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HEALESVILLE ♦ CHUM CREEK ♦ YARRA GLEN ♦ BADGER CREEK ♦ DIXONS CREEK ♦ STEELS CREEK ♦ TARRAWARRA ♦ TOOLANGI

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Department of Environment, Land, Water and Planning

Submission by HEWI re the 2016 native vegetation clearing review

Healesville Environment Watch (HEWI) is a conservation, education and advocacy group based within Ryrrie Ward, Yarra Ranges Council. HEWI was actively involved with the development of Victoria's Native Vegetation Management Framework. This Framework was adopted as government policy in August 2002, becoming statutory policy in July 2003 when it was incorporated under Clause 81 of all planning schemes.

We appreciate the government initiating a process to strengthen native vegetation clearing regulations and hopefully removing the damaging legislative changes of the last government. We also commend the effort to examine all relevant legislation dealing with native vegetation removal in order to have a more consistent approach and clarify the process.

We do have three major concerns relating to what is proposed:

1. The guidelines recommended are from a 'no net loss' approach rather than a 'net gain'. Given that Victoria is the most cleared state with only 37% of native vegetation remaining and not all in good health a 'net gain approach' is needed particularly with the increasing threats of climate change.
2. There are too many situations for exemptions from government agencies. While the clause changes indicate that 'minimising clearing' should be stressed, we don't have the confidence that decisions about what is minimal and avoidable will be consistently applied by knowledgeable staff. There should be an annual state audit of the type and extent of native vegetation removal by agencies and to what extent has there been any offsetting. Clearly there must be much more public consultation and planning taking place to avoid the disastrous loss of vegetation in situations that occurred in the twinning of the Western Highway near Ararat.
3. The assessment guidelines as to how and where to avoid, minimize and offset process is applied are confusing. On p.15 of the Assessment Guidelines (Table 4) it is stated that all applications will follow the process. Item 8 of Table 4 requires a statement of how the impact of clearing will be minimised. However, on p.16 it is stated that 'an applicant in the Basic Pathway is not required to avoid or minimise impacts from the removal of native vegetation on biodiversity values'. There is even a more problematic statement on p.14 where it is stated that 'A statement that steps were not taken to avoid and minimise impacts on the biodiversity value of native vegetation would be an acceptable avoid and minimisation for a Basic Assessment Pathway.' While we can understand that the application process should not be too onerous, we still stress that consistently following the three stage process for all applications is necessary. The reality is that our biodiversity is severely threatened particularly by population growth and associated development right across the state. Given that the government has reduced the riparian strips along the Upper Yarra to 10 metres in certain places, the chances of restoring native vegetation and biodiversity are severely compromised.

HEWI is a community group acting to protect and enhance important elements of our local environment

Positive aspects of the draft guidelines

- The guidelines consider biodiversity in a broader context beyond just vegetation, and include fauna and also important biodiversity functions such as in water catchments, erosion control, carbon capture and cultural values. We feel the 'Decision guidelines for all applications' p. 16 are a very comprehensive checklist of considerations. However we note that in the draft VPP clauses coastal areas are singled out for protection (12.02). While we strongly support coastal area protection, we also recommended that similar protective clauses are drafted for riparian areas.
- The guidelines allow for consideration of large trees and smaller habitat areas although in some cases there may be areas less than .5 ha that have important endangered species such as orchids. Consideration of wetlands is an important step.
- The process allows for strategic planning to consider an area like a vegetation precinct (although what this is, is not clearly defined). This allows for a more holistic approach to protecting vegetation and reducing incremental losses.
- The process can identify cumulative impacts such as what has been removed in the past. Some guidelines for rejecting an application based on cumulative impacts should be stated.
- There are many problems with offsetting particularly whether it is possible for the quality of the cleared land vegetation can be replicated. The proposed requirements for specific offsets would be twice the biodiversity units to be lost and for general offset 1.5 times the biodiversity units to be lost. This is a good step and acknowledges that some of the predicted gain from the offset will not occur. The requirement that the offset location must have 80% of the biodiversity score of the vegetation to be removed for specific offsets and 70% for general offsets can ensure that similar biodiversity is to be restored.

Concerns

- Site visits are only mandatory for the highest level Detailed Pathway. The statement on p.13 that indicates that 'A responsible authority cannot require the applicant to engage an accredited native vegetation assessor' seems to create a major loophole in the process. The situation being described here is where an assessor has identified an endangered EVC is present in what is a Basic Pathway situation. The Assessment Pathway would then move to a higher or Intermediate Pathway. The only way the endangered EVC could be identified would be by an assessor and if an assessment is not required then the endangered vegetation would be ignored. It would certainly be in the interests of some landowners not to have their application move to a higher pathway.
- There is still a reliance on DEWLP's maps for Basic and Intermediate Pathways. The limitations and inaccuracies of these maps have been extensively criticised before and during the consultation process. At this point there is no information on plans and budget amounts to improve the maps.
- We understand the two documents that have been produced are a starting point and there will be further documents produced. However so far there is little information about :
 1. Penalties for native vegetation removal.
 2. How the process will be monitored. How will the location of offsets be recorded? What protection is there that these offsets may also be removed? Obviously there will need to be DEWLP and councils staff responsible for keeping track of the process and most importantly whether we are halting biodiversity loss.

3. What kind of budget is there for training of council and other agency staff? Quite a lot was invested in the first Native Vegetation Management Guidelines and these proposed guidelines are much more complex and comprehensive.

Yours sincerely

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