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STATE DEVELOPMENT, INFRASTRUCTURE
AND INDUSTRY COMMITTEE**SUBMISSION TO THE VEGETATION MANAGEMENT FRAMEWORK AMENDMENT BILL 2013**

Made by CYNTHIA SABAG on behalf of Pius and Cynthia Sabag in relation to their property:

[REDACTED]

This submission refers to the property as above and the impact the regulations of the Vegetation Management Act applied in August 2004 and the 2009 Regrowth regulations have had on us, our land and our farming enterprise. Some more general comments relate to the Wet Tropics Bioregion.

BACKGROUND INFORMATION

1. We have owned our Freehold property since 1981. It is located north of the Tully River, west of Tully in the Wet Tropics Bioregion.
2. As a small family farming enterprise, we have progressively expanded the area under production as funds and time permitted with a focus on tree crops producing a range of 'exotic' tropical fruits grown under irrigation. In the past, our product has been exported to Japan and Hong Kong as well as supplying Melbourne, Sydney and Brisbane central markets and niche local markets.
3. Our orchards were impacted by Cyclone Larry in 2005 and subsequently recovered but have been more severely impacted by Cyclone Yasi two years ago.
4. Official government mapping of rural land designates it as high value for agriculture
5. A considerable amount of my time (and money) since August 2004 have been consumed being proactive attempting without success to regain some land use rights because of the severe restrictions created by the 2004 VM regulations.
6. While accepting restrictions placed on wetlands, more than half the remaining area of our combined properties has been locked up by these restrictions.
7. When High Value Regrowth mapping was applied in late March 2009, more than 90 per cent of the area of Lot 10 was locked up. This was obviously based on earlier mapping as we had all our designated Regrowth cleared in February-early March 2009.
8. The existing situation provides no balance between conservation and farming on this prime agricultural land zoned 'rural'. The ability to farm the land that is not wetland would significantly improve the viability and long term sustainability of the property.

EFFORTS TO FREE UP SOME OF OUR LAND FOR FARMING

1. Since August 2004 I have made representations in writing as well as in person to every relevant Minister, including at three country Cabinet Meetings (Innisfail, Townsville and Mareeba) to no avail.

2. In August 2006 our appeal against the restrictions placed on our land by the Vegetation Management Regulations of August 2004 (the first and only one of three in Queensland) was heard before a tribunal chaired by the late Dr Neil Divett, retired senior Land Court Judge. In contact I had some time after this hearing, Dr Divett expressed concern about the injustice of our situation and locking up of good farming land but when our Appeal was heard he could only rule within the law at the time.
3. An aerial view of our land and surrounds in the Tully valley, shows the ridiculous result of the VM restrictions on our land. The land is zoned rural, surrounded by farming activity. No rural activity is possible on the bulk of the land under the VM restrictions. Yet, sale for a 'green change' buyer is highly unlikely due to the size (39 ha and under rural zoning not subdividable) and the surrounding farming activity. We have paid rates on this land since purchasing it and without change would be liable to continue to pay, unless we defaulted and forfeited the land: a totally unjust situation.
4. The overlay of "Essential Habitat" has been extremely restrictive. I understand that a Regional Ecosystem was deemed to be an Essential Habitat for an endangered species if at any time that species was sited in that Regional Ecosystem at any location within the entire Bioregion. The end result was that all land designated Remnant was also determined to be Essential Habitat. My understanding is that currently most of the 'remnant' on our land is shown as EH for mahogany glider. While we have not seen evidence of their presence (known areas are only south of the Tully River), if they use the habitat they would be in the wetland which we accept should be retained and which the current Bill seeks to protect. The entire area is shown as EH for the Southern Cassowary. Although many of the fruits we grow (some not commercially) could be eaten by the cassowary, we do not see evidence of cassowary on the property. The extensive area of forest north of our property across a busy road with heavy and high speed traffic, which is Defence land and World Heritage, is home to cassowaries.
5. It is doubtful whether much of the land designated "Remnant" in 2004 was actually remnant as it had been heavily logged over the years and some areas had been totally cleared to run cattle.

THE REMOVAL OF HIGH VALUE REGROWTH AREAS.

We welcome this as this mapping was very inaccurate, since we had cleared all regrowth on our land just prior to the 2009 election. Despite attempts through the Director General of the Department of Natural Resources to have the map corrected nothing was done.

It is likely that there are inaccuracies in the mapping of water courses as on our land watercourses are shown where there are none (by the definition provided by DERM). What we do have on our property is wetland which is relatively dry except during periods of heavy rain and when water backs up from the swollen Tully River. However, this does not extend over all the areas mapped as watercourses.

It is desirable that a riparian zone of regrowth should be retained along watercourses to prevent erosion.

IRRIGATED HIGH VALUE AGRICULTURE CLEARING

1. It is commendable that land which is suitable for the production of high value crops under irrigation currently locked up will likely be available for farming to boost agricultural industries and increase food production.
2. It would be highly desirable for any Development Application for such clearing (i.e. for irrigated high value crops) to be attached to the specific title (i.e. to the land and not to the applicant). This would mean that if land was sold, an existing development approval could be implemented by the new owner according to the guidelines of the application.
3. For those landowners who have been affected severely by the 2004 VM restrictions, it has been almost nine years of stagnation since the land was locked up with no development possible. For us personally, we are now at an age and stage in our life where we are unlikely to be able to expand our farming enterprise significantly. At the time when we prepared our Appeal, we presented a Development Proposal, the framework of which is still valid. Therefore, for us and I believe many other ageing farmers wishing to retire at some time the ability to have development on formerly 'locked up' land is probably the only way the property could be sold.

With a development application approved for some expansion on our existing farm block (Lot 9) as well as approval for development on Lot 10 these properties either as a single enterprise or two businesses could become highly viable and sustainable in the long term.

1. In the current economic climate, rural properties are difficult to sell, at least in this area. Therefore one would hope that two provisions be applied to Development Approvals:
 - a. *That the time allowed from approval to commencement and/or completion of the development be considerable (i.e. far greater than 24 months)*
 - b. *That once a Development Approval is given it cannot be revoked even if in future years legislation changes are effected.*

AVAILABILITY OF WATER FOR DEVELOPMENT

1. With our existing development we have ample water from surface and underground supplies. We have no reason to doubt that with an additional one or two bores, there would be ample water to irrigate all the good agricultural land on both our blocks. Because of the high rainfall in this area, bore water for irrigation is required for a limited time during periods of extremely dry weather.
2. Because the VM regulations of 2004 limited the expansion of our orchards on the best farming land on our blocks, we did not drill additional bores.

3. Several years ago drilling of bores in the Wet Tropics was suspended without any regard to the situation on specific properties. If clearing is to be allowed for development of irrigated high value agricultural production, the prohibition of drilling of additional bores would need to be moderated. In our case, we do not currently have a bore on Lot 10 where a significant area of land could be farmed (at least 20 hectares) under this new legislation. At least one bore on each title would improve flexibility of future use. Thus, in some situations as exists on our land, permission to clear needs to be accompanied by a permit to sink a bore, especially if there is none on a separate lot.

In February this year I met with the Minister, Hon. Andrew Cripps at a recent meeting and raised serious concerns about the Regional Ecosystem mapping for the Wet Tropics Bioregion and the layer of Essential Habitat (overlain before the RE mapping was finalised). I provided Mr Cripps with an overview of my concerns. The mapping resulted in some seventy seven percent of the land area in the Wet Tropics Bioregion being conserved in some way. The botanist who was engaged to produce the mapping to form the basis for the RE mapping first released in November 2005, was the world renowned Peter Stanton. I have discussed the mapping with Mr Stanton and he is agreeable to meet with the Minister or any officer he chooses to provide detail on issues relating to the Regional Ecosystem mapping. The validity of the RE mapping which was the foundation of the VM restrictions must be questioned as Mr Stanton's work was manipulated to achieve an outcome which appears to have been predetermined.

I trust that my comments and suggestions are of value.

Cynthia Sabag