

‘There is no indication that the major pressures on biodiversity outlined in the state of the environment (SoE) 2011 report have decreased.’

‘The key pressures of habitat clearing and fragmentation, invasive species and climate change remain high on the list of pressures (identified by jurisdictions) that threaten listed species and ecological communities, and biodiversity in general.

Key Findings, Biodiversity Section, p. vi National State of the Environment Report 2016 (released 7 March 2017)

Background and Overview

A good thing about Victoria’s Draft native vegetation clearing regulations is that they now cover all native vegetation. There also seems to be some improvements in the rules.

However, the proposed changes to the native vegetation clearing regulations don’t go far enough, and, like the ones they replace, are overly complex and bureaucratic, and so are not readily understood or enforceable even where intentions are good, which they are often not..

State online maps of vegetation of high biodiversity value, on which these provisions rely, are likely to be inaccurate as regular surveys are not done, or if they are done, are not mapped. The State records are usually well out of date.

The Victorian biodiversity protection laws create a semblance of protection while guaranteeing extermination. Only native vegetation of high biodiversity beyond certain parameters, such as area, size or rarity, fits the criteria for protection from clearing. No protection is certain. If some native vegetation of high biodiversity value is in the way, it can be shifted somewhere else. Or it can be ‘offset’ by ‘protecting’ similar vegetation elsewhere which is not under threat i.e. a net loss of high value vegetation. Where no offset is available the developer can give cash in lieu to DELWP.

Native vegetation of high botanical value may get no protection even in a landscape very depleted of native vegetation, e.g. the western volcanic plains grasslands, where Melbourne’s urban sprawl has been allowed to consume some of the highest quality remnant grasslands.

These Draft clearing regulations clearly prioritise development over vegetation retention, so ultimately all high value native vegetation must go if it stands in the way of development.

Shortcomings

The proposed regulations don’t recognise ecosystem decline. If an ancient tree is to be removed the offset is likely to be the planting of a number of trees of the same species, but no number of trees replanted have the ecological function of an old tree.

Similarly small patches of native vegetation that fall below the threshold criteria can be removed with no assessment of their value as vegetation links across the landscape.

Failure to protect young trees below threshold criteria size may mean loss of recruitment e.g. a flood can bring up a crop of Red Gums but a land manager can destroy these at will.

Similarly, fire can eradicate species or revive long dormant species.

The offset rules, especially under S.6 Alternative and Transitional Arrangements amount to little more than get-out clauses for a developer or land manager (which includes DELWP as both manager and regulator under the rules).

The draft regulations don't adequately provide for augmentation of native vegetation, even where it is most needed. If a development is planned for an area totally devoid of native vegetation the Planning Provisions could require that some appropriate native species are planted. Incremental clearing can denude a landscape as trees die of old age or natural events such as fire, lightning strike.

Detailed knowledge of local biodiversity has traditionally been held by Aboriginal people, but increasingly in Victoria the most detailed knowledge of biodiversity is held by local community groups, but these people are not included as reference groups or even necessarily consulted during a development assessment. That is a gross oversight.

All native vegetation in seriously depleted areas e.g. volcanic plains grasslands (over 99% cleared), and woodlands, should be protected and augmented.

Governments and their agencies should be brought under these planning provisions.

Government agencies are the worst offenders in clearing high value native vegetation e.g. clearance of hundreds of old red gums and other native plants along railway lines as part of the level crossing removals program. Also hundreds of old red gums and other native species were cleared along the route of the Western Highway duplication project – far in excess of what was required. And clearfelling, i.e. clearing, of native forests continues in Victoria. Parks Victoria, ostensibly an environmental protection agency, is increasingly involved in clearing for development in parks and reserves. Government agencies could set a good example, rather than holding native vegetation clearing rules in contempt.

Urban areas

Glen Eira has the least remnant vegetation of any Melbourne municipality. Despite this there is little protection of these remnants. Many remnant river redgums have been removed as part of the level crossing removal works. Glen Eira has no native vegetation protection rules. Building footprints are increasingly boundary to boundary and permeable areas completely lost, despite what the rules say, as there is no monitoring or enforcement. Thus there is little place for vegetation of any kind.

Glossary

Clearing There is no definition of 'Clearing' in the Glossary. Such definition should include clearfell logging of any type, use of grazing, collecting, herbicides, fire, cultivation, or other means of eradicating native vegetation.

Biodiversity value of native vegetation All native vegetation has biodiversity value as it serves to maintain native ecosystems. The current definition consigns native species to Noah's Ark and ultimate extinction.