

RFK FM520  
13 June 2003

Native Vegetation Inquiry  
Productivity Commission  
LB2 Collins St  
East Melbourne  
VICTORIA 8003

Thank you for the opportunity to make comment on the Issue Paper “Impacts of *native vegetation & biodiversity regulations*”.

As an Environmental Officer for a country Local Government Council, I am constantly confronted with requirements of environmental legislation and the ramifications (perceived or real) to farmers and land managers.

I note with interest that the Inquiry will focus on the *efficiency* and *effectiveness* of existing legislation. Indeed, one would not have to possess the intellectual foresight of a Steven Hawkins to assume that by the mere nature of this enquiry that, there are inherent difficulties with some environmental legislation when applying it in a practical sense.

I would like to draw to the attention of the Productivity Commission to some (and by no means all) of the issues that confront environmental managers and farmers/landholders when developing and implementing environmental restoration/rehabilitation projects and general farm management.

Often when dealing with various local, state and federal agencies and the legislation requirements/instruments that govern or underpin their obligations seem to be duplicated (and some times even at odds with each other) resulting in a number of different legislative instruments governing the management of same natural resource.

For example (to the best of my understanding and indeed as a result of communication with various aforementioned agencies), if a farmer wishes to construct a pasture drain or remove weeds from an existing drain on a landscape that has been identified as an Acid Sulfate Soils landscape and the outlet or any part of that new drain is constructed within 40m of protected waters (R&FI Act) the farmer is required to submit a Development Application as a LEP requirement (Local Government), a 3A Permit under the Rivers & Foreshore Improvement Act (DSNR) and a Dredging and Reclamation Permit (under the Fisheries Management Act). All of which have fees attached to them and conditions. This has often resulted in the costs of consent exceeding the costs of works.

To the farmer and general community this is seen as bureaucracy gone mad. The confusion and often intimidation felt by many farmers as a result of this complicated procedure (gaining consent) may drive farmers to undertake works in an illegal manner (according to one piece of legislation or another). Many farmers have indicated (to me) that this menagerie of legislation requirements is often used by agencies to avoid the identification of responsibilities in certain situations by certain agencies.

For example, a local community (farmer based) group the Macleay Acid Sulfate Soils Local Action Group (MASSLAG) has been over the two years has been trying to undertake the initial stages a wetland rehabilitation project (Swanpool Wetlands). The situation is that a floodgate structure was constructed (1931) across a natural watercourse to prevent (at that point in time) salt-water intrusion past the structure. This structure has resulted in the over drainage of the adjoining wetland environment. The problem for MASSLAG arises when, attempting to find current management responsibilities for the structure, no agency will accept the management responsibility, however, all have some legislative instrument connected to the structure.

Another situation arises when attempting to develop and implement wetland rehabilitation projects in SEPP 14 wetlands. In communications with the then Planning NSW (who knows what or where they are after the state governments restructure) requirements in SEPP 14 legislation describes that under section 121,335 ***Restriction on Development of certain land*** that;

In respect to that land to which this policy applies, a person shall not;

- a) clear that land
- b) construct a levee on that land
- c) drain that land; or
- d) fill that land.

In recent communications with Planning NSW officers, I been informed that, part (d) fill that land, also refers to filling a wetland with water. Obviously restricting or inhibiting wetland restoration project development.

Working largely on a floodplain environment over the last three years I have observed that the new ***Water Management Act*** seems to have confused some issues even further. For example, it appears (to me and floodplain farmers) that the government has missed the opportunity to develop legislation that is suitable for water management by Drainage Unions (refer attached sheets). For example, most of the original Drainage Unions established under the ***Drainage Union*** Act no longer function, however the ***Water Management Act*** appears not to recognise that fact and indeed (to the best of my understanding) has introduced further expectations (Water Management Plans) for these non-existing bodies.

I could continue with other examples, but this submission is not an agency witch-hunt, only an attempt to draw to the Commissioners attention the frustrations felt by many when dealing with and applying environmental legislation.

I understand that, these inefficiencies were identified in the **Green Paper** dealing with reforms, which led to amendments of the EP&A Act in 1998. I am led to believe that this was the one issue that received overwhelming public support. Unfortunately, the intention to integrate all natural resource management approvals into **one** development consent did not translate into the legislation with a system of separate approvals (with associated fees and duplications) retained.

The integration of the approvals system into a *one stop* process can only be effectively and efficiently delivered at a local level.

To achieve this, either government agencies need to be restructured to provide for autonomy of local offices or approvals should be better able to be coordinated by local councils through the existing approvals system under the EP&A Act 1979.

Given the unlikely occurrence of the former, and the existing local approvals structure within local government, the types of reforms mooted in the Green Paper should again be pursued.

Once again thank you for the opportunity to make comment. I acknowledge that the Commissioner has a difficult task ahead. wish the Productivity Commission all the best.

Yours truly,

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