

Media Release

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Vegetation clearing responsibilities forced on local councils – environment, councils and developers will suffer

The Tasmanian Conservation Trust today accused the State Government of secretly weakening the state's vegetation clearing controls and called on David Llewellyn to work with councils to strengthen the new system to stop destruction of Threatened Native Vegetation Communities and threatened species habitats.

The Minister for Energy and Resources, David Llewellyn, tabled the 'Forest Practices Amendment Regulations 2009' (attached) in the House of Assembly on Monday 16 November 2009 and the regulation took effect after notification in the Government Gazette on 25 November.

According to TCT Director, Peter McGlone, under the new regulations the Forest Practices Authority will no longer have responsibility for issuing permits for clearing of native vegetation for construction of buildings and associated developments, mining or mineral exploration and construction and maintenance of a railway or electricity infrastructure. The Authority will retain controls relating to forestry and agricultural clearing.

The TCT understands changes to the vegetation clearing controls passed through Parliament unnoticed, during the last busy week of sitting for the year, with no debate in either house and no prior consultation with councils.

"The new regulations will lead to an increase in clearing of Threatened Native Vegetation Communities and threatened species habitats, particularly in urban and semi-urban areas where so much of our threatened vegetation is found," Mr McGlone said.

"We are particularly concerned that many councils have no controls or very weak controls over vegetation clearing in their planning schemes and clearing will be largely unregulated. Where councils have controls, they do not have the people and resources to properly assess whether development applications will affect threatened vegetation and will be obliged to approve clearing.

"The TCT calls on the State Government to set an absolute minimum regulatory standard for all councils, ensuring Threatened Native Vegetation Communities and identified threatened species habitats cannot be cleared for housing development and provide councils with resources to implement the new regulations.

"Local councils were not consulted on these changes and the State Government has forced new responsibilities on them without additional resources to implement them.

“The State Government failed to establish an alternative system for controlling vegetation clearing before scrapping the old system.

“Rather than providing a smoother development assessment process, the new changes will create confusion and further delays as councils work out how to deal with their new responsibilities. It may also pull the Australian Government into dealing with more local development disputes.

“The new system will also mean developers will face different rules across the state. We will have the absurd situation where a particular vegetation community will be protected under some planning schemes and not under others,” Mr McGlone concluded.

Under the new regulations clearing of native vegetation for the purpose of:

- mining or mineral exploration will be assessed under the Mineral Resources Development Act;
- construction and maintenance of a railway will be assessed under the Rail Infrastructure Act 2007; and
- construction and maintenance of electricity infrastructure will be assessed under an environmental management system endorsed by the Forest Practices Authority.

Threatened Native Vegetation Communities are listed on Schedule 3A of the Nature Conservation Act 2002 and include non-forest as well as forest vegetation (list attached).

Attachments:

- Forest Practices Amendment Regulations 2009
- Schedule 3A of the Nature Conservation Act 2002, Threatened Native Vegetation Communities

Further comment:

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