

The impacts of Native Vegetation and Biodiversity Regulations

Submission for the Productivity Commission prepared by the Serpentine- Jarrahdale Land Conservation District Committee

Serpentine- Jarrahdale LCDC
PO Box 41
Mundijong, WA. 6123

2.1 Impacts on Landholders and Regional Communities

Major acts which have an impact

- Soil and Land Conservation Act - Clearing clauses
- Env. Protection Act 1986 - Clearing specific species
- Env. Protection and Biodiversity Conservation Act 1999 - threatened communities
- Local Government Act (empowers Local Govt to change zoning ie Rural to Conservation)

Negative Impacts on Landholders

- reduces physical potential carrying capacity of the land
- limits subdivision potential
- loss of faith in government/ leadership - much of the remnant veg still present is there due to the foresight of the landholders. Some landowners may feel they are being penalised for their vision.
- Inequality between requirements of private landholders and government agencies. Government agencies (Westrail, Water Corp, Western Power, Mainroads etc) – are often perceived as operating outside of the legislation due to their poor local environmental performance. They should be setting an example and leading from the front rather than dragging up the rear.

These impacts are not specifically related to farm revenue but rather land use or the potential value of the land. To some extent they are countered by the development of rate relief through conservation zoning (pay less rates for land that is affected by biodiversity related legislation), however this is not yet widespread.

Costs

- fencing, firebreaks etc
- management plans, expertise etc
- feral control (rabbits, foxes, roos etc)
- rates paid on unprofitable lands
- loss of primary producers tax exemption (relates to Land Tax) when livestock removed (as required for covenants/ conservation zones etc)

Some of these costs are met or partially met by funding bodies such as Envirofunds, NHT etc. However the full cost is almost never met. Eg fencing costs ~\$3500 per km but generally funds provide for ~\$1000- \$1500 per km therefore significant gap.

Positive Impacts on Landholders

- Increased focus on Landcare –development of healthier, sustainable farming systems.
- Funding opportunities to help manage natural areas. Also leads to community empowerment/ involvement.
- Reduction in the negative impacts associated with vegetation clearing such as reduced nutrient loads in waterways (ie Serpentine River and Dirk Brook), spread of salinity, erosion, habitat destruction.
- Corresponding positive environmental benefits such as maintenance of natural habitat areas.

Impact on Property Values

- Market developing for 'Bush Blocks' especially in the 'lifestyle' property market. Much of the farm land in the peri-urban area is being subdivided. Some claim that the inability to clear land has reduced their subdivisional potential. However there is still plenty of cleared land available within the catchment and niche markets appear to be developing for 'bush blocks'
- Different management skills are required for bush blocks compared with cleared or pastured lands. Management regimes required may have an impact on property values.

Administrative Cost for Landholders

- 'Time'
- Development of suitable management plans, surveying and monitoring. Especially if trying to get/ maintain a conservation zoning/ covenant.
- Development applications- if required. Changes in zoning will require an application to local councils in most cases. There is generally a fee involved in this.

Government measures to mitigate negative impacts

- Funding sources for immediate management. Usually cover part of management costs, particularly for specific projects. However leaves big gaps, especially for fencing which generally costs ~\$3000 per km but is generally only funded at ~\$1500 per km.
- National Heritage Trust - Landcare Coordinators - Addressing knowledge issues related to best practice management.
- Local Government - Rate relief and conservation zoning programs are being developed.
- State Government - Covenanting programs, don't mitigate negative impacts themselves but allow properties to be eligible for local government rate relief/ conservation zones.

Impacts on non landholders and regional communities

- Environmental benefits to the wider community.
- Development of ecotourism as a resource ie landcare landscapes, flora roads etc.

2.2 Efficiency & effectiveness of environmental regimes

Compliance assessment and enforcement is poor. Very little monitoring of compliance takes place. Poor examples set by government agencies in both physical works and planning where environmental conditions set by local governments are often removed. Eg subdivision conditions. These poor examples set by government agencies also extends to counter acting and incompatible legislation applied by different government departments. A particular example is outlined in the Perverse Environmental Outcomes section below.

Perverse Environmental Outcomes

Counter acting legislation: Ie Elliots - rate relief / conservation zone obtained, however financial benefit negated by change in rating requirements and property value associated with retaining and protecting the bush and removing the livestock (as required for conservation zoning). Subsequently received a land tax bill which made them worse off than if they had not undertaken an agreement with the shire to manage the property for conservation. To be eligible for the conservation zoning the Elliots where required to remove stock from the 2/3rds of the property that was rated as 'conservation'. They also removed stock from the remaining 1/3rd in order to protect the conservation area. However when they removed the stock they where no longer classified as a primary producer and consequently lost there primary producers land tax exemption. Consequently the property has for the purpose of land tax been classified as a 'Lifestyle' property. The result is they now face a hefty land tax bill instead of a rates bill for the land from which they derive no profit. Effectively the land tax legislation is working against the conservation zone/ covenanting legislation by classifying conserved land as a luxury and taxing it accordingly.

The Elliots undertook the conservation management agreement and subsequent conservation zoning on with the best interests of the environment at heart, however had they been able to foresee the financial burden it would create (over and above the cost of managing unproductive land for its conservation value) I am sure they would not have undertaken to protect this important remnant of vegetation. While this issue persists it is highly unlikely that the Shire of Serpentine- Jarrahdale will be able to offer conservation zoning as a genuine incentive to manage rural property for its conservation value. This will be a critical blow to the capacity of local governments to assist and encourage good management practices on high conservation value remnants within there boundaries.

Cost Effectiveness

Lack of funds spent on enforcement/ follow up. Therefore the legislation falls down at the enforcement stage and as such is a bit of a waste of time.

2.3 Adequacy of assessments of economic and social impacts

Too much weight on economic/ social impacts which have prevented biodiversity conservation goals from being met.

2.4 Transparency and Community Consultation

Implementation of regulatory regimes

- Some difficulty in getting information/ clarifying info

Generally - insufficient notice taken of local authorities in terms of recommendations which go to the DPI ie ignoring/ removing of conditions on subdivision.

2.6 Options to reduce adverse impacts on environmental regimes

- Financial incentives ie rate relief for conservation zoning/ covenants etc
- Management assistance ie expertise or funds.
- Process needs to be streamlined and worked out across all parties involved

Conclusion/ Summary

Generally the Serpentine- Jarrahdale LCDC supports the outcomes which much of this legislation seeks to achieve, basically the maintenance of our biodiversity and the adoption of sustainable land use practices. However the LCDC feels that the most significant negative effects of the legislation concerned occur due to perverse environmental outcomes that result from incompatibilities between environmentally focused legislation and other legislation and legislative bodies. As outlined in the Perverse Environmental Outcomes section, the impact of Land Tax on the conservation zoning and covenanting programs has the potential to reduce to ineffectual these powerful conservation tools.