

Huon Valley Council

Our Ref: 17103

Your Ref:

Enquires to: Tony Ferrier

14 January 2004

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

Dear Sir/Madam

**IMPACTS OF NATIVE VEGETATION AND BIODIVERSITY
REGULATIONS PRODUCTIVITY COMMISSION DRAFT REPORT**

In response to the invitation for written submissions on the draft December 2003 report, I would like to make a few comments on behalf of Huon Valley Council.

The Huon Valley Council is the southern most local government area within Tasmania and has had a long history of agricultural and forestry activity. This has at times been quite contentious and there is currently considerable public disquiet about how vegetation clearance is controlled. Local community views vary from strong concerns about over regulation through to similar levels of concern about a lack of effective control, resulting in land use conflicts, adverse landscape impact and environmental damage.

The main point that I would like to make is that I believe that the draft report has underplayed the role of local government in regulating vegetation and biodiversity management. The report correctly summarises the current statutory situation within Tasmania, though it only gives brief mention to the development control process administered by local Councils as local planning authorities. This situation appears to be similar for other States as well.

Within Tasmania, Councils consider all land clearing development applications that are not contained within State Forests or Private Timber Reserves. Huon Valley Council processes about 20 commercial forestry development applications each year on average. It should be noted that the Tasmanian Local Government Association has an "in principle" policy that other forestry activity within Private Timber Reserves should also be considered as development activity within the State's Resource Management and Planning System (RMPS) and therefore fall within the domain of

Council's development application process. The Association's view constituted that of the majority of Tasmanian Councils and reaffirmed the need to ensure that there was no (or minimal) exclusions from the RMPS and that it constituted an integrated, comprehensive and holistic regulatory framework for the State. It is an ongoing concern that some aspects of vegetation management fall outside of the RMPS.

In considering such land clearing development applications, the local Council must obviously work within the State legislative and policy framework that protects priority vegetation communities. The draft report summarises this framework and it is fair to say that this regulatory framework must be an effective and efficient one, in order that planning authorities (such as local Councils) can make the best decisions.

How the Councils are implementing these regulations is critical to the long-term protection of the actual priority vegetation communities themselves. This relates to both land clearance proposals that require Forest Practice Plans (as described within the draft report) and other development activity such as land subdivisions, residential or building development and new agricultural ventures that do not attract the need for such Forest Practice Plans - but will require varying degrees of vegetation removal. The impact of land subdivision is often ignored (within the regulatory framework, though not by Councils) and yet it generates a future need or expectation to clear land that might contain priority vegetation.

An issue for Council is the increasing complexity of vegetation management and the associated regulatory framework. Local Councils must be fully informed and understand how this framework is administered in order that the Council's role as a planning authority is able to be fulfilled. Councils must not only ensure that the regulations are being met in regard to new development applications but also must monitor compliance in regard to existing activities. Over time, there has been a greater need to work closely with the Forest Practices Board in this regard. However, the Board only gets involved if a Forest Practices Plan is required and this will not necessarily cover all the examples of vegetation removal, as mentioned in the previous paragraph.

This complexity is an issue in itself. A regulatory framework that is overly complex will not be effectively implemented and this has been an ongoing concern for local government within Tasmania. A few years ago a Local Government Forestry Consultative Committee was formed that aimed to address this issue, amongst others. A draft report on such "planning" matters has been produced and, if it is of interest, a copy should be able to be obtained from the Tasmanian Local Government Association.

Apart from the Council's role as a planning authority, the complexity of regulations causes concern to Council through the interaction it has with our own local community on a daily basis. Council is usually the first point of contact for any complaint about local environmental issues. Our Council receives a number of such complaints every day and many relate to vegetation clearance or damage. Some can be referred on to other agencies such as the Forest Practices Board or the Parks and Wildlife Service, but inevitably, many are not well dealt with by the existing regulations and/or are the sole responsibility of Council.

How the Council's planning scheme deals with such situations is then quite critical. The draft report alludes to the importance of planning schemes in regulating native vegetation and biodiversity impacts. The relevance of this to an effective integrated regulatory framework cannot be underestimated. While planning schemes are always being improved, they cannot keep pace with the constantly changing vegetation resource information and management environment. For example, the Htion Valley Council still administers planning schemes dating from the 1970's and 1980's. These (to some extent) impede the effective implementation of current State based regulations.

The draft report also makes little (if any) mention of the current Australia-wide initiatives in natural resource management (NRM). Regional strategies are being developed across the country that will all have a strong emphasis on native vegetation and biodiversity management. While these are not regulatory documents in themselves, it is expected that they will often identify the problems in implementing the existing and respective regulatory frameworks as being relevant issues in the effective management of vegetation and biodiversity. These strategies will be considering the same issues and opportunities covered by the draft report and there needs to be some degree of integration and coordination in this regard. Any regulatory framework should be based upon a sound and integrated natural resource management policy framework.

A final last word on the importance or relevance of local government. This is the area of government that is closest to local communities and those people that are impacted directly by the problems and benefits created by vegetation and biodiversity regulations. It is through local government that the greatest (untapped?) potential exists for the effective implementation of these regulations and by other less statutory means such as NRM strategies and Landcare. This fact is sometimes forgotten about when such matters are considered at a State or Commonwealth level - particularly when there is the potential for local community impact and local planning schemes are involved.

I hope these general comments are able to assist your deliberations.

Yours sincerely

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