

Submission
No 258

**INQUIRY INTO MANAGEMENT OF PUBLIC LAND IN
NEW SOUTH WALES**

Name: Name suppressed
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Partially Confidential

The Director
General Purpose Standing Committee No. 5
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Our Reference:
Your Reference:

Contact:

3 August 2012

Dear Sir/ Madam,

Re: General Purpose Standing Committee No. 5 – public submission

Background and Intent

This submission has been prepared for presentation to the General Purpose Standing Committee No. 5 – Inquiry into the Management of Public Land in New South Wales.

Discussion

Comprehensive, adequate and representative public reserves form the fundamental and critical cornerstone of biodiversity conservation and provide environmental and social benefits through enhancing landscape resilience, maintaining/ restoring ecosystem services provisions (clean air, clean water, carbon sequestration, etc), providing an outlet for sympathetic nature-based conservation, preserving cultural heritage, preserving genetic diversity and evolutionary processes, etc.

Thus, the need for a comprehensive, adequate and representative reserve system is uniformly accepted in science, policy and international convention.

It is important to recognise that Australia is a signatory to the International Convention on Biodiversity. Further, NSW, through various planning and policy documents and legislation, have committed to the conservation of biodiversity, the protection and recovery of threatened species, the preservation of environmental resilience and the ending of broadscale clearing of native vegetation. This standing committee should refer to such documents including, but not limited to:

1. *Draft New South Wales Biodiversity Strategy 2010 – 2015* (NSW Government 2010)
2. *New South Wales National Park Establishment Plan 2008* (DECC 2008)
3. *Australia's Biodiversity Conservation Strategy 2010 – 2030* (NRM Ministerial Council 2010)
4. *State of the Environment Reports* for NSW and Australia (various references)

NSW has not yet achieved a comprehensive, adequate and representative reserve system. DECC (2008), the NSW National Parks Establishment Plan states (pg 1.):

“Almost 6.7 million hectares of New South Wales is protected in conservation reserves managed by the National Parks and Wildlife Service (NPWS) within the Department of Environment and Climate Change (DECC)...

This network of nearly 800 individual areas covers more than 8% of the state. It is the legacy of 130 years of farsighted actions by governments, volunteer groups and individuals, which began with the establishment of Royal National Park, the world's second national park, in 1879.

But the job of building this public reserve system is incomplete. Many of the state's ecosystems, especially those west of the Great Dividing Range and on coastal lowlands, are poorly represented in the park network.

To conserve the full diversity of this state's landscapes, fauna and flora and to protect places of important Aboriginal and non-indigenous cultural heritage, more parks and reserves are needed. Furthermore, many existing reserves require augmentation to improve their size and configuration in order to better buffer and manage the values they were established to protect. Recent scientific studies by CSIRO (2008) have also indicated that the establishment of a diverse and resilient reserve system will be essential to minimising the losses to biodiversity that climate change will inevitably bring.

To this end, the NSW Government is committed to the long-term objective of building a fully comprehensive, adequate and representative reserve system and providing increased opportunities for public nature-based recreation in a more diverse range of environments across NSW.”

DECC (2008) states further the priorities for future additions to the conservation reserve system (unrepresented ecosystems and habitats, wetlands, floodplains, lakes and rivers, critical landscape corridors, lands within important water catchments, culturally important places, places of geological significance, areas important for effectively and efficiently managing existing reserves).

The critical message from DECC (2008) for the Inquiry is the recognition that NSW reserve system is incomplete and that further additions of land into public conservation requirement is imperative. Only **8.3%** of NSW was protected in public conservation reserves in 2008, with only a very marginal increase in the area reserved in the period from 2008 to the present. This is a minor area of all land tenures across NSW and must be duly recognised by this Inquiry as being far less than what is required for a comprehensive, adequate and representative reserve system.

In addition to the inadequacy of the current reserve system, there are bioregions and landscapes in NSW that have very low levels of public conservation reservation. Attention should be given to Maps 2 and 3 in DECC (2008), the NSW National Parks Establishment Plan. Many bioregions and landscapes in NSW in 2008 had conservation reservation levels of **less than 2%**. *Toorale* and *Yanga* particularly are located in bioregions and landscapes with **very poor public conservation levels**.

As such, the progress towards reservation to date has addressed a critical need in conservation planning and management in NSW.

The NSW Government’s record in cumulatively building a comprehensive, adequate and representative reserve system should be recognised positively. This includes those particular cases that are the focus of this Inquiry, namely the River Red Gum Forests of the Southern Riverina, native

hardwood forests in northern NSW, *Yanga Station* and *Toorale Station*. All of these conservation outcomes were critically important and significantly positive, from a biodiversity, social and environmental perspective.

Thus, with regards to Terms of Reference (“TOR”) 1a, it is my opinion, that the process of the creation of National Park estate land from Crown Land, State Forests and private freehold land to date has been a positive progression towards the attainment of a comprehensive, adequate and representative reserve system. There is no problems with the model of assessment and the process, which has been driven by skilled staff within the NSW Office of Environment and Heritage and the NSW Parliament, with assistance, where required from other agencies and organisations. Further acquisitions and conversions in the manner in which the reserve system has been progressively built are critically required to meet the needs of legislation, conventions and community expectations.

The Great Lakes Local Government Area has benefitted from progressive transfer of land into the conservation estate. This has included actions where Great Lakes Council has, using environmental levy funds and matching external grants, acquired and restored threatened or impaired high conservation value land (from agricultural land uses typically) and transferred that land to the National Parks Estate (ref: *Memorandum of Understanding between Great Lakes Council and the Department of Environment and Conservation for the purpose of guiding a collaborative approach to the purchase, rehabilitation and the reservation and long term management of strategic lands in the catchment of Darawakh Creek, 2005*; Pacific Palms Draft LEP Amendment 13). Council has done so proactively, recognising the vast environmental, social, economic and biodiversity-related benefits of public conservation areas.

Therefore in relation to TOR 1b, it is likely that Great Lakes Council, has supported and enormously benefitted from National Park creation and supports future extensions of reserve systems within its

LGA area, and surrounds. The actions of Great Lakes Council can demonstrate that National Park creation can be viewed as eminently positive and demonstrates a model where Council, Council staff, NSW Office of Environment and Heritage staff and the NSW Government can deliver outcomes of great benefit through public conservation. The Inquiry should recognise this. Increasingly, Council is participating also in conservation land management through Local Government bushland reserves and which contribute to the reserve system, but which are not as highly protected as lands within the National Parks Estate.

With regards to Local Government, the Governments at both State and Commonwealth level, should commit to the appropriate funding support, including the provision of a component of GST revenue. It is my understanding that the declaration of National Park in a Council area does not reduce the rate revenue basis as a consequence of **rate re-apportionment**. The claim that Shires are losing out on a rate revenue base is, in my opinion, baseless and misleading.

In relation to TOR 1c, as I have mentioned, the conservation of River Red Gum Forests in the southern Riverina, of native hardwood forests in northern NSW, of *Toorale* Station and of *Yanga* Station, are all cumulatively positive actions, which have transferred land from an actually or potentially threatened/ damaged/ impaired land use/ tenure to a public conservation reserve of the highest protection status.

In particular, the native hardwood forest conversion to National Park Estate followed a highly rigorous and demonstrably open Regional Forest Agreement process. The outcomes for biodiversity and conservation management are significant, with benefits associated with nature-based recreation, ecosystem services protection, cultural heritage protection, etc. No part of these reservations should be diminished, revoked and no sustainable use other than nature-based recreation is prudent or acceptable.

The protection of the River Red Gum Forests has also achieved the same outcomes as stated above for the native hardwood forests. River Red Gum Forests, so damaged by river regulation and logging, are the essential filters of the riverine system for water quality and harbours of outstanding and irreplaceable biodiversity.

My observations of *Toorale* Station suggest that this was an important conservation outcome in a bioregion and landscape of very low current reservation status. Parts of *Toorale* had been subject to many decades of almost industrial scale agriculture, including massive irrigation infrastructure and heavy carrying capacity of hard-hoofed stock. Whilst on *Toorale*, I observed the damaged soils and impaired natural systems caused by agricultural practices. Public conservation acquisition has allowed damaging land use practices to cease (an essential first step in the restoration and remediation process, allowing for natural recovery processes to commence). Further, essential remediation and repair works can now be undertaken to reinstate the landscape health and function. The on-ground works are being supervised and managed by skilled staff, using local resources (where available) and under the National Parks legal and management framework. No part of *Toorale* should be revoked or amended and the process of its establishment was proper.

I say again, that *Toorale* occurs in a part of the NSW landscape where bioregional and landscape conservation status is **very low**. It occupies land with many of the conservation priorities in the DECC (2008) NSW National Parks Establishment Plan, including supporting areas of floodplain and wetland. These are currently under-represented in the reserve system in NSW and more acquisitions of the nature of *Toorale* are required to safeguard biodiversity and native vegetation conservation and ecosystem services provisions in western division NSW and elsewhere.

I have read with interest the current NSW debate relating to native vegetation regulation. One opinion expressed by an element of rural landholders is that land taken out of production should be compensated. The process of acquisition of Toorale satisfies this model. The landholder was paid market value for the protection and long-term conservation management of Toorale for its cultural and natural heritage values and potential future values (following remediation and restoration).

For Toorale, the NSW and Commonwealth Government should develop a Restoration Management Plan aimed at remediating the damaging effects of 150-years of intensive agricultural on cultural and natural heritage and then fund the implementation of the Plan over a 10-year adaptive timeline through Biodiversity Fund, Caring for Our Country, Environmental Trust and budget allocations, using local service providers, where available. This should remove irrigation infrastructure, stabilise eroding soils, treat weeds and feral animals, restore native vegetation on cropped lands, enhance native vegetation in remnant stands, etc. This is the model that should be adopted for Toorale and other National Park dedications. Under no circumstances should stock or cropping be re-introduced and feral animal controls should be by professional Departmental staff and their contractors.

I am not familiar with Yanga Station, but would believe that my opinions relating to Toorale would apply to this landholding. Acquisition and conservation has boosted reservation status in an under-represented landscape and has converted a damaged and impaired and threatened system to the benefit of public conservation protection and management.

With regards to TOR 2, it is my experience that the legislation and policies associated with National Park management provide a sound theoretical background for management. On-ground actions are planned and executed by trained staff, who perform an essentially positive job, with limited resources. I understand that fire, weed and pest-management actions occur on reserves on a prioritised basis, subject to the provision of funding from the NSW Government and external funding

sources. The NSW Government should be looking to adequately resource National Parks management and field staff rather than restructure and reduce budgets and resources. In saying this, however, I still say the true benefit of National Park creation is that limited conservation management is much superior to degrading or damaging land use management that is permitted or perpetrated on private freehold agricultural land and in State-held public forests.

With regards to TOR 3, I say that there are no alternate models of conservation outcomes that I am aware of that should be pursued in favour of the current National Parks reservation and management model. There is a role for private conservation, other public conservation (Council Reserves, etc), non-Government organisation conservation, etc; but all of these support and are ancillary to the National Parks estate conservation model.

In closing, I would note that there appears to be a lack of recognition of the requirements of legislative, convention and policy with respect to public conservation land management. The Committee needs to review and understand the commitments that need to be met to meet biodiversity protection, threatened species recovery, native vegetation protection and other key Governmental objectives. Further, the Terms of Reference in this Inquiry seem to be unreasonably directed to strict economic considerations, without understanding the principles that must underpin the conservation management of reserved areas and the preservation of such areas from the damaging influence of land use management pressures.

I am also somewhat concerned that the Chair of the Committee may have formed a pre-determined view on the matters of the Terms of Reference and which may be prejudicial to the outcomes of the Inquiry (for instance, refer to a letter of the Hon Robert Brown to *The Land*, 2 August 2012). The purpose of an Inquiry is to seek truth through an inquisition of facts, opinions and assumptions. A

pre-determined view of **any** Committee Member may lead to outcomes that fail the general community and that fail best management practice and science.

Recommendations for Action

1. The pursuit to a comprehensive, adequate and representative public reserves system is a fundamental responsibility of Government. Development of the National Parks Estate to date has made steady progress towards this goal. The reserve system in NSW is still very inadequate and a continued program of National Parks establishment is required by legislative, international obligation and policy requirements. Ongoing strategic conservation acquisition programs are critically and fundamentally required.
2. The NSW Government and the GPSC No. 5 needs to recognise the relevant legislation, international obligations, plans and policies and seek to implement such fully. This includes the Draft NSW Biodiversity Strategy 2010 – 2015 and the NSW National Parks Establishment Plan (2008).
3. Continued National Park establishment should be based on the current regime, which utilises scientific input to referencing and acquisition programs should be provided for within NSW Government budgets.
4. There should be no revocation or diminishment of any existing declared National Park estate in NSW and the current policies regarding protection and conservation management should not be loosened to allow further economic use of protected areas, which may serve only to diminish and undermine the fundamental values and services of such areas.
5. The NSW Government should commit to the appropriate funding of National Parks estate and supporting of the trained Parks staff with adequate resources.
6. Some Council's recognise that there are great benefits of ongoing National Park reservation from an environmental, social and economic perspective. Such Council's should be further interrogated as part of this Inquiry.

7. Rate re-apportionment will continue to mitigate the possible loss of rate revenue for local Councils from National Park dedications. Rate re-apportionment processes should be continued.
8. When new National Parks are first established, there should be a process of Restoration/ Conservation Management Auditing conducted to establish the necessary program of conservation, protection, restoration and remediation activities that are required. A NSW budget item should be identified and provided for each area with a 5 or 10-year program to set-out a formal program to address critical issues in new parks. Subsequent to immediate management programs, the management of National Park Estate should utilise the current model of legislative and policy directives, applied by trained staff and their contractors. Local employment should be pursued, particularly in socio-economically disadvantaged areas, where available, for contracted works.
9. No alternate models of sustainable use should be pursued for National Parks in NSW.
10. This Inquiry not only considers direct economic issues, but also explores the full range of benefits of a comprehensive, adequate and representative reserve system in NSW.
11. Committee members' demonstrably avoid any pre-determined position on the aspects of the Inquiry and consider all facts, opinions and assumptions available to them, together with the aid of scientific knowledge and adopted legislation, convention, policies and plans.

Thanks for the opportunity to provide this submission.

Yours faithfully