



The Goulburn Valley Environment Group Inc.

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Goulburn Valley Environment Group (GVEG) submission

To whom it concerns,

Re: Review of the Native Vegetation Clearing Regulations

Thank you for the opportunity to provide comment on this review and proposed improvements to the regulations and planning provisions.

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 and GBCMA on native vegetation matters that we provide comment on the Outcomes Report and proposed improvements to the existing regulations and Victorian Planning Provisions (VPP).

General comments

GVEG commends the Department on its transparent process in engaging with and consulting with stakeholders as part of this review and believe that the proposed recommendations will generally lead to improvements in the regulation of native vegetation clearing across Victoria.

In our experience, however, there has long been a gap between policy development by the State agency and the subsequent burden on local Councils and local agency staff to administer and enforce these regulations. We cannot emphasise strongly enough, therefore, the need to provide adequate resources towards staff training, administration, monitoring and enforcement of the regulations within local government and regional DELWP if these planned improvements to the regulatory controls are to succeed.

Our group's other main issue with the proposed changes is that they will still not close off 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 in our region because of exemptions for:

- clearing for allowable uses on public land, for example by VicRoads and VicForests (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.
- clearing of many scattered trees approved under publically funded Whole Farm Plans in the Shepparton Irrigation Region;
- retrospective provision of permits for clearing already undertaken by landholders, rather than using enforcement approaches

We request that the final document address these concerns.

Specific comments relating to proposed improvements addressed by changes to the VPP or ongoing improvement of the regulations

We are generally supportive of most of the proposed improvements and commend the Department on its commitment to ensuring that native vegetation removal is to be avoided as far as possible. Our comments below consequently relate only to those proposed changes which we consider could be further strengthened or clarified.

Proposed improvement 4: improve monitoring to determine if the regulations are achieving their objective

For our group and other regional environment groups, the lack of consistent and transparent monitoring of native vegetation removal and offsetting has been an ongoing frustration. We are aware of multiple instances where native vegetation has been removed, often without a permit, and no offset has been implemented, up to ten years after the clearing took place. We recognise that this lack of monitoring and enforcement relates to resourcing and training, hence our broader recommendation above.

We recommend that 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.

Proposed improvement 5: reduce the low risk-based pathway threshold for native vegetation removal

We are generally supportive of this proposed change from 1.0 ha to 0.5 ha as the threshold but recommend that *there needs to be consideration given to local situations – for example, in semi-urban situations where 0.5 ha removal is still significant, or where the native vegetation is mapped as belonging either to FFG listed or EPBC listed communities.*

We are deeply concerned that the planned approach for determining assessment pathways where large trees are to be removed, as outlined in the Assessment Guidelines, does not give sufficient weight to the significance and value of large trees in rural Victoria

This concern is reinforced by the fact that the map showing the significance of sites for biodiversity and therefore the risks to biodiversity if native vegetation is removed, identifies most of the Goulburn Valley as a 'low risk' (Location 1) region. In our local landscapes, scattered large trees along roadsides and on private land are the key habitat components for many of the threatened fauna still found in the region, including FFG listed and EPBC listed species such as Squirrel Glider, Superb Parrot, Grey-crowned Babbler, Brush-tailed Phascogale, Swift Parrot and Regent Honeyeater. We consequently recommend that:

- *The Location Maps need to be reviewed and refined before they become part of the assessment process;*
- *There needs to be consideration provided for use of other authoritative datasets and resources regarding the local significance of sites for biodiversity (as per Improvement 11);*
- *The proposed pathways relating to large trees need to be reviewed and strengthened to ensure better protection of large trees on public and private land*

Proposed improvement 6: replace the location risk map with an updated Location Map of highly localised habitats

As noted above, we question the validity of the Location Mapping tool in its current form to usefully inform the application assessment process and consider that additional, verified approaches, datasets and resources should also be allowed to inform decision-making.

We support the proposal to include sensitive wetlands as part of the assessment process as we are aware that many shallow wetland systems have not been recognised as native vegetation and consequently cultivated over the past 20 years. *We recommend, that clarification is needed to define what is meant by 'sensitive wetlands'*

We note the proposal to include endangered EVCs as part of the assessment process but recommend that *this approach should be broadened to all native vegetation types with a threatened or rare status in Victoria (i.e. depleted, vulnerable, endangered, rare) to ensure consistency with the conservation status framework.*

Proposed improvement 20: create a framework for offsetting on Crown land

Our group does not support the concept of offsets being placed on Crown land for the following reasons:

- Crown land managers are the second largest contributor to native vegetation loss in Victoria as a result of land-use activities which are exempt from control under the native vegetation clearing regulations. It would seem paradoxical if one of these agencies was able to clear native vegetation without being required to offset that clearing but then be the beneficiary of offset outcomes resulting from clearing elsewhere;
- Facilitating offsetting on Crown land reduces economic incentives for conservation-minded private landowners who could otherwise help protect and manage native vegetation on private land if supported by offset income.

- Private land supports the majority of the most highly threatened and fragmented vegetation communities in Victoria and offsets should be focussed on protecting, enhancing and restoring these remnant areas.

We therefore recommend that:

- *The review needs to re-consider the issue of exemptions that are currently provided to public land managers under these regulations and enable significant losses of important habitat each year. It is contradictory that the draft Biodiversity Plan is recommending a whole-of-government response to biodiversity conservation and strong leadership from government, yet allowing these exemptions to remain.*
- *As a minimum, the review should include a mandatory obligation on public land managers to demonstrate adherence to the 'avoid, minimise, replace' principle, especially with regard to large tree removal, critical habitat destruction or removal of vegetation mapped as belonging to FFG listed communities.*

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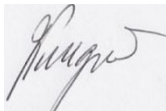
Proposed improvement 22: clarifying the wording of exemptions

Our group welcomes the proposed improvements and clarification of the wording related to Clause 52.17 of the regulations (native vegetation). We note particularly the clarification provided with regard to fenceline clearing along a private land/public land boundary with clearing to be permitted only 1 metre into the public land, provided the public land manager has given consent (52.17.7_fences).

We suggest that this wording could be improved by clarifying up front that consent is needed from the public land manager and stipulating what form the consent must entail (e.g. written approval). Given that fenceline clearing along roadside boundaries is a significant cause of native vegetation loss in our region, however, *we recommend that fenceline clearing along private/public land boundaries be removed from the exemptions list and become an activity that requires a permit.*

Our group would welcome the opportunity to discuss any of these suggestions further.

Yours sincerely



John Pettigrew
President, GVEG

Protecting the environment for generations to come