



**Submission to the Inquiry into the
Impacts of Native Vegetation and
Biodiversity Regulations.**

Introduction

The West Wimmera Shire, located in Western Victoria, is one in which there are significant tracts of native vegetation, extensive wetlands in non drought times and has a biodiversity described as equal to that of Kakadu National Park. It is also a major cropping and grazing area of Victoria and its exports are a significant contributor to the export income of both Victoria and Australia.

It is a unique area, in which agricultural activities can conflict with State and National conservation imperatives.

The Shire has always sought a balance between the need for sustainable farming and environmental protection, but has at times found itself at odds with other agencies over native vegetation clearance, when it has taken the side of the landowner.

The Shire has been the target of criticism from time to time by some agencies and organisations for the stance that it has taken and has been accused of aiding and abetting wholesale clearance of native vegetation, however this criticism is without substance and at times relies on anecdotal or third hand reports.

Native Vegetation Controls

The present native vegetation controls whilst seeking to protect and increase tracts of native vegetation, does so at a cost to the landowner, and for which there is no compensation.

The current controls require landowners in all but a few circumstances to seek approval to remove native vegetation. This involves submitting an application together with the appropriate fee and is subject to scrutiny and objection by a variety of agencies and if dealt with under Section 55 of the Planning and Environment Act can place onerous conditions on the applicant. It can be a negative process with the applicant left feeling they are wishing to perform a criminal act; instead of wishing to use the land for the purpose they acquired it.

The requirement that a landowner having been given consent to clear native vegetation must elsewhere on the property plant ten (and more recently thirty times) the number of trees removed is at odds with the concept of sound farm management and economic practice. Such plantings can remove productive or potentially productive land from farm operations.

However landowners are accepting they have a responsibility to plant back trees and do so. This includes fencing off the areas planted and a requirement of a 75% strike rate or further plantings if this is not achieved. This is at the expense of the landowner. The following table illustrates the extent to which landowners are replacing trees in West Wimmera Shire.

**Planning Approvals Issued 2000 to 2003
West Wimmera Shire Council**

2002-2003

20 permits were approved to remove 745 trees.

6825 trees were required to be replanted plus 5 permanent reserves totaling approx 11ha were set aside.

2001-2002

21 permits were approved to remove 1153 trees.

10110 trees were required to be replanted plus 6 permanent reserves totaling approx 39ha & 2 wetlands were set aside.

2000-2001

16 permits were approved to remove 491 trees.

3880 trees were required to be replanted plus 2 permanent reserves were set aside.

Most landowners who farm their land are adept at managing their land, it being their most valuable asset and are in the best position to determine what are the most appropriate practices for the land. These should be and are ameliorated by responsible land care and native vegetation practices. It is accepted that farmers hold the land in trust for future generations but it is equally important that governments and the community recognise that farmers are a part of the community and that their right to farm is respected.

Given the difficulties faced any prospective landowner may be discouraged from investing and existing landowners not undertaking development, which could yield significant economic benefits for the local and regional community as well as assisting to arrest the slide in rural populations. This is a significant social impact upon small communities.

Who Pays?

Under current arrangements the landowners must bear the direct cost of purchasing the trees, fencing and nurturing them and the indirect cost of the land that is lost to productive use.

If it is intended that landowners must set aside areas of land and undertake extensive plantings in order to enhance the environment, then they are being penalised for being a landowner that wishes to make best use of the land. In fact they are being expected to undertake a role normally that of the Government, but bear the entire cost. If it is the Government's and therefore the community's desire that they be expected to undertake this role then they should be compensated accordingly.

It is analogous to a trucking company being expected to purchase 20 trucks with one to be locked away and never used, however all the cost associated with purchase and maintenance are still to be paid by the Company, this being their contribution to cleaner air. It is inequitable.

Interpreting the Legislation

It is the uncertainty and ambiguity that surround Native Vegetation requirements and the inconsistency in interpretation from one agency to another that gives rise to difficulties and conflict.

As examples clearance along fence line, which is as of right within certain parameters has been challenged recently, as has the right to take limited numbers of trees for fence posts or remove them when they are threatening or interfering with farm infrastructure. In recent publicised cases landowners are being told they cannot clear the trees along fence lines or if they do they have to plant back large numbers of trees to compensate, when in fact this is not a requirement.

Whilst this Shire is collaborating with the various agencies to clarify many of the grey areas to remove this ambiguity and uncertainty, from the landowners' point of view the entire process is cumbersome and inequitable. At the very least a consistent interpretation of the rules would assist landowners in knowing what they can and cannot do with their land.

Conclusion

The West Wimmera Shire submits that the present application of the Native Vegetation controls are not consistent across Victoria there being many areas of uncertainty and ambiguity. A number of agencies appear to be interpreting and applying the legislation differently and in some case incorrectly.

The current Native Vegetation Controls

- Discourage sustainable agriculture in areas of Victoria that have since settlement been used for this purpose
- Place the full cost of environmental management in rural Victoria upon landowners.
- Attempt to apply a one model fits all without taking account of local circumstances
- Seemingly criminalizes landowners who seek to clear trees for valid reasons.

The West Wimmera Shire believes that if the current practice of requiring landowners to commit to tree plant backs or preventing them from using the land for the purpose for which they acquired it is to remain, then an equitable regime of compensation should be put in place to offset both the direct and indirect cost to the landowner.

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