



The Goulburn Valley Environment Group Inc.

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Goulburn Valley Environment Group (GVEG) submission

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To whom it concerns,

Re: Review of the Native vegetation Clearing Regulations Consultation Paper

Thank you for the opportunity to provide comment on this review.

Goulburn Valley Environment Group (GVEG) is one of the peak environmental organisations in northern Victoria and has been actively involved in native vegetation clearing issues over the past 25 years in what is one of the most highly cleared regions of the State. It is from this context and our close engagement with local shires, DELWP, DPI and GBCMA on native vegetation matters that we provide comment on this consultation paper. Our comments are as follows.

1. Native Vegetation Clearing Policy

GVEG does not consider the proposed improvements to the objectives of the regulations are strong enough or clear enough in their current format. Furthermore, we do not consider that the proposed wording for the objectives is consistent with the intent of the draft Biodiversity Strategy which is to ‘...restore and sustain Victoria’s natural environment’ (Foreword).

In a region which is mostly cleared and which is currently assessed as having low habitat Importance according to DELWP’s modelling, the evidence from the consultation paper (table 3) is that 70% of low-risk applications will be approved for clearing. Biodiversity in our region cannot be maintained if these multiple, incremental losses continue.

In particular, we note that the ongoing loss of mature scattered trees aged more than 100 years old is known to have disproportionately large effects on the viability of species that

need these mature trees as part of their habitat, on landscape connectivity and on ecosystem health (Lumsden & Bennett 2005; Manning et al. 2006). Consequently, we are highly concerned that the accelerated loss of these large scattered trees through permitted clearing or permitted exemptions will continue to exert similarly large impacts on those natural values and ecological health (Vesk & MacNally 2006; Gibbons *et al.* 2008) of our local remnants of habitat on private land and along roadsides. We are also concerned that overall losses of mature native vegetation from local districts will result in declines in local populations of many species of native wildlife, noting the well-established relationships found between tree cover and bird species diversity and the abundance of particular species of birds dependent on woodland habitat (e.g. Radford et al. 2005; Radford & Bennett 2007), based on surveys through our part of Victoria.

Recommendations.

GVEG does not consider that these losses in biodiversity resulting from ongoing permitted clearing are consistent with the vision established in the draft Biodiversity Strategy. We therefore recommend that:

- PI.1. the native vegetation regulations re-introduce the concept of ensuring that there is a net gain in the extent and quality of native vegetation
- all applications must ensure that the ‘avoid’ principle has been applied.
- PI.2. there should be more comprehensive and consultative mapping of significant native vegetation areas undertaken across the State and these areas should then be incorporated into local planning provisions as priorities for protection.

2. Permit process and decision making

Our group’s main issues with the current permit processes relate to the large number of exemptions or loop holes under which clearing continues to occur. In particular, we are concerned by the incremental, ongoing loss of stands of trees and especially mature trees because of exemptions for:

- Clearing for allowable uses on public land (the second largest cause of vegetation loss in Victoria)
- Clearing for fencelines along boundaries between private land and Crown land (especially roadsides) and other allowable uses on private land (the major contributor to native vegetation loss in Victoria, Fig. 2 in draft Biodiversity Strategy)
- Clearing by water authorities along water channels and drains;
- Exemptions or loopholes whereby landowners on private land progressively ringbark trees or set fire to trees within their permitted rights and ultimately remove extensive areas of native vegetation or scattered trees.

And loopholes that permit:

- Clearing of extensive areas of mature roadside vegetation for road upgrades,
- Clearing of many scattered trees approved under whole farm plans in the Shepparton Irrigation Region; the quality of whole farming undertaken by private practitioners has deteriorated over recent years, with many displaying little or no evidence of avoiding or minimizing the necessity to clear vegetation. This issue in

conjunction with Commonwealth on-farm water recovery programs has led to an increase in the loss of remnant native vegetation.

- Retrospective provision of a permit for clearing to landholders

As a member of the recently formed Victorian Roadsides Conservation Alliance, our group is aware that VicRoads currently has projects underway across Victoria which will entail removal of approximately 40 000 trees from roadsides, including at least 1000 mature trees (Table 1). Conservatively estimating the average age of these trees at 30 years, this is the loss of 1.2 million years of habitat value across the State just from these roadsides – a loss which will not readily be replaced by new revegetation, nor can it be replaced by offsets undertaken at a different locality.

Project	Roadside length where clearing occurring	Total number of trees to be removed	Number of large trees to be removed
Western Highway Duplication Church Rd Trawalla to Beaufort (Tree clearing now completed).	7 km	Several thousand?	Unknown (no EES was required)
Western Highway Duplication Beaufort to Ararat	44 km	16000	900
Western Highway Duplication, Ararat to Stawell	30 km	~16000?	900
Western Highway Duplication, Beaufort Bypass	~10 km	Up to 2,000 (EES process only at beginning)	Unknown (EES not completed yet)
Western Highway Duplication, Ararat Bypass	~6 km	Up to 2,000, depending on chosen route	Unknown
Western Highway Duplication, Gt Western Bypass	Not known	Not known	Not known
Rushworth-Tatura Road	3 km	60	9?
West Gippsland Princes Hwy duplication	43	25 ha of endangered woodland	61 in addition to 25 ha
Ravenswood Interchange		1800	

Table 1. Known VicRoads projects across Victoria and known/estimated loss of trees

Recommendations

- There needs to be a stringent review of all current exemptions and loopholes relating to removal of native vegetation from both public and private land, with the outcome of reducing the number of exemptions, narrowing the scope of some

- of the exemptions and applying the avoidance principle at a much higher standard than currently.
- DELWP needs to intercede much more strongly in the local planning space and require local governments to introduce Ecological Significance Overlays on significant areas of native habitat on both public and private land which remove some of these current, allowable uses (e.g. clearing along fencelines)
 - The fenceline exemption needs to be defined more explicitly to minimise removal or lopping of native vegetation on adjacent Crown land
 - New guidelines need to be introduced to prevent loss of trees as a result of farm practices on private land, especially burning;
 - There needs to be a regulatory system introduced that prevents landholders or public land managers incrementally clearing small amounts of native vegetation each year whereby each annual 'event' is below the permit threshold but the overall amount over time would trigger a permit requirement.
 - We generally support PI.6 to improve mapping as we consider the current Habitat Importance Mapping to be very inaccurate in regards to the significance of local native vegetation in our area. However, we additionally recommend that decision-making about the significance of a site should be informed not just by statewide prioritisation maps but also by more local strategies (e.g. regional catchment strategy priority areas) or by local, expert evidence.
 - Linked to the above, and specifically in relation to native vegetation on public land, GVEG supports the 2011 VEAC Remnant Native Vegetation Investigation recommendation (R5) that there should be assessment and formal recognition of significant native vegetation areas on roadsides across the State, with associated standards of vegetation protection and management for areas assessed as being significant.

4. Offset Delivery

GVEG has five main concerns relating to the current system of offset delivery on private land, which are:

- We are aware of several instances in local shires where landholders have been issued permits but there have not been any offset activities (Strathbogie, Shepparton), despite repeated follow up by the community;
- In each of the instances above, local groups have followed up with DELWP and been told that DELWP is simply a referral authority and the Shire is the regulatory authority, resulting in multiple cases of native vegetation removal and no offset at all for that loss, despite full knowledge of the loss by relevant authorities;
- We are aware of multiple cases where landholders have cleared native vegetation without a permit and the solution has been to grant them a retrospective permit (but not necessarily require or enforce offsets); and
- There appears to be no independent scrutiny of the effectiveness of local governments in terms of establishing offsets and ensuring that those offsets are maintained.
- Most local shires do not appear to be doing any systematic auditing of offset sites and we are aware of some sites where plants have been established and subsequently died, without any subsequent follow-up.

We are encouraged by the initiative of one of our local Shires (Moirra) which has bundled up its own calculated offsets from local road maintenance into strategic offsets resulting in enhancement of native vegetation on a large property being managed for nature conservation. This approach should be adopted across the State to maximise biodiversity outcomes

We concur with the point made in 4.2.4 that offsets for clearing on public land do not meet required standards and support the paper's recommendation for improvements in this regard.

Recommendations

- There needs to be an independent body responsible for auditing the implementation of offsets relating to removal of native vegetation by both private and public land managers
- Offsets should be bundled up strategically rather than dispensed as single lines of trees along roadsides or driveways as we have seen with some offset outcomes in our local area
- In cases where councils propose to issue retrospective permits to landholders whom have removed native vegetation without a permit, that decision should be referred to a third party (DELWP or a proposed independent auditor) for review
- There should be much higher standards for offsets imposed on all public land managers

5. Exemptions

We have covered most of the issues we have regarding exemptions under section 2 above. We agree with PI 22 that there needs to be clarification of wording relating to any exemptions.

6. Compliance and Enforcement

We have covered most of the issues we have regarding exemptions under section 4 above. Additionally, we note that we have much sympathy for the under-resourced staff at all of our local shires and DELWP offices and recommend that there needs to be substantial increases in resources to support the effective delivery of the native vegetation regulatory program across the State.

GVEG commends the review process currently being undertaken and believes this to be an opportunity to rectify the spiralling losses of our native vegetation.

John Pettigrew, Chair CVEG

Protecting the environment for generations to come

