

From: [REDACTED]
To: [NRC](#)
Subject: Richard Davis Submission CEEC
Date: Sunday, 27 April 2025 4:48:15 PM
Attachments: [RLD NRC MINNS .pdf](#)
[RLD NRC Minister Sharpe 280125\[88\].pdf](#)

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Dear NRC Commission,

RE: Restoring biodiversity and supporting landholders in regional landscapes – the effect of the listing of Mallee and Broombush in the West Wyalong area as a CEEC and the impact of errors on the NVR Map.

Richard Davis has asked me to send his submission to the NRC by way of the two attached letters:

1. Premier Minns
2. Minister Sharpe

To date, there has been no response to either letter.

Richard is the Managing Director of a family business who for over 60 years, has been dedicated to the management of the native vegetation in the West Wyalong area through conservation & regenerative biodiversity to produce a premium eucalyptus oil. He has engaged with scientists from CSIRO and ANU who published academic papers on tree breeding and oil production.

Despite working closely with various Government agencies, including Local Land Services at no time has he ever been advised that the vegetation on his property contained a CEEC. Nor has he ever been informed that there was a change to his land use.

Richard has asked me to send this email on his behalf – as he has spent days, weeks & months dealing with DECCEW Compliance, & Map Review – all with no success.

I highlight the following from Richard's letter to Premier Minns:

“ The NSW Government has locked up our freehold rural property. After 60 years we can no longer earn an income from our farm. For all intents and purposed it has been resumed as a nature reserve. Yet at no point did any representative of the NSW Government discuss with us the economic impact, discuss options or look at ways of managing such a radical resumption of freehold land. Not satisfied with destroying our livelihoods, the NSW Government ids also accusing us of illegal clearing including the threat of punitive fines”

And highlight a paragraph from Richard's letter to Minister Sharpe:

“Whilst being able to return to our normal operations is our main aim, it is worth noting that the effect of DECCEW’s mapping is to render Tallimbalong without any product income, and as a result, the land itself is now virtually without value according to local real estate agents. We’ve lost our income and our asset value. As if that wasn’t enough, we also face fines for ‘illegal clearing” despite not changing our operation, not removing or damaging a single tree. In fact, as a result of our operations the original stands of blue mallee were protected from clearing for grazing & cropping, and we have substantially increased the number of trees on our property through the planting of over 4 million blue mallees.”

As I prepare this email for Richard, I can’t help but feel this is all so tragic - this is a family who has for two generations been dedicated to improving the native vegetation of the area. This is a family doing everything that DECCEW promotes on marketing material and websites about biodiversity, restoring nature – yet instead of being held in high regard for this work over the past 60 years –the family is treated as criminals.

The IUCN recognises and even advocates for “Conservation through Sustainable Use” as does the UN Convention on Biodiversity. – it is time for the DECCEW to do the same.

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MT. MULGA PASTORAL COMPANY P/L



The Hon. Chris Minns MP
GPO Box 5341
SYDNEY NSW 2001

16th February 2025

Dear Premier Minns,

Through implementation of the Transitional Native Vegetation Regulatory Map (NVR map) our property "Tallimbalong", a 2,500 acre eucalyptus oil producing property, has had to cease production of eucalyptus oil.

Around 90% of the property has been categorised as endangered and can no longer be used for the production of eucalyptus oil. After 60 years of conducting an agricultural operation this enterprise has been stopped dead by NSW Government regulation and the property is now without a way of earning an income and is, as a result, without productive or asset value.

So what was the process that resulted in our property being locked up?

1. A person named Benson, without ever looking at our property, decided that our vegetation was endangered. Specifically, *Eucalyptus polybractea* (Blue Mallee) was in his view "critically endangered". Blue Mallee has been harvested on this property for over 100 years - the same trees that were there 100 years ago are still there today and in great productive condition. Further, we have planted over 4 million additional Blue Mallee's, so that there are more blue mallee on our property than there have been for the last 60 years. Hardly critically endangered.
2. The Department of Climate Change, Energy, the Environment and Water (DCCEEW) then produced a map now called the Native Vegetation Regulatory Map (NVR) and mapped our property as critically endangered, in this case by colouring our property on the NVR map, pink.

How did the NSW Government advise us of its intention to re-categorise our freehold rural property as a locked-up nature reserve?

1. They did not. DCCEEW never advised us that they had locked up our property - not by phone, person or email.
2. Local Land Services (LLS) also never advised that our property had been locked up even though we work closely with LLS on various matters including our harvesting of eucalyptus oil. (We greatly value the advice of LLS officers and can only assume that they also were unaware of the re-categorisation of our property.)

How did we find out our property had been converted to a locked-up nature reserve?

1. We received an official notice from the compliance division of DCCEEW accusing us of illegal clearing

Why were we accused of illegal clearing by DCCEEW?

1. The DCCEEW satellite picked up a change in some of our vegetation. The change occurred in one of our eucalyptus areas as a result of normal harvesting operations, an operation that has been occurring in the same areas every 2 to 3 years for the last 60 years. No native timber or vegetation was cleared.
2. This is not complex imagery - a quick review of Google Earth will show that the exact same areas have been harvested since 1985 (and in fact since the early 1900's)

What did we do about it?

1. We investigated and found DCCEEW has a Map Review process for the correction of mapping errors.
2. We had LLS do a full property submission comparing DCCEEW's categorisation with on-ground vegetation. This was a comprehensive review, included many site visits and took several weeks to complete.
3. LLS submitted this review, which indicated the areas where the NVR map category did not match the on-ground vegetation, directly to DCCEEW.
4. The DCCEEW Map Review Team rejected the LLS submission.
5. Immediately following the rejection of the LLS submission, the compliance division of DCCEEW advised the charge of illegal clearing would continue

What next?

1. We invited officers of DCCEEW to come and inspect the areas where we are accused of illegal clearing
2. Two officers arrived at the property and the inspection commenced. Neither officer could identify where the NVR categories were located. Using technology supplied by LLS I was able to show them the theoretical location of the different categories. And here is the point, the NVR map doesn't represent the on-ground vegetation, even DCCEEW's officers could not identify the vegetation categories nor identify where this "illegal clearing" had occurred.

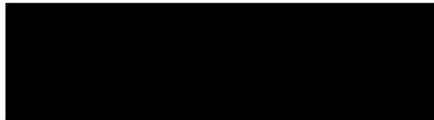
3. I called one of the DCCEEW officers 3 weeks after their visit and he advised that despite not being able to identify the area that had been "illegally cleared" the charge of illegal clearing was continuing. (All dates, visits, names and correspondence are recorded and available).

The NSW Government has locked up our freehold rural property. After 60 years we can no longer earn an income from our farm. For all intents and purposes it has been resumed as a nature reserve. Yet at no point did any representative of the NSW Government discuss with us the economic impact, discuss options or look at ways of managing such a radical resumption of freehold land. Not satisfied with destroying our livelihood, the NSW Government is also accusing us of illegal clearing including the threat of punitive fines.

If I sound frustrated, I am. I, and others similarly affected, having exhausted all other avenues, have written numerous times to Ministers Sharpe and Moriarty over the last 3 months but are without any reply to date. It is simply not good enough for the NSW Government to take over freehold land without any advice, negotiation or compensation.

I am writing to you in the hope that your office can assist us to find an acceptable solution.

Yours faithfully,



Richard Davis
Managing Director
Mt Mulga Pastoral Co Pty Ltd

MT. MULGA PASTORAL COMPANY P/L



The Hon. Penny Sharpe, MLC
52 Martin Place
SYDNEY NSW 2000

28th January 2025

Dear Minister Sharpe,

In 1966 my father, Geoff Davis, purchased a property at West Wyalong which he later called "Tallimbalong". He had originally purchased the property in the early 1950s for Plaimar Ltd, for whom he worked as MD of the company's east coast eucalyptus oil operations. West Wyalong was long known for eucalyptus oil production due to the extensive stands of Blue Mallee that grew there. Blue Mallee, *Eucalyptus polybractea*, has two features that make it the primary source for Australian oil production: high-quality oil and a coppicing growth habit - the coppicing occurs from the famed "mallee root" or lignotuber. The net result is similar to trimming a hedge - the size is modified by trimming, but the underlying plant remains healthy and active. This allows the mallees to grow back after each harvest. When well-managed, trees will continue to re-grow at the same rate post-harvest for over 100 years, as is the case on this property. The classic definition of a sustainably harvested crop - still thriving after 100 years of continuous production.

By 1964 Plaimar Ltd had largely moved out of eucalyptus and Geoff established his own business buying and selling oil from his home in Sydney. When, in 1966, Tallimbalong became available he purchased the property to provide a production base for his oil markets. Tallimbalong comprised 2,500 acres with arguably some of the most productive stands of Blue Mallee in the State. Harvesting was in the early stages of converting from hand-cutting to mechanised production, and all profits over the next 25 years were spent improving the land and the machinery to create a modern mechanical oil production operation.

Trials commenced in the 1970's on returning the leaf, once the oil had been extracted, back to the harvested areas as organic mulch. This enhanced water infiltration and proved very

successful in recruiting native grasses and building a humus content or O horizon in these light soils, ultimately improving tree health and productivity. Thus, the operation moved to being both sustainable and regenerative, in the true sense of each word.

In the late 1990's the company Geoff established gained Organic Certification for its oil production. This was due to the combination of no chemical use and importantly, the incorporation of an organic cycle – the leaf mulch returned to the soil – that provided a full nutrient cycle.

Whilst these natural stands of Blue Mallee provided the productive base to supply the company's customers, Geoff knew that to increase the productive capacity of the property it would be important to also establish plantations of Blue Mallee. Working with ANU, CSIRO and independent tree breeders, Geoff commenced the long process of establishing a breeding program for Blue Mallee, the first such program in the World. Since that time over 4 million Blue Mallees have been propagated and planted, which by adding to the historic natural stands has vastly increased the land area populated with Blue Mallee in the West Wyalong district.

Local Land Services (LLS) identified that, in the early 2000's, Tallimbalong hosted one of the largest number of breeding pairs of the rare Mallee Fowl. Working with LLS a reserve was established over a 500 acre area on the west of Tallimbalong. Interestingly, LLS recommended that we continue to harvest the blue mallee areas in the new reserve as evidence had shown that the Mallee Fowl prospered when open areas were available nearby.

In a process commencing in 2017, but not reaching West Wyalong until 2021, the NSW Government re-categorised the vegetation in NSW. The process was to map the State based largely on satellite imagery of the vegetation. Geoff's property "Tallimbalong" was mapped as Category 2 sensitive regulated and Category 2 regulated, with a small area of around 10% of the entire property left as normal agricultural land. This mapping effectively brought to an end 60 years of production of eucalyptus oil on Tallimbalong by the Davis family and, for all intents and purposes turned the property into a State reserve.

The NSW Government through the Department of Energy, Environment, Climate Change and Water (DEECCW) at no time contacted the family or any employee by phone, email, letter, or in person to advise of the change and any implications arising. Not even LLS, with whom we have worked closely for a long time, had been informed of the effect of this mapping.

What did happen is that we received from the compliance department of DCCEEW an allegation of illegal land clearing for harvesting the Blue Mallee. The areas in question are all on the eastern end of the property which has been continuously harvested by us for 60 years. The accusation of illegal land clearing is patently inconsistent with the historic and ongoing use of this land, yet over twelve months on this allegation remains unresolved.

Whilst the harvesting of Blue Mallee has now been made a regulated activity by DCCEEW, areas categorised as Cat 2 regulated can still be harvested under the provision of woody

regrowth control. Whilst we are unhappy with the terminology, we were informed by LLS that harvesting remained legal in these areas and so our operations there could continue.

What we did not allow for was that the Cat 2 sensitive regulated areas (pink shading) were not accurate and sometimes extend into Cat 2 regulated (yellow shading) vegetation. In carrying out regular harvesting of yellow shaded land, an allowable activity, the harvester driver crossed into an area of pink shading - coloured map lines are not visible at ground level. A quick check of Google's 1985 mapping (ie, conforming to DEECCW's "pre January 1990" allowable activity ruling) clearly shows the areas as traditional blue mallee production areas. There is no vegetative or ecological change in the ground mapped pink – it is purely an error in the mapping. We have photos of the area from the 1960's, satellite imagery and production records going back to the 1970's that prove these areas are long term harvested stands of Blue Mallee.

As part of the new Native Vegetation Regulatory Map (NVR) regulations, DEECCW includes a Map Review process so that owners who consider the mapping to be incorrect can seek to have the categorisation amended. After several failed attempts with Map Review, an offer was made by LLS officers to make a new submission on our behalf. Given LLS is charged with being the landowner contact point for DEECCW's NVR process this seemed a sensible approach. LLS would complete a satellite review, compare this with on-ground vegetation, complete ecology reports and make this detailed and time-consuming submission directly to the Map Review Team, all based on DEECCW's regulations. The Map Review Team again rejected the LLS submission in its entirety.

The reason given was, land that contains Mallee and Mallee Broom Bush would form a Critically Endangered Ecological Community (CEEC) even if there was evidence of previous agricultural operations. The notice included the threat that, were this application to be re-submitted, the result could be a further extension of the area of locked-up Cat 2 sensitive regulated land.

As the areas of pink shading (representing Cat 2 sensitive regulated) that LLS sought to remove from the mapping extend randomly through the yellow shaded Cat 2 regulated areas and cannot be detected at ground level, it is now not possible to harvest any of our Tallimbalong property. DEECCW has shown it will waste no time issuing charges of illegal clearing as soon as its satellite detects changes to any land shaded pink on its map, even areas less than 1 hectare – shading that is impossible to detect at ground level.

To try and reach a resolution I encouraged DEECCW to send out an officer to investigate the actual sites in question, the first time an officer from DEECCW would set foot on the property. Two officers arrived, neither of whom could identify the line between pink and yellow shaded land. When I took them to the areas under charge of illegal clearing they could still not detect where the "illegal clearing" had occurred. The reason they had so much trouble was that no illegal clearing had occurred, only the continuing rotational harvesting of Blue Mallee. Yet after all this, on contacting the senior officer the following month, he confirmed that the case was still proceeding. The only conclusion that can be drawn is that whilst DEECCW is aware of the inaccuracy of the mapping, they are proceeding with illegal

clearing charges based on a technicality, an error in their shaded map, not on the reality of the vegetation in question.

So where are we now?

1. We are being accused of illegal clearing for carrying out an operation we have been legally carrying out for 60 years.
2. We were never informed by DEECCW or LLS that our harvesting of Blue Mallee had been become illegal.
3. We are unable to continue harvesting any of the Cat 2 regulated yellow shaded areas as the Cat 2 sensitive regulated pink shading extends randomly into every block and area and cannot, being just lines on a map, be detected at ground level.
4. Despite the clear and obvious mapping errors, even LLS has been unable to get the Map Review Team to move the line back to the edge of the native timber. As a result we are unable to harvest any Blue Mallee on this property.
5. We have been banned from making a living from our property Tallimbalong, on which our GR Davis Pty Ltd eucalyptus oil refining and distribution business was founded, as was our sister company Mt Mulga Pastoral Co P/L which carries out the harvesting and distilling operations.

Whilst being able to return to our normal operations is our main aim, it is worth noting that the effect of DCCEEW's mapping is to render Tallimbalong without any productive income, and as a result, the land itself is now virtually without value according to local real estate agents. We've lost our income and our asset value. As if that wasn't enough, we also face fines for "illegal clearing" despite not changing our operations, not removing or damaging a single tree. In fact, as a result of our operations the original stands of blue mallee were protected from clearing for grazing & cropping, and we have substantially increased the number of trees on our property through the planting of over 4 million blue mallees.

I am writing to you as we have been unable to make any progress through the normal channels. This is a significant financial issue for ourselves and many other landholders in this district. I seek your assistance in finding a resolution.

Yours faithfully,



Richard Davis
Managing Director
Mt Mulga Pastoral Company