

Fighting to Save South Sister

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South Sister, near St Marys, is one of two volcanic plugs forming part of the Nicholas Range on Tasmania's east coast (the other is North Sister). The mountain is a local icon, tourist destination, recreational area and the source of springs feeding local domestic and agricultural water supplies. In January 2005, Forestry Tasmania [the government business enterprise that is responsible for managing Tasmania's forestry operations] certified a forest practices plan for selective harvesting on the South Sister coupe.

In late February 2005, a group of concerned residents made an application to the Resource Management and Planning Appeal Tribunal, assisted by EDO (Tas).

The application alleges that the proposed forestry operations will cause environmental harm by reducing water supplies and increasing the risk of land slides in the area. The applicants have obtained evidence to suggest that:

- In the short term, the proposed forestry operations will lead to increased water yields, significantly reducing land stability in an area of landslide risk.
- Increased run off from the coupe will lead to increased turbidity in local water supplies.
- In the longer term, the impact of the proposed forestry operations on the groundwater recharge area may significantly reduce the quantity of water available to local residents, and to the town of St Marys.

The Tribunal found that there was a *prima facie* case and a hearing date has been set to determine whether the forestry operations can proceed.

The applicants sought a temporary order to restrain road works and harvesting operations until the issue was resolved, however the Tribunal was not prepared to grant a temporary order unless the applicants were willing to give an undertaking to cover any losses suffered by Forestry Tasmania if the applicants did not succeed at the final hearing. Forestry Tasmania estimated that this could be as much as \$50,000 per week, so the applicants were not able to give the undertaking.

However, Forestry Tasmania later announced a voluntary suspension of operations until after the final Tribunal hearing [scheduled for October 2005].

Thanks to the Environmental Defenders Office (Tas) Inc.

SOUTH AUSTRALIA

Editor: Will Webster and Rebecca McAulay

Changes to the Native Vegetation Act to Assist Environment and Farmers

SA Minister for Environment and Conservation, John Hill, recently claimed that changes to the *Native Vegetation Act* (1991), expected to be enforced by late June this year, will assist both landholders and the environment. One change will allow landholders to clear native vegetation on the condition they replant, or manage other vegetation that will result in a better outcome for the environment. Amendments to the Act, allowing such changes, came into force on 2 September 2004. These allow the Native Vegetation Council ("the Council") to consent to clearance that is otherwise seriously at variance with the principles of clearance of native vegetation. The Council must have adopted guidelines for the region, and be satisfied that a significant environmental benefit (which outweighs the value of retaining the vegetation) can be achieved, and that the particular circumstances justify the giving of consent. This may be facilitated by the imposition of conditions and the taking of other action by the applicant.

Draft guidelines have already been developed in consultation with the South Australian Farmers Federation and the Conservation Council of South Australia and should soon be released for public consultation.

Tiger Goes To The Dentist

The *Environment Protection (Miscellaneous) Amendment Bill 2004* has now passed the lower house. As reported on the EPA Website, SA Minister for Environment, John Hill, considers that the Bill will reform the way the EPA tackles polluters, improving the independence of the EPA and resourcing it better, and also toughening penalties. The Minister described the EPA as once being a "toothless tiger".

Amongst other things, the Bill proposes to make it easier for the EPA to prosecute polluters, and also raises some civil penalties for pollution.

ACT

Editor: David Jones

New Heritage Legislation Introduced

Amendments to the ACT's heritage legislation passed in August 2004, are now starting to be implemented in practice, and are intended to bring the ACT in line with other Australian jurisdictions in relation to heritage assessment and registration.

In theory, the new Act gives a more simplified, streamlined and speedy approach to the assessment and registration of the ACT's heritage, and has been designed to work in tandem with the ACT Planning and Land Authority's (ACTPLA) single development assessment process.

The process outlined in the new Act involves provisional decision-making by the Heritage Council, a range of public and indigenous community consultation and the opportunity for review in the Administrative Appeals Tribunal before the Council's decision is finalised. The intention is to allow the Heritage Council to work more closely with the owners of heritage properties and the ACTPLA in development approval processes.

Residential Tenancies Legislation to be Enhanced

Amendments to the Residential Tenancies Act 1997 were introduced by the Chief Minister in February. The main thrust of the amendments appears to be privacy based, aimed at regulating the information that can be listed on tenancy databases. The amendments provide the Residential Tenancies Tribunal with additional powers to make orders to change the database and compensate anyone who suffers loss as a result of the information.

Other changes include:

- powers for the Residential Tenancies Tribunal to evict a tenant who is seriously or continuously interfering with a neighbour's quiet enjoyment of their property;
- allowing evictions to only occur between the hours of 8:00am and 6:00pm Monday to Thursday (which presumably means that if Big Brother is ever relocated to the ACT, then the eviction show must occur on Thursday night);
- catering for the high military use / occupation of Canberra by allowing a tenancy to be terminated following either a lessor being posted back to Canberra or a tenant being posted away from Canberra;
- clarifying that premises condition reports can contain a list of items located at the premises and it that condition reports must be kept for at least twelve months after the end of tenancy;
- including a penalty for failing to lodge a rental bond within the prescribed time.