"Think globally act locally" - M McLuhan.

A response to the

"Review of the native vegetation clearing regulations"

Prepared by the

Friends of the Canadian Corridor.

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A response to the Review of the native vegetation clearing regulations

The Friends of the Canadian Corridor (FoCC) is a local neighbourhood group dedicated to the conservation of the natural environment, in particular native vegetation along the “strategic habitat connection” (image 1) between Woodmans Hill and Buninyong, along the east side of Geelong Road. The principal aims of the group are to protect neighbourhood character, maintain and promote public open space and protect wildlife habitat in the local area.

![Image 1: Ref:Page 29 Preliminary Ballarat strategy 2014 City of Ballarat](image)

The FoCC have recently successfully advocated for the existing Canadian Forest and the adjacent ex plantation land to be made a “Park”. It is now a matter of fact that the Canadian Regional Park is now being established following the passage of the CROWN LAND LEGISLATION AMENDMENT (CANADIAN REGIONAL PARK AND OTHER MATTERS) BILL 2015 on March 25 2016.
Image 2: New "Canadian Regional Park" DELWP 2015
The FoCC has considered the Review of the native vegetation clearing regulations consultation paper and strongly supports all the recommendations.

There are some consultation discussion points and recommendations with which we would like to add further evidence, explanation and requests as follows.

1 Native vegetation clearing policy

Proposed improvement (Page 17) The FoCC supports all the “proposed developments” Numbers 1 to 4. The FoCC welcomes this review of native vegetation clearing regulations. All along the Canadian Corridor far too many native trees, native shrubs and native grassed ares are being removed as the first step that a developer takes, when developing land, rather than as a last considered step after a proper landscape assessment and design process.

1.1.1. “No net loss” objective. The FoCC strongly supports this objective. Recently significant native vegetation loss has occurred, as land is subdivided and cleared for housing developments in the Canadian Corridor on the east side of Ballarat. This is causing an ongoing reduction in the amount of native vegetation cover within the corridor as each new development removes more native vegetation. A recent example is at Sailors Gully where a very large native vegetated area, outlined in Image 3 in red was destroyed. Image 4 shows Sailors Gully today with houses geometrically placed in the landscape. Sailors Gully is now bordered to the north, east and south by the new Canadian Regional Park (Image 2).

*Redacted Photo

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Image 3: Sailors Gully 2009 From COB aerial image.

4 | Page The FoCC response to the review of the native vegetation clearing regulations 2016
Offsets do not work as a replacement for the lost native vegetation as the offsets are not placed nearby and may be over 60 kilometers away. Thus the reduction of native vegetation in the affected land is permanent.

1.1.2. The recent removal of native vegetation in the corridor shows no evidence that points 1, 2 and 3 (Page 14) were considered. Locally one major inhibitor of native vegetation removal seems to be public dissenion.

1.2.3 The City of Ballarat (COB) does have a Koala Plan of Management that attempts to restrict the removal of Koala friendly native vegetation. However as the City relies on a site based permit system each application in handled as a single non connected site and not as a site situated within a larger native vegetated environment. Eg Images 4 to 6. The COB’s 2040 strategic plan has flagged a biodiversity audit for the corridor. The sooner this is done the sooner the COB can begin to apply strategic planning to individual lots where native vegetation is involved.

The FoCC strongly supports the “proposed development” notion of a “practice note”. We believe a practice note would assist the COB planners to manage native vegetated land development proposals on a strategic basis rather than on the current reactive model. The practice note would need to take into account the native tree clearing free for all that occurs when lots go below 4000 square meters. This should mean that native trees that are currently seen as a nuisance would in fact be taken into account, kept in place and added to the ambience of the land being developed. For example in 2001 this native tree in Canadian Springs was protected by moving the proposed new road alignment to one side.
Permit process and decision making
The FoCC strongly supports all the proposed improvements 5 to 11 for the Permit process and decision making (Page 24 and 25).

Re 2.2.4 The FoCC supports changing Clause 52.17 allow the COB to take into account the importance of Koala habitat on small lots. At present far too many trees within the Koala Habitat are removed due to lack of protection for the trees. For example a property in the 500 block in Canadian was covered in ES05 Vegetation. The orginal subdivision 2009 protected the native vegetation at the time of subdivision. Post subdivision a house (image 4) now covers almost the whole lot with the removal of most all native vegetation on that lot. The adjacent lot (image 5) is now part denuded with lopped trees evident, whilst the left hand side of Image 6 shows the quality of the original native vegetation on the block.
*Redacted Photo of property

Image 4: 2016

*Redacted Photo of property

Image 5: 2016
*Redacted Photo of property


**Proposed Improvement 5** The FoCC supports the notion of a reduction in the threshold lot size and the number of trees. Far too many native trees are simply removed after lots are established and owners then raze the block, such as at Richards St. No offset can effectively replace lost native trees even if the offset was located adjacent. An example of this offset problem is the native tree below (image 7) which stood with another native tree of similar size in at the Eastern end of Stockade St Ballarat East. The two native trees received protection within a plan of subdivision with two designated vegetation zones (image 8)
In 2011 the trees were illegally cut down. After a community outcry a restitution plan was drawn up as the documents below show (Image 9).
However in 2016 Image 10 below shows the site with no relevant vegetation at all, just some non-local native broadleaved grasses. The other west end restitution site does not exist.

The debacle above shows why significant native trees need better protection. How can the native tree clearing regulations be framed to give greater protection to significant native trees that exist?
Proposed Improvement 6 The FoCC strongly supports the "updated map of highly localised habitats" as a means of avoiding native vegetation clearing by way of ignorance.

Proposed Improvement 7 The 600 block in [redacted] shows this proposed improvement is necessary. Seven large significant old native trees shown red circles in Image 11 below were all removed. This allowed a geometric layout of lots to occur. In other words the native vegetation was sacrificed to a geometric lot layout maybe to maximise profit. Not one native tree was left on the site.

"Redacted Photo

Image 11: Blue Circle Retained tree on public land. Red Circle: removed trees on private land plus one on the road entrance to developed site.

One native tree on the roadside was retained by a well designed road plan as shown in the blue circle in Image 12 and most of the native trees of the public reserve along the [redacted] were kept. The native trees on the private land were not protected as shown in Image 13 where the land has been razed of native vegetation.
Proposed Improvement 8 The FoCC strongly supports a revised offset strategy. Current offsets are seen as an “easy way” of removing native vegetation so as to maximise the profitability of land without consideration of the biodiversity. The FoCC’s contention is that offsets ideally should be within or adjacent to the property being developed. Ie: If some native vegetation is in path of the
only logical roadway then that native vegetation should be offset within the adjacent land. Only as a
last circumstance should a nearby offset be allowed. In the Canadian Corridor every time an offset
occurs there is a net loss to the corridor because there is no offset replanting undertaken in the
corridor or nearby. Offset planting does occur at Bacchus Marsh which is 60 kilometres away.

Proposed improvement 9, 10 and 11 The FoCC strongly supports giving clearer processes and
guidance on guidelines and refusals on native vegetation clearance.

3 Biodiversity information tools used in decision making and offset rules
The FoCC strongly supports all the proposed improvements 12 to 15 for the Biodiversity information
tools used in decision making and offset rules (Page 31).

Proposed improvements 12, 13, 14 and 15 all support evidence based decision making on native
vegetation matters. The COB has in its 2040 Ballarat Strategy a plan to undertake a “BioDiversity”
study in the COB and in particular in the Canadian Corridor where the COB’s knowledge base is very
poor. Proposed improvement 15 is welcomed as a possible method of indicating how valuable, old
scattered significant native trees are. The FoCC would like to see an emphasis on retention as the
priority. Its offset value should be considered as a last resort.

4. Offset delivery
The FoCC strongly supports all the proposed improvements 16 to 20 for the offset delivery (Page
35).

The FoCC strongly supports the emphasis of improved registration and accountability of offset
providers and standards.

Proposed improvements 20 is of particular interest as there are many areas within the Ballarat
region where offsets on crown land could be beneficial to long term land management, protection of
the “Strategic Habitat Connection” and koala habitat revegetation.

The FoCC is very concerned about offsets which are in fact not an offset in the local environment.
The FoCC supports offsets as a last resort when design and permit regulations do not provide a
solution to not having vegetation removed. The FoCC asks for offsets when required to be first
placed on adjacent land so as to support the “the no net loss locally” notion. This allows species to
be regenerated within the locality and landscape that vegetation is removed from. It makes no sense
that Ballarat offsets should be undertaken many kilometers away. The COB’s C95 Koala Plan of
Management seeks to increase koala habitat, however every time Ballarat koala habitat is offset, the
offset is 60 or more kilometers away. How does this assist the goal of locally increasing koala habitat.

5. exemptions
The FoCC strongly supports all the proposed improvements 21 to 24 for where exemptions are
required. (Page 38).
6. compliance and enforcement.

The FoCC strongly supports all the proposed improvements 25 to 29 for the compliance and enforcement rules (Page 43).

In particular the FoCC has been disappointed at the current strength of regulations regarding illegal native tree removal.

Over the past years there have been many examples of native trees being removed illegally on private land and on public land. No one has been prosecuted as far as we can see and no restitution has occurred even when clear evidence for a case has been obtained and provided to authorities.

Locally the native tree removal on Image 7 in Stockade St Ballarat East is an example of illegal cutting and unsatisfactory follow up.

This native tree removal is not an isolated case. Within the Canadian Corridor there is ongoing illegal native vegetation removal by developers and property owners.

The FoCC welcomes a more effective regime of policing illegal native vegetation removal.

Conclusion
The FoCC strongly supports all the proposed improvements 1 to 29 for the Review of Native Vegetation clearing rules.

We appreciate the opportunity to respond and hopefully improve the retention of native vegetation within and adjacent to the Canadian Corridor and the Strategic Habitat Connection on the east side of Ballarat.

Yours faithfully,

Jeff Rootes

Co Convenor,

The Friends of Canadian Corridor