



**Mrs PENFOLD (Flinders) (16:53):** The Minister for Environment and Conservation announced in 2007 that new directions for native vegetation management had been initiated that were designed to underpin the state government's strategic plan and its biodiversity target 'to lose no known native species as a result of human impact'. The phrase 'as a result of human impact' demonstrates the government's narrow thinking and lack of understanding of our rural environment, while the target 'to lose no known natives species as result of human impact' is like so many set by this government: it gives a warm, fuzzy feeling but in reality what does it mean, what will it cost to achieve, and who will be impacted by this target?

Landholders have often commented that they are happy to conserve native vegetation; however, if it means a loss of income every year into the future they cannot see why they alone should bear the cost. The vegetation is supposedly being conserved for everyone's benefit. I believe that regional communities will suffer the biggest impacts and costs. Small communities must continue to grow and attract new businesses and development in order to retain essential services such as hospitals, schools and police, particularly now that the government has introduced population-based funding—and, I might add, shared services.

The unbelievable nonsense that sometimes accompanies Native Vegetation Council decisions and comments was nowhere better shown than at a meeting in Port Lincoln which was addressed by a native vegetation officer. Many country cemeteries still contain native vegetation. In the course of the meeting the officer was asked, 'What happens when the cleared part of the cemetery is full and more room is needed?' The officer's serious reply was, 'Use the car parks.' No wonder there is considerable confusion and annoyance within the community regarding approval for native vegetation clearance when such idiotic statements are made and they are supposed to comply with them.

Many people believe that obtaining a development approval includes approval to clear native vegetation only to find out, at a later date, that clearance approval or an exemption is required from the Native Vegetation Council and that there is no guarantee that the proposed clearance will be approved. This can be costly for a developer who has already invested time, money and effort into a project, and it can be devastating for a homeowner to receive a threatening letter asking for clarification of the circumstances of the clearance, or advising that further investigation which may lead to legal action will be undertaken.

The majority of people are unaware that residential and industrial allotments are subject to native vegetation regulations, or, they believe the term 'exemptions' covers

house sites. In actual fact, 'exemptions' does not mean a person can go ahead and clear a block or site as they must still consult with the Native Vegetation Council and a significant environmental benefit offset may be required. This highlights the complexity of this legislation, when it has to be viewed with several other acts that affect the decisions and outcomes for what are mostly simple projects.

One aspect concerning native vegetation in this bill, which I hope the minister will take on board and make necessary adjustments to, is that the Native Vegetation Council is not bound to any time frame within which it has to respond. Local government bodies have a restricted time frame for approving development applications; hence, a slow response from the Native Vegetation Council invariably arrives after approval has been given. This not only causes a great deal of angst among all involved but also unnecessary expense and waste of time in dealing with the matter.

The concept that time is money is completely lost on this Labor government, which has never been in business and taken the huge risks and responsibilities of borrowing money and employing people, of having to pay interest and pay people while waiting for government approvals.

The minister's explanation of the bill states that 'local government will be invited to process clearance applications the house sites'. It will be interesting to see how this works out in real life, as I believe many councils are not adequately resourced enough to deal with native vegetation issues. Will any fees cover the administration costs involved?

Problems are further compounded because the Native Vegetation Council has greater powers than local government, and there is no appeal process. I did not find any appeal process mentioned in the bill. Since the topic of native vegetation brings up a great variety of issues, some form of appeal rights, even if limited, would bring a measure of justice to native vegetation matters that does now not exist. One can only hope that the minister's assertion is correct when he states:

The new arrangements include the development and implementation of processes to better integrate native vegetation into the early stages of the planning cycle to ensure that better and early advice is provided to developers.

It would appear that the Native Vegetation Act conflicts with the Emergency Services Act 2005. Here is another area that needs the minister's attention and possibly an amendment so that endorsed bushfire prevention plans are exempt from native vegetation requirements. It is illogical that the act be applied in such a way that preventative action is forbidden only to have a much greater area of native vegetation destroyed by fire.

A weakness in the legislation and in the application of the legislation is a disregard and a lack of acknowledgement for conservation work that has already been undertaken. Revegetation to reclaim degraded areas has been going on for decades on Eyre Peninsula. The work that was done in the 1980s on the reclamation of salt affected land was some of the best in Australia. Interstate people in the field came across to Eyre Peninsula to see and discuss a wide variety of successful projects in progress there.

I am aware of landholders who have already set aside significant native vegetation reserves, but these stands will not be considered in future development or actions. I suggest that the Native Vegetation Council, in consultation with the applicable local government council, has discretionary powers to acknowledge previous conservation efforts by landholders. The failure to recognise previous land care and environmental initiatives of farmers will compound the increasing negative attitude of the agriculture sector towards native vegetation, potentially undoing the positive achievements that have been made in previous years.

The heavy-handed approach on native vegetation does not appear to comply with the intent of the native vegetation legislation where the Native Vegetation Council was entrusted to achieve a balance between environmental concerns and development. Many decisions have inhibited agricultural and industrial development. The heavy-handed actions on native vegetation do not provide land-owners with an incentive to protect native vegetation. Too many times the problem with native vegetation is not legislation but the application of it. The number of instances when this would come into effect may be minimal; nevertheless, it is an important point that should be considered. As one such landowner commented, 'Native vegetation is preserved for the benefit of the whole population of the state, so I don't see why I should bear the total cost.'

The current native vegetation requirements do not take into account a person who has undertaken prior revegetation works or who has been involved in previous vegetation and biodiversity works. I repeat that native vegetation and biodiversity activities should be recognised and that appeal rights should be established in certain instances where this has not been taken into account. Regrowth exemptions should be allowed, particularly within township areas, for areas that were totally cleared 10 years ago but have regrowth that is now preventing development from taking place.

The minister says a lot about significant environmental benefit offsets, but the process is complicated and confusing for the average person. Currently, an arbitrary basis is applied to quantify significant environmental benefits required from applicants. There appear to be no clear guidelines or criteria as to how the significant environment benefits will be applied to an application under the Native Vegetation Act. Past decisions have often appeared to be inconsistent or discretionary.

There is a general lack of understanding of the significant environmental benefit outcome for clearance that requires a significant environmental benefit offset. Provision should be made for significant prior work to be recognised, with the ability to give an environmental and financial value that can be used and accepted as a significant environmental benefit offset.

The act and the amendments deal with the preservation and/or destruction of native vegetation. That is fine, but the big question is: who determines which flora are involved? The extensive levels of data and the level of reporting required for applications for native vegetation clearance are beyond the skills of many applicants and they have to engage consultants at great cost both to assess the site of clearance and to lodge the applications.

A simpler system needs to be introduced to allow different levels of reporting for different applications across the range of township, settlements and rural areas. No

application for residential site development on an allotment of less than perhaps 1,200 square metres could overcome this, which is one of the most misunderstood sections of the current act.

Eyre Peninsula flora are unique in that they share species with both western and eastern Australia, while also having some species that occur only on Eyre Peninsula. I emphasise that we also have a significant majority of the state's national parks, reserves and conservation parks, along with roadside vegetation and vegetation on privately owned land. The biodiversity plan for Eyre Peninsula indicates that 44 per cent of Eyre Peninsula comprises either government owned parks or is under private heritage agreements.

I foresee that Eyre Peninsula residents will once again be called on to pay the cost of repairing the environment in other parts of the state through the significant environmental benefit offsets. Of course, this is of no concern to this government, which has shown its contempt for rural and regional South Australia and sees those living outside Adelaide, particularly those on Eyre Peninsula, as milch cows paying for Labor's profligacy. Labor has no comprehension of the interconnectedness of country and city or that city people depend on the country for their standard of living.