

POST/EMAIL SUBMISSION DETAILS		
Date Received	08/03/2017	
Name	[REDACTED]	
Organisation	Western Highway Alternative Mindsets	
Email	[REDACTED]	
Postcode	3352	
Privacy Options	I am making this submission on behalf of an organisation , and understand that it may be published and will include the name of the organisation unless otherwise requested	
Privacy Statement Correct?	Yes	
Privacy Collection Notice Read?	Yes	
Submission Type	Environmental/Community group	
Previous engagement in review?	Info session 2015	
	Workshop 2015/16	Yes
	Targetted consultation	
	SRG	Yes
	Written submission to CP?	
	Other? Describe	We have requested meeting with DELWP about WHAM's specific concerns about the loss of roadside vegetation and our submission. We still want the meeting to go ahead.
Will changes improve function of regs?	No	
Reasons	No. The wording is vague and contains platitudes. Exemptions are not addressed.	
Implementation issue with proposed changes?	Unsure	
Reasons		
Guidelines – guidance or clarification needed?	Yes	
Details	Exemptions for Public and Statutory Authorities	
Terms to include in guidelines glossary?		
Details		
Subscribe to e-newsletter?	Yes. Please send information updates to my email address	
Other comments	WHAM has been promised a meeting with DELWP about our specific concerns about the increasing amount of roadside veg and large old tree removals by VicRoads in particular - around the State. This issue should be urgently attended to. Most of the removals are not reported because they are subject to exemptions, but their cumulative effect is enormous. We would very much like to meet, before the regulations are set in place.	
Written submission provided?		

Review of the Native Vegetation Permitted Clearing Regulations

March 2017

**Submission by
Western Highway Alternative Mindsets 8 (Inc)
(WHAM)**

Special Interest Group

WHAM formed in 2014 after many hundreds of magnificent old River Redgums were observed felled and piled up on the roadsides west of Beaufort, on the Western Highway. The destruction has continued. The ability of VicRoads to remove significant vegetation on such an unprecedented scale has caused much controversy. There have been substantial losses between Beaufort and Buangor of some of the State's best remnant vegetation on roadsides, and more is planned all the way to Stawell (~ 70 km). WHAM is keen to see regulations are wisely adjusted to ensure a repeat of this sort of damage is prohibited in future. Our members will certainly be affected by the proposed regulatory system changes. We are strongly connected to the environment.

As with our previous submission, WHAM supports and endorses the submissions of Environmental Justice Australia and the Victorian National Parks Association to this review. Although our comments here are focused on the roads authority's diminished social license for its permanent damage of exceptional roadsides, there are many factors aside from exemptions that have and will impact upon roadwork projects of any scale. We note that major projects involving much remnant vegetation loss such as on the Western Highway obliges VicRoads to submit an EES.

Change of process: future management of habitat values along roadsides

WHAM recommends

1. reinstatement of the Victorian Roadsides Conservation Committee, as recommended by VEAC in its Remnant Native Vegetation Investigation (2011, R7, p. 51). This recommendation was supported in principle by the previous Government (DSE 2011) but

not progressed. We call on DELWP and the current Government to reinvigorate this recommendation, in consultation with VEAC and other relevant bodies.

2. assessment and formal recognition of significant native vegetation areas on roadsides across the State (VEAC 2011, R5, p. 50), with associated standards of vegetation protection and management for areas assessed as government accepted this recommendation in principle (DSE 2011) but never progressed it. We call on Vic Roads and the current Government to reinvigorate this recommendation, in consultation with VEAC and other relevant bodies.

3. design process for large projects with large environmental impacts to include formal community representatives, members of the proposed roadsides advisory committee and independent scientists and engineers to consider and recommend options.

DELWP: Rationale for the proposed amendments

The rationale for the proposed amendments to the clauses and incorporated document include to:

- ensure that the regulations sensibly protect sensitive native vegetation

The exemption for road safety, Table of Exemptions 52.16-8, must be altered to ensure sensitive native vegetation on roadsides are protected. The simple addition of the undefined phrase "to the minimum extent necessary" to the previous wording will still allow the same heartbreaking and unnecessary clearing of high quality remnant roadside vegetation. Emergency works may be allowed an exemption, but care must be taken (through appropriate wording and compliance expectations) to ensure road authorities do not use this as a loophole for unjustified clearances. Planning applications must be a requirement for all other activities on or near roadsides.

It is to be noted that roadsides are singularly important in providing biodiversity, understorey integrity and connectivity across the landscape in Victoria. Allowing clearance without a permit is destroying this valuable asset. Works must be properly and adequately justified and should be performed at the highest environmental standard. To ensure this, the scrutiny engendered by a planning process must strictly enforced.

- reflect policy changes as a result of the review

As stronger protections for roadsides is an ideal the Environment part of DELWP would support, then authorities and organisations which have an impact on roadsides must apply for a permit to remove or destroy vegetation. If not, we will continue to see widespread areas of loss of roadside vegetation, such as the Western Highway and Ravenswood Interchange, where many tens of thousands of Victoria's largest and best eucalypts have shamefully been lost forever.

- improve operability of the regulations (i.e. clear and easy to understand and apply)

As mentioned above, the Table of Exemptions 52.16-8 contains the vague platitude "to the minimum extent necessary." This phrase should be properly defined to ensure roadsides are truly and demonstrably protected.

DELWP: Assessment of Proposed Improvements

Improvement 1: Clarify that the primary focus of the regulations is to ensure avoidance of native vegetation removal where possible

To this end, the provision of exemptions for roads authorities and other organisations must be removed, except for emergencies. Strict wording of the regulations coupled with enforcement must ensure this provision for emergencies is not used as a loophole for everyday activities.

All VicRoads programs (including TAC programs) should be subject to 'avoid minimise, offset principles' in terms of native vegetation management.

The [avoidance and minimisation principle for all applications](#) must be well defined. Too often we see VicRoads, for example, in the case where an EES is called for, avoid any "avoidance" and focus momentarily on the undefined "minimisation" principle, before settling on offsets, where the ready availability of taxpayer funds do not necessarily provide a disincentive. For "minimisation," an artificial device proposing then comparing several options is used to choose the one with "minimum" impact. Speed reduction, re-routing through land which is already cleared, placing powerlines underground and opting for other freight systems such as rail must be added to the range of possibilities to truly minimise the impact of roadworks and road upgrades. It is patently obvious that the health and viability of remnant vegetation on roadsides around the state is in decline. Current trends can be extrapolated to show very little left in the future. Now – with this Native Vegetation Regulations Review underway – is the perfect time to step in and prevent further decline.

The policy of net gain must be reinstated

[Improvement 2: Consolidate comprehensive policy guidance for native vegetation removal](#)

DELWP should be notified when VicRoads commences removal of remnant native vegetation on projects of any size, as an added means of checking proper procedures are followed. This surely would have prevented much of the unapproved tree losses on Section 2A of the Western Highway duplication.

DELWP comments on its Consultation, submissions and response Information sheet, December 2016, page 3:

["Some submissions raised climate change and cumulative impacts being important issues, and that it was not clear how these would be addressed under the review Climate change and cumulative losses are difficult to address in the context of a site permit to remove native vegetation. Landscape scale maps are more appropriate ways to consider these issues, and over time DELWP will improve these maps to enable consideration of these issues as part of the regulations."](#)

WHAM recommends that all large old trees are given special protection to avoid their removal in most situations. It is widely acknowledged that these trees are the best on-land carbon sequesters.

Just as the importance of large old trees is recognised in assessing roadside conservation value (e.g. Northern Grampians Shire Roadside Management Plan assessment sheet), it must also formally recognised in terms of impact of proposed vegetation removal.

Where offsets are required for removal of large old trees, the offsets must achieve at least the same level of habitat provision and connectivity as was provided by the roadside trees and cannot be obtained on already protected land.

The Consultation, submissions and response Information sheet, December 2016, page 4, notes:

[It is difficult to capture comprehensive data on illegal clearing and clearing that takes place under exemptions. This needs to be accounted for when reporting on 'no net loss' and 'net gain', and will be built into the monitoring and reporting plan and compliance and enforcement strategy.](#)

WHAM believes that the unacknowledged loss of roadside native vegetation amounts to negligent ecocide, and are strongly supportive of insisting that VicRoads and other authorities presently enjoying permit exemptions for works on or near roadsides provide accurate date of what is being lost. Better still would be legislation to ensure proper protection for these areas.

WHAM is not supportive of the use of revegetation as an offset option. However, the regulations should provide for its use as a matter of course for any large project, in the form of ecological restoration. If suitable offsets are not available, the project must not proceed.

DELWP website: <http://www.delwp.vic.gov.au/environment-and-wildlife/biodiversity/native-vegetation-clearing-regulations-review>

“Changes will also result in fairer offset obligations for removal of scattered trees, by acknowledging the greater habitat values of large trees, and reducing the offset requirements for smaller trees.”

WHAM is supportive of this initiative but prefers it was strengthened and also acknowledges the habitat value of large trees in patches/on roadsides.

Recommended changes to on-ground practices:

Require that all fallen trees and branches be donated for environmental purposes and not be included as part of the contract

Timing of any removal be designed to minimise impacts on wildlife breeding cycles.

As of March 2017, WHAM is aware of the following projects happening in Victoria with substantial impacts on roadside habitat and wildlife – see table, next page.



Spokesperson for WHAM8

Project	Roadside length where clearing occurring	Total number of trees to be removed	Number of large trees to be removed
Western Highway Duplication Church Rd Trawalla to Beaufort (Tree clearing now completed).	7 km	Several thousand?	Unknown (no EES was required)
Western Highway Duplication Beaufort to Ararat	44 km	16000	900
Western Highway Duplication, Ararat to Stawell	30 km	~16000?	900
Western Highway Duplication, Beaufort Bypass	~10 km	Up to 2,000 (EES process only at beginning)	Unknown (EES not completed yet)
Western Highway Duplication, Ararat Bypass	~6 km	Up to 2,000, depending on chosen route	Unknown
Western Highway Duplication, Gt Western Bypass	Not known	Not known	Not known
Rushworth-Tatura Road	3 km	60	9?
West Gippsland Princes Hwy duplication	43	25 ha of endangered woodland	61 in addition to 25 ha
Ravenswood Interchange		1800	
Yan Yean Rd			147