Submission to the

Review of native vegetation clearing regulations – proposed controls

February 24, 2017
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“Farmers are the best conservationists you can find, because if they aren’t they don’t have a livelihood,”

VFF Member, Wykeproof.
Executive Summary

Victoria’s existing native vegetation clearance regulations are flawed. The VFF make the following observations in this Executive Summary which are echoed in the full submission:

The current policy framework is failing to achieve the stated goal of “No Net Loss” and is exacerbating loss and privileging decline by making native vegetation a liability.

The proposed improvements in the consultation paper fail to appreciate why the controls were not working as avoidance alone can only lead to ongoing decline.

Draft controls and policy initiatives have not properly considered the balance required to meet the overall objectives of Planning in Victoria. The control package is flawed as it works against the landscape level holistic approach which underpins the Biodiversity Strategy.

The controls are also heavily weighted towards the avoidance of native vegetation clearing. The consequence is that farmers are forced to abandon clearing and subsequent offsets works, which is curbing their ability to utilise new technology and boost production. This is, ultimately, a drag on the economic efficiency of the State.

The controls have moved significantly away from the considerations of s5 and the principles established by VCEC in 2006. This is effectively shifting the costs of meeting the habitat gaps identified for action by VEAC to private landholders.

The controls proposed to further restrict existing “no permit required” land uses. Where the restrictions result in unviable land there is no mechanism for compensation or acquisition. The Government must be alive to the productivity losses it will cause and the consequent costs where the controls lack flexibility.

The controls continue to facilitate a one size fits all approach – whether it be the only trigger or rezoning and specific approvals are also required. This ensures that the system benefits developers where this is a cost of business.

The controls fail to respond to the issue of permanent loss (urban development) versus long term restructuring of vegetation leading to net gain. Clearing was a condition of the grant of land. Much of the vegetation on the landscape is the result of regrowth (facilitated by farmers) or planting. The system is not recognising this gain in the landscape as a ‘credit’ and is deterring landholders from taking proactive actions.
The VFF represents the major land holders of vegetation in Victoria after the crown. Despite this there was been little desire by the Department through the consultation process to return to the founding principles of Landcare – finding ways to help farmers improve productivity and improve the environment.

The VFF facilitated two workshops between farmers and native vegetation review staff so that they understood the challenge in managing native vegetation in both cropping and grazing landscapes. These workshops reinforced the findings of the VFF’s native vegetation forums, held in Horsham and Ararat during April. By way of example, our members said:

- “They’ve scared everyone off applying for offsets.”
- “Prohibition doesn’t work. It has to be a joint venture.”
- “If they worked on the proviso of delivering reasonable offsets, we’d deliver reasonable offsets.”
- “If they had the proper policy it would be a win-win for the environment and farmers”
- “At the moment these trees are dying out.”

The VFF previous submitted that the proposed improvements outlined in the consultation paper further enshrine avoidance by:

- Halving the clearing thresholds for farmers wishing to follow the simplified offset pathway from less than 15 trees and 1 hectare of bushland, down to 7 trees and 0.5ha.
- Removing the moderate risk-based pathway.
- Requiring anyone wanting to clear and offset native vegetation to include an ‘avoid and minimisation statement’ and ‘offset strategy’ prior to permits being granted.

We are disappointed that the example case studies developed out of the DELWP –VFF Horsham workshop were not given any consideration in the refinement of the controls. This has ensured that the ‘one size fits all’ leads to an unfair burden which impacts the viability of farming. In order to demonstrate gain you need to foster new vegetation. Pushing avoidance with statements such as ‘you can avoid if you grazed sheep’ and then applying a penalty on offsets due to failure to avoid is still enshrined in the system.
A realistic assessment of the impact of the planning process is needed. There has been no attempt to examine why property vegetation plans and native vegetation precinct plans are not working or effective.

- We have reports of DELWP staff refusing to sign off on Property Vegetation Plans unless they are in accordance with 52.17. This negates their purpose to reflect site specific issues and practical on site solutions.

- Native Vegetation Precinct Plans require a planning scheme amendment to introduce – at a cost of $30,000 - $60,000 in amendment fees alone. As no other approval or a rezoning is required this system is designed purely to benefit the development industry.

Unlike urban development, farming does not require planning scheme amendments. Vegetation removal for safety reasons in the farming landscape does not lead to permanent loss of vegetation and this assumption is built into the process. Regeneration and replanting in areas where it is safe and efficient to do so is actually facilitated by removal. This, in turn, ensures ongoing habitat to species in the local area and the ‘net gain’ sought. Avoiding has the perverse outcome of ongoing decline of the trees and no facilitation of new vegetation in areas where they can thrive.

Our members have called for a simple system that recognises their efforts as environmental stewards. By failing to work with the industry and by forcing more farmers into complex and costly approval systems Victoria’s farmers will be forced into meeting the additional requirements demanded under the high risk-based pathway. An even more likely scenario is abandonment any attempt to clear vegetation, which hinders their productivity. The system needs to encourage voluntary compliance over complex process and penalty.

The proposal to utilise the Flora and Fauna Guarantee Act to enforce the clearing regime is of great concern and further undermines confidence in the system. Despite being called ‘regulations’ the Native Vegetation Regulations are actually a provision in the planning scheme. They have not met the evidence requirements for a mapped control. They have not undergone a regulatory impact assessment to consider the costs, benefits and effectiveness of the regulations.

It seems that the Government is selectively choosing legislation to suit expedient ends. It receives the benefits of the Planning and Environment Act with no requirement for a regulatory impact and gives the government ability to introduce change via ministerial amendment. Administrative costs of often borne by local government. The Planning and Environment Act also has penalty processes which they government wishes to bypass.

The government needs to establish a new regulatory framework that builds a sustainable and effective offset strategy, delivers real benefits to the state’s environment and allows farmers to more effectively manage their land and lift productivity.

The VFF calls on the State Government to seek independent review of the native vegetation regulations including consideration of the balancing of the objectives of planning in Victoria; a full consideration of the benefits and the costs of the regulations; a scientific assessment of the impact of prioritisation of avoidance and the suitability of a single system to continued operation of section
one uses and commitment to compensation or acquisition where native vegetation requirements make existing uses unviable.

Net gain cannot be achieved without ensuring the vegetation clearing regulations facilitate selective clearing of native vegetation and creation of practical offsets that boost productivity and allow a healthy ecological community to establish.

**The Victorian Government’s Food and Fibre Policy**

The VFF is concerned the emphasis of the current and proposed regulations in favour of avoidance are undermining farmers ability to deliver on the Government’s goal of boosting food and fibre production. Victorian farmers currently export about $12 billion in food and fibre and the sector employs about 190,000 people.

In discussing the 2016 *Food and Fibre: Sector Strategy*, Victorian Agriculture Minister Jaala Pulford said,

> “Agriculture sits at the heart of our rural and regional communities – to support these communities, we need to support the sector to grow and prosper... We must strike the right balance between maintaining our reputation as a producer of safe, environmentally and ethically responsible products while reducing the regulatory burden facing businesses.” - Victoria’s Food and Fibre Strategy

This strategy is welcomed by the VFF and promises to address:

- the challenges faced by our primary producers
- reduce the regulatory burden on farmers
- support the integration of technology and
- enhance the focus on regional strategic planning.

Yet the current Native Vegetation Clearing policy and many of the proposals discussed in the consultation paper directly conflict with these goals.

The design of the review itself may have been fatally flawed by the lack of independent objectivity and professional distance. The authors of the work have been overseeing the review without testing the validity of their assumptions. The process has lacked the rigour of a regulatory impact statement and has failed to consider the costs versus benefits of the control and whether it is fit for purpose.

**Farmer feedback**

While the VFF’s efforts to consult members on the proposed improvements to the current regulations have included two regional meetings, two workshops with DELWP and a site meeting with the Minister for the Environment as well as member support in reviewing submissions through case studies and input from the Land Management Committee and Policy Council. The feedback we have obtained clearly reinforces the responses outlined in this submission.
Much of our previous submission on native vegetation stands with little variation from the previous draft given consideration. The unwillingness for DELWP to consider the real impact caused by the bluntness and complexity of the regulations are of particular concern to many farmers, which have led to confusion, costly application processes (consultants and report costs) as well as inconsistencies in interpretation and application. This is evident in our case studies attached in Appendix 2.

Farmers also raised concerns that when it came to clearing native vegetation their past efforts were not valued, which undermines their willingness to engage in further revegetation and protection works on their properties.

**In regard to the 52.17 exemptions, the VFF membership has clearly called for wording to remain unchanged and no new agreements nor reporting requirements be put in place.**

While the VFF supports a consistent approach in the use of exemptions, inconsistencies are best dealt with through educational material and the distribution of information to councils and farmers. It would be appreciated if a similar approach to that granted to the Crown for safety was extended to private land holders – or the exemption for the Crown removed. It is only fair that the regulators be subject to the same regulations as the general public.

The VFF does not support the drafting of guidelines that would then be enforced through reference in the VPPs. The drafting of these guidelines negate the basic principles of ‘balancing’ issues in a geographic area that is embedded in the objectives of planning in Victoria. The guidelines are introduced without the ability of landholders to engage in a normal ‘planning scheme amendment process’ where a panel can weigh up the appropriateness of the control.

Native vegetation clearing exemptions allow farmers to proactively manage their land, without the time and financial burden of applying for a permit. These should be widened and the pathways simplified. The mindset that works undertaken under an exemption are “illegal” clearing needs to be changed.

The exemptions exist to ensure farmers are able to clear and maintain small areas of native vegetation to manage pests and weeds, build improvements, and protect their assets from fire. The VFF is concerned that many of the proposed improvements would limit the ability of farmers to utilise Clause 52.17, to the detriment of land management, public safety and positive environmental outcomes. The lack of control, frustration, and anxiety expressed through on-site visits and discussions with farmers are clear indicators of psychological stress in many cases. These social impacts are difficult to quantify but evident in a farmer’s sense of powerlessness to make timely, flexible and smart decisions for optimal productivity and health of the environment.
1 Clause 12

The State Policy Planning Framework (SPPF) has several roles in relation to duties and responsibilities of both Planning Authorities and Responsible Authorities. For Planning Authorities the SPPF guides policy content in the Municipal Strategic Statement which in turn is utilised as the basis for the selection of zones and overlays and the identification of further strategic work.

The SPPF should not be seen as mandatory. Its role is to outline policy considerations that need to be balanced on individual sites (responsible authority role). It is common for SPPF clauses to contradict another clause requiring consideration of site specific issues to determine the best overall balance of competing demands to deliver the objectives of planning in Victoria.

The role of the SPPF is not always well understood in the wider community or the profession itself. The basis of the VPP’s was to move away from prescription to a performance based system that encouraged a strategic approach. Then Chief Panel Member Helen Gibson in her review of the implementation of the VPPS outlined that the challenge would be to move away from the perception that a section 2 use was a permit with conditions to a consideration of what is the best use of the land considering all elements. This led to the creation the “making decisions about section 2 uses within Clause 31.02. This reinforces the need for a balanced outcome.

Section 1 Uses

A use in Section 1 does not require a permit. Any condition opposite the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

Section 2 Uses

A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

Making decisions about section 2 uses

Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Section 3 Uses

A use in Section 3 is prohibited.

The review document is based on the false assumption that avoidance is the primary objective rather than a best use of land test as outlined above. In doing so it proposes to strengthen the focus on avoidance of clearing native vegetation as a first option. There is no recognition that it is
appropriate for native vegetation to be removed in some circumstances but that the removal of isolated and senescent vegetation with a practical offset it the only way to ensure net gain.

By failing to understand this and the orderly and proper functioning of the planning system the SPPF and the other controls continue to apply a process expectation which is reasonable where land use change is being facilitated to existing section one uses in rural areas. The SPPF needs to be clear on what applied where and how compensation will be applied land management outcomes not linked to a land use change or the application of a simplify and flexible offsets in farming areas.

Clause 12.01-1 Protection of Biodiversity
The current and proposed SPPF provides clear guidance on “strategic planning” which is often erroneously applied to “responsible authority” considerations. For instance the following statement applies to the application of controls / rezonings not permit considerations.

Ensure strategic planning:

*Avoids and minimises impacts, including cumulative impacts, of land use and development on areas of high biodiversity value including the habitat of species and communities listed under federal or state legislation.*

That is, this should not be applied to applications to remove vegetation in the farming zone. The land is zoned for the purpose and the use is a section 1 use. Most farming is a section 1 use without condition.

What is not considered in this clause is if avoidance is continually required in section 1 uses which is impacting on viability of the use then it should be clearly specified that the government will be required to consider the application of the Public Acquisition Overlay.

The Native Vegetation Clearing Assessment Guidelines should not be applied to the planning authority section of the SPPF in their current form. At very least they should provide clear guidance to what elements are ‘planning authority’ considerations and which elements are ‘responsible authority’ considerations.

Clause 21.01 should be further amended to require the undertaking of more detailed assessments by the Government and a sunset on the use of unmapped particular provisions which have not been subject to the rigour of panel consideration of the evidence and the appropriateness of the control to the geographic area.

The Native Vegetation Regulations have been in place for over 25 years which predate the VPPs. Reviews have been undertaken by the authors of the regulation which see the tightening of controls without considering cause, effect, cost, benefit and apportionment in an independent and rigorous manner.

The need for an ‘interim provision’ to ensure protection while detailed study was undertaken has long passed. Heritage Victoria took the opposite approach. For 25 years they offered heritage study grants under a standard brief to allow local government to document heritage places and level of
significance and undertake normal planning scheme amendment processes allowing local factors to be balanced by Council, Panel and the Minister.

**Clause 12.01-2 Native Vegetation Management**

This is the location for the guidance of permit considerations. The VFF supports the statement of ‘no net loss’ is the critical element to be achieved by any provision utilised to achieve this strategic objective. The ‘incorporated document’ is the key tool by which permits will be assessed. This incorporated document goes beyond the concept of ‘no net loss’ and does not allow for the balancing of issues.

The clause is flawed as it provides the same guidance to rezonings and major land use change as it applies to existing no permit required use.

This clause should provide the clear guidance to ensure any provision allows for consideration of a balanced outcome which is proportionate to the trigger.

Where avoidance is at the cost of existing section one uses the provision should outline the need for the Crown to compensate for the loss incurred in managing the vegetation or to acquire the land. This would reflect the general principles in VCEC and VEAC reviews. Avoidance only positions should only occur when a critical habitat has been declared under the Flora and Fauna Guarantee Act.

2 Clause 52.16

The VFF believes a simpler version of 52.16 should be prepared for native vegetation removal in accordance with section one uses. This should include the preparation of NVPPs by DELWP and inclusion into the planning scheme by amendments with DELWP as the Planning Authority.

The current provision is akin to a ‘free kick’ for those who are changing zones. A NVPP would cost a farmer approximately $100,000 to implement between study and amendment costs. Urban development undergoing planning scheme amendments (rezoning or PSP) is required to undertake a full range of studies – including flora and fauna. They are required to undertake a rezoning process. They are changing the zone of the land and the new zone and development provides a significant increase in land value which funds not only the process but the offsets.

This is not the situation for farming. They are zoned for the purpose. They are a section 1 use. There will be no increase in land value to fund the process and the legislation assumes a proper purpose for the land use. The cost of meeting the current regulations ensure that anything but avoiding loss is financially negative. A paradox emerges where increased costs reduce capital available to undertake environmental projects on farm.

The current provision does not consider the condition of vegetation or whether clearing is required for safety. The tool is too blunt in its application. Why would you go to the cost of preparing a tool if a small technical issue not included in the plan meant that you went back to square one? There needs to be some flexibility to show that you are still meeting the objectives of the plan.
Our members who have experience in seeking to utilise a tool other than 52.17, such as a property vegetation plan, report difficulty in getting DELWP to approve a ‘plan’ which does not replicate 52.17.

It is essential that DELWP demonstrate a commitment to finding practical solutions. Landscape level NVPPs that clearly identify vegetation that can be removed if designated vegetation to is fenced off and / or linking vegetation established. This would be simpler for farmers to know what they could do and would achieve a beneficial outcome for the environment.

3 Clause 52.17

Please refer to the previous VFF submission for additional information.

The VFF is disappointed that no attempt has been made to refine the provision (or its application) to negative disproportionate and negative impacts on farming.

No effort was made to look at why the PVP system has never been effectively utilised and whether that was a conscious or unconscious position against its use within the Department.

Consideration to widening exemptions or providing equity of tenure in exemptions by allowing the farm sector to utilise the same safety ‘exemptions’ available to the crown.

It is disappointing that clearing done under an exemption is often considered ‘illegal’ by the department as it does not have an approval. The VFF has seen several independent consultant reports prepared following what is termed as enforcement. These often demonstrate the inaccuracy of the mapping and even of the science as to when species achieve maturity. They also show poor condition and failure of the crown to manage critical factors required for species survival.

The proposal to utilise the Planning and Environment Act (ministerial introduction and no compensation) for the provision but not the enforcement highlights this issue. DELWP could become the Responsible Authority for the removal of native vegetation giving them prosecutor powers under the Planning and Environment Act. These powers would then need to be used in accordance with the Act, the Scheme and the duties and responsibilities of a Responsible Authority. The VFF objects to the use of one Act for control and another for penalties.

It is disappointing to see that this blunt tool which has been implemented without normal amendment processes is to be retained as the primary tool in agriculture. No changes have been made to establish whether the ‘benefit’ outweighs the costs.

This tool is inherently unfair and requires and independent review. This review should consider where this provision has been used to achieve land management outcomes to deliver Flora and Fauna Guarantee Act ideals without compensation.

4 Clause 66

Clause 66 reinforces the inequity of the ‘one size fits all approach’ of not regulation but also the key delivery tool in the Guidelines – the reduction to 0.5ha of clearing no matter the land size.
Rather than being a referral authority DELWP should consider becoming the Responsible Authority for this class of application. This would require DELWP to process the applications and make the detailed ‘balancing’ considerations it expects Councils to do without guidance or assistance.

If this clause is retained there needs to be clear guidance that referrals need to address all considerations of the scheme – not just the guidelines and these considerations should be relevant to the proposal and the location.

5 Offset Guidelines

The major flaw of the NVR system is the Guidelines. Any reference to “balancing” objectives in the existing guidelines have been removed. The reduction in clearing from 15 trees to 8 (in a 5 year period) has a disproportionate impact on farming.

The guidelines have been prepared to achieve a land management outcome and do not properly consider ‘Planning and Environment’ Act considerations.

The guidelines confuse Strategic (amendments / application of control considerations) with permit considerations.

The Guidelines are an incorporated document. If flexibility and balanced decision making is not supported within the control then it makes it difficult for this to occur.

The offset guidelines should not be applied to land in the Farming Zone. The provisions within 52.17 and any relevant zone or overlay should be utilised to consider applications in the Farming Zone until more appropriate tools are delivered.

6 VFF position

The VFF calls on the State Government to undertake the following short and long term actions to deliver appropriate and fair native vegetation clearing regulations for agriculture.

**Long Term Solution**
- Develop Special Area Plans for native vegetation to ensure that farmers are compensated for actions seeking to enhance environmental outcomes.
- Commit to ensuring regulation Impact statements are prepared for any ‘land management’ amendment to the Victoria Planning Provisions.
- Fund Landcare under the agriculture portfolio to ensure revegetation projects consider agricultural and environmental benefits.

**Short Term Solutions**
- Removal of Farming Zone from the provisions of clause 52.17 (native vegetation regulation)
- Implementation of a specific provision to apply to farming zone land to provide for removal of isolated paddock trees subject to longer term revegetation /
regeneration on the property. Deemed loss exempts existing residential land under 4000m. A simple process to recognise and reward long term achievement of farmers in revegetation.

- Exemption from planning permit fee for tree removal in farming zone (section 1 use)
- Removal of third party notification and appeal rights in the native vegetation regulations applying to agriculture and from Environment Significance Overlays (ESO) for habitat protection and & water supply catchments to ensure a streamlined permit process based on impact of the proposal.
- Implementation of a review and restructure of the SPPF (state planning policy framework) to strengthen references to the importance of agriculture to the Victorian economy.
- Revision of the planning provisions (VPP’s) to remove statements / control relating primarily to land management including removal of any planning control where the appropriate regulatory tool is a Special Area Plan under the Catchment and Land Protection Act.
- Preparation of a Ministerial Guideline for the use of the Planning Scheme for land management and biodiversity issues on agricultural land to assist local government and referral bodies in understanding under what circumstances a planning permit trigger or condition may be appropriate and how to balance the range of strategic directions applying.
- Preparation of a planning practice note on streamlined native vegetation controls in the Farming Zone.

Existing regulations create a de facto net gain, via Offset Risk Factors

The VFF is extremely concerned that Victoria’s existing Permitted clearing of native vegetation: Biodiversity assessment guidelines (September 2013 - Section 9) impose a de facto system of net gain on landholders trying to create offsets against clearing. Despite the commitment of the Daniels Government to “No Net Loss” with any net gain funded via government and community investments in the management of native vegetation the proposed Guidelines enshrine a ‘penalty’ approach which is contrary to VCEC recommendations.

The VFF still maintain that No Net Loss should mean the biodiversity value of: Offset = Native vegetation cleared. This was both simple and sensible. Our members are happy to protect or plant 5 trees for every tree removed and recognise this is the only way to achieve net gain in agriculture. Trees are living. Many “large trees” in the agricultural landscape are senescent. If they are not replaced we will reach several rapid drops in habitat quality.

Victoria was settled in the 1840s with squatters runs and special surveys. During the 1850s gold rush timber was harvested for mining and domestic purposes and there was an increased need for farms and farming. The settlement acts encouraged miners to farm by ready access to grants of land with clearing as a condition of grant until the Lands Act of 1958.
This is important to note as many large trees on farms which are assumed to predate crown grant have been replanted or allowed to regenerate by farmers. As technology changes the impact of vegetation on safe and productive farming is changing.

The health and well-being of Victoria’s Avenues of Honour are an example of this issue. Having been planted at a single point in time they reach senescence at roughly the same time. They are monocultural with high level of co-dependency between species. Conservation Management Plans for these Avenues propose gradual and planned replacement to ensure that there will be up to 40 years difference in the age of “next generation” trees to ensure a more healthy spread of ages and to maintain landscape values.

The regulations do not take this approach. There is no encouragement to actively manage vegetation on farm so that there is a range of species and age cohorts, that vegetation is maintained and regenerated in locations which are not impacted on / impact on farming and vital habitat will be maintained on the landscape across generations.

Instead the current system has a complex biodiversity calculation that does not appropriately consider temporal issues. The ‘net gain’ elements of this calculation are further compounded by the perception that offsets will fail requiring multipliers. Our members have expertise in growing things and are willing to establish offsets 2 years in advance of removal – they understand the need to have a plan to manage your farm and your vegetation.

However the existing regulations and guidelines demand a:

- **General Offset = 1.5 x Native vegetation cleared or**
- **Specific Offset = 2 x Native vegetation cleared.**

The existing guidelines state these multipliers are applied because:

“There is a risk that the gain from undertaking the offset will not adequately compensate for the loss from the removal of native vegetation...” and “...to address the risk of offsets failing, an offset factor is applied to the calculation of the loss of biodiversity value from removing native vegetation.”

The VFF argues these risk factors are unjust, given they penalise farmers on the basis of assumed failure. As one VFF member stated: “It’s like applying a penalty interest rate to every farmer”.

The VFF also argues the current review’s proposals to improve offset registration and monitoring would negate the need to apply risk factors, given these changes would lead to greater accountability and oversight by the government.

If the Government wishes to encourage protection of existing trees by avoidance, the VFF recommends that offsets for clearing scattered paddock trees return to a simple ratio of number cleared, to number of existing trees protected.

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The VFF calls for the removal of existing offset risk factors.
Comment: Risk factors penalise farmers on the assumption their offsets will fail or be poorly managed. Proposed improvements to more effectively monitor and register offsets negate the need to apply risk factors.

**Native vegetation Clearing Policy**

**Net Gain Remains**

The VFF opposed previous State Governments’ native vegetation clearing policies and regulations that enforced the cost of “Net Gain” on farmers.

The VFF was pleased to see the current Victorian Labor Government embracing the policy of “No Net Loss”, with any net gain funded via government and community investments in the management of native vegetation.

![Figure 2. Relationship between ‘no net loss’ and ‘net gain’ objectives](image)

However while the policy has been adopted, the VFF argues the current regulations are still designed to deliver net gain.

**Existing regulations create a de facto net gain, via Offset Risk Factors**

The VFF is extremely concerned that Victoria’s existing Permitted clearing of native vegetation: *Biodiversity assessment guidelines (September 2013 - Section 9)* impose a de facto system of net gain on landholders trying to create offsets against clearing.

No Net Loss should mean the biodiversity value of: **Offset = Native vegetation cleared**

However the existing regulations and guidelines demand a:

- **General Offset = 1.5 x Native vegetation cleared or**
- **Specific Offset = 2 x Native vegetation cleared.**
As above, the existing guidelines state these multipliers are applied because:

“There is a risk that the gain from undertaking the offset will not adequately compensate for the loss from the removal of native vegetation…” and “…to address the risk of offsets failing, an offset factor is applied to the calculation of the loss of biodiversity value from removing native vegetation.”

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**The VFF calls for the removal of existing offset risk factors.**
Comment: Risk factors penalise farmers on the assumption their offsets will fail or be poorly managed. Proposed improvements to more effectively monitor and register offsets negate the need to apply risk factors.

**Victoria’s vegetation clearance regulations flawed**

There are still fundamental flaws in Victoria’s native vegetation clearing regulations, which exacerbate the loss of remnant vegetation.

The review’s proposed improvements and declaration that the “primary focus of the regulations is to ensure avoidance” simply place more costly and insurmountable hurdles in front of farmers wishing to clear native vegetation and create viable long-term offsets.

Many of the proposed improvements outlined in the consultation paper simply raise the regulatory bar and cost of providing offsets to an even higher level to reinforce further avoidance.

Examples, which the VFF has responded to within the body of the submission, include:

- Halving the clearing thresholds for farmers wishing to follow the simplified offset pathway from less than 15 trees and 1 hectare of bushland, down to 7 trees and 0.5ha
- Remove the moderate risk-based pathway.
- Require anyone wanting to clear and offset native vegetation to include an ‘avoid and minimisation statement’ and ‘offset strategy’ prior to permits being granted.

These proposals will exclude many more landholders from following the low-risk pathway for clearing vegetation and simplified offset model. Many more farmers will either be forced into meeting the additional requirements demanded under the high risk-based pathway or abandon any attempt to clear vegetation, which hinders their productivity.
These additional requirements under the high-risk pathway are listed below and come at a considerable cost to farmers.
### Additional application requirements for moderate and high risk-based pathways applications

<table>
<thead>
<tr>
<th>Number</th>
<th>Application requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>A habitat hectare assessment report of the native vegetation that is to be removed.</td>
</tr>
</tbody>
</table>
| 12.    | A statement outlining what steps have been taken to ensure that impacts on biodiversity from the removal of native vegetation have been minimised. The steps taken should have regard to the contribution the native vegetation to be removed and the native vegetation to be retained makes to biodiversity. The statement should include either:  
  - Details of any strategic planning process the site has been subject to that has minimised impacts on biodiversity from the proposed use or development, or  
  - A description of the opportunities taken to locate, design and manage the proposed use or development to minimise impacts on biodiversity from the removal of native vegetation. If the applicant considers no further opportunities exist to minimise impacts on biodiversity from the removal of native vegetation, then provide an explanation of the potential impacts on the proposed use or development if further minimisation was required. |
| 13.    | An assessment of whether the proposed removal of native vegetation will have a significant impact on Victoria's biodiversity, with specific regard to the proportional impact on habitat for any rare or threatened species. |
| 14.    | An offset strategy that details how a compliant offset will be secured to offset the biodiversity impacts of the removal of native vegetation. |
Avoidance - the cost of doing nothing

Pursuing avoidance as the primary focus of the regulations deters many farmers from attempting to offset and clear native vegetation which is a major impediment to their productivity.

The end result is that many frustrated landholders see remnant vegetation and isolated paddock trees as liabilities that constrain their productivity.

In the cropping zones, farmers continue to plough and fertilise around paddock trees. On other properties cattle and sheep graze, camp and compact soils in and around remnant vegetation.

The VFF’s own work has shown the cost of one isolated paddock tree to farmers in the cropping zones is $354 a year (See Appendix 1). These costs are incurred as a result of extra time, fertiliser, chemicals and damage to machinery as farmers try to drive their GPS guided machinery around isolated paddock trees. Members have also raised concerns that weeds around many of these trees are receiving only partial herbicide dosage, and fear this may lead to herbicide resistance in the future.

There is no incentive for farmers to actively manage this remnant vegetation, which further exacerbates its decline. Recruitment and regrowth are reduced to zero and the decline continues.

The avoidance strategy has the perverse outcome of actually reinforcing inaction and decline.

The current policy framework is not only failing to achieve “No Net Loss”, it is leading to net loss, by turning native vegetation into a liability that leads to decline.
Nowhere in the State Government’s native vegetation clearing and offset regulations is there any attempt to address this ongoing decline in the extent and quality of remnant vegetation.

Evidence of this decline can be seen across Victoria’s rural vista, where paddock trees are slowly dying out and many patches of isolated remnant bushland are in decline.

VEAC’s 2011 Victoria’s Remnant Native Vegetation Investigation (2011) found: “the history of significant decline in the biodiversity of Victoria’s fragmented landscapes is continuing”.

DELWP regulators have argued this decline can be dealt with through incentive programs, which may be developed as part of the state’s biodiversity strategy. However the VFF is all too aware that incentives come and go, depending on the political will and budgetary constraints of the day.

The VFF argues the greatest incentive the government can deliver is giving farmers the ability to clear native vegetation that is hindering farm productivity, in return for delivering practical and realistic offsets that are managed and monitored.

**Offsetting the decline**

Tens of thousands of paddock trees will die out and disappear from Victoria’s rural landscape over the next two generations, under a regulatory framework that enshrines avoidance and exacerbates net loss.

There is a strong argument that rather than simply re-enforcing avoidance, the state’s native vegetation clearing regulations should be amended to recognise and offset the long-term decline of native vegetation on private land.

While the VFF does not have the resources to develop and model such a system, it would make sense that a decline factor be applied to remnant vegetation.

This decline factor could then be applied as a gain factor that acts as an incentive for farmers to establish offsets and address the decline and ultimate loss of remnant vegetation on their land.

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### Recognising a decline factor (first party specific offset)

**Defining decline:**

100 paddock trees today = 80 live trees in decline + 20 dead (standing and fallen) in 10 years = average rate of decline is 20 per cent.

Tree decline should be factored into the offset requirement. Protecting a remnant paddock tree not only arrests the rate of decline, but encourages recruitment and replacement.

**Applying the decline factor to individual trees**

If no action is taken, then the individual paddock tree will have declined by 20 per cent in 10 years, from a value of 1 down to 0.8.

Fencing and protecting a remnant paddock tree helps arrest decline and helps keeps the value at 1 (stress of fertiliser, chemical applications, cultivation and or grazing removed).
If no action is taken the ecological value of the tree in 10 years is worth 0.8 of today’s value. Therefore the gain factor delivered by protection and recruitment should be set at $1/0.8 = 1.25$.

**Recruitment gains**

As is the case under the current framework farmers should be able to increase the value of their offset through recruitment or revegetation.

While this is a simplified concept, the VFF believes factoring decline into the offset equation and removing risk factors brings the state a few steps closer to a more sustainable regulatory framework. As it stands, the native vegetation regulations are far too heavily weighted towards avoidance, not the establishment of viable and practical offsets.

The current focus on avoidance is a short term approach that focuses on the here and now, rather than what Victoria’s landscape will look like in 50 or 100 years’ time.

Putting insurmountable barriers in place to protect paddock trees and other remnant vegetation is simply short-term conservation of an asset in decline.

What Victoria needs is a regulatory framework that:

- Is not focussed on short-term protection at the expense of long-term loss (decline).
- Is focussed on delivering “No Net loss” in the longer term (50-100 years).
- Allows farmers to clear a proportion of their remnant vegetation in return for a commitment to delivering offsets that arrest long-term decline by:
  - Ensuring long-term renewal and replacement of cleared native vegetation.
  - Long-term protection and management of offsets that incorporate uncleared native vegetation that protects the state’s long-term biodiversity – promote canopy, connection, understorey recruitment.

**The VFF calls on the Victorian Government to establish a decline factor that recognises the cost of avoidance.**
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</table>
| 1. Clarify that the primary focus of the regulations is to ensure avoidance of native vegetation removal where possible | Clearly state that the regulations achieve the objective of ‘no net loss’ in the following manner:  
- Preventing the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity.  
- Applying the three step approach:  
  - avoid the removal of native vegetation where possible  
  - minimise the impact on Victoria’s biodiversity from the removal of native vegetation that cannot be avoided  
  - for any native vegetation that is removed, provide an offset that makes an equivalent contribution to Victoria’s biodiversity. | Sets out a clear approach to achieve the objective of the regulations. Ensures that the regulations are focussed around avoiding impacts on native vegetation as a first step. | Setting avoidance as the primary focus of the regulations fails to recognise the cost of doing nothing.  
Creating a regulatory framework founded on avoidance simply exacerbates this decline.  
VEAC’s work and other environmental assessments have identified native vegetation on private land is in a state of ongoing decline.  
DELWP regulators have argued this decline can be dealt with through incentive programs enshrined in the state’s biodiversity strategy. However the VFF is all too aware that incentives come and go, based on the political will and budgetary constraints of the day.  
There is a strong argument that rather than simply enforcing avoidance, the state’s native vegetation clearing regulations should be amended to offset this ongoing decline. Enshrining this principal in the in the regulatory framework, ensures ongoing certainty.  
To this end the VFF is advocating DELWP establishes a decline factor, which can be built into the Biodiversity Assessment |
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<tr>
<td>2. Consolidate comprehensive policy guidance for native vegetation removal</td>
<td>DELWP will provide consolidated guidance to inform decision making about native vegetation removal. This may include a reference to the importance of biodiversity and strategic planning, identify priorities for protection of native vegetation, details on how biodiversity and ‘other matters’ in Clause 52.17 are considered when deciding a permit, the intent of the exemptions, and compliance and enforcement.</td>
<td>The current Guidelines focus on biodiversity considerations in the permit assessment process and do not include broader policy guidance about the consideration of native vegetation removal across the planning system. This has led to inconsistencies and gaps in the application of the regulations. New guidance will equip decision makers with policy reference points to inform their work.</td>
<td>The VFF supports consolidation of guidance material to ensure a greater consistency in the approach of regulators and local government. It is clear there is a lack of consistency in approach across many local government areas.</td>
</tr>
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<td>3. Develop guidance to support strategic planning relating to native vegetation protection and management</td>
<td>DELWP in partnership with councils, will develop guidance to support strategic planning e.g. a planning practice note. This would include information on when it could be undertaken, what tools can be used, what information is available to inform this and the roles and responsibilities of any parties involved.</td>
<td>This provides a framework to improve the quality and the consistency of strategic planning for biodiversity across the state, including for overlays, focused on planning to protect and conserve biodiversity and to avoid significant impacts.</td>
<td>VFF has no argument with consistency of approach. However as we oppose the existing regulatory framework’s focus on avoidance.</td>
</tr>
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1 The development of mechanisms to protect the highest value areas for biodiversity, which could include the use of critical habitat determinations, will be considered as part of the Government’s commitment to review the Flora and Fauna Guarantee Act, 1988.
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| 4. Improve monitoring to determine if the regulations are achieving their objective and make this information publicly available | Improve monitoring and reporting on:  
  - Native vegetation removal that is being avoided.  
  - Permitted native vegetation clearing and offsets that are occurring (including linking clearing and offsets).  
  - Clearing under exemptions.  
  - Levels of non-compliance with the regulations, including with management of offset agreements.  
  - Assessment of the improvements in native vegetation that are occurring at offset sites. | This increases transparency by making data about system performance publicly available. It also enables the government to assess the effectiveness of the regulations in achieving their stated objective of ‘no net loss’. | The VFF supports improved monitoring, but questions which party would cover the cost of such work.  
Under-resourced rural councils and their farmer ratepayers cannot afford to cover these costs. The VFF therefore argues that the State Government meet the full cost of monitoring.  
The VFF is opposed to monitoring and reporting removal of native vegetation carried out under an exempt activity. |
1. Permit Process and Decision Making

It is clear from the outset that this review is aimed at further restricting landholders’ ability to clear and offset native vegetation on their land.

The VFF is strongly opposed to all but one of the “proposed improvements” outlined in this section of the review.

These reforms will simply add to the cost and regulatory burden farmers face in managing native vegetation on their properties.

In regard to the permit thresholds, pathways and requirements the VFF is opposed to the proposals that:

- Halve the clearing thresholds for farmers wishing to follow the simplified offset pathway from less than 15 trees and 1 hectare of bushland, down to 7 trees and 0.5ha. (Proposed Improvement 5)
- Remove the moderate risk-based pathway. (PI 9)
- Require anyone wanting to clear and offset native vegetation must include an ‘avoid and minimisation statement’. (PI 7)
- Require that all applications provide an ‘offset strategy’ prior to permits being granted. (PI 8)

These proposals will exclude many more landholders from following the low-risk pathway for clearing vegetation and simplified offset model. Many more farmers will either be forced into meeting the additional requirements demanded under the high risk-based pathway or abandon any attempt to clear vegetation, which hinders their productivity.

These additional requirements under the high-risk pathway are listed below and come at a considerable cost to farmers.

They include:

- The requirement to provide a habitat hectare assessment report (farmer must employ a consultant ecologist).
- A report outlining the steps taken to minimise the impact of removing vegetation on biodiversity.
- An assessment of whether the removal will have an impact on any rare or threatened species.
- A report on how a compliant offset will be secured.
The VFF is also opposed to the proposed improvement (PI 11) that: “enables councils to consider biodiversity values that are locally important, but are not reflected in the statewide view of importance, without needing to develop an overlay”.

The VFF is already concerned at the lack of rigour around the implementation of blanket environmental overlays that restrict farmers’ productivity. Allowing councils to “consider biodiversity values” without needing to develop an overlay risks seeing even more restrictions placed on farmers ability to remove and offset native vegetation on their land.

The restrictive nature of the proposed improvements, which reinforce the government’s focus on avoidance, are further reflected in proposed improvement (PI 10) to establish what are effectively “no go zones” for clearing native vegetation. Under the proposal the State Government would ensure the regulations would “not permit the removal of native vegetation that would have a significant impact on Victoria’s biodiversity”. Effectively areas would be identified where removal was “unlikely” to be approved.
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| 5. Reduce the low risk-based pathway threshold | Reduce the threshold so that fewer applications are assessed in the low risk-based pathway. For example, instead of a hectare or 15 trees driving a higher level of assessment, this could be reduced to 0.5 hectares or 7 trees. | A hectare or 15 trees, if they are large and old, is considered a significant amount of clearing to receive a relatively low level of assessment. This issue will be addressed in part through changes to the decision guidelines for the low risk-based pathway (see solutions 7 and 8 in this section). | Oppose
The VFF opposes any change to the threshold, given:
- It would push more applications into the high risk-based pathway
- It would add enormously to the cost of clearing vegetation and establishing offsets
- It does nothing to address the ongoing decline in native vegetation.

Given main agricultural clearing works pertain to scattered paddock trees, the VFF would support that permits relating solely to removal of scattered trees DO NOT require on-site ecologist assessment, for all pathways (basic to high) |

<p>| 6. Replace the Native vegetation location risk map with an updated map of highly localised habitats | Use an updated map of highly localised habitats to indicate where a small amount of clearing could have a significant biodiversity impact. Clearing of any size at these locations should be considered in a higher assessment pathway. | Determining the assessment pathway cannot be based on area alone, as this does not pick up small amounts of clearing that could have a significant biodiversity impact. A map of areas where a small amount of clearing could still have a significant biodiversity impact is therefore needed. The current Native vegetation location risk map is difficult to explain and | Development of such a highly localised map should also identify areas within the current high classifications that could be downgraded to low. |</p>
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<tr>
<td>7. Require an avoid and minimisation statement for all applications and consider this in decision making</td>
<td>Include an application requirement to provide an avoid and minimisation statement for all applications. Include the assessment of this statement as a decision guideline. A minimisation statement is currently only required for moderate and high risk-based pathway applications.</td>
<td>So that opportunities to avoid and minimise impacts of clearing can be utilised for all applications. This requires proponents to explain why they cannot avoid removing native vegetation completely and what steps they have taken to minimise their impacts on Victoria’s biodiversity. This allows councils to work with proponents to avoid and minimise impacts to achieve improved biodiversity outcomes.</td>
<td>Oppose</td>
</tr>
<tr>
<td>8. Require an offset strategy for all applications and consider this in decision making</td>
<td>Require that all applicants state how they will offset their impacts should a permit be granted. Require that the correct offset be identified before a permit can be granted. An offset strategy is currently required for moderate and high risk-based pathway applications only.</td>
<td>To ensure all applicants understand offset requirements and make provisions for these in the planning stage of their proposal. To ensure that permit applications are only approved if an offset is available and has been identified. This will also assist in improving compliance with offset requirements.</td>
<td>Oppose - conditional</td>
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<td>Simply applying an offset strategy to all offsets, would once again simply add to the regulatory burden farmers face in applying to clear and offset native vegetation</td>
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<td>9. <strong>Change to two pathways, a &quot;lower assessment pathway&quot; and a &quot;higher assessment pathway&quot;</strong></td>
<td>Reduce the number of assessment pathways to two. Consolidate application requirements and decision guidelines for moderate and high risk-based pathway applications. Remove the word ‘risk’ from the pathway description.</td>
<td>Removing the word ‘risk’ from the pathways will help to avoid confusion about their meaning and focus the pathways on the level of the assessment that is applied to the application. Ensures that more comprehensive decision guidelines can be applied to all applications in the higher assessment pathway (e.g. the high risk-based pathway decision guidelines apply to the higher assessment pathway).</td>
<td><strong>Oppose</strong>&lt;br&gt;Once again removing the moderate risk-based pathway in combination with lowering the vegetation clearance threshold forces more applications into the high risk-based assessment pathway. Advocate that all applications to clear solely scattered paddock trees, regardless of pathway, be processed without the requirement of on-site ecologist to determine tree condition.</td>
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<td>10. <strong>Provide clearer guidance on when to refuse an application to remove native vegetation</strong></td>
<td>Provide a clearer explanation of the criteria that should be used to assess whether a proposal will have a significant impact on Victoria’s biodiversity and whether a permit should be refused on these grounds.</td>
<td>This will ensure the regulations are providing the required protection for biodiversity by not permitting the removal of native vegetation that would have a significant impact on Victoria’s biodiversity. This will also assist proponents to plan to avoid native planting.</td>
<td><strong>Oppose on the basis that there is no detail on these criteria, how they will be developed and applied.</strong>&lt;br&gt;Once again this proposal is aimed at reinforcing avoidance rather than balancing development and biodiversity conservation.</td>
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<td>11. Include a decision guideline that allows councils to consider locally important</td>
<td>Include in the other matters section of Clause 52.17 a decision guideline relating to whether the native vegetation has been</td>
<td>Including this separate decision guideline in other matters enables councils to consider biodiversity values that are locally important but are not reflected in the statewide view of importance, without needing to develop an overlay. These values need to be referenced in their planning scheme.</td>
<td>Oppose</td>
</tr>
<tr>
<td>biodiversity when assessing applications</td>
<td>identified within the planning scheme to have local biodiversity importance.</td>
<td></td>
<td>Farmers already face inconsistent and broad local government applications of environmental overlays.</td>
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<td>The VFF has long advocated that a more rigorous approach needs to be applied to local government applications of environmental overlays, requiring assessment against social and economic impacts, not solely environmental.</td>
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<td>Further freeing councils to impose even more restrictions, without even needing to go through the overlay process would further extend the restrictive regulatory framework farmers face at local, state and federal level in regard to native vegetation management.</td>
</tr>
</tbody>
</table>
2. Biodiversity information tools used in decision making and offset rules

The VFF supports improvements in the accuracy of native vegetation mapping as long as it does not add to the cost of farmers managing native vegetation.

The VFF seeks an assurance from Government that any costs associated with these improvements are borne by the whole community (funded by the state), not local councils or landholders, via the application process.

The VFF has long argued that the costs associated with improved environmental monitoring and management should be borne by all Victorians.
## Benefits of maps and their use in regulations – Proposed improvements and VFF position

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<tbody>
<tr>
<td>12. Allow habitat characteristic information collected at the site to be used to supplement the maps of a species habitat in the permit application process and for offset sites</td>
<td>Describe the circumstances that would allow information collected at a site by a suitably qualified ecological consultant to be used to supplement the habitat importance maps. Detail of what site collected information can be incorporated into decision making and when, and the criteria on which decisions are based, would be developed.</td>
<td>To address issues with the maps’ accuracy or coarseness of scale at the site level while managing the impact of bias and observability associated with site-collected data.</td>
<td>Support</td>
</tr>
<tr>
<td>13. Increase the information available about the maps used in the regulations and improve their accessibility</td>
<td>Provide clear information about the data and methodologies that were used to create the maps. Improve accessibility of the maps and ensure they are user-friendly.</td>
<td>Allows users to better-understand the regulatory outcomes that the maps inform. Assists users to provide valuable feedback on the maps’ accuracy and usefulness.</td>
<td>Support. Streamline language in guidelines to avoid confusion surrounding SBS scores Density of written material is causing confusion over what needs to be calculated by the farmer and what is computer generated in ENVIM</td>
</tr>
<tr>
<td>14. Place greater emphasis on key areas of habitat for dispersed species in decision making and offset requirements</td>
<td>Give greater consideration for impacts on areas of key habitat for dispersed species, such as breeding sites. This would consider the specific offset threshold.</td>
<td>To allow for greater differentiation within habitats for highly dispersed species. This would provide greater protection for important habitat sites for rare or threatened species with dispersed habitats.</td>
<td>The VFF needs more detail on what this means and how it would be enacted.</td>
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<tr>
<td>15. Differentiate between the biodiversity</td>
<td>When a site assessment is undertaken</td>
<td>To better reflect the biodiversity value of</td>
<td>The VFF recognises the need to conduct</td>
</tr>
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2 This would consider the correlation between sites of important habitat and endangered EVCs
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<td>value of scattered trees for use in decision making and offset requirement determination</td>
<td>collect information to differentiate between the biodiversity value of scattered trees. For example, information about the tree’s species, age and/or location. Use this information when making a decision on a permit application. Where a scattered tree has high biodiversity value and a permit is granted, require the offset be of equivalent value and include trees.</td>
<td>scattered trees in decision making. So that the removal of high value scattered trees can be specifically compensated for.</td>
<td>further work on the biodiversity value of scattered trees, particularly given they are at the greatest risk of decline. As discussed in the VFF’s response to Section 1 on Native Vegetation Clearing Policy, there needs to be a mechanism that recognises the risk and impact of avoidance that results in ongoing decline in the value of scattered trees. VFF advocates for removal of on-site ecologist for habitat hectare assessment when dealing with applications solely related to scattered paddock trees, regardless of assessment pathway. Where protection is favoured over regeneration, increase simplicity of clear-protect ratio in determining an offset; ie. Clear 1 paddock tree : 5 existing trees to protect</td>
</tr>
</tbody>
</table>
3. Offset Delivery

The VFF is keen to see the development of a strong offset market.

However as the consultation paper highlights:

- It’s expensive to establish and monitor offsets – in addition to actual management of offset.
- The rules keep changing
- These costs and uncertainty act as disincentives
- There is a lack of market depth

As previously mentioned, the VFF is urging the government to simplify the regulations, lower the costs and rebalance the framework - away from avoidance and back towards clearing and offsets.

The proposed improvements (PI 16 & 18), in regard to tracking and registration of offsets, negate the need to apply risk factors to offsets. Better monitoring and registration will remove the risk of offset failure.
## Offset delivery – Proposed improvements and VFF position

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<tr>
<td>16. Increase the use and functionality of the Credit Register</td>
<td>Increase the information recorded in the Credit Register and make this available to councils, offset purchasers, offset providers and government investment programs. This could include:</td>
<td>Improved information about offset availability, particularly potential offsets, will decrease barriers to entry to the offset market for potential offset providers and reduce costs for offset purchasers. Establishing a single system for tracking and reporting on offset delivery would provide greater transparency and confidence in the provision of offsets and a clearer link between clearing and offset sites.</td>
<td>Supported by the VFF on the basis that it does not add to the cost of establishing offsets. The State Government needs to ensure it fully covers the cost of registering first party offsets. Any move to cost shift to rural local councils will ultimately be borne by rural rate payers, including farmers. Offset registration negates the need to apply offset risk factors. Registration encourages accountability.</td>
</tr>
<tr>
<td>17. Support the development of the market for low availability offsets</td>
<td>Work with conservation groups (including Trust for Nature) to develop programs that target potential offset providers, especially focussed on offset types or locations with low availability. Improve external access to species information to support identification of potential species specific offsets. Increase use of over the counter agreements.</td>
<td>This work will build the profile of offsetting in the community, with an aim to increase market participation for low availability offset types or locations.</td>
<td>VFF supports the development of a market in low availability offsets.</td>
</tr>
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<td>18. Require that all third party offsets are registered on the Credit Register and meet its standards, including standards for securing the offset</td>
<td>Require that all third party offsets are registered on the Credit Register. This means that trades and use of the credits will be tracked and that payment to the offset provider will be linked to the delivery of the offset management plan.</td>
<td>Provide greater confidence in offset outcomes being achieved for purchasers, the community and the environment, through higher levels of transparency, monitoring and compliance. Encourage larger strategic offsets to be established</td>
<td>VFF supports, given this requirement ensures accountability and again removes the need for a risk factor to be applied.</td>
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<td>19. Redesign the revegetation standards to ensure desirable revegetation can occur</td>
<td>Design more comprehensive revegetation standards so they encourage desirable revegetation. Potential changes could include:  - Modifications to gain scoring to encourage revegetation in sites with scattered trees.  - Encourage revegetation to be in areas well connected to remnant vegetation. Include specific revegetation offset site eligibility criteria to ensure the viability of the site.</td>
<td>Ensures that revegetation offsets are well connected and strategic and deliver biodiversity outcomes. Ensure revegetation is available as an offsetting option to help address local loss in biodiversity.</td>
<td>The VFF is concerned that DELWP has offered no analysis on why the standard needs to be upgraded. However the VFF is keen to see modifications to gain scoring to encourage the protection and revegetation in sites with scattered trees. (See Offsetting the decline in Section 1: Native Vegetation Clearing Policy.)</td>
</tr>
<tr>
<td>20. Create a framework for offsetting on Crown land</td>
<td>Create a framework to ensure that Crown land offsetting meets offsetting standards. Including that the site is eligible to be an offset, that the offset is transparent and secured in perpetuity and that it provides ‘additionally’, that is, that the management actions undertaken at the site are in addition to the statutory requirements for the management of the land.</td>
<td>Current Crown land offsetting approaches are variable and there is not an agreed process to establish offsets on Crown land. There are circumstances where Crown land offsets can create important benefits for biodiversity by compensating for clearing that is occurring.</td>
<td>The VFF asks what impact crown land offsets would have on the offset market.  - Increased offset supply?  - Price impacts?</td>
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4. Exemptions

Native vegetation clearing exemptions allow farmers to proactively manage their land, without the time and financial burden of applying for a permit.

The exemptions exist to ensure farmers are able to clear and maintain small areas of native vegetation to manage pests and weeds, build improvements, and protect their assets from fire. The VFF is concerned that many of the proposed improvements would limit the ability of farmers to utilise Clause 52.17, to the detriment of land management, public safety and positive environmental outcomes.

The VFF does not support any proposal to amend wording of the Clause 52.17 exemptions.

Where greater clarity to the exemption wording is required, the VFF supports the development of educational material for councils and farmers. This consultation material needs to be drafted in consultation with the VFF.

The VFF does not support the drafting of explanatory guidelines that would be enforced through reference in the VPPS.

The VFF rejects the proposed improvement (PI 21), which would require the reporting and recording of clearing which occurs under exemptions.

Reporting and recording of clearing under the exemptions would impose an even greater regulatory burden on farmers.

Clause 52.17 refers to written agreements being established between the Department and the individual wishing to clear native vegetation. The VFF does not believe that agreements should have to be reached between the state and landholder on private land and supports the status quo. The VFF is concerned that this improvement is aimed at requiring agreements to be reached under all exemptions, an objective the VFF rejects.

Additionally, the VFF is seeking a guarantee that any reduction in the thresholds used to determine the risk-based pathways (lowered from 14 to 7 trees and 1ha to 0.5ha), described in the Permitted clearing of native vegetation: Biodiversity assessment guidelines, will not also be applied to the exempt clearing thresholds listed in Clause 52.17. The VFF does not support a reduction to the exempt clearing thresholds or the thresholds used to determine risk-based pathways.

It is paramount that the exemptions continue to operate in a way that allow farmers to appropriately manage their land and are not eroded by restrictive changes to regulation.
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<tr>
<td>21. Formalise a set of exemption purposes and principles</td>
<td>The purposes and principles for exemptions include that exemptions are clear, consistent and evidence based. They also require that the clearing that occurs under exemptions is minimised. Where significant new footprint permanent clearing occurs under exemptions, that this is recorded, reported and its impact on biodiversity counterbalanced through native vegetation investment and management at a state-wide level.</td>
<td>Provides for consistency in the development and application of the exemptions. Ensures environmental impacts resulting from exemptions, are minimised and counterbalanced, in order to meet overarching statewide native vegetation objectives. This includes the accountabilities for and demonstrating how the environmental impacts resulting from exemptions on public land are minimised and counterbalanced.</td>
<td>The VFF does not oppose delivery greater clarity to the exemption’s purposes and principles. However the VFF opposes guidelines being drafted that are enforced by being referenced in the VPPs. Consistency is best delivered through educational material for farmers and councils. The VFF strongly opposes the second part of this proposed improvement – reporting and recording clearing under the exemptions. The exemptions exist to ensure farmers are able to clear and maintain small areas of native vegetation to manage weeds, build improvements and protect their assets from fire. Imposing reporting and recording requirements would undermine what farmers see as a right and tie up attempts to manage farms in even more red tape.</td>
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<tr>
<td>22. Clarify wording of exemptions</td>
<td>Make wording changes to some exemptions to clarify the removal of native vegetation that is allowed without a permit under these exemptions.</td>
<td>To ensure consistency in application of the exemptions, address common misinterpretations and enable improved levels of compliance and better enforcement.</td>
<td>The VFF does not support any changes to the wording of the exemptions. However the VFF is happy to support and be involved in the wording of educational material for farmers and councils that more clearly explains the exemptions. mean.</td>
</tr>
<tr>
<td>23. Provide guidance on the intent and application of exemptions</td>
<td>Develop guidance material about the application and intent of the exemptions to assist councils and proponents. Provide an explanation of what the exemptions are intending to achieve.</td>
<td>Enables councils to apply exemptions consistently across the State and supports compliance.</td>
<td>The VFF would support the development of educational material that provides guidance. However as already mentioned the VFF is opposed to enforcing the any guidelines through reference in the VPPs.</td>
</tr>
<tr>
<td>Proposed improvement</td>
<td>Description</td>
<td>Rationale</td>
<td>VFF position</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>24. Adopt a consistent approach to agreements referenced in the exemptions</td>
<td>Ensure that the approach to agreements in exemptions is consistent by:</td>
<td>Provide a clear, transparent and consistent approach to developing and implementing agreements referenced in the exemptions.</td>
<td>The VFF supports the status quo, whereby most exemptions do not require an agreement to be reached.</td>
</tr>
<tr>
<td></td>
<td>• developing principles for the intent and content of agreements</td>
<td></td>
<td>The only exemption that applies to private land and currently requires landholders to gain an agreement is for the removal of native vegetation for the destruction of rabbit warrens.</td>
</tr>
<tr>
<td></td>
<td>• using consistent definitions and terms</td>
<td></td>
<td>The VFF is concerned that this improvement is aimed at requiring agreements to be reached under all exemptions, an objective the VFF rejects as unwarranted.</td>
</tr>
<tr>
<td></td>
<td>• adopting a standard level of consultation in the development of an agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• ensuring agreements are publicly available</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• recording and reporting clearing and offsetting that occurs under agreements.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5. Compliance and enforcement – proposed improvements

While the VFF supports compliance and is opposed to illegal clearing, the Federation is extremely concerned at the proposal (PI 26) to train community groups and other third parties to “identify and take action in response to non-compliance”.

This is an absurd proposal that risks tearing rural communities apart. The opaque nature of this proposal means that Government may be proposing Landcare groups are trained/empowered to report and take action on non-compliance. This is an ill-conceived idea that puts people on both sides of the farm fence at risk. It also suggests scope creep in powers by sanctioning into interference with compliant habitats by government mandate.

The VFF would however support a fully independent review of compliance and enforcement of the native vegetation clearing regulations. Such a review should also consider the additional value farmers deliver in voluntary revegetation and protection works, for which they receive little recognition and virtually no payment.
### Compliance and enforcement – Proposed improvements and VFF position

<table>
<thead>
<tr>
<th>Proposed improvement</th>
<th>Description</th>
<th>Rationale</th>
<th>VFF Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>25. Develop a compliance and enforcement strategy</td>
<td>Prepare a risk-based compliance and enforcement strategy for councils that they can use to inform their compliance activities, including the development of compliance plans. The strategy will address issues from education and cultural change to enforcement tools and identify roles and responsibilities to support delivery.</td>
<td>Provides a consistent statewide approach to ensuring compliance with the regulations that is focussed on the activities that deliver the greatest benefit relative to impact.</td>
<td>The VFF supports compliance and enforcement in regard to offsets. However the cost must be borne by all Victorians, through the State Government, not cash-strapped rural councils.</td>
</tr>
<tr>
<td>26. Provide guidance and support materials for compliance and enforcement activities</td>
<td>Provide guidance (including training) to assist councils and third parties to address non-compliance with the regulations. This includes how to best focus efforts based on risk, tools for different circumstances, information to assist in monitoring and acting on non-compliance, appropriate responses to illegal clearing, and when DELWP may be able to provide support for compliance activities.</td>
<td>Empowers councils and community groups to proactively address compliance in a systematic way and identify and take action in response to non-compliance.</td>
<td>The VFF is emphatically opposed to community groups policing native vegetation regulations.</td>
</tr>
<tr>
<td>27. Improve information gathering for compliance and enforcement</td>
<td>DELWP in conjunction with councils to gather and report on the level and drivers of illegal clearing and non-compliance with permit conditions (particularly the requirement to provide offsets).</td>
<td>Changes the culture around compliance with regulations through collectively gathering and sharing information on non-compliance. This will enable more councils to understand the extent of compliance issues in their area, so that compliance efforts can be well directed and focussed on areas of key concern.</td>
<td>The VFF does not support illegal clearing and supports the collection and sharing of such information.</td>
</tr>
<tr>
<td>28. Promote co-regulatory support</td>
<td>DELWP to work with councils, the Commonwealth Government and other</td>
<td>Helps support councils having greatest difficulty in addressing non-compliance.</td>
<td>Support</td>
</tr>
<tr>
<td>Proposed improvement</td>
<td>Description</td>
<td>Rationale</td>
<td>VFF Position</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------</td>
<td>-----------</td>
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</tr>
<tr>
<td>relevant agencies to address non-compliance, with a focus on activities that have significant impacts on Victoria’s biodiversity.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29. Review the overarching compliance and enforcement framework</td>
<td>Covering a number of components this could include a future assessment of the legislative framework of the regulations and whether change is warranted to address compliance and enforcement issues.</td>
<td>Provides opportunities (that are beyond the scope of this review) to examine the regulations’ compliance framework more broadly, to ensure it is efficient and effective.</td>
<td>The VFF supports an independent review of compliance and enforcement.</td>
</tr>
</tbody>
</table>
Appendix 1: On-farm case studies

Case study 1
Case
Removal of native vegetation comprising 34 Black Box trees to allow for access of agricultural machinery for cropping.

Permit trigger
Clause 42.01-2 – Removal of hollow bearing eucalypt trees in the ESO2
Clause 52.17 – Removal of native vegetation including dead vegetation

Information
On September 1, 2014, farmer submitted an application to West Wimmera Shire Council for a permit to remove 34 scattered Black Box trees. The site contains approximately 120 large native scattered trees across the land comprising primarily of Black Box and Buloke trees. The scattered trees make it difficult for agricultural machinery to efficiently access and manoeuvre around the site for cropping and associated land management activities due to the large size of machinery that is utilised.3

West Wimmera Shire Council granted the permit on February 19, 2015. West Wimmera Shire Council subsequently received an application for review, with Environmental Justice Australia objecting to the permit. The matter was referred to VCAT, heard August 27, 2015, where the West Wimmera Shire Council decision was set aside and directed that no permit be granted.

Council had supported the permit application relying on the lack of objection received from DEWLP and the proposal for a compliant offset site to be provided by the permit applicant. DEWLP offered no objection to the proposal subject to an appropriate offset being provided and on the basis that no threatened species were modelled as occurring on the site; not all trees on the site are proposed to be removed; and the strategic biodiversity score identified the trees as making a 'middle of the road' contribution to the State's biodiversity.4 Despite this, the VCAT Member did not issue the permit because 'insufficient assessment of the trees proposed to be removed [had] been made of their condition, habitat value and contribution to biodiversity value.'5

The VCAT Member did not receive written submissions from Council, nor DEWLP when presiding over this case, and noted that, 'this was not helpful particularly given the complexity of native vegetation regulation and on how the Department viewed the proposal to remove scattered paddock trees under the Permitted clearing of native vegetation – Biodiversity assessment guidelines'.6

The VCAT Member suggested that a 'more detailed ecological assessment of the Black Box trees would have informed a view as to how many trees contained hollows. It would have assisted in determining whether any hollow bearing trees benefited to fauna and birdlife and whether it

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3 This machinery is industry standard size.
4 The farmer had a first party offset agreed upon, however following the permit objection, the offset was required to be amended and an alternate location was chosen.
5 VCAT Reference No. P478/2015, section 41.
would be more appropriate to focus on removing only those trees that did not involve Bulokes and any hollow bearing Black Box trees.\(^7\)

On October 20, 2015, the 34 trees were inspected by representatives from West Wimmera Shire Council and DEWLP, who were unable to assess the trees and directed the farmer contract an ecologist, at the expense of the farmer.

An ecologist inspected the site on March 7, 2016, and having assessed the trees, verbally suggested that all 34 trees would be able to be removed. On March 14, upon the advice of DEWLP and Council, the ecologist recommended revising the number of trees to be cleared to 14, and thus be considered a 'low risk' application.

The efficiency gains sought by the farmer in clearing the trees will not be met if only 14 trees are cleared. Thus the farmer’s pursuit to be granted a permit to clear 34 scattered trees is ongoing. The ecologist will now be returning to the site to further assess the trees.

Throughout this process, the farmer has spent in excess of $10,000 in consultation fees and travel to Shire Councils to comply with the permit requirements. This does not include the ongoing cost to operation that each tree poses, estimated to be in excess of $10,200 per year, nor the costs associated with establishing the offset.\(^8\)

Additionally, the farmer first applied for the permit 19 months ago, with the matter still unresolved. Should the permit be granted immediately, clearing could now not occur until after next harvest, likely March 2017.

This case reinforces the VFF’s core argument that the proposed improvements and existing native vegetation clearing regulations are costly, overly-complex and in need of major reform.

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\(^7\) VCAT Reference No. P478/2015, section 42.

\(^8\) Farmer estimates that each scattered paddock tree costs in excess of $300 in excess chemical sprays and fertiliser; damage to equipment from fallen limbs during harvest and bailing; loss of production from moisture stress and weed; and time spent managing area. Thus, proposed removal of 34 trees = [$300 x 34 trees] = $10,200.
**Case study 2**

**Case**
Removal of native vegetation on neighbouring fence line

**Permit trigger**
Clause 52.17 – Removal of native vegetation including dead vegetation

**Information**
Farmer sought guidance from Shire Council to clear trees for neighbouring fence lines. On one occasion, the Shire representative deemed that a red gum could not be removed to construct the fence. Subsequently, the neighbour cut 1/3 from the red gum to allow the fence to continue.

In another instance, the Shire representative deemed that a Box Tree that had been used as a wire strainer many years previous could not be removed. When the fence was removed for replacement, the tree collapsed.

There is uncertainty amongst farmers and Councils over the fence line exemption noted in Clause 52.17. Farmers are also frustrated where ‘common sense’ does not prevail in allowing the clearing of some vegetation.

**This case study reinforces the need for clearly worded educational material to be supplied to councils and farmers to ensure a more practical approach is taken to exemptions. This information should not be drafted as guidance material, which is enforced through reference in the VPPs.**
Case study 3

Case
Removal of 7 dead native trees in cropping area.

Permit trigger
Clause 52.17 – Removal of native vegetation including dead vegetation

Information
Farmer applied for permit to remove 7 native trees, which had been dead for over 40 years. The permit process took over 9 months to be approved. In interactions with the Shire Council and Department, there was uncertainty over who would be able to advise the farmer and deal with the matter. The process was convoluted and involved a significant administrative burden.

The vegetation was deemed valuable and was required to sow 500 trees per tree, equating to 3,500 trees, and a farm plan was put together. No offset was granted for the 14,000 trees the farmer had planted in the previous decade, as this was subsidised with government funds.

This case study shows the current regulations are so heavily weighted towards the avoidance of native vegetation clearing that farmers are forced to abandon clearing and subsequent offsets works, which is curbing their ability to utilise new technology and boost production.
**Case study 4**

**Case**
Removal of 29 native trees for the installation of pivot irrigation.

**Permit trigger**
Clause 52.17 – Removal of native vegetation including dead vegetation

**Information**
Farmer sought to remove 19 isolated native trees in addition to a cluster of 10 trees, applying for a permit through the Council. The Council was very supportive of the plan, as the farmer wished to switch their production from dryland to irrigation, which would improve farm viability and output.

A first-party offset was provided, creating a 9.2 easement on the property with the plantation of 515 native plants. The farmer provided an offset management plan, considering pathways for wildlife. The Council, in conjunction with the Catchment Management Authority, required the removed trees to be relocated to a local river. The CMA subcontracted the relocation of the trees, however the subcontractor failed in their ability to adequately perform this task.

Despite this, the farmer was able to complete the process through the ‘low risk-based pathway’ in 2 months, with relatively little cost. The farmer felt that the system wasn’t unachievable and that he was able to complete the majority of the paperwork without outside assistance.

This case shows how a supportive council, operating in partnership with the local CMA were able to help a farmer deliver a practical solution that boosted farm productivity and led to improved environmental outcomes.
Case study 5

Case
Removal of 20 scattered native trees in a cropping area.

Permit trigger
Clause 52.17 – Removal of native vegetation including dead vegetation

Information
Farmer sought to remove 20 native trees from a paddock with more than 50 scattered trees in a 40 hectare paddock, to allow for increased productivity and a reduction in damage to machinery.

Farmer attempted to apply for permit via the online application process. On the first attempt, the application crashed mid-way through the process. Farmer attempted to again utilise the online module at an alternative time of day, however the program again crashed.

The now frustrated farmer contacted the local DEWLP office, where a representative attempted to assist with the online process. The farmer was then made aware that the removal of the 20 trees led him to a 'high risk-based pathway', not 'low risk' as previously imagined. The farmer found the increased recording requirements necessitated under the 'high risk-based pathway' including three photographs of each tree to be particularly onerous. The farmer was also informed that assessment would take at least 3 months.

The farmer is particularly frustrated at the inability to use the online tool, get simple advice, and see clear processes and procedures around native vegetation clearing.

Once again this case study exemplifies the need to simplify the overly complex native vegetation clearing regulations. Even though this case was above the 15 tree threshold, it shows the consultation paper’s “proposed improvement” to lower the threshold to 7 trees and half a hectare would force more farmers into a time consuming and costly assessment process.
Cost of Isolated Paddock Trees in a Cropping Operation

Summary

Describing the costs of Paddock Trees to Cropping

The costs of isolated paddock trees for a cropping system can be separated into the following categories:

- Extra time taken to navigate around trees during seeding, spraying, and harvest
- Extra use of herbicides with overlap around trees
- Lost production around trees because of:
  - Inability to crop next to trees
  - Competition for water and nutrients from trees
  - Shading of surrounding crops
  - Un-cropped areas harbour weeds, which spread into crops
  - Wheel rutting around trees from manoeuvring large machinery
- Damage to machinery from hitting trees during seeding, spraying, and harvest
- Damage to machinery from fallen tree branches amongst crops
- Cost of employing labour to clean up fallen branches and trees
- Inability to operate at night because of risk of hitting trees/fallen branches

Table 1: Quantifying the Costs of Isolated Paddock Trees in a Cropping Zone

<table>
<thead>
<tr>
<th>Description</th>
<th>Evidence</th>
<th>Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spraying</td>
<td>Extra time taken for spraying and extra chemicals used.</td>
<td>$124/tree/year</td>
</tr>
<tr>
<td>Damage to Machinery</td>
<td>Varies. One farmer suffered $298,000 damage in 6 years, from around 5000 gum trees in cropping area.</td>
<td>$10/tree/year</td>
</tr>
<tr>
<td>Sowing</td>
<td>Extra fertiliser, seed, and time taken when circling trees with an air-seeder</td>
<td>$50/tree/year</td>
</tr>
<tr>
<td>Clearing fallen tree limbs, fallen trees</td>
<td>Employing labour to clean up trees, or time taken to do so</td>
<td>$30/tree/year</td>
</tr>
<tr>
<td>Lost productivity around trees</td>
<td>Yield mapping, lost cropping area, competition for water, nutrients and sunlight, weeds, and soil compaction/rutting</td>
<td>Average - $140/tree/year Up to $200/tree/year</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$354/tree/year</td>
</tr>
</tbody>
</table>
Discussion

Cost of Sprayer to Circle a single tree in Time = $120/tree.

It takes approximately one minute to navigate around a single tree. You have to first slow down the Sprayer without affecting your rate, then circle the tree (45 seconds), and then gradually speed up again without affecting your rate. This all adds up to over one minute/tree if everything goes well.

Spraying at 25km/hr with a 36 metre boom = 90 ha/hr
90ha/60 minutes = 1.5 ha/ minute.

Contract spraying costs about $10/ha. Each tree takes an extra 1 minute, which is equivalent to 1.5ha. This means an extra $15/tree for each time the paddock is sprayed per year.

Each paddock is sprayed up to 8 times per year, which will require circling each tree each time = $120/tree.

Cost in Extra Chemical used when Circling a tree in over laps = $4/tree

It takes approximately 5% extra chemical in overlaps, compared to running in a straight line.

Yield loss around trees = average $140/tree

Yield maps from West Wimmera farmers show up to $200/ single tree in loss of grain yield not including the loss of grain quality. (See attached yield maps and illustrative yield loss calculations).

Time taken to Circle a Single Tree with the Air Seeder = $12/tree

In order to prevent weed invasion around trees, farmers generally circle trees with an air seeder.

Time taken for air seeder to circle a tree = 1 minute at $36/ha
Sowing 20ha/hr = 60minutes / 20 ha/hr = 3 minutes/ha
Therefore 1 minute required to circle a tree is equivalent to 1/3ha x $36/ha = $12/ tree.

Cost in Extra Seed and Fertilizers when going around trees with the air seeder = $37/tree

Extra Seed (Wheat) @ 80kg/ha X $300/tonne = $24/ha / 1/3 ha/tree = $8
Extra MAP @65kg/ha X $750/tonne = $48/ha / 1/3 ha/tree = $16
Extra Urea @60kg/ha X $650/tonne = $39/ha / 1/3 ha /tree = $13

Cost to Clean up Fallen Debris under and around Trees = $30/tree

To clean up fallen debris under and around trees would take two men, a front end loader, chain saws and other equipment = $150/hr. It might take 1 hour to clean up when a tree drops large limbs, and significantly more time if a tree falls over. Approximately 20% of the trees need attention each year = $30/tree.

Cost per tree in Damage to Machinery = $10/tree

Damage to machinery can occur because of:

- Collisions with trees – when operating a 30-40m boom sprayer, air seeder or header it is easy to miss-judge the distance between trees.
- Damage because of fallen debris on paddocks – air seeder or header may hit fallen debris.
In the last 6 years a West Wimmera farmer has had the following equipment either damaged or written off - header front ($60,000), sowing bar ($150,000), stieger ($15,000), header rotor ($12,000), boom ($50,000), windrower ($5,000), harrows ($6,000) and other lesser damages = $300,000 / 6 years = $50,000/year / 5000 trees = $10/tree/year.

**Other costs = $?/tree**

There are additional costs not included in the $350 estimate – including costs associated with hay making for mixed farmers. Time taken to negotiate around trees using Headers, Balers, Hay Rakes, Hay Conditioners, PTO Hay Mowers, PTO Windrowers, and Harrows.

GPS Drop outs and time taken to regain the GPS

Loss of critical and optimum Spraying/Sowing time as you spend extra time circling trees instead of covering more hectares. This results in things like less effective weed control as not been able to spray them on time. If sowing is delayed it can reduce potential yield.

Lost production time because of time taken to repair machinery after damage.

Trees prevent many farm operations at night, because of the heightened risk of machinery damage. Inability to work at night means:
- lost opportunity for optimal spraying time – this is often at night
- inability to concentrate harvest and improve yield/quality of grain and
- inability to time sowing for optimal yield.
Field information and legend apply to active map layer only.
Yield Loss Calculations: Chickpeas - Kaniva K11

Assumed Price $450 per tonne
Area - 63.54 hectares
Average yield across the paddock is around 2.62t/hectare

The yield map shows a significant yield reduction around trees – each red/crimson area is a tree – usually with amber areas surrounding it. Assume trees are the main contributing factor to the reduction in productivity for the areas with yield of 2000kg/ha and below (i.e. red/crimson areas). Assume trees contribute to half the reduction in productivity for the areas with yield of 2000-2500kg/ha (i.e. amber areas).

Methodology: For each area in yield graph below average productivity, take the average yield loss compared to average and multiply by the area of yield loss.

\[
\text{Yield Loss} = (\text{AIY} - \text{APY}) \times \text{AOL}
\]

Where:
\[\text{AIY} = \text{Average interval in yield loss areas (see amber, crimson and red bars on yield graph).}\]
\[\text{APY} = \text{Average yield across the paddock}\]
\[\text{AOL} = \text{Area of Lost Yield (halved for the 2000-2500kg/ha interval)}\]

<table>
<thead>
<tr>
<th>Yield Interval (t)</th>
<th>Average Yield (t)</th>
<th>Area (ha)</th>
<th>Approx Yield Loss (t/ha)</th>
<th>Lost Yield (t)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0-2.5</td>
<td>2.25</td>
<td>8.55</td>
<td>0.37</td>
<td>-3.16</td>
</tr>
<tr>
<td>1.5-2</td>
<td>1.75</td>
<td>4</td>
<td>0.87</td>
<td>-3.48</td>
</tr>
<tr>
<td>0.5-0.5</td>
<td>0.75</td>
<td>2.13</td>
<td>1.87</td>
<td>-3.98</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>-10.62</td>
</tr>
</tbody>
</table>

**Price** $450/t

\[
\text{Estimated 35 trees in paddock} = \frac{\$4781.14}{\text{35 trees}} = \$136.60/\text{Tree/Year}
\]
Dry Weight - Kaniva - K01

Client Information:
Client: [redacted]
Farm: Kaniva
Field: K01

Legend Information:
Units = kg/ha
- Greater than 6,500.00 -> 13.38 ha
- 6,000.00 - 6,500.00 -> 11.81 ha
- 5,500.00 - 6,000.00 -> 14.24 ha
- 5,000.00 - 5,500.00 -> 12.05 ha
- 4,500.00 - 5,000.00 -> 7.96 ha
- Less than 4,500.00 -> 12.27 ha

Field information and legend apply to active map layer only.

Field Information:
Crop: Wheat (Durum)
Start Date: 29/12/2010
Product: Wheat (Durum)
Elapsed Time: 15.194 h
Area: 71.51 ha
Average Wet Weight: 6,156.94 kg/ha
Average Dry Weight: 5,515.9 kg/ha
Total Wet Weight: 440,299.16 kg
Total Dry Weight: 394,456 kg
Average Moisture: 10.41 %
Productivity(area/hour): 4.71 ha/h
Yield Loss Calculations: Wheat - Kaniva K01

Assumed Price $220 per tonne
Area - 71.51 hectares
Average yield across the paddock is around 5.51t/hectare

The yield map shows a significant yield reduction around trees – each red/crimson area is a tree – usually with amber areas surrounding it. Assume trees are the main contributing factor to the reduction in productivity for the areas with yield of 5000kg/ha and below (i.e. red/crimson areas). Assume trees contribute to half the reduction in productivity for the areas with yield of 5000-5500kg/ha (i.e. amber areas).

\[
\text{Yield Loss} = (\text{AIY}-\text{APY}) \times \text{AOL}
\]

Where:
AIY=Average interval in yield loss areas (see amber, crimson and red bars on yield graph)
APY=Average yield across the paddock
AOL=Area of Lost Yield (halved for the 5000-5500kg/ha interval)

<table>
<thead>
<tr>
<th>Yield Interval (t)</th>
<th>Average Yield (t)</th>
<th>Area (ha)</th>
<th>Approx Loss (t/ha)</th>
<th>Lost Yield (t)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-5.5</td>
<td>5.25</td>
<td>6.03</td>
<td>-0.26</td>
<td>-1.57</td>
</tr>
<tr>
<td>4.5-5</td>
<td>4.75</td>
<td>7.96</td>
<td>-0.76</td>
<td>-6.05</td>
</tr>
<tr>
<td>0-4.5</td>
<td>2.25</td>
<td>12.27</td>
<td>-3.26</td>
<td>-40.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>-47.62</td>
</tr>
</tbody>
</table>

Price $220/t

Estimated 45 trees in paddock = $232.80/Tree/Year