

Review of the Native Vegetation Permitted Clearing Regulations

March 2017

My submission is based on experience in dealing with Public land authorities as a community member. Public Land Managers carry out more native vegetation removal than private landholders in Victoria, so our attention must be directed to this area. It has become apparent to me that the Native Vegetation Clearing Regulations when applying to public authorities rely on correct environmental or flora and fauna reports from those authorities. These reports are usually provided by consultants.

The reports are often omitted in the planning process, or are incorrect, making the whole process ineffective.

It is my submission that the native clearance regulations can only be effective in regulating clearance occurring in public land if

1. Exemptions for requirement for permit for native clearance under incorporated documents is not be allowed
2. Exemptions for requirement for permit for native clearance under Development Plan Overlays is not be allowed

3. The State Government must ensure that there is independent auditing of all flora and fauna reports and environmental reports, and tree removal information provided by public authorities for any planning processes (whether reports are compiled by those authorities or by consultants)
4. The State Government must ensure that there is sufficient funding provided to DELWP to carry out effective and timely auditing of all offsets and vegetation requirements as required under native vegetation clearance permits. Provision for required offsets and vegetation should be confirmed before project commencement. DELWP should report to an independent auditor to audit adherence to the offset and vegetation requirements.
5. The State Government must ensure that there is sufficient funding provided to DELWP to carry out effective and timely auditing of the Memorandum of Understanding in regard to vegetation removal along roadsides carried out without requirement for permit. DELWP should report to an independent auditor to audit adherence to the MoU on an annual basis.
6. Regional Forestry Agreements should not be used to exempt vegetation removal from regulations.

The following illustrations are used to provide rationale to my submission:

Vic Roads

I illustrate this basic flaw in the planning process carried out by Vic Roads which effectively removes control by native vegetation clearance regulations by describing the actions of Vic Roads since 2011:

Vic Roads have repeatedly miscalculated proposed tree removals – see table:

	Western highway Stage 2	Ravenswood	Yan Yean
Planning stage Declaration of proposal by Vic Roads	221 LOT removals	1000 Native tree removals	42 Explanatory report LOT removals (or 66 LOT removals in body of Flora and Fauna report)
Delivery stage adjustment by Vic Roads	1635	1875	147
% declared at planning stage compared to delivery stage	14%	53 %	29 % (or 45%)

Vic Roads are clearly using incorrect information for the planning approvals process, thereby gaining exemption from of native vegetation clearance permit requirements for the project without declaring the true extent of the native vegetation clearance to be carried out. It appears years later that the information was incorrect yet the project goes ahead without requirement for permit for native vegetation clearance.

Independent auditing must ensure that Vic Roads carry out genuine and thorough process of avoidance and minimisation, including speed reduction, barriers, re-routing through land which is already cleared, placing powerlines underground and opting for upgraded technologies to ensure speed enforcement, wildlife collision protection and other transport systems such as rail are considered firstly.

Councils

Councils and Vic Roads use incorporated documents to eliminate the need to apply for permit for native vegetation removal for a project. Again the information which would normally be required at time of permit application for native vegetation clearance is not supplied at the incorporated document permit application. An example of this is the

A recent Council amendment provides for an incorporated document to construct a shared use path in a Creekside area, well covered with remnant vegetation between suburbs in Melbourne. The incorporated document specifically excludes the Council for requirement to apply for native vegetation clearance permit for the construction of the path, yet no details of clearance of vegetation required for the construction of the path was provided to the community, the Council, or the Planning Panel at any time during the amendment process despite request and submission from community to supply this information. The incorporated document has been approved by the Panel anyway.

Vic Forests

Normal Permit requirement for native vegetation removal for activities in State Forests should reduce the incidence of Flora and Fauna Guarantee breakdowns, particularly seen in the repeated failures of Vic Forests in detecting Leadbeater's possums in logging coupes. Surveys by Vic Forests have been found in many cases to have failed to detect endangered animals which were subsequently found to be present. All environmental reports and surveys by government agencies for activities on Crown land need to be independently audited.

Large Old Trees

All large old trees should be given special protection to avoid their removal in most situations. It is widely acknowledged that these trees

have particular importance for provision of hollows but less well acknowledged is their importance as a food source due to the more regular flowering of Large Old Trees and their ability to produce significantly more flowers and seeds than younger trees. The storage of significant amounts of carbon in Large Old Trees should also be recognised.