

Noes: Mr Brown, Mr Colless, Mr Foley, Mr MacDonald, Dr Phelps, Mr Primrose.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 12.79 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 12.100 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That paragraph 12.116 be amended by omitting the words ‘discussing “collecting firewood on a large basis” expressed the view that “there have been several activities, some of which have been described as active management, presented as a way of improving biodiversity. I believe that many of these actually degrade biodiversity”’ and inserting instead the words:

‘...submitted:

We have conducted a large-scale experiment that manipulated the amounts of coarse woody debris (fallen timber) in river red gum forests on Gunbower Island. Birds and the only understorey small mammal species, the yellow-footed antechinus were surveyed before and three years after experimental changes in the wood loads. Increasing the wood load increased the species richness of birds and the abundance of several bird species (Mac Nally, 2006; Mac Nally & Horrocks, 2007a) and the abundance and breeding success of antechinus (Mac Nally & Horrocks, 2007b). Therefore, exclusion of firewood collection from these forests will lead to an increase in animal diversity and population viability.’

Mr Foley moved: That paragraph 12.135 be amended by omitting the words ‘actively support’ and inserting instead the words ‘consider supporting’ in the last sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That Recommendation 7 be amended by:

- omitting the word ‘actively’
- omitting the word ‘enabling’ and inserting instead the words ‘investigating on a case by case basis’.

Question put.

The Committee divided.

Ayes: Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Ms Faehrmann, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That Recommendation 7 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann.

Noes: Mr Brown, Mr Colless, Mr Foley, Mr MacDonald, Dr Phelps, Mr Primrose.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 12.140 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraphs 12.148, 12.149 and 12.150 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Faehrmann moved: That paragraph 12.152 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Chapter 13 read.

Ms Faehrmann moved: That the first paragraph on page 227 be amended by omitting the word 'the' after the words 'indicated that for' and before the words 'communities most' inserting instead the word 'some', and by omitting the word 'reducing' after the word 'substantially' and before the words 'or, in some cases' and inserting instead the words 'impacting on', and by omitting the word 'industries' and inserting instead the word 'businesses' in the last sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 13.1 to read 'The North East Forest Alliance presented evidence on the history of the forest reform process:

The Forestry Reform process delivered a significant increase in the reserve system in north east NSW based on a rigorous scientific assessment and delivered a comprehensive regime for offreserve management. Tragically the reserve outcome fell far short of what was required to fulfil the minimum

requirements of the national reserve criteria. Government agencies identified 1,027,655 hectares of public forests in north-east NSW as requiring reservation in order to reasonably satisfy the national reserve criteria, though the outcome was the reservation of 410,547 ha in 1998, with a further 122,334 hectares of unloggable forests and Crown land being added by 2002. A further 370,000 hectares of unloggable forests, wilderness, old growth and rainforest was included in Forest Management Zones excluded from logging.'

Mr Foley moved: That paragraph 13.15 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 13.17 to read 'However, the North East Forest Alliance, whose members were involved in the Forest Reform process, had a different view:

Regrettably the industry was given 20 year Wood Supply Agreements until 2018 for volumes of large quota sawlogs from public lands at intentionally unsustainable levels. Industry groups supported the outcome while conservation groups opposed it. Soon after the RFA it became apparent that yields were substantially below those predicted. By 2002 it was apparent that at least an immediate 18% reduction in commitments was required because of Forests NSW's over-estimates. Estimates of long-term sustainable yields had plummeted.

The 2003 Icon decision protected 45,000 hectares in 15 "icon" areas as reserves and placed 20,000 hectares of oldgrowth forest on state forest into protected zones. This filled some significant gaps in the reserve system and resulted in the protection of most large patches of oldgrowth on public lands, though still left many reserve targets unmet. Forests NSW's resource assessment showed this reduction in areas available for logging could be compensated for by reducing the protection provided to exclusion areas by removing "buffers on buffers".

The Government then reduced annual timber commitments down to the levels identified in the limited 2002 review. Regrettably the Government entrenched unsustainable logging by extending Wood Supply Agreements for a further 5 years until 2023, thereby increasing total committed volumes of large sawlogs and adding commitments for small and low quality sawlogs.'

Mr Foley moved: That paragraph 13.39 be amended by omitting the last sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraph 13.54 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 13.72 to read 'The National Parks Association of NSW stated that they did not:

believe that this Inquiry should focus on revisiting previous public land use decisions of government. Regularly revisiting major public land use decisions will prove a significant waste of public funds that have already been used to establish national parks and to provide industry adjustment; undermine the value of national parks; create international embarrassment for Australia and NSW, particularly in the lead-up to NSW hosting the 2014 IUCN World Parks Congress, which is a major international conservation event and will focus international attention on the management of protected areas in NSW; break a long-standing bipartisan commitment to the establishment of a CAR reserve system; and create business uncertainty by reopening previously-settled issues.'

Mr Foley moved: That paragraphs 13.74, 13.75 and Recommendation 10 be omitted.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Faehrmann: That a new paragraph be inserted after paragraph 13.76 to read 'However, the North East Forest Alliance gave evidence that national parks were beneficial for regional economies:

National parks and reserves provide a range of economic values to society including those associated with recreation and conservation. Visitation to, and management of protected areas, also provides stimulation to regional economies from the associated expenditures that occur within the region. Tourism is the most rapidly expanding sector of the regional economy. The long-term economic value of national parks for recreation will often outweigh any short-term economic return from logging, mining and/or grazing. It is thus essential that the socio-economic values associated with visitation to parks be duly accounted for.'

Ms Faehrmann moved: That a new paragraph be inserted after paragraph 13.134 to read 'However, Mr Keith Stockwell from Birdlife Australia told the Committee of the increasing numbers of birdwatchers visiting the area. He tells of the 'photo congress' of the Bird Observation and Conservation Australia group in Gunbower:

Over 80 bird photographers attended. Every piece of accommodation in Gunbower was booked out for that week. As well as the photographers, there were their partners and in some cases children. The whole community was involved. The football club, for instance, catered for a dinner. The fishing club catered for a dinner. The Country Women's Association [CWA] catered for morning and afternoon tea. The whole little community—it is not a very big community—was involved. We also had two bird camps nearby, which were attended by about 50 people each time. Why Gunbower? Why not Mathoura?

Well, the sign on the door of the information centre is a sort of an anti-greenie type sign and there were nasty signs on some of the shops. The first thing to do is for shopkeepers and the information centre to take those signs down and try to welcome people who have a green bent.'

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr MacDonald, Mr Primrose

Noes: Mr Brown, Mr Colless, Dr Phelps.

Question resolved in the affirmative.

Mr Foley moved: That paragraph 13.156 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraph 13.157 be amended by omitting the words 'The Committee acknowledges that without significant investment, it will be difficult for the tourism industry to ever offset the loss of significant industries.' at the beginning of the paragraph, and by omitting the word 'Therefore' at the beginning of the second sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Chapter 14 read.

Mr Foley moved: That paragraphs 14.52, 14.53 and 14.54 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Chapter 15 read.

Ms Faehrmann moved: That paragraph 15.30 be amended by omitting the last sentence beginning with the words 'He presented this...', and that Table 11 'A comparison of management approaches by Professor Vanclay' be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraphs 15.32, 15.33, 15.34 and 15.35 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraph 15.71 be amended by omitting the second and last sentences, and that paragraph 15.72 be omitted.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Mr Foley moved: That paragraph 15.121 be amended by omitting the words 'as part of the independent full scale assessment of public land management in New South Wales, the review should' and inserting instead the words 'the Government should' after the words 'Committee believes that' and before the words "investigate innovative..." in the last sentence.

Question put.

The Committee divided.

Ayes: Ms Faehrmann, Mr Foley, Mr Primrose

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Dr Phelps moved: That the draft report, as amended, be the report of the Committee and that the Committee present the report to the House;

That the transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the Inquiry be tabled in the House with the report; and

That upon tabling, all transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the Inquiry not already made public, be made public by the Committee, except for those documents kept confidential by resolution of the Committee.

Question put.

The Committee divided.

Ayes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps

Noes: Ms Faehrmann, Mr Foley, Mr Primrose.

Question resolved in the affirmative.

Resolved, on the motion of Dr Phelps: That any dissenting statements be provided by 5pm Friday, 10 May 2013.

Resolved, on the motion of Dr Phelps: That the Secretariat be empowered to correct any typographical, grammatical or formatting errors.

## 6. Adjournment

The Committee adjourned at 2.27 pm until *sine die*.

Rhia Victorino

**Clerk to the Committee**

## Appendix 8 Dissenting statements

### DISSENTING REPORT – HON CATE FAEHRMANN MLC

I wholeheartedly reject the intent of this Report. The Greens do not support the Committee Comments contained in this Report. Further, we do not support the following Recommendations:

- Recommendation 1
- Recommendation 2
- Recommendation 3.1
- Recommendation 4
- Recommendation 6.1
- Recommendation 7
- Recommendation 10
- Recommendation 11

This Inquiry was designed to undermine the bipartisan, whole-of-government support for National Parks which has been unchallenged by every Australian government, both state and federal, for many decades. This Inquiry was designed, from the outset, to paint national parks as areas which are weed and feral animal infested, a drain on the taxpayer and local communities and a fire threat to neighbours. The final Report reflects the views of the Shooters and Fishers, National and Liberal Party members.

The views of these members are made clear from the outset where even the word science appears in quotation marks in the subsection 'The 'science' of land selection in Chapter 3. Quotation marks used in this way indicate irony. My amendment to remove the quotation marks was unsuccessful, despite nothing in that section of the Report justifying the Committee to doubt the science behind land selection for conservation purposes used by the NSW Government. This speaks volumes for the overall tone and intent of this Report. It is my opinion that this Report is designed to discredit the science behind national park reservation and management as well as the science behind biodiversity conservation.

I moved many amendments to the draft Report in an attempt to restore some degree of balance to each Chapter. While many of my amendments were accepted because it was evidence heard during the Inquiry, this report is still highly unbalanced. Regrettably, the final Report is full of anti-environment sentiment, designed to undermine many committed public servants who work in the National Park and Wildlife Service as well as those who have dedicated many years of their lives to protect this state's natural heritage.

I believe those witnesses who appeared before the Committee from the Natural Resources Commission, the Office of Environment and Heritage, the National Parks and Wildlife Service, the Nature Conservation Council of NSW, the Colong Foundation for Wilderness, the North East Forest Alliance, the National Parks Association and many others provided copious amounts of substantiated evidence, including extensive submissions, that defended the science and practice behind protected areas.

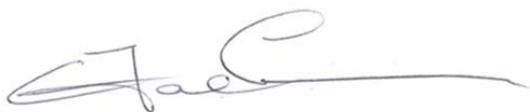
For example, in the section 'Are national parks fulfilling their conservation objectives' the Chapter Establishing National Parks has published a fair amount of evidence from Professor Jerome Vanclay, Professor for Sustainable Forestry at the Southern Cross University, including his view that national parks has a 'fence and forget' ideology. This section of the Chapter also includes evidence from the NSW Farmers Association and the Forest Products Association questioning the worth of 'preserving and protecting' land for conservation. It is my strong view that all parliamentary committees should be conducted fairly and objectively despite the political makeup of the Committee. However, throughout this Report the evidence of those whose primary focus was industry, farming or business was given significantly more weight in all sections of the report than conservationists and scientists, including those parts of the Report that were supposed to be conservation-focused.

It is frustrating that the Final Report gives more weight to evidence provided by the timber industry about the impact of logging on biodiversity than it does to the evidence provided by park managers, public servants, conservationists and ecologists.

I would like to provide comment on two of the more outrageous recommendations in this report. One that calls for a moratorium on the declaration of national parks and the other which recommends some national parks should be opened to logging.

The Greens fundamentally reject Recommendation 2 which calls for a moratorium on National Parks. There was no compelling evidence provided during the Inquiry to justify this recommendation, nor were there repeated calls for this by witnesses. In fact, many witnesses spoke of the need to expand our national park reserve system to keep up with our commitments under the Convention on Biological Diversity (CBD) which sets the target for reserve protection at 17%. NSW currently has less than 9% of land protected in the reserve system. A call for a moratorium implies that our National Parks system is failing us and not providing the services, including eco-system services, that they were designed to do. However, many witnesses gave evidence as to the economic and social benefits to NSW from national parks. I successfully amended the report to include evidence from the North East Forest Alliance of the benefits to the local economy of the national parks in the area for example, yet the recommendations still reflect only the evidence presented to the Committee by those who were advocating gaining access to national parks.

Recommendation 10 is not supported by the Greens. I believe the evidence heard during the Inquiry does not justify opening up currently reserved areas for logging, nor does it justify any 'tenure swaps' between national park estate and state forests. Evidence was heard during the inquiry from both the timber industry and conservationists that NSW's Wood Supply Agreements are unsustainable. Conservationists urged that every opportunity should be taken to reduce the volumes committed and the length of the agreements. Evidence was also received that opening up areas for logging that are currently reserved will lead to conflict. I agree with this statement.



Hon Cate Faehrmann MLC

**The Greens**

DISSENTING STATEMENT FROM HON. LUKE FOLEY MLC

Hon. Peter Primrose and I are opposed to this Report. We disagree with many of the *Committee Comments* throughout the Report but limit our dissenting statements to the conclusions drawn from these committee comments, and in particular the Report's *Summary of Key Issues* and

***Recommendations.*****The role of national parks**

I utterly reject the following statement, on page xvii, "...the Committee acknowledges the limitations of national parks and questions their ability to solely provide the best conservation outcomes for the State, given the history of recently converted lands that were actively and sustainably managed to produce the very values that are deemed worthy to conserve. In particular, the Committee looks to areas such as the river red gum forests of the Riverina and the Pilliga forest in north-western New South Wales as Case Studies where some evidence suggests that conversion has had adverse impacts on biodiversity."

The Labor members who served on this Inquiry celebrate the conservation achievement of the New South Wales National Park system. As presented in the evidence, it is clear that international scientific consensus confirms that a large National Park system, managed primarily for conservation, is the central piece of an effective biodiversity protection regime.

Evidence presented suggests that other land tenures, additional to the National Parks system, which allow compatible uses such as recreation can also be an effective nature conservation tool in complementing national parks. However, they must be additional, and cannot replace the key conservation strongholds of National Parks. The Government should investigate innovative land management models for land that is currently privately managed, including the use of private conservancies, for possible application in New South Wales to increase conservation and biodiversity in concert with an expanded National Parks system.

**The role of nil-tenure approaches**

Nil-tenure approaches are innovative and effective land management practice but this applies not only to managing threats such as ferals and fire but also to pro-active ecological improvements such as improving and expanding vegetation corridors across the landscape. Private land owners should also have expectations of building the biodiversity assets on their own properties in continuation with efforts on public land.

**The conversion process**

In response to the Committee recommendation that economic and social values should be given equal weighting with conservation considerations in making conversions to National Parks, Labor members believe the primary role of conversion to National Park is to ensure important conservation areas are protected. The principal objects of the *National Parks and Wildlife Act 1974* are the conservation of nature and the conservation of objects, places or features (including biological diversity) of cultural value within the landscape. These objects therefore have to be the principal consideration when deciding on conversion.

Labor members reject the assertion that, "The Committee is particularly concerned about the public perception that the conversion process has been politicised. To this end, the Committee believes that the conversion process requires considerable improvement."

Evidence from Government agencies revealed considerable effort is made evaluating social and economic impacts of conversion and generous structural adjustment programs and funding has been provided to assist with changes in local economies and communities.

### **Impacts of Conversion**

I reject the Committee's assertion on the impacts of conversion, at page xviii.

Conversion brings changes to a community and its economy and these are often difficult adjustments for individuals and communities, however it is to the long term benefit of communities to shift out of unsustainable and environmentally damaging industries. Government has been careful and generous in providing support to make adjustments to economies and livelihoods.

Labor members reject any suggestion that National Parks would deliver better conservation outcomes by being opened up to "multiple-use" to include commercial or inappropriate recreational activities. National Parks are primarily for the protection of nature with a secondary aim of providing peaceful recreational opportunities that are consistent with conservation priorities. National Parks also play an important role in our attempt to deliver inter-generational equity and fairness.

### **Recommendation 1**

I reject Recommendation 1, that an "independent, full-scale and comprehensive assessment of the management of all public lands in NSW" be conducted.

While there is always room for improvement in the management of public lands, Labor does not believe the fundamentals of public land management need to be reassessed. The Committee report does not address the role of funding in delivering good public land management. Better, targeted funding of the National Parks and Wildlife Service would mitigate many of the problems identified by the Inquiry.

Labor members support investigating options for nil-tenure management of lands where appropriate and efficient.

Labor members support investigation of the possible use of private conservancies as part of the mix of efficient and effective management of public land.

Labor members support investigating the possibility of public land managers making a contribution to maintain local infrastructure especially where there has been a conversion from rate paying private land to public ownership.

### **Recommendation 2**

I utterly reject Recommendation 2, a moratorium on Park creation or extension. Instead Labor members call on the Government to recommit to National Park establishment. Evidence given to the inquiry stated that NSW currently has less than 9% of its land mass protected in the reserve system. This is below the Australian average of 12% and well below our international obligations under the Convention on Biological Diversity (CBD) which sets the target for reserve protection at 17%.

Labor members therefore call on the Government to commit to raising the percentage of land protected in NSW as National Park to 12% by the end of this decade with a particular focus on reservation in the west of the state, as outlined in the *NSW National Park Establishment Plan 2008*.

I also concur with the dissenting statement of Hon. Peter Primrose which can be read as a continuation of this statement.



Hon Luke Foley MLC

**Australian Labor Party**

DISSENTING STATEMENT FROM HON. PETER PRIMROSE MLC

Hon. Luke Foley and I are opposed to this Report. We disagree with many of the *Committee Comments* throughout the Report but limit our dissenting statements to the conclusions drawn from these committee comments, and in particular the Report's *Summary of Key Issues* and *Recommendations*. I concur with Hon. Luke Foley's dissenting statement and add these further dissenting remarks.

**Recommendation 3**

I reject the Committee's proposal that economic and social impacts of conversion decisions are accorded equal weight with conservation objectives, for the reasons given in Hon. Luke Foley's dissenting statement.

However Labor members acknowledge the concerns raised by some Inquiry participants regarding the process of converting land to national park estate and believe that every effort should be made to ensure local communities have a positive experience of land conversion. Therefore, Labor members recommend that the Government commits to constant review and improvement in providing a consistent, transparent, inclusive and independent conversion process.

Labor members reject the Committee's Recommendation 3 which calls for the development of a completely new process to convert land to the national park estate. Instead we propose that the NSW Government commits to continually improving existing processes for assessing impacts and communicating with local communities concerning conversion of land to National Park, ensuring that processes:

- are consistent, transparent, inclusive and independent
- include the development of a community engagement strategy to guide consultation with local communities prior to making decisions on the conversion of land to national park estate. The strategy should set clear expectations regarding what consultation will occur and mandate consultation with local government throughout the conversion process.

**Recommendation 4**

I support the current joint New South Wales – Victorian thinning trial in the River Red Gum Forests. Ecological thinning was recommended by the Natural Resources Commission. The Government should commit to ensuring thinning operations have no commercial component as their goal is ecological rather than silvicultural.

**Recommendation 5**

Labor members support the commissioning of *independent* research into the impacts of forestry management practices on the sequestration of carbon and other greenhouse gases.

The timber industry argues that logging forests allows us to capture the carbon stored in trees by converting it into long term uses such as housing while allowing new trees to grow, storing more carbon as they do. This argument fails if logged forests are used for short-life uses such as paper production or firewood. It is also dependent on very low wastage in the logging process. Ecologists argue that forests sequester more carbon if allowed to regenerate to their natural state where carbon is in a natural cycle of growth and decay. The people of NSW would be well served to have both these arguments tested by independent scientists.

**Recommendation 7**

I do support the principle of the National Parks and Wildlife Service seeking to accommodate and enable the apiary and commercial inland fishing industries as long as there is no negative conservation impact. I would modify the Committee's recommendation to include the proviso of facilitation of these industries on a "case by case basis", dependent on conservation considerations.

**Recommendation 10**

I do not support any proposal to open up currently conserved land to logging. Conversion in the Pilliga was the result of a comprehensive, careful and just process and current zoning arrangements should remain. Labor members recognise the importance of protecting large areas of the Pilliga primarily for conservation, and the ecological importance of the remaining large patch of native vegetation in a mostly cleared landscape and congratulate the former Government for protecting it.



Hon Peter Primrose MLC  
**Australian Labor Party**