
**WENTWORTH GROUP OF CONCERNED SCIENTISTS
REPORT TO PREMIER CARR**

**A NEW MODEL FOR LANDSCAPE CONSERVATION
IN NEW SOUTH WALES**

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The Wentworth Group

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Summary

There are moments in history when the opportunity presents itself for a fundamental overhaul of existing institutions to unleash a new paradigm. We believe such a moment exists today in the management of Australia's natural environment.

The opportunity exists because over the past decade there has been a quiet revolution taking place in rural Australia. Australians are learning about our continent, the adaptability of its biodiversity and the value of this natural heritage to the economic future of city and country people alike.

Today, there are thousands of farmers who want to restore our damaged rivers and landscapes and create a new model of sustainability that would become the envy of other nations.

These people have energy, commitment and ideas, but they lack resources and scientific advice and are disempowered by the existing bureaucratic environment.

The real debate about land clearing is not about trees, it's about better management of native vegetation so that farmers can protect our rivers which produce fresh water and manage our land so they can continue to produce the food we eat and the clothes we wear.

The vast majority of this continent is managed by individual landowners (both black and white). They make decisions every day that either benefit or damage the long term future of our natural resource base.

Fundamental to the success of such a model is simplifying the overwhelmingly complex structures that exist at present, to empower the farming community to take control of the problem, to back them with first class science and provide them with adequate public funds to deliver on-ground solutions on the farm.

The Wentworth Group proposes a radically new way of managing native vegetation in New South Wales. This model not only seeks to resolve the current conflict over land clearing in a fair and equitable way, it also looks at the bigger picture of an urgent need for a major investment in revegetation of overcleared landscapes.

The model is underpinned by tougher laws on land clearing, but is focused on providing farmers with investment security and the funding support they need.

The Wentworth Model for Landscape Conservation has five interdependent components:

1. strengthening and simplifying native vegetation regulations, ending the broadscale clearing of remnant vegetation and protected regrowth;
2. setting environmental standards and clarifying responsibilities for native vegetation management which will, over time, create healthy rivers and catchments;
3. using property management plans to provide investment security, management flexibility and financial support for farmers;
4. providing significant levels of public funding to farmers to help meet new environmental standards and support on-ground conservation; and
5. restructuring institutions by improving scientific input into policy setting, improving information systems, and regionalising administration.

The Wentworth model is founded on simplicity and flexibility, it balances investment security with high environmental standards, and it replaces perverse incentives to clear native vegetation with economic incentives to produce better environmental results.

The State government sets the environmental standards, water catchment authorities then convert these standards into practical conservation priorities and farmers are then provided with scientific and financial support to implement these on their properties.

To achieve this, NSW should endorse four straightforward environmental standards for water quality, salinity, biodiversity and soil conservation that will underpin the management of native vegetation across the state.

These standards should then be used to produce simple, practical, water catchment management plans to guide the on-ground work. The water catchment plans, prepared and implemented by independent water catchment authorities should be managed by the bush in the bush, guided by experts: experts in running farm businesses, water quality, biodiversity conservation, and capacity building.

Farmers are then encouraged to submit a single property management plan for managing native vegetation on their property. When this plan is certified as meeting the environmental standards, farmers should be allowed to get on with business.

Farmers with certified property management plans should also be given priority access to a new \$120 million Native Vegetation Investment Fund to help pay for the management of native vegetation on their properties. That's the equivalent of 20,000 kilometres of fencing materials each year.

Under the Wentworth model, more money will go onto farms to fence rivers and plant trees and less money will go to writing reports and managing bureaucratic process.

The great strength of the Wentworth model is that it dramatically cuts through the red tape at all levels, without compromising high environmental standards.

The model is user friendly because it simplifies native vegetation laws, it simplifies environmental standards, it simplifies water catchment strategies and regional structures, and it simplifies the delivery of public funds to farmers.

These reforms don't come easily and they are not cheap – but they will have lasting value, laying the foundations for creating healthy rivers and landscapes that will conserve our biodiversity and continue to produce fresh water, food and fibre for generations to come.

New South Wales has the opportunity to lead the nation in these reforms and we encourage the government, farmers and conservationists to rise to the challenge.

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A New Model for Landscape Conservation

The Wentworth model proposes a radically new way of managing native vegetation in New South Wales.

It not only seeks to resolve the current conflict over land clearing in a fair and equitable way, it also lays the foundation for a major investment in revegetation of overcleared landscapes.

The model is underpinned by tougher laws on land clearing, but is focused on providing farmers with investment security and the funding support they need to restore the health of our damaged land.

The Wentworth model has five interdependent components:

1. strengthening and simplifying native vegetation regulations, ending the broadscale clearing of remnant vegetation and protected regrowth;
2. setting environmental standards and clarifying responsibilities for native vegetation management which will, over time, create healthy rivers and catchments;
3. using property management plans to provide investment security, management flexibility and financial support for farmers;
4. providing significant levels of public funding to farmers to meet new environmental standards and support on-ground conservation; and
5. restructuring institutions by improving scientific input into policy setting, improving information systems, and regionalising administration.

Native Vegetation Laws

The Native Vegetation Act is being undermined by too many exemptions that have created legal loopholes and have made compliance complicated.

The result has been that in the four years since the Act was introduced in 1998, approvals have been given to clear over 4,000 km² of remnant native vegetation in addition to over 700 cases of alleged breaches of the Act being reported.¹

A more effective approach is to require development consent to clear any native vegetation in New South Wales, including regrowth, and to ban the broadscale clearing of remnant native vegetation and high conservation regrowth.

The only exemptions should be for:

- the construction of a dwelling;
- carrying out routine farm activities, such as collecting firewood for personal use, fencing materials and reducing bushfire hazard; and
- vegetation managed in accordance with a certified property management plan.

Other exemptions, such as the two hectare rule, should be abolished.

¹ Auditor General 2002: Performance Audit – DLWC – Regulating the Clearing of Native Vegetation.

Categories

Native vegetation should be described in three categories: remnant vegetation, regrowth that is protected because of its high conservation value, and unprotected regrowth.

Remnant vegetation should be defined as vegetation that has not been lawfully cleared for productive use, or was last cleared before 1 January 1990.

Regrowth should be defined as native vegetation that has been lawfully cleared since that date. This removes the current perverse incentive to re-clear regrowth to maintain its future availability for production.

Native vegetation cleared before this date could also be recognised as regrowth where farmers have used longer cropping and grazing cycles, with catchment management plans specifying establishment dates that reflect the cropping and grazing cycles of specific types of vegetation.

Native vegetation plantations established before 1 January 1990 should also be defined as regrowth where they were established for commercial harvesting.

Regrowth should be defined as 'protected' where it is needed to sustain the health of catchment landscapes or is protected for its high conservation value.

This means that allowing an earlier establishment date for defining regrowth in some areas does not affect the ecological integrity of the model, as regrowth with high conservation or catchment health values will still be protected.

The classification of regrowth as 'protected' or 'unprotected' should be determined on the basis of the best available information at the time of certification (of a property management plan) or approval (of a clearing application).

Guidelines

New guidelines should be established for the assessment of development applications and property management plans. The same guidelines should apply to applications for development consent and for the certification of property management plans.

These guidelines should prohibit the broad scale clearing of remnant vegetation and protected regrowth, with some sensible flexibility built in to provide for minor variations under a strict, but workable, net environmental gain mechanism.

All other regrowth would be recognised as available for primary production.

Flexibility should also be provided for managing woody weeds, including remnant vegetation and protected regrowth where, according to the best available science, this would improve conservation as well as production outcomes.

Exemptions for routine farm activities and other details could be based on the recent Community Reference Panel and Native Vegetation Advisory Council reports.

Significant levels of financial assistance should be provided through certified property management plans to help farmers implement these reforms.

Existing permits should be honoured but not extended and a voluntary buy-back of existing permits considered.

Environmental Standards

Farmers need to know what the community standards for native vegetation are, how these environmental standards will deliver results and how the burden for implementing these standards should be shared.

Farmer Responsibilities

Much of the discussion in recent years has focused on the notion of defining a farmer's 'duty of care' to the environment.

This is usually interpreted as being the minimum standards expected by the community.

However, such a definition means that this duty of care standard changes when community attitudes change and this ongoing uncertainty threatens the investment security of farmers.

Most of the duty of care discussion also assumes that it is possible to apply a uniform standard across all farms. The reality is that landscape scale processes impose different requirements on different farms. In order to create healthy rivers and landscapes, some farms will have to protect above average levels of vegetation cover, while others may need very little.

A far more practical alternative to 'duty of care' is required.

The Wentworth model avoids the term altogether and instead describes a farmer's environmental responsibility to the broader rural community through a 'catchment care' principle.

The catchment care principle is that landholders have a responsibility not to clear native vegetation where, on the best available science, this is contrary to the long-term interests of rural industries.

The catchment care principle focuses on maintaining fully functioning and productive landscapes.

This approach improves investment security for landholders because it separates their personal responsibilities from changes in community attitudes.

It also improves investment security for the broader farming community by preventing one farmer's actions undermining the overall value of the natural resource base.

Public funding will be needed to implement the catchment care principle and to assist farmers required to protect 'above average' amounts native vegetation.

Statewide Standards

The NSW government should endorse four statewide environmental standards for native vegetation management that are important for maintaining healthy catchments.

The best available science suggests the following environmental standards for native vegetation should be adopted across NSW:

- water quality: conserving and restoring riparian vegetation 50m to 100m either side of major rivers and wetlands; 20m to 50m either side of creeks and 10m to 20m either side of streams;
- salinity: recharge areas and areas prone to rising water tables;

- biodiversity: conservation and restoration of threatened ecological communities and the conservation and restoration of critical habitat of threatened species; and
- soil conservation: windbreaks and conserving and restoring vegetation on slopes.

If these four simple, straightforward environmental standards are adopted and implemented across New South Wales, we will see a dramatic improvement in the health of our rivers, catchments and our water.

These environmental standards implement the catchment care principle as well as a broader community standard to conserve biodiversity above the level that provides a net benefit to the rural community².

Where state environmental standards exceed the catchment care standard, the broader community should pay farmers for the costs of providing this additional service on our behalf.

Water Catchment Plans

The state environmental standards need to be applied in a practical way at a scale that addresses the landscape conservation issues so that they can produce visible results on the farm.

Best practice is where environmental standards are applied to a single, integrated water catchment strategy.

NSW should adopt water catchments as the basic planning unit for all natural resource management (including native vegetation) across the state.

Catchment strategies need to be prepared by regionally based institutions that have community support, local knowledge and scientific expertise.

Each catchment needs to produce a simple map-based catchment plan that can translate the state environmental standards into practical rules that are easy to apply at a farm scale across the catchment.

Existing catchment management plans fail this basic test because they do not show where vegetation is required for catchment health or biodiversity conservation.

As well as indicating areas of protected vegetation, water catchment plans should calculate the vegetation cover required to meet the catchment care principle, for use in calculating financial assistance to farmers.

The statewide environmental standards should be used as default standards until such catchment plans are produced.

² Walpole (1999) Assessment of the Economic and Ecological Impacts of Remnant Vegetation on Pasture Productivity. *Pacific Conservation Biology* 5(1): 20-35

Property Management Plans

The key change to the existing system is to give farmers an alternative to having to apply for development consent every time they wish to clear native vegetation.

Instead, farmers will be able to submit a property management plan for the management of native vegetation on their property.

This will mean the end of the time-wasting bureaucratic red tape of the current permit system without creating loopholes that subvert the intended outcomes.

These plans will give farmers greater flexibility and more control over the management of their properties and will also provide an endorsement of property business plans when they approach banks for loans.

They will also support farmers who wish to promote their products as having come from farms that are using best practice environmental standards.

The property management plans should be certified by the NSW government as being consistent with state laws and meeting environmental standards as set out in the water catchment plans.

Once a plan is certified, any clearing consistent with the plan would be exempt from the Native Vegetation and Threatened Species Acts and other relevant legislation, for up to 10 years. If these clearing rights were subsequently removed within that 10 year period, then the farmer would be eligible for compensation.

For farmers, certified property management plans provide greater investment security through a legislated guarantee, less red tape and improved management flexibility.

For the wider community, the plans ensure that farm management is informed by the best available science and will contribute to creating healthy rivers and catchments.

Farmers should be able to revise their plan at any time, with the new plan being certified for up to a further 10 years.

Property management plans should be simple documents based on aerial photographs which 'zone' various parts of a property into different management units, describing how areas of remnant vegetation, regrowth, woody weeds, and areas requiring revegetation, will be managed.

Property management plans should be prepared by the landholder, with professional assistance provided, if desired, by the local catchment authority staff, commercial advisors, or non-government bodies, such as Greening Australia.

With a certified property management plan, re-clearing of regrowth would not be required to maintain its status - removing the perverse incentive to re-clear every 9½ years.

Certified property management plans will also show the best places to spend public funds to protect and restore native vegetation.

Details of the native vegetation management standards should be made available to the public in a way that balances protecting a farmer's privacy and providing public confidence that the environmental standards are being met.

Financial Assistance

The reforms proposed in the Wentworth model cannot be implemented in a fair manner unless they are backed by a significant investment of public funding.

Public funds should be used to address financial hardship, help fund the preparation of property management plans, and provide financial support to farmers who are improving their on-farm environmental practices.

Farmers with a certified property management plan should be given priority access to a new \$120 million Native Vegetation Investment Fund.

Hardship

If a landholder believes the viability of their business has been undermined by the introduction of these reforms, they should be able to have the government purchase their property, as a whole, at its pre-reform fair market value.

The vast majority of properties bought should have the new environmental standards built into a property management plan and then put back on the market.

Whilst the loss of the ability to clear native vegetation does not provide a legal right for compensation, the Wentworth model does provide a fair and transparent way of addressing economic hardship.

This offer should be open to all landholders who are adversely impacted by the changes. The only conditions should be a simple test to establish an adverse impact and the offer should only open to whole properties or titles.

This mechanism is only likely to be accessed by a small number of landholders who consider the loss of the ability to clear native vegetation fundamentally undermines the viability of their farm business.

Preparing Property Management Plans

All landholders who submit a plan within the next four years, should be given a grant of up to \$1000 on certification of their property management plan. Any additional costs incurred in preparing the plans would also be tax deductible.

Government agencies should also be required to provide (for a small fee) the environmental information needed by the farmer, including aerial photographs, to prepare the property management plan. The use of remote sensing, computer and internet technology should be investigated to help deliver world class information products to farmers and other groups.

Funding New Environmental Standards

Farmers should be given financial support where the new environmental standards applied to their property involves significant costs, or a loss of income due to above average levels of native vegetation of high conservation value.

First, public funds should be provided for additional out of pocket expenses associated with achieving the new environmental standards, such as fencing, tree planting, and weed control.

Providing a grant for a proportion of these expenses recognises the off-farm benefits of these activities. This assistance would be available for all protected vegetation, including remnants and protected regrowth.

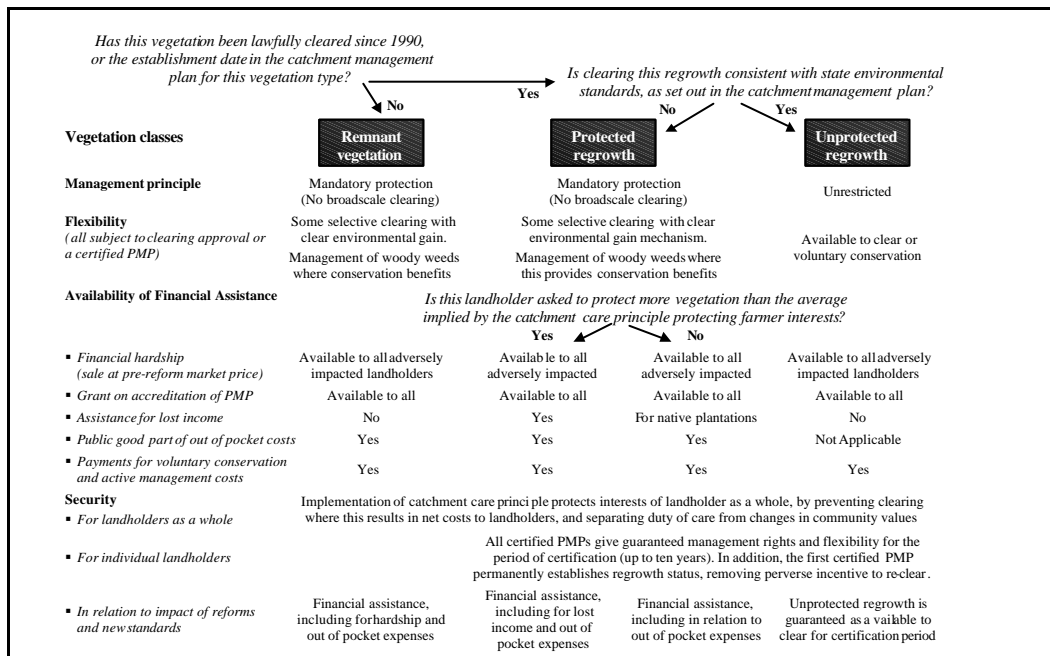
Second, financial assistance should be provided as a one-off grant to cover any loss of net income due to a farmer being asked to protect regrowth above the catchment care average.

For example, if the catchment care principle requires native vegetation cover of 34 percent over a catchment as a whole, and property owner A is asked to maintain a 30 percent vegetation cover, they will be eligible for the assistance in relation to out of pocket expenses. They are not eligible for financial assistance for lost income because the cover required on their property is below the catchment care average.

If, however, property B is asked to maintain vegetation at 40 percent to achieve the catchment standards for salinity and biodiversity, this farmer would receive a grant to cover the public good portion of their out of pocket expenses in protecting this vegetation (covering 40 percent of their property), and an additional payment for the reduced productive use of 6 percent of their property (the level of protected regrowth above the catchment care average).

Assistance covering the loss of net income should also be provided for any commercial native plantation investments that become protected regrowth, regardless of whether the level of vegetation on the property is above the catchment average.

The different types of financial support are summarised in the following diagram:



Farmers should not be required to incur out of pocket expenses to protect vegetation until public funds are made available. This should be formally recognised in the certified property management plan.

The certification of a property management plan also needs to recognise that meeting the new environmental standards may take time. Timescales of ten to fifteen years may be needed in some overcleared catchments.

Institutional Reforms

The Wentworth model seeks to match greater flexibility and simplicity for the farmer with higher environmental standards.

It not only seeks to address the conservation of existing native vegetation, but to combine this goal with the broader strategic need for a major investment in revegetation, particularly in overcleared water catchments west of the Great Dividing Range.

Such changes need to be made in the broader context of natural resource management, of which the management of native vegetation is only one component.

The current institutional arrangements in NSW are not capable of producing such results nor are they capable of managing the property management plan preparation and certification process.

Catchment strategies need to be prepared by regionally based institutions that have community support, local knowledge and scientific expertise to convert the State standards into practical actions that farmers can take.

These institutions need to know that they have the power and responsibility to implement their strategy and that financial resources are available to deliver the outcomes produced by the strategy.

This is the basis of the National Action Plan for Salinity and Water Quality signed by Premier Carr and Prime Minister Howard in October 2000. It is meant to be a new and revolutionary way of doing business.

Unfortunately in NSW, despite the political desire, this regional model has not been implemented and the centralised planning model has demonstrably failed.

The key changes needed to the institutional arrangements for natural resource management in NSW are:

1. simplifying the number of state and regional committees and government agencies responsible for land, water and biodiversity conservation;
2. empowering regional decision making and accountability by strengthening the powers of the Catchment Management Authorities;
3. ensuring regional processes produce outcomes based on national and state standards;
4. improving environmental information systems and ensuring existing information is accessible; and
5. monitoring and enforcing compliance of regulations.

State Leadership

An increased leadership role by the State government is fundamental to the success of these reforms, through:

- setting high environmental standards;
- accrediting catchment strategies;
- providing financial resources;
- collecting better information; and
- monitoring, evaluation and auditing.

A central reason for the failure of the existing arrangements to produce outcomes is the failure to set practical outcome based standards and to develop guidelines on how to interpret these standards at the catchment level.

This can be overcome by amending the Catchment Management Act to replace the current Catchment Co-coordinating Committee (which is essentially an interdepartmental committee) and establish an expert based, Natural Resource Management Commission.

The Commission should report directly to the Minister on:

- statewide standards and targets (for native vegetation: water quality, salinity, biodiversity and soil conservation);
- accreditation of catchment strategies against these standards and targets;
- funding priorities for implementing catchment strategies; and
- information and research priorities.

The composition of such a body should include experts in rural land management, native vegetation management, water management, biodiversity conservation, capacity building, financial management, and resource economics. State agency officials should attend in an observer capacity.

The Commission might also provide for representation or observers from the regional Catchment Management Authorities and local government.

The Department of Land and Water Conservation (as well as parts of other agencies such as the National Parks and Wildlife Service and the Department of Agriculture) should then be restructured to ensure the regional process complies with the state standards and laws. This is not unlike the way the Planning NSW monitors the delegated development application process of Local Councils.

Regional Administration

There is no alternative to the regionalisation of natural resource management.

Firstly, conservation planning has to be done at the landscape scale because it is at this scale the natural forces need to be managed.

Secondly, the landscapes we are managing are under the care and control of thousands of individual landholders.

When communities are consulted, they have little choice. When communities are empowered they can become responsible for results. In NSW we have a lot of process and very few outcomes.

The solution needs to be managed by the bush in the bush, informed by experts.

Regionalisation has its flaws, but the solution is to address the flaws not abandon the principle.

There should be one single authority in each major water catchment (about 18 across the state) responsible for land, water, native vegetation and biodiversity conservation.

Each Catchment Authority should be run by an independent Board of experts: including experts in running farm businesses, water quality, biodiversity conservation,

and capacity building. These Boards should be answerable to the Minister. State agency officials should only attend in an observer capacity.

The National Action Plan and draft Natural Heritage Trust Bi-lateral agreements identify the Catchment Management Authorities as the institutions for regional delivery. These Authorities should be given statutory and financial powers to prepare (for Ministerial approval) catchment strategies which they would then implement.

Existing Regional Native Vegetation Management Committees and Water Management Committees should be answerable to the Catchment Management Board.

The Catchment Management Authorities should be given core funding to employ professional staff and obtain expert advice.

They should then be required to compete on merit, for public funds to implement their investment priorities.

The Catchment Management Authorities should be given delegated authority to certify property management plans as being consistent with the standards in the catchment strategy.

In turn, the Minister, on advice from the Natural Resource Management Commission that it satisfies state environmental standards and laws, should accredit the catchment strategy.

Enforcement of laws, regulations and standards should remain with State agencies and taken seriously. If people break the law, they should be punished.

Information Systems

Quality, accessible and easily understood information systems are fundamental to helping farmers and others deliver better environmental outcomes.

Information on native vegetation requires a description of the conservation status of native vegetation communities before any sensible regional vegetation plan can be developed.

Despite the Native Vegetation Management Act being in place for five years, such information still does not exist in New South Wales.

None of the Regional Vegetation Management Plans have, for example, provided a map setting out native vegetation conservation priorities, because this information has not been available. Such information is essential to inform the setting of vegetation conservation priorities in property management plans.

The other urgent need is salinity mapping to identify areas for native vegetation protection and revegetation.

The NSW vegetation information base should be further improved by producing comprehensive vegetation data, such as that developed by the Queensland SLATS. This information is not essential to identify regional and property scale vegetation priorities if botanical expertise is made available.

Conclusion

Australia is ready and NSW has the opportunity to lead the nation in these reforms.

The Wentworth model delivers workable solutions from the farm scale based on stronger environmental standards supported by financial incentives to deliver change in land management practices.

This model of landscape conservation proposes a simplified but integrated way of doing business that:

- ends the broadscale clearing of remnant native vegetation and high conservation value regrowth;
- delivers greater investment security for farm businesses;
- provides incentives for high conservation value regrowth and revegetation; and
- encourages management of woody weeds to produce better environmental as well as production outcomes.

It achieves these outcomes by:

- establishing state vegetation management standards and systematically applying these to on-ground action;
- improving investment security for landholders and simplified vegetation management assessment, through certified property management plans;
- introducing a new catchment care principle to protect the interests of the rural industries and avoid unfair burdens on individual farmers;
- restructuring institutions in NSW by improving scientific input into state policy setting, improving information systems, and regionalising administration to independent Catchment Management Authorities; and
- restructuring the financial arrangements to deliver funds to farmers to implement state and regional investment priorities.