



***Response to the Review of the Invasive Native Scrub Assessment
Methodology and Decision Support Tool of the Property
Vegetation Plan Developer under the Native Vegetation Act 2003***

18 August 2006

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1. Introduction

The Association supports a number of the recommendations of the Review and acknowledges the efforts of the Invasive Native Scrub Working Group (the Working Group) in addressing this difficult public policy issue. As detailed below, however, the Association finds that the Review does not go far enough and some serious problems with the system have yet to be addressed.

Invasive Native Scrub (INS) is causing environmental degradation across more than 20 million hectares of NSW. While there is strong support in the NSW community for addressing the problem, government policy has so far impeded effective action. Confusion about the difference between remnant native vegetation and invasive native vegetation has been a significant contributing factor in this, with INS being caught up in clearing bans.

The Wentworth Group of Concerned Scientists identified the environmental problems caused by INS as a priority issue and recommended that INS management not be treated under the law as land clearing. The environment movement, however, has chosen to ignore the environmental damage caused by INS and continues to portray efforts to manage these problems as land clearing and environmental vandalism. This has presented the Government with a political challenge.

The most practical, flexible and cost efficient approach would be to allow farmers to manage INS within regional guidelines and with support from Catchment Management Authorities (CMAs). The current NSW legal and policy framework, however, requires an exhaustive assessment process and formal approval of all activity that involves clearing native vegetation. The practical challenge for the Working Group, therefore, has been to provide an assessment methodology that satisfies the legal criteria of the native vegetation legislation without creating excessive red tape or preventing farmers from controlling the damage to land and biodiversity caused by INS.

An initial Invasive Native Species (INS) Discussion Paper was released November 2004 and contained many aspects that concerned farmers. In response to this, NSW Farmers' Association organised 16 consultation meetings across the State to allow members of the Working Group to hear these concerns from farmers first-hand and see the problem on the ground with the aim that a more practical approach could be developed.

The Native Vegetation Regulation, including the INS Module, was introduced in December 2005 with many of the original concerns raised by farmers still not addressed. When used in the field, numerous problems were found with the INS module and the Government acknowledged that changes had to be made before it could achieve the desired outcomes – ie an effective and practical means of allowing farmers to address the severe environmental and economic problems caused by INS.

A review of the tool commenced in April 2006 and the Association had three meetings with the Working Group to discuss the changes required to make the system workable. Two of these meeting occurred on May 25 in Sydney, with the last meeting being a public meeting in Broken Hill. The Review was released August 4 and the Natural Resource Commission (NRC) has requested feedback by August 18.

The Association acknowledges that some of the key problems are addressed by the recommendations of the Review. These include:

- Actions to address a range of operational and internal education issues;
- Removal of the requirement to retain a certain proportions of the INS scattered across treated land (ie. retained INS can now be clumped in a mosaic pattern); and
- 100% of the INS in a derived vegetation community can now be cleared.

These changes, if implemented, would in the view of the Association make the system more workable for some landholders¹. A number of significant problems remain, however. INS problems and the circumstances of landholders are highly variable across the state and some landholders in both coastal and inland NSW are likely to find that the system still does not deliver practical solutions.

Key problem areas in this regard include:

- The approach to listing INS species and setting stem retention thresholds;
- The 20% limit on cropping treatment areas;
- The 50% groundcover/ 75% native threshold;
- Management of INS in riparian areas;
- Unrealistic stem diameter retention thresholds;
- Management of threatened species that have become invasive;
- The lack of a minimum threshold for INS under which 100% can be treated; and
- The inability for INS management to be used as an offset in clearing PVPs.

A further concern is that the Review group has not provided solutions for issues that they may have considered outside their control, or outside their terms of reference. These are the list of species listed as INS, stem retention thresholds and problems with other aspects of the PVP Developer that impact the ability of farmers to manage INS:

- The Review group left it up the CMAs to make recommendations about INS species and stem diameters but most CMAs did not provide adequate input on these matters.
- The PVP developer does not allow credits to be exchanged between modules. Many farmers seeking to manage INS will also need to apply for a clearing PVP so they can change landuse on part of their property. Since managing INS provides biodiversity and other environmental benefits, it would be logical to allow these farmers to obtain offset credits for managing INS but the current system does not provide for this.

The specific recommendations of the review are discussed in more detail below.

¹ The style of the Review report may make it difficult for stakeholders to appreciate the intent and nature of the improvements proposed. It would be helpful to release a version that provide more of the reasoning behind key recommendations, accompanied by a plain English summary.

2. Comments on the recommendations

Recommendation 2.1.1

The Association supports this recommendation. Identifying the difference between a species acting invasively, where the INS tool should be used, and excessive regrowth, where the thinning tool should be used, is a significant practical challenge in the field. CMAs need to be given clear guidelines to help them make this distinction. The Association has suggested in its submissions to the Working Group in 2005 and 2006 that a simple definition related to the loss of groundcover (where living material is less than 30%) could be used as a basis for deeming that a species has become invasive.

This issue also raises concerns for coastal farmers who do not have access to the INS Module (due to the lack of involvement with coastal CMAs and the INS issue) nor the thinning tool, which is restricted in its use along coastal regions. Without access to these two tools, coastal farmers have no legal way of managing locked canopy forests, such as Bull oak, with resultant soil degradation. This area must be addressed either through the INS tool, via specific representation of the Working Group to coastal CMAs, or via expanding access to the thinning tool within the PVP Developer.

Recommendation 2.1.2

The Association strongly supports the recommendation to produce a guideline for identifying derived communities and supporting information sheets are needed. It must be made clear to both farmers and CMA staff that, where INS is encroaching on open grasslands, 100% of the INS community can be treated.

The *Environmental Outcomes Assessment Methodology* (EOAM) states that “the current INS assessment methodology currently requires retention of small plants of INS species that are trees, except where those species did not previously occur as part of the vegetation community being assessed” – in other words, except where the species are derived communities. It is also noted in the Glossary of the Review that “many INS communities, particularly native woody shrub communities of western NSW are derived vegetation communities”. However, several trials conducted by Central West CMA and Western CMA (including participation by members of the INS Working Group) did not identify the vegetation as derived communities.

Recommendation 2.1.3

The INS Species Database, even with the additions made during the Review, is incomplete. Only six of the 13 CMAs across the State provided input into this process. Some CMA staff, approached by NSW Farmers’ Association, were unaware that this Review was in progress. The Association recommends that a more systematic approach is made to CMAs to that the list can be completed and refined.

Recommendation 2.1.4

During discussions with the Working Group it became clear that a fast and transparent process is needed for changes to the EOAM, particularly in relation to the INS Database. (This is particularly important given the extent of gaps within this list as noted above).

The process for these additions should be simplified until a full list is developed, with the procedure outlined within this recommendation enacted only once the Database is complete, for any future listings.

Recommendation 2.2.1

The Association is concerned that the process of reviewing and amending the stem diameter thresholds has not been completed.

The current minimum stem diameter retention threshold for all species across the State has been set at a default 20cm dbh (diameter breast height). This was recognised by both the Working Group and farmers as being inappropriate. (Farmers during the May 25 meeting recommended changing the stem diameter for Eucalypts to 40cm as, below this threshold, stem retentions are too dense to allow grass growth). Amending the thresholds was a central element of the review process but the review group relied on input from CMAs to achieve it. Only two changes from one CMA were submitted to the group.

The Association also requested that the Working Group consider the spatial arrangement of these larger trees, so as to allow some flexibility for farmers to be able to safely use machinery when managing INS. This issue was not considered within the Review.

Recommendation 2.2.2

The recommendation to allow CMA officers a five cm variation for minimum diameter retention thresholds is welcomed by the Association. However, this measure should not be regarded as a surrogate for establishing appropriate diameters for each species across the State.

Recommendation 2.2.3

The Association welcomes the clarification of this issue.

Recommendation 2.2.4

The Association supports the recommendation to allow retention targets to be met by summing stems across all INS species present. For example, where there are five species present and all are acting invasively, the post-treatment area will have a total of 20 small stems per hectare, not 100 stems.

Modification 17A(d) is not mentioned in the body of the report but is in Appendix 5. This modification allows the CMA discretion to alter the number of small stems retained to be on a 1:1 ratio with large stems. Where woody weeds with scattered trees occur, this may result in less than 20 small stems being retained. However, where a mixed population of Eucalypts exist, the number of small stems that could be retained at the CMAs discretion could be more than 100, which is obviously not the intent of the INS Working Group. This clause should be clarified to indicate that this variation is only to be used to reduce, not increase, the number of small stems to be retained from 20 per hectare.

Recommendation 2.2.5

The Association supports removal of the requirement to retain small stems of Black and White Cypress Pine. Research conducted by Lunt *et al.* 2006 concluded that majority of Cypress pine stands in NSW are the result of human activity. The recommendation will help to restore a more natural balance of Eucalypt species and Pine across the State.

Recommendation 2.2.6

The Association welcomes the recommendation to encourage INS to be retained in clumps. The current EOAM requires a 20% buffer of native vegetation where paddock scale treatments are used to manage INS. This 20% area is to be “retained in either patches or buffers” and where “more than 500ha is to be cleared, then a minimum of 20% of the vegetation on that area must be retained on each 500ha area”. Clarification of this criterion is provided in section 15 in that “the number of plants per hectare means the number of plants on any one hectare area”.

To quote from the Review “the stated aim of the Tool is ‘to create a mosaic of open and densely wooded areas’. Requiring that stems be retained per hectare for all treatments does not achieve this. Smaller stems should be retained preferentially in clumps to create an irregular mosaic and to maintain viable units of vegetation”. Yet, to achieve the ecologically desirable outcome of a mosaic landscape, landholders must provide an additional 10ha INS trees per 100ha buffer. This additional requirement should be removed as an incentive for landholders to adopt the preferred environmental model.

Recommendation 2.2.7

This recommendation is intended to clarify the prescriptions for the various treatment approaches but is likely to be hard for farmers and CMA staff to follow. The Association’s understanding of what is stated in the recommendation is given below.

Treatment Approach	Species Present	Small Stem Retention Required	Other Retention Requirements
Paddock-scale	Shrubs	None	20% INS across the property
	Cypress Pine	None	
	INS Trees	20 stems per ha If retained in clumps, an additional 10ha INS trees retained for each 100ha INS	20% INS across the property and all larger trees
Individual Plant	Shrubs	None	20% INS across the property
	INS Trees (incl. Cypress Pine)	20 stems per ha in each ha	20% INS across the property and all larger trees

* Note: All small stems retained must represent the mix of species present

The Associations' concerns regarding paddock-scale management of INS trees have been raised under Recommendation 2.2.6 above.

Recommendation 2.2.8

Discussions with the Working Group regarding the spatial arrangement of retained native vegetation related to a preference of landholders to ensure that appropriate areas were retained within their landscape. This related to riparian buffers, wildlife corridors and habitat steps *etc.* within the landscape. Recommendations 2.2.6 and 2.2.7 capture this preference of landholders to create a mosaic vegetation landscape that is believed to be both ecologically and productively preferable.

However, landholders' discussions with the Working Group also identified areas where, under the Woody Weeds Exemption in the Western Division, a window-pane approach was also found to be beneficial.

Further, in certain circumstances, it may be ecologically preferable for this retained vegetation to be in a single block or zone (such as a riparian corridor). The Association sees no benefit in prescribing that retained vegetation must not be in a single block, but believes that the spatial pattern of the retained vegetation should be negotiated based on the local environment and the pattern that would best mimic natural vegetation patterns.

Recommendations 2.3.1-7

The Association supports measures that decrease the time and complexity of assessing INS PVPs. The recommendation to improve the PVP Developer mapper and use a common sense and risk-based approach to field assessments and mapping should facilitate this.

Recommendation 2.4.1

The current EOAM allows the use of fire and individual plant treatment with no ground disturbance to treat INS in riparian areas. Discussions with the Working Group identified that these treatment methods were not viable options for extensive areas, particularly floodplains. Treatment in these areas was also identified as a priority issue as it has been recognised that the floodways were the primary means of dispersal. Some degree of mechanical treatment with some ground disturbance is required for these areas. The Association believes that the Working Group must reconsider this issue, even if allowing mechanical treatment methods only under specific conditions.

Recommendation 2.4.2

Greater awareness and education of all of the issues related to INS is identified as a key concern by the Association and a series of advisory notes would be supported by the Association. It has been an ongoing concern for the Association that CMA, DEC and DNR staff are continuing to provide incorrect advice on a range of native vegetation issues. Ensuring that agency staff are equipped with plain English instructions about how to apply key aspects of policy is one of the key features to ensuring that the new system of vegetation management in NSW works.

Recommendation 2.4.3

Paddock scale options to manage INS must be permitted where the INS species dominate the tree and/or shrub canopy. The clarification of “or” is required as many circumstances only have one of these floristic levels within the vegetation community. Having only “and” will add to confusion where CMA officers, for example, may not allow paddock scale treatment of punty bush where there is no tree canopy. This is obviously not the intent of the INS Working Group.

Recommendation 2.4.4

The current EOAM requires retention of a 20% INS buffer. The Review recommends an additional 10ha INS trees per 100ha treated to be retained where a landholder wishes to create the preferred mosaic landscape. However, this recommendation states that this 10ha per 100ha may be treated using fire or individual plant treatments. That is, this recommendation is to allow 90ha of ‘high risk’ treatment with 10ha of ‘low risk’ treatment. Given that under both treatment methods, the same outcome could be achieved, the Association urges that the requirement for 10ha per 100ha treated be removed and small stems be retained within the 20% buffers.

Recommendation 2.4.5

Removing the restriction of the use of fire on slopes more than 18 degrees is supported by the Association. This will be a significant benefit for those areas on the Slopes where pine has become invasive, and for management of future encroachments.

Recommendation 2.4.6

The Association is aware of the current project of the Department of Natural Resources and the Hotspots team to provide educational material to encourage burning for vegetation management, as well as the regulatory hurdles (and grey areas of responsibility) regarding regulation of the use of fire. Any clarification in this regard is supported by the Association.

Recommendation 2.4.7-9

Clarification within the Operational Manual to assist CMA officers conducting PVPs is welcomed by the Association.

Recommendation 2.4.10

The Association supports the recommendation to allowing lucerne to be used to prevent soil erosion after paddock-scale treatment of INS. It is unclear why one type of semi-perennial exotic is acceptable and others are not, however. The Association recommends altering this recommendation to allow any short-term perennial species to be used to prevent soil erosion. CMAs could advise which species (and/or varieties) may be acceptable in each bioregion.

Recommendation 2.4.11

Cultivation followed by the seeding of other species is acknowledged by the Working Group as a valid and effective INS treatment. The limited number of crops allowed, however, would make it impossible for some farmers to afford this solution, however.

The Association recommends that three crops be permitted within the first 10 years of a 15 year PVP, with follow up crops permitted post CMA inspection, if it is clear that further cultivation is needed to permanently control the INS and allow native grasses to reestablish. See further discussion of this issue at section 3.13.1.

A further point of detail is that the Review is unclear as to whether three crops or three cultivations are allowed over a 15 year period. Several cultivation passes may be required to produce a crop. The wording used in the Review is ambiguous and should be revised.

Recommendation 2.4.12

Farming is an adaptive business where conditions dictate activities, sometimes despite the best planning. Farmers must be allowed to take advantage of conditions as they become available with flexible, adaptive management within the law. The 50/75 rule for groundcover re-establishment will in many instances prevent this. When conditions are appropriate for INS management and it is clear that the establishment of native grasses is the intent of the landholder, and conditions favour this outcome, the CMA must be allowed to approve this activity. When conditions are unfavourable waiting for 50% groundcover of which 75% is native may take many years, during which time the remaining INS is encroaching, thickening and setting seed for broader invasions, with soil condition rapidly declining. This problem is further exacerbated where environmental weeds infest the newly cleared area which may take years to control with limited cropping opportunities. The outcome must be the focus of these recommendations, rather than prescriptive activities, thresholds and management actions.

During the May 25 meeting the Working Group agreed to consider a 40/50% threshold. However, it is now recommended to change this threshold from 50/75 to a minimum of 50/75. The legislation allows clearing of ground cover below a 50% threshold on the basis that 50% is sufficient to deem the vegetation native grasses. The INS module should be consistent with this principle.

The Association strongly requests that the Working Group reconsider the 40/50% threshold and removes the restriction of allowing cropping on only 20% of the INS area at any one time (see discussion below at section 3.1).

The Association welcomes the clarification that ground cover may include live or dead material.

Recommendation 2.4.13

Any clarification within the Operational Manual to assist CMA officers conducting PVPs is welcomed by the Association.

Recommendation 2.4.15 (note: there is no 2.4.14)

There is no benefit to change from 2 crops in 10 years to 3 crops in 15 years. Farmers are seeking flexibility to use additional cropping cycles so they can more successfully and sustainably manage INS. During the May 25 meeting, the Association recommended allowing 3 crops in 10 years, with permission for further cropping extension periods subject to CMA inspections and agreement that further cultivation is warranted to achieve a successful control site.

This could be achieved through a second PVP application, however, neither farmers nor the CMA should promote a situation where multiple PVPs and multiple variations are required to achieve a successful outcome.

If the objective of extending the period to 15 years was simply to align the timeframe with the PVP period, then the recommendation should be to allow 4 crops in 15 years.

Recommendation 2.4.16

There are many methods of establishing a crop in an INS landscape. Some of these involve no degree of disturbance to native grasses and may therefore be achieved under the *Native Vegetation Act* without any consent. In cases where some level of disturbance is required to pasture/crop the Association supports the approach whereby the level of soil disturbance dictates the approach taken by the CMA. It should be noted, however, that the environmental benefits of pasture/cropping often outweigh any detrimental impacts through minor soil disturbance. Pasture/cropping provides groundcover in an otherwise exposed bare environment thereby eliminating runoff and soil erosion; boosts organic matter and soil carbon, thereby improving soil biodiversity; improves rain retention; and provides an additional feed source, particularly for grass and grain fauna species.

Recommendation 2.4.17

Farmers have extensive experience and knowledge in pasture/cropping in marginal areas in the State. It is essential that this pool of knowledge and expertise is utilised and used as a basis for any investigation in this subject area.

Recommendation 2.4.18

INS is seen as an ongoing management issue for farmers. Multiple-treatments over multiple-seasons are required to achieve control, and maintenance is an annual cost. PVPs should acknowledge this requirement. Any simplification or clarification of this aspect would be welcomed by the Association.

The Association welcomes recognition of this fact by the Review group with the removal of the restriction for ongoing management (as noted in Appendix 5, p.55).

Recommendation 2.5.1

Paddock-scale treatment of INS within TECs is required in some areas and the Association welcomes the inclusion of this method within the EOAM. However, the Working Group has overlooked the key area of concern to farmers in this regard. Many

areas of the State have threatened ecological communities that are acting invasively. The Review provides the example of roly-poly occurring within Coolibah communities. However, roly-poly can often be managed as regrowth (it is typically a short-lived perennial); and Coolibah is often an invasive species. Areas within the north west of the State have been invaded by Coolibah that grew excessively after 1970s floods. The Coolibah has become a locked canopy with extensive areas of 3-5cm dbh trees (more than 30 years old) that neither wildlife nor livestock species can penetrate and soil erosion has resulted from the lack of groundcover. Similar landscapes can be found dominated by invasive White Box to the east. Although it is recognised that the Working Group cannot alter aspects of the *Threatened Species Act*, the Association urges policy changes that enable action to address the land degradation occurring in these areas. In short, where species that are components of a listed Threatened or Endangered Ecological Community are acting invasively, they should be able to be managed as an INS. One solution in this regard may be to create a condition threshold policy that would exclude poor condition EECs (including locked stands) from triggering Threatened Species controls.

Recommendation 2.5.2, 2.5.4-5

Any clarification within the Operational Manual to assist CMA officers conducting PVPs is welcomed by the Association.

Recommendation 2.5.3

INS often results in soil erosion and degradation, and its management should be considered for all soil types and conditions as a means of reducing further soil erosion. Allowing paddock-scale treatment of INS on stony/shallow soils with minimal ground disturbance is welcomed by the Association.

Recommendation 2.6.1-11

The Association supports removing the need for an accredited biodiversity expert to identify INS in each particular case. INS training for CMA staff should be improved, however. Experienced officers in the Western, Central West and Namoi CMAs may be utilised for this purpose. Solutions need to be provided for Coastal CMAs where there is currently little expertise in the management of coastal INS issues.

The government has already funded numerous research projects, reviews, workshops and investigations into the management of INS over the past 100 years. Reviewing existing data and landholders' experience should form the first part of any new research project. Although the Association supports research, we also feel that the main hindrance in INS management is related to regulatory restrictions coupled with lack of funds. The Association supports the use of grants and incentives to landholders to help them manage this problem through proven methods.

Recommendation 2.6.1 and 2.6.2

There is no scope to control farming practices (eg cropping methodologies) under the legislation. The Native Vegetation Act is not intended to control land use practices. Land management actions, therefore, cannot be described as ‘PVP conditions’.

Recommendation 2.7.1

The Association has highlighted concerns with regard to the content of this Review. While the Association supports prompt implementation of the recommendations, this should not be at the expense of addressing necessary corrections and omissions.

Recommendation 2.7.2-3

Appointment of a Project Officer and an agreed implementation plan would undoubtedly facilitate the Review and implementation process. The Association supports this initiative.

Recommendation 2.7.4

Maintaining an Working Group is critical to ensuring retention of knowledge of the issue, the Association supports this initiative.

Recommendation 2.7.5

The Association reasserts that it is critical that the recommendations from the Working Group are correct before they are used to update the EOAM.

Recommendation 2.7.6

In addition to the relevant Ministers and senior bureaucrats being briefed by the Review Group it is suggested that the parties referred to in this recommendation receive a briefing from representative landholders – ie by the people who actually manage INS.

Recommendation 2.7.7

The Review document should immediately be made a public document and landholders should have the ability to make comment back to the NRC about its content. This process must be widely advertised with an appropriate timeframe to allow for due consideration of the issues.

Recommendation 3.1-2

Feedback on the INS Discussion Paper, Module and this Review have clearly highlighted that a communication strategy and ongoing review of the management of this issue are required. The Association supports a simplified education package to help both CMA officers and landholders understand how INS may be managed on the ground.

3. Issues not resolved by the Review

3.1 Cropping/cultivation options

Perhaps the single most controversial and problematic aspect of the INS policy is the availability of crop-funded treatment options.

There is misinformation being put about that farmers are seeking to use INS treatment as a means of achieving land use change. While temporary cropping may look like landuse change, this is not the purpose or the result. The end result is vegetation change – ie from INS to native grasses. The following information may help clarify the situation:

- Cultivation followed by the seeding of other species is acknowledged by the Working Group and other scientists as a highly effective INS treatment option and the only practical way to address some INS problems.
- Disturbing the roots system of the INS and sowing competing plants to suppress INS regrowth is considered essential to successfully control turpentine and Eucalypts, with a need for three cultivation/cropping phases in the first 10 years, and potentially further phases dependent upon the strength of the INS seed store in the soil.
- The farmers' objective in managing INS is to prevent further land degradation and increase the quality and productivity of their native pastures. Sowing marketable crops as part of this process is essential to help pay for the INS treatment.
- The farmers seeking to use this option are predominantly graziers and in many cases will rely on contractors to provide cropping related machinery. This presents logistical challenges and increases the need for flexibility about when and how much INS can be treated at a particular time.
- As the following gross margin analysis shows, temporary cropping to manage INS is **not profitable** and is simply to help recoup the costs of the treatment.

Gross margin return on wheat (the most likely crop) in the Cobar area is in the order of \$70/hectare per crop. With INS management costs at a minimum of \$250/hectare, it can be seen that at three cropping events, the costs of clearing are unlikely to be covered, especially if funds are borrowed to finance the clearing. At four cropping events a greater proportion of the costs will be met.

Gross margin analysis of crop-funded INS treatment

The following analysis was undertaken by the Association using commonly available data. Clearing costs for INS are assumed to be in the range of \$250-300/ha. The reported yield per hectare from all north western silos for the years 1993 to 2005 is 1.75 tonnes per hectare. For the Nyngan silo for the same period the average is 1.31 tonnes per hectare. Average yields in the areas west of Nyngan would be lower than this average but no adjustment is made in the analysis. Current prices received by farmers for wheat (delivered to silo) would be \$175/t based on the prime hard 13 (13% protein content) a high priced grade of wheat. The gross margin for short fallow wheat in the Western areas at a price of \$175/t and yield of 1.3 tonnes per hectare is \$90/ha. Gross margin analysis does not include labour or any overhead costs. Cartage costs to silo would be in the order of \$15/t which equates to \$20/hectare. It follows that gross margin return in the Cobar area, based on these rough averages, is in the order of \$70/hectare per crop and four crops would be needed to approach covering the costs if the initial INS clearing.

Under the current policy, cropping/cultivation options are limited to 20% of the INS area at one time, with farmers having to meet the 50/75 ground cover restoration target before moving on to the next 20% increment. As discussed under Recommendation 2.4.12 it may take several years to achieve this and possibly decades to complete INS management for the whole property.

The objective of the 20% cap is ostensibly to safeguard against situations where restoration of ground cover lags behind treatment of INS². Yet there is no discussion of the environmental tradeoff that is implicit in this decision or examination of whether this is in fact an effective risk management strategy.

The effect of the cap is to slow down or prevent effective mitigation of the impacts on soil and biodiversity caused by INS elsewhere on the property. While it is laudable to attempt to minimize the risk of bad outcomes, this policy has the opposite effect.

The Association submits that the main objective of INS policy should be to achieve the most rapid and comprehensive treatment of INS as is safe and practical. The longer treatment is delayed, the larger and stronger the invasive plants become, the more difficult they are to treat and the worse the net environmental impacts.

It follows that farmers need flexibility to treat as much of their INS as they can when the opportunity arises. As stated above, cultivation is a highly effective and, in some circumstances, may be the only effective treatment option. Cultivation, however, is also the most expensive treatment and short term cropping is needed to fund it.

Policy aside, practical opportunities to crop are relatively rare, however. Constraints include climatic and market factors affecting the likely success of crops that will be used to fund the exercise, and logistical considerations such as the timing of the availability of contractors. Farmers need to be able to take maximum advantage of favourable circumstances to use the cropping option, but the 20% cap is a major impediment.

Other solutions should be explored as a matter of urgency. For example:

- Remove the incremental requirement entirely for small properties/infestations (via a minimum area threshold - see below); and
- For larger scale INS infestations:
 - Replace the 20% cap with an upper limit on the total area that can be treated before restoration has been achieved in a percentage of the treated area (eg no more than 5000 Ha treated until 50% of treated area restored)
 - Introduce more flexibility regarding restoration criteria and the assessment approach for this.

3.2 Minimum area threshold

A minimum area threshold area should be considered by the INS Working Group. The Association has previously argued that where a small area contains INS, it is not feasible,

² Other safeguards exist to prevent farmers continuing to use the land for cropping. None the less, it is possible the 20% cap is intended to address perceptions that this option may be abused as means of getting around restrictions on landuse change.

physically or financially, to only treat 80% of this area (and only 20% of this at a time, where cropping is required). The Association suggested a threshold of 500ha, under which 100% of the INS area could be managed as a whole. Thresholds must also be considered for the management options within the Module. A common sense approach based on local conditions and assessed by the CMA must be accommodated within this system.

The ability to change land use from an INS area to a cropping area has not been considered by the INS Working Group. NSW Farmers Association raised the example of the Southern Mallee Plan as an ideal scenario where a farming community retained 1ha Mallee to allow for 1ha cropping. This approach resulted in more than 107,000ha conservation for 42,000ha cropping. This example should prompt reconsideration by the government of whether it is better to have land under INS that is causing degradation of the environment, or whether the land can be improved, and rural communities sustained, by cropping rotations.

3.3 INS and Offsets

Since managing INS is an environmental benefit, the Association believes that managing INS should be available as an offset to allow permanent cropping in some areas of properties. It was noted in the Minutes of the May 25 meeting that the “working group agree with the concept”. However, Appendix 4 of the Review indicates that this is possible only if the INS management is scored “using the non-INS tools”. That is, the actions would need to be ‘scored’ for water quality, soil degradation, salinity, Biometric and threatened species. Appendix 4 explains how “only two types of invasive scrub management are likely to score positively for biodiversity” and these activities may then be used to “provide very minor offsets for landscape connectivity”. Yet there is no discussion on whether these activities would provide an offset at the regional level, and it would undoubtedly cause a negative score at the site level. Further, there is no discussion of this scenario within the tools other than Biometric. Should common sense prevail, it could be assumed that salinity, water quality and soil degradation would provide a result whereby INS management could be used as an offset (it is unlikely that there would be any change in salinity or water quality ‘points’ despite real positive impacts actually occurring with INS management). However, the threatened species tool does not allow for consideration of a prior/original natural condition and does not allow for consideration of any positive outcomes as a result of clearing. For example, where a farmer wanted to clear INS to rehabilitate the area back to open grasslands, the Hooded Robin which prefers open grasslands would not form part of the threatened species assessment as it would not appear in the current INS environment, even though the outcome would provide habitat for this species.

In short, Appendix 4 is misleading as it is an incomplete answer to the question. Until positive points for clearing can be fully accommodated within all tools of the PVP Developer, not just Biometric, it is unlikely that any INS management would be able to be used as an offset. This has been an ongoing concern for the Association that must be addressed by the NRC.

3.4 Self-assessment

There is still no scope for self-assessment beyond the regrowth exemption. This means that farmers are restricted by red-tape in conducting what is essentially a land rehabilitation activity. Farmers requested retention of the Woody Weeds Exemption under the *Native Vegetation Conservation Act 1997*. Allowing this exemption to continue would allow CMA officers in the Western Division to focus their resources on other priorities, rather than simply focussing on INS proposals that have been legal activities for Western Division farmers until December 2005.

4. Feedback from Farmers Involved in INS Trials

The Association has spoken with the three farmers involved in trialing these recommendations. These farmers said that they could see improvement from the previous trial, but believed that the system still required significant improvement. These trials were conducted on a tight schedule, with field work being done one Monday, a draft agreement generated by the following Wednesday (nine days later), and farmers given two days to provide feedback before the trial report was submitted to the Minister. The farmers agreed that they “didn’t get much time to think about it” and both have since forwarded amended comments to the Central West CMA.

The farmers identified the following issues as not have being resolved in the latter trial:

- Maximum stem retention allowed to be cleared should be 40cm, especially for previously treated multi-stemmed Eucalypts
- Retaining all large trees resulted in too many trees to establish grass cover.
- Cropping is required to manage many INS problems and being limited to only managing 20% at a time is not operationally viable. (One farmer had pushed Eucalypt suckers over two years ago and now they are 6 foot tall and thicker than ever).
- Having to wait for 50% groundcover, of which 75% is native may take 3-5 years, by which time the last 20% INS will be considerably denser and more difficult to manage and significant soil erosion would have occurred
- Allowing three crops in 15 yrs is not sufficient. Good practice would allow three crops in 10 years, with further cropping phases if required by the persistence of the INS and seasonal conditions.
- Treatment methods must be cost effective – spot treatment is not

The Central West did not have access to the Woody Weeds Exemptions of the Western Division, so farmers in this area have been struggling with this problem since the introduction of SEPP46. Farmers in this area agree that should an appropriate legal solution be developed, they would endeavour to treat their INS as quickly as possible to reverse the current trends in land degradation.