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TATIARA DISTRICT COUNCIL

18 July 2003

Native Vegetation Inquiry
Productivity Commission
LB2 Collins Street East
MELBOURNE VIC 8003

Dear Sir/Madam

Re: Impacts of Native Vegetation and Biodiversity Regulations

Thank you for the opportunity to comment on the Issues Paper "Impacts of Native Vegetation and Biodiversity Regulations".

The Tatiara District Council has had an interest in native vegetation clearance and the legislation for some time. In December 2000, Council advertised seeking nominations from local people to be on the Native Vegetation Clearance Advisory Body.

The primary role of the Advisory Body is to comment on the amenity value of native vegetation under application. Although amenity value is the main focus, the group also comments on other aspects where relevant to the principles of clearance set out in the Native Vegetation Act.

Landholders in our district initiated the concept of forming an Advisory Body, as they were frustrated at the inflexible attitude of State Government Departments when assessing native vegetation applications for clearance.

It is noted with interest that the inquiry will focus on the efficiency and effectiveness of existing legislation addressing environmental objectives.

In broad terms, the Tatiara District Council does not support the clearance of native vegetation but there must be balance. Unfortunately the current legislation does not provide for a balance that provides social, economic and environmental benefits.

It seems that the current landholders are being penalised for excessive vegetation clearance that has been undertaken over previous years, as there is only 6% of native vegetation that remains in the South East. The 1991 Native Vegetation Act has attempted to address excessive clearance and this is evident in the objectives and principles.

Experience indicates that applications are only being assessed to meet the requirements of the Native Vegetation Act and no consideration is being given to best farming practices and the ability for farms to be sustainable. Controlling vermin, weeds and soil erosion must also be considered when assessing an application for vegetation clearance.

It is somewhat disappointing that the State Government is proposing to integrate natural resource management in relation to water, pest plants, animals and soil conservation but native vegetation is not being considered as part of this process.

If the Native Vegetation Act was included in this process, it would provide an ideal opportunity for greater autonomy at Regional and Local level.

The South East area is diverse and we are very fortunate to have an abundance of good quality underground water. A majority of applications received by Council for comment have been for the removal of scattered trees to allow centre pivot irrigators to be utilized rather than flood irrigation, which is not seen as a best practice method of irrigation. Obviously landholders investigate the income potential and benefits of investing in a centre pivot rather than continuing with flood irrigation.

A refusal to clear the native vegetation, which is often the case, may have an impact on the future viability of that farm. Unfortunately it seems that no consideration is given to the future viability of a farm in any decision made by the authority. Restrictions on development may be influencing landholders into poor farm management practices. This accentuates the problem of illegal clearing and therefore it is a no win situation for all parties concerned.

An example of an application that was lodged and the problems associated with the application is as follows:

An application was lodged on 3rd October 2000 by a landholder to clear secondary re-growth for the purposes of pasture renovation, which ultimately would increase pasture production. There is an existing heritage agreement on the property that includes 184 hectares of vegetation.

The applicant lodged the application on the understanding that there was sufficient time for a decision to allow him to plant a lucerne crop in the first available planting season. The land had been purchased knowing that pasture renovation was essential for the property to be a viable income source.

Vermin and weeds were a major problem so clearing the re-growth and trimming trees to allow machinery closer to vegetation was essential for the works program to be successful.

Inspections of the land were undertaken on the 11th December 2000 and 9th January 2001 and a decision was made on the 26th June 2001.

The conditions of approval were in the opinion of the landowner unreasonable, particularly in relation to additional vegetation that was required to be planted. He was of the opinion that there was already 184 hectares of vegetation subject to a heritage agreement and a lot of other vegetation on the property so why should additional planting be required.

Once further discussion took place, a final decision was made on the application but unfortunately the landowner was two years behind in his pasture renovation program. This is an example of where a landholder attempted to comply with all requirements but became increasingly frustrated.

Unfortunately the attitude of landholders becomes very negative when they become aware of examples such as this and illegal clearing of vegetation increases which does not benefit anybody.

Another example of an application lodged was for the clearance and widening of an existing track that was within existing vegetation between the landowner's two rural properties.

There was an existing track but due re-growth this prevented the landholder from driving through the track. The distance to his adjoining property through the native vegetation was 900 metres and alternatively on the road network was approximately 17 kilometres.

The applicant initially applied for a 20-metre strip to be cleared, which was refused. After objecting to the decision he was granted permission to clear a track six metres wide.

The process took twelve months to resolve from when the initial application was lodged. Discussions should have taken place in obtaining a solution, as issues such as costs, inconvenience and safety factors should have been considered in any decision.

The Government has provided funding through the National Heritage Trust that does allow revegetation and fencing to protect vegetation and biodiversity. There have been other programs in our district that have received funding such as “salt to success”. There have been positive results especially where dry land salinity is a major issue.

Education of landholders is also critical. As mentioned previously, the district is very diverse and in the past ten years there has been a considerable change in landscape due to a “change of land use” from normal farming practices e.g. cereal and sheep to horticulture (vineyards and olive groves).

Even though there is a “change of land use” most developers are prepared to conserve vegetation and maintain biodiversity and will endeavor to achieve this goal.

The existing legislation seeks to retain all vegetation but where appropriate it may be a better option to clear isolated trees and revegetate with corridors. Unfortunately the existing legislation does not seem to be have enough flexibility.

Government departments must realize that managing the environment is a key issue for landholders and a majority are happy to achieve this goal, but there has to be a balance so both the landholder and the environment can survive and be sustainable. If land is not managed in a responsible manner, sustainability becomes an issue and therefore no one benefits.

Enforcement and monitoring seems to be an ongoing concern due to lack of resources. There seems to be increased legislation in an attempt to control environmental issues. An alternative option may be to direct additional resources to on-ground staff and education to build better relationships with landholders as this may achieve the desired outcomes.

Compensating landholders to conserve native vegetation is not ideal, as this may set a dangerous precedent. Funding for fencing vegetation is a better option, but there may be opportunities to fund programs that build on the voluntary efforts of landholders. Landholders in general are keen to participate in programs if there are gains for all involved.

In summary there seems to be some issues in the current system that need to be addressed such as:

- Better communication between all tiers of Government and landholders/developers;
- A more flexible approach in assessing applications and legislation to clear native vegetation e.g. look at all the positives and negatives and make a balanced decision;
- Improved education;
- Involve local groups in decision making (not just seeking comments on amenity value of trees);
- Utilize local knowledge; and
- Additional resources to be provided if the legislation is to be enforced, monitored etc.

Once again thank you for the opportunity to comment on the “Issues Paper”.

If you require further clarification, please do not hesitate to contact the undersigned.

Yours faithfully

Rocco Callisto
Development Manager