

## LAND CLEARANCE

### Key Issues

- The FPA is not a suitable body to enforce land clearing legislation as it is compromised by its close affiliation with the Forest industry and the State Government.
- The FPA takes an inordinate amount of time to deal with complaints.
- Threatened species habitat is not adequately protected.
- The FPA has a policy of seeking mediation even in cases involving blatant disregard for the law.
- The FPA is allowing developers to “offset” loss of mature *Eucalyptus globulus* (Blue Gums) via replanting seedlings. It is unlikely this will be followed up and in addition it takes about 20 years before *E. globulus* are flowering (there is no guarantee that the seedlings will survive) and much longer before they replace the nectar source found on mature trees.
- The Conservation Assessment Branch continually issues permits to destroy threatened species (e.g. subdivision development applications).
- Land clearing only applies to trees (over 5m high or potential to grow that high) and not understorey
- There is virtually no protection for non-threatened vegetation communities.
- Break O’Day Council rarely prosecute offenders and if they take them to RMPAT the outcome is usually rehabilitation orders. In most cases Council does not follow up orders.
- Council does not follow up permit requirements in DA for vegetation protection.
- The Council uses the FPA to take the pressure off themselves to deal with land clearing complaints (if the FPA has no issues then Council doesn’t either).
- The penalties for illegal land clearing are inadequate and difficult to enforce (it is my understanding penalties are applied to the owner rather than the land e.g. prohibition of development is not passed on to a new owner)
- The Council’s response to land clearing is inconsistent. Some landowners are pursued more than others.
- The Council’s Planning Scheme offers numerous loopholes/exemptions for vegetation removal e.g. existing use, fire wood, safety (“unsafe trees”)
- There is increased pressure to clear on private land due to tax breaks for plantation (combined with recent “banning” of conversion of native forest on public land).
- Government push for dams which creates incentives for farmers to clear more as well as vegetation lost through inundation (e.g. Waterhouse proposal).

## **Recommendations**

- Establish an independent enforcement agency
- Comprehensive land clearing legislation should be implemented through planning schemes so that there is a clear community appeal/participation process.
- Penalties for infringements need to be heavier (including jail terms, big fines and prohibition of development for fixed terms)
- All vegetation requires some level of protection not just rare/endangered species or vegetation types.
- The Threatened Species Act, EPBC Act and other environmental legislation need to be enforced and reviewed to give them more “teeth”.
- Long-term vegetation conservation plans are needed to protect, restore and better manage native vegetation at a landscape level to ensure long-term ecological viability of species and habitat (connectivity/WildCountry principles)
- Integrated RPDC/RMPAT
- Greater incentives to protect and restore native vegetation.
- Delete Private Timber Reserves legislation.
- Land clearing contractors should be liable (along with landowners) and subject to prosecution for illegal clearing.