

POST/EMAIL SUBMISSION DETAILS	
Date Received	08/03/2017
Name	[REDACTED]
Organisation	private individual
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Postcode	3760
Privacy Options	I am making this submission as an <b>individual</b> . I request my submission be published anonymously including only my postcode
Privacy Statement Correct?	Yes
Privacy Collection Notice Read?	Yes
Submission Type	Individual
Previous engagement in review?	Info session 2015
	Workshop 2015/16
	Targetted consultation
	SRG
	Written submission to CP?
	Other? Describe
Will changes improve function of regs?	
Reasons	some simplification of the processes, but I am cynical regarding the effectiveness of the controls to truly acheive a No Net Loss of native vegetation and biodiversity values.
Implementation issue with proposed changes?	Yes
Reasons	Apparent lack of government support for protection of the natural environment, shown by actions such as the discarding of the Nillumbik C81 amendments to our planning scheme that had already undergone scrutiny by an independant planning panel and was sitting on the desk of the Minister. Throwing this out has set a dangerous precedent, and reduces confidence in this government to protect the
Guidelines – guidance or clarification needed?	
Details	
Terms to include in guidelines glossary?	
Details	
Subscribe to e-newsletter?	Yes. Please send information updates to my email address
Other comments	
Written submission provided?	Yes – attached

I am grateful for this opportunity to provide comments on this important piece of legislation – the Native Vegetation Clearing Regulations.

As an ecologist/botanist with almost 30 years in the trade, I have experienced the issue of vegetation removal first hand from a wider range of perspectives.

Prior to any native vegetation protection controls in this state, I grew up in a farming community where vast acreages of vegetation were regularly removed to plant crops or pasture, where woodlands and native grasslands were considered little more than fodder for domestic stock. When restrictions of vegetation removal were applied back in the 1970's, there was an initial uproar as landholders refused to accept that they no longer were allowed clear land as they saw fit. From this time, our controls on the removal of native vegetation have ebbed and flowed, and every time there is a change, there is an outcry from some element of the community about some perceived violation of their rights to do as they wish on their land.

In 1989, the introduction of the Native Vegetation management Framework saw a ground-breaking change to all the native vegetation retention legislation that preceded it – for the first time, there was a method to both qualify AND quantify any proposal to remove vegetation, and a system whereby that vegetation for removal was to be replaced or in some way offset, to achieve a no net loss in biodiversity values across the state. While this system was fraught with issues – including the apparent complexity of the methodology – this was a major step forward into acknowledging the importance to halt the rapid decline of biodiversity across the state that was progressively leading to the crumbling of many ecosystems.

### ***Potted history of vegetation clearing controls in Victoria***

With each change in state Government, it seems that the native vegetation controls become a target. One cannot help but remain cynical as to the driving force behind these inevitable changes with each cycle of government – one government might claim that the process is too complicated and there needs to be greater emphasis on issues of bushfire safety or landholder rights, and other government might say our native vegetation requires better protection or more equitable strategies to satisfy landholder “needs” while achieving protection for biodiversity values. Either way, the cynical thought is more that each successive government attempts to gain some aspect of the popular vote more so than attempt to do what is right by the ecosystems that we are both responsible for and dependent upon for our own survival. Through this current review, I sincerely hope that any presumed trend might be bucked, and that we can move towards a system that truly provides some guarantees for the retention and protection of our remnant habitats. Ideally, any such protections would be tested, to see that they actually DO halt the decline of ecosystems and then have those protection methods set in stone, to avoid watering down of vegetation controls by successive governments! This is an issue that impacts at all levels of Government.

### ***Community backlash***

Every time native vegetation controls are discussed, there is an element of the community that kick up a fuss. This element seem to always be those landholders that refuse to accept their responsibility for the protection of our ecosystems, instead screaming bloody murder about the loss

some perceived rights they believe they have over lands in their custodianship. Some might claim they have a right to remove any vegetation they need to in order to maintain their livelihood derived from the land. Others might hold some sort of contempt for native vegetation brought about by a deep seated fear of bushfire or snakes or other such threat that might be imposed by retained vegetation. Others might claim a love for the natural environment but believe, as “responsible” landholders, they should not be slugged with restrictions because they look after their properties and don’t be need to be told what they can and can’t do on their land.

All levels of government that are charged with the responsibility to create, and administer, these vegetation protection polices MUST realise that the most vocal of objectors tend to be those that feel hard done by, and those that claim a potential financial loss when such controls are put in place. An extremely vocal group does not mean a majority vote. Within Nillumbik, there are many committed residents have put time and effort into improving our natural environment, through hands on work, lobbying for support and grants to improve habitats, lobbying for protection of these environmental works, yet are perhaps less vocal . There are people within our community who are experts in their field – high level botanists and zoologists and ecologists and native vegetation managers and environmental planners, etc – who provide endless expert advice to the community, and to many levels of government, as their contribution to the protection and enhancement of our natural environment...and yet these qualified people may remain less vocal.

It is trusted that the educated and experienced contributions of experts in the field of environmental science and land management will remain the go-to’s when seeking expertise and input into these important policies relating to vegetation protection. It is these expert contributions that will afford the best result if we are to achieve a reversal of biodiversity loss and habitat degradation (or, at least, achieve a No Net Loss) across the state.

### ***A cynical overview***

Over the last 30 years, having worked as a State Government botanist, as a consultant ecologist, as a Local Government Biodiversity Planner, as well as having volunteered with Landcare, CFA, I have witnessed habitat degradation and destruction occur across the state. This has been blatant loss at the hand of broad-scale residential development, permitted losses, and through illegal land clearing. But these losses have also through the more insidious incremental losses through vegetation degradation due to human activity, through direct vegetation removal via exemptions to planning controls, and through grazing my domestic stock.

The attitudes of so many landholders seems to be one of some perceived right that they should be able to do whatever they wish to do on their land. These landholders fail to acknowledge their moral obligation to leave a landscape that is a viable life support system for future generations. And our life support systems are inextricably reliant upon broad expanses on native vegetation to protect waterways and maintain water quality, to reduce drying of the landscape, to hold soils in place, to clean our air, and so on. We, as a species, have already pushed many ecosystems over the brink from which they will never return, and many more are currently pushed right up to that brink with us still leaning on them while the ecosystems try to push back. One day soon, those ecosystems will go weak and the knees and fall over the edge.

It becomes tiring to hear the tirade from some landholders who demand rights to remove vegetation as they see fit, in the name of bushfire protection. But even more infuriating is to now be hearing the same tirade from my own local government (who, mind you, were elected through a campaign run on misinformation and fear mongering!) – a council who are producing submissions stating that they speak for the residents of Nillumbik yet produce a document fraught with inaccuracies and a total lack of understanding and education with regard to the natural environment. The elected Nillumbik Shire Council of 2017 DO NOT SPEAK FOR ME. And they DO NOT SPEAK for a LOT of Nillumbik residents. We were not asked for our input into the content of their submission, and I can assure you that many would not have accepted that content.

The same applies to the vocal group of landholders known as PALS – a mere extension of the long-standing NRA (Nillumbik Ratepayers) who have a long history of fighting all forms of native vegetation protection. PALS continue this tradition. And, again, the PALS submissions claim to be speaking for the residents of Nillumbik as though they have totalitarian support for their views. And again, they DO NOT SPEAK FOR ME, and I am certain that they DO NOT SPEAK FOR MANY OTHERS.

If the presence of native vegetation causes landholders so much angst with regard to fire risks, then perhaps those landholders should reassess where they choose to live. Similarly, landholders who claim they need to remove extensive vegetation to utilize their land, or wish to graze domestic stock but only have a bushland property – perhaps they should reassess the type of land they have purchased and consider moving their land uses to a more suitable property! There is no lack of grazing land. There is no lack of good agricultural land. An alternate option would be to change their proposed land use to one that is more sympathetic to the type of property and that might best protect the values found on that property already! We are all free to choose where we live, and if we have a particular lifestyle or land use that we wish to pursue, then we have a moral obligation to choose the right type of property for that purpose where we are not required to compromise biodiversity values and natural habitats to achieve our goals.

### ***The Importance of Legislation***

Nobody likes to be told what to do. Nobody likes rules. Everybody likes to think they are responsible. But the sad truth is, if EVERYONE was responsible ALL THE TIME, then there might be no need for rules and regulations. Yet we require road rules as there are still so many drivers who do the wrong thing with puts others at risk. There are basic rules of society and consequences for actions that go against those rules, because there are still people who choose to disrespect others by injuring, murdering, raping – so there are rules and there are consequences for those who break those rules.

Similarly with landholder rights – if the common goal was to ensure that landscapes retained a balance between healthy ecosystems and an ability to use lands for your own purpose, then we might not need guidelines or regulations to ensure those basic qualities are retained. However, not all landholders are on the same page. Some have a total disregard for their neighbours, some have a total disregard for the natural environment, some flatly refuse to see that they are having an impact on the natural environment, others flatly refuse to care two-hoots about the natural environment! Others live in fear of fire risks, while others have absolutely no understanding of the importance of ecosystems, of ecosystem health, and of our moral responsibility to care for those environments.

Like it or not, we NEED legislation. Like it or not, we REQUIRE some form of vegetation protection and that means rules and regulations that will affect all landholders. Like it or not, we need to suck it up and do what is right – and what is right is to ensure we reverse the degradation of our natural habitats by whatever means we can. Legislation is the only way we can set the bar height, and ensure ALL landholders are held to that level of responsibility equally and equitably.

Had our forebears had the foresight to halt the removal of native vegetation a hundred years ago, then our battle to protect our natural ecosystems would be less onerous today. But they didn't, so our battle IS onerous. We have a long history of damage that needs to be undone. Our native Vegetation Management Framework of the late 80's was a good step in the right direction, and the current Native Vegetation Clearing Controls form part of our methodology to halt habitat decline – now we need to address the way forward to ensure there IS a halt, and ideally provide a stay of execution for the many ecosystems we currently have backed up on that brink.

### ***Improvements:***

#### **Trees**

Acknowledgement of the difference between small trees versus large trees is welcomed. But consider further acknowledgement of the very large old trees – there should be a blanket “No Removal” for forest giants and for woodland monsters.

#### **Ongoing losses**

Please, DEWLP, look at ways to address issues of incremental losses. Legislation needs to have adequate teeth if responsible authorities (local government) are to be charged with the task of implementing our vegetation clearing regulations. While incremental loss is not addressed, and exemptions to our vegetation clearing controls continue to allow a substantial loss of biodiversity, then there needs to be some assurances that legislation-protected habitats CAN be protected, and that the legislation will hold up to VCAT and Magistrates Court scrutiny. And there needs to be the **No Net Loss** that these legislative controls aim for, but continue to fail to achieve.

#### **Exemptions**

Please also look at the misused and abused exemptions such as grazing of native vegetation by domestic stock, and realise that a one-size exemption such as this is not a suitable fit. There needs to be definitions (eg. What are “domestic stock”?), there needs to be land-zone restrictions (eg. Farming Zone might be exempt, Rural Conservation Zone and some Green Wedge Zones should not) or property size restrictions (eg. Properties over 40Ha only) or habitat restrictions (eg. No threatened EVCs or habitats known to contain significant species), or

***In Summary***

I am supportive of any legislation that is aimed at protecting our natural environments, our indigenous flora and fauna, our remnant habitats, and our landscapes.

I am supportive of any legislation that halts the unnecessary or excessive removal of remnant vegetation.

I am supportive of any legislation that quantifies losses of native vegetation and requires those removing the vegetation to replace what has been lost in some way.

I am supportive of any directives that might encourage people to NOT inhabit areas of native vegetation where their presence continues to degrade those habitats, or ways to educate those inhabitants on how best to live in their chosen landscapes without having a deleterious impact.

I am supportive of educating the community in the values of our natural environment, but where education fails, I am supportive of legislation that requires a responsible approach to the management of our landscapes and ecosystems.

As an ecologist, as a passionate environmentalist, as a scientist, as a land owner and a Landcarer, as a volunteer fire-fighter, and as a member of my community – I welcome these refinements to the Native Vegetation Clearing Controls in the hopes that these refinements will further discourage, or at least offset, any further losses in our native vegetation. I would welcome further refinements to remove some of the misused exemptions to requirements for permits or for offset provision.

And I live on a bush block - a solid, up-to-the-house bush block. I don't blame the environment for any fire risks – I chose to live in this environment. I don't demand my "rights" as a landholder to do as I wish when it comes to clearing vegetation – I accept it is my responsibility to protect the bush and to ensure my footprint is minimal. I believe that if I were to remove vegetation, that it is my responsibility to replace what I remove.

Similarly, all landholders who have chosen their particular landholdings, should be charged with the same responsibility and the expectation that they too will care for the values that existed on the land when they took ownership (aka "custodianship").

The Native Vegetation Clearing Regulations should continue to ensure that we are ALL held to a certain standard when it comes to being responsible for habitat protection, so that the entire onus does not fall back on the shoulders of those who truly DO care for the environment (as opposed to those that simply pay lip-service!). The only way to prevent our ecosystems crumbling is for each of us to assume that responsibility, and our authorities to recognise the need for halting of habitat degradation by avoidance of damage to remnant habitats and for effective offsetting for any unavoidable losses.