Submission to the

Review of native vegetation clearing regulations – consultation paper

April 29, 2016
Contents

Executive Summary .................................................................................................................................................. 4
1. Native vegetation Clearing Policy .................................................................................................................. 7
   Native vegetation clearing policy - Proposed improvements & VFF Position ............................................. 14
2. Permit Process and Decision Making ......................................................................................................... 17
   Permit process and decision making – Proposed improvements and VFF position ............................. 19
3. Biodiversity information tools used in decision making and offset rules .................................................. 23
   Benefits of maps and their use in regulations – Proposed improvements and VFF position .............. 24
4. Offset Delivery ................................................................................................................................................ 26
   Offset delivery – Proposed improvements and VFF position ................................................................. 27
5. Exemptions ....................................................................................................................................................... 30
   Exemptions – Proposed improvements and VFF position .................................................................... 31
6. Compliance and enforcement – proposed improvements ......................................................................... 33
   Compliance and enforcement – Proposed improvements and VFF position ........................................... 34
Appendix 1: On-farm case studies ....................................................................................................................... 36
   Case study 1 ............................................................................................................................................... 36
   Case study 2 ............................................................................................................................................... 38
   Case study 3 ............................................................................................................................................... 39
   Case study 4 ............................................................................................................................................... 40
Appendix 2: Cost of isolated paddock trees ........................................................................................................ 41
"Farmers are the best conservationists you can find, because if they aren't they don't have a livelihood,"

VFF Member, Wyndham.
**Executive Summary**

Victoria's existing native vegetation clearance regulations are flawed.

The current policy framework is not only failing to achieve "No Net Loss", it is exacerbating net loss, by turning native vegetation into a liability that leads to decline.

The proposed improvements outlined in the consultation paper simply reinforce avoidance, curb farmers' productivity and exacerbate the ongoing decline in the extent and quality of the state's native vegetation.

The regulations are so heavily weighted towards the avoidance of native vegetation clearing that farmers are forced to abandon clearing and subsequent offsets works, which is curbing their ability to utilise new technology and boost production.

Farmers at the VFF's native vegetation forums, held in Horsham and Ararat during April, said:

- "They've scared everyone off applying for offsets."
- "Prohibition doesn't work. It has to be a joint venture."
- "If they worked on the proviso of delivering reasonable offsets, we'd deliver reasonable offsets."
- "If they had the proper policy it would be a win-win for the environment and farmers"
- "At the moment these trees are dying out."

The proposed improvements outlined in the consultation paper further enshrine avoidance by:

- Halving the clearing thresholds for farmers wishing to follow the simplified offset pathway from less than 15 trees and 1 hectare of bushland, down to 7 trees and 0.5ha.
- Removing the moderate risk-based pathway.
• Requiring anyone wanting to clear and offset native vegetation to include an 'avoid and minimisation statement' and 'offset strategy' prior to permits being granted.

These proposals are rejected by the VFF, given they will exclude many more landholders from following the low-risk pathway for clearing vegetation and simplified offset model.

Farmers will either be forced into meeting the additional requirements demanded under the high risk-based pathway or more likely abandon any attempt to clear vegetation, which hinders their productivity.

Another proposal put forward in the consultation paper is to empower councils and community groups to identify and take action in response to landholders failing to comply with the regulations.

This is an alarming and divisive proposal, given it would result in community groups policing native vegetation regulations. This should be the sole domain of governments.

The government needs to establish a new regulatory framework that builds a sustainable and effective offset strategy, delivers real benefits to the state's environment and allows farmers to more effectively manage their land and lift productivity.

**The VFF calls on the State Government to rebalance the native vegetation clearing regulations to ensure farmers are given the flexibility to clear native vegetation and establish practical offsets that ultimately help boost productivity.**

**The Victorian Government’s Food and Fibre Policy**

The VFF is concerned the emphasis of the current and proposed regulations in favour of avoidance are undermining farmers ability to deliver on the Government's goal of boosting food and fibre production.

Victorian farmers currently export about $12 billion in food and fibre and the sector employs about 190,000 people.

The Victorian Government has declared food and fibre is a priority sector for the government.

*"Our Government has identified the priority sectors with potential for remarkable growth – the sectors in which Victoria is uniquely poised to lead the world,“*


In discussing the 2016 Food and Fibre: Sector Strategy, Victorian Agriculture Minister Jaala Pulford said, "Agriculture sits at the heart of our rural and regional communities – to support these communities, we need to support the sector to grow and prosper."

Ms Pulford went on to state: "We must strike the right balance between maintaining our reputation as a producer of safe, environmentally and ethically responsible products while reducing the regulatory burden facing businesses." - Victoria’s Food and Fibre Strategy
The strategy states that: *By improving the business environment, in partnership with industry, we aim to: Enhance the focus on regional strategic planning to support growth and align effort with the priorities of regional communities AND reduce the most burdensome regulations faced by businesses*”

This strategy promises to address the challenges faced by our primary producers, reduce the regulatory burden, support the integration of technology and enhance the focus on regional strategic planning. Yet the current Native Vegetation Clearing policy and many of the proposals discussed in the consultation paper directly conflict with these goals.

**Farmer feedback**

While the VFF’s efforts to consult members on the proposed improvements to the current regulations have been limited (two regional meetings, member support in reviewing submissions and consultation with the VFF’s Land Management Committee), the feedback we have obtained clearly reinforces the responses outlined in this submission.

The complexity of the regulations are of particular concern to many farmers, which have led to confusion, costly application processes (consultants and report costs) as well as inconsistencies in interpretation and application. This is evident in our case studies attached in Appendix 2.

Farmers also raised concerns that when it came to clearing native vegetation their past efforts were not highly valued, which not only leads to frustration, but can undermine their willingness to engage in further revegetation and protection works on their properties.

In regard to the 52.17 exemptions, the VFF membership has clearly called for the wording to remain unchanged and no new agreements nor reporting requirements be put in place.

While the VFF supports a consistent approach in the use of exemptions, inconsistencies are best dealt with through educational material and the distribution of information to councils and farmers.

The VFF does not support the drafting of guidelines that would then be enforced through reference in the VPPs.

Native vegetation clearing exemptions allow farmers to proactively manage their land, without the time and financial burden of applying for a permit.

The exemptions exist to ensure farmers are able to clear and maintain small areas of native vegetation to manage pests and weeds, build improvements, and protect their assets from fire. The VFF is concerned that many of the proposed improvements would limit the ability of farmers to utilise Clause 52.17, to the detriment of land management, public safety and positive environmental outcomes.

The VFF’s submission follows the structure of the consultation paper’s sections and proposed improvements.
1. Native vegetation Clearing Policy

Net Gain Remains

The VFF opposed previous State Governments’ native vegetation clearing policies and regulations that enforced the cost of “Net Gain” on farmers.

The VFF was pleased to see the current Victorian Labor Government embracing the policy of “No Net Loss”, with any net gain funded via government and community investments in the management of native vegetation.

However while the policy has been adopted, the VFF argues the current regulations are still designed to deliver net gain.

Existing regulations create a de facto net gain, via Offset Risk Factors

The VFF is extremely concerned that Victoria’s existing Permitted clearing of native vegetation: Biodiversity assessment guidelines (September 2013 - Section 9) impose a de facto system of net gain on landholders trying to create offsets against clearing.

No Net Loss should mean the biodiversity value of: Offset = Native vegetation cleared

However the existing regulations and guidelines demand a:

- **General Offset** = 1.5 x Native vegetation cleared or
- **Specific Offset** = 2 x Native vegetation cleared.
The existing guidelines state these multipliers are applied because: “There is a risk that the gain from undertaking the offset will not adequately compensate for the loss from the removal of native vegetation,” and “to address the risk of offsets failing, an offset factor is applied to the calculation of the loss of biodiversity value from removing native vegetation.”

The VFF argues these risk factors are unjust, given they penalise farmers on the basis of assumed failure. As one VFF member stated: “It’s like applying a penalty interest rate to every farmer”.

The VFF also argues the current review’s proposals to improve offset registration and monitoring would negate the need to apply risk factors, given these changes would lead to greater accountability and oversight by the government.

<table>
<thead>
<tr>
<th>The VFF calls for the removal of existing offset risk factors.</th>
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<tr>
<td>Comment: Risk factors penalise farmers on the assumption their offsets will fail or be poorly managed. Proposed improvements to more effectively monitor and register offsets negate the need to apply risk factors.</td>
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**Victoria’s vegetation clearance regulations flawed**

There are still fundamental flaws in Victoria’s native vegetation clearing regulations, which exacerbate the loss of remnant vegetation.

The review’s “proposed improvements” and declaration that the “primary focus of the regulations is to ensure avoidance” simply place more costly and insurmountable hurdles in front of farmers wishing to clear native vegetation and create viable long-term offsets.

Many of the proposed improvements outlined in the consultation paper simply raise the regulatory bar and cost of providing offsets to an even higher level to reinforce further avoidance.

Examples, which the VFF has responded to within the body of the submission, include:

- Halving the clearing thresholds for farmers wishing to follow the simplified offset pathway from less than 15 trees and 1 hectare of bushland, down to 7 trees and 0.5ha
- Remove the moderate risk-based pathway.
- Require anyone wanting to clear and offset native vegetation to include an ‘avoid and minimisation statement’ and ‘offset strategy’ prior to permits being granted.

These proposals will exclude many more landholders from following the low-risk pathway for clearing vegetation and simplified offset model. Many more farmers will either be forced into
meeting the additional requirements demanded under the high risk-based pathway or abandon any attempt to clear vegetation, which hinders their productivity.

These additional requirements under the high-risk pathway are listed below and come at a considerable cost to farmers.
### Additional application requirements for moderate and high risk-based pathways applications

<table>
<thead>
<tr>
<th>Number</th>
<th>Application requirements</th>
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<tbody>
<tr>
<td>11.</td>
<td>A habitat hectare assessment report of the native vegetation that is to be removed.</td>
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</tbody>
</table>
| 12.    | A statement outlining what steps have been taken to ensure that impacts on biodiversity from the removal of native vegetation have been minimised. The steps taken should have regard to the contribution the native vegetation to be removed and the native vegetation to be retained makes to biodiversity. The statement should include either:  
- Details of any strategic planning process the site has been subject to that has minimised impacts on biodiversity from the proposed use or development, or  
- A description of the opportunities taken to locate, design and manage the proposed use or development to minimise impacts on biodiversity from the removal of native vegetation. If the applicant considers no further opportunities exist to minimise impacts on biodiversity from the removal of native vegetation, then provide an explanation of the potential impacts on the proposed use or development if further minimisation was required. |
| 13.    | An assessment of whether the proposed removal of native vegetation will have a significant impact on Victoria’s biodiversity, with specific regard to the proportional impact on habitat for any rare or threatened species. |
| 14.    | An offset strategy that details how a compliant offset will be secured to offset the biodiversity impacts of the removal of native vegetation. |
Avoidance - the cost of doing nothing

Dying out: A casuarina in decline on a grain property near Wyeproof

Pursuing avoidance as the primary focus of the regulations deters many farmers from attempting to offset and clear native vegetation which is a major impediment to their productivity.

The end result is that many frustrated landholders see remnant vegetation and isolated paddock trees as liabilities that constrain their productivity.

In the cropping zones farmers continue to plough and fertilise around paddock trees. On other properties cattle and sheep graze, camp and compact soils in and around remnant vegetation.

The VFF's own work has shown the cost of one isolated paddock tree to farmers in the cropping zones is $354 a year (See Appendix 1). These costs are incurred as a result of extra time, fertiliser, chemicals and damage to machinery as farmers try to drive their GPS guided machinery around isolated paddock trees.

There is no incentive for farmers to actively manage this remnant vegetation, which further exacerbates its decline. Recruitment and regrowth are reduced to zero and the decline continues.

The avoidance strategy has the perverse outcome of actually reinforcing inaction and decline.

The current policy framework is not only failing to achieve "No Net Loss", it is leading to net loss, by turning native vegetation into a liability that leads to decline.

Nowhere in the State Government's native vegetation clearing and offset regulations is there any attempt to address this ongoing decline in the extent and quality of remnant vegetation.
Evidence of this decline can be seen across Victoria’s rural vista, where paddock trees are slowly dying out and many patches of isolated remnant bushland are in decline.

VEAC’s 2011 Victoria’s Remnant Native Vegetation Investigation (2011) found: “the history of significant decline in the biodiversity of Victoria’s fragmented landscapes is continuing”.

DELWP regulators have argued this decline can be dealt with through incentive programs, which may be developed as part of the state’s biodiversity strategy. However the VFF is all too aware that incentives come and go, depending on the political will and budgetary constraints of the day.

The VFF argues the greatest incentive the government can deliver is giving farmers the ability to clear native vegetation that is hindering farm productivity, in return for delivering practical and realistic offsets that are managed and monitored.

Offsetting the decline

Tens of thousands of paddock trees will die out and disappear from Victoria’s rural landscape over the next two generations, under a regulatory framework that enshrines avoidance and exacerbates net loss.

There is a strong argument that rather than simply re-enforcing avoidance, the state’s native vegetation clearing regulations should be amended to recognise and offset the long-term decline of native vegetation on private land.

While the VFF does not have the resources to develop and model such a system, it would make sense that a decline factor be applied to remnant vegetation.

This decline factor could then be applied as a gain factor that acts as an incentive for farmers to establish offsets and address the decline and ultimate loss of remnant vegetation on their land.

<table>
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<tr>
<th>Recognising a decline factor (first party specific offset)</th>
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<tr>
<td>Defining decline:</td>
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<tr>
<td>100 paddock trees today = 80 live trees in decline + 20 dead (standing and fallen) in 10 years = average rate of decline is 20 per cent.</td>
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<tr>
<td>Tree decline should be factored into the offset requirement. Protecting a remnant paddock tree not only arrests the rate of decline, but encourages recruitment and replacement.</td>
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<tr>
<td>Applying the decline factor to individual trees</td>
</tr>
<tr>
<td>If no action is taken, then the individual paddock tree will have declined by 20 per cent in 10 years, from a value of 1 down to 0.8.</td>
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<tr>
<td>Fencing and protecting a remnant paddock tree helps arrest decline and helps keeps the value at 1 (stress of fertiliser, chemical applications, cultivation and or grazing removed).</td>
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If no action is taken the ecological value of the tree in 10 years is worth 0.8 of today’s value. Therefore the gain factor delivered by protection and recruitment should be set at $1/0.8 = 1.25$.

**Recruitment gains**

As is the case under the current framework farmers should be able to increase the value of their offset through recruitment or revegetation.

While this is a simplified concept, the VFF believes factoring decline into the offset equation and removing risk factors brings the state a few steps closer to a more sustainable regulatory framework. As it stands, the native vegetation regulations are far too heavily weighted towards avoidance, not the establishment of viable and practical offsets.

The current focus on avoidance is a short term approach that focuses on the here and now, rather than what Victoria’s landscape will look like in 50 or 100 years’ time.

Putting insurmountable barriers in place to protect paddock trees and other remnant vegetation is simply short-term conservation of an asset in decline.

What Victoria needs is a regulatory framework that:

- Is not focussed on short-term protection at the expense of long-term loss (decline).
- Is focussed on delivering “No Net loss” in the longer term (50-100 years).
- Allows farmers to clear a proportion of their remnant vegetation in return for a commitment to delivering offsets that arrest long-term decline by:
  - Ensuring long-term renewal and replacement of cleared native vegetation.
  - Long-term protection and management of offsets that incorporate uncleared native vegetation that protects the state’s long-term biodiversity – promote canopy, connection, understorey recruitment.

**The VFF calls on the Victorian Government to establish a decline factor that recognises the cost of avoidance.**
## Native vegetation clearing policy - Proposed improvements & VFF Position

<table>
<thead>
<tr>
<th>Proposed improvement</th>
<th>Description</th>
<th>Rationale</th>
<th>VFF Position</th>
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</table>
| 1. Clarify that the primary focus of the regulations is to ensure avoidance of native vegetation removal where possible | Clearly state that the regulations achieve the objective of ‘no net loss’ in the following manner:  
- Preventing the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity.  
- Applying the three step approach:  
  - avoid the removal of native vegetation where possible  
  - minimise the impact on Victoria’s biodiversity from the removal of native vegetation, that cannot be avoided  
  - for any native vegetation that is removed, provide an offset that makes an equivalent contribution to Victoria’s biodiversity. | Sets out a clear approach to achieve the objective of the regulations. Ensures that the regulations are focussed around avoiding impacts on native vegetation as a first step. | Setting avoidance as the primary focus of the regulations fails to recognise the cost of doing nothing.  
Creating a regulatory framework founded on avoidance simply exacerbates this decline.  
VEAC’s work and other environmental assessments have identified native vegetation on private land is in a state of ongoing decline.  
DELWP regulators have argued this decline can be dealt with through incentive programs enshrined in the state’s biodiversity strategy. However the VFF is all too aware that incentives come and go, based on the political will and budgetary constraints of the day.  
There is a strong argument that rather than simply enforcing avoidance, the state’s native vegetation clearing regulations should be amended to offset this ongoing decline. Enshrining this principal in the in the regulatory framework, ensures ongoing certainty.  
To this end the VFF is advocating DELWP establishes a decline factor, which can be built into the Biodiversity Assessment |
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<tr>
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<tr>
<td>2. Consolidate comprehensive policy guidance for native vegetation removal</td>
<td>DELWP will provide consolidated guidance to inform decision making about native vegetation removal. This may include a reference to the importance of biodiversity and strategic planning, identify priorities for protection of native vegetation, details on how biodiversity and 'other matters' in Clause 52.17 are considered when deciding a permit, the intent of the exemptions, and compliance and enforcement.</td>
<td>The current Guidelines focus on biodiversity considerations in the permit assessment process and do not include broader policy guidance about the consideration of native vegetation removal across the planning system. This has led to inconsistencies and gaps in the application of the regulations. New guidance will equip decision makers with policy reference points to inform their work.</td>
<td>The VFF supports consolidation of guidance material to ensure a greater consistency in the approach of regulators and local government. It is clear there is a lack of consistency in approach across many local government areas.</td>
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<tr>
<td>3. Develop guidance to support strategic planning relating to native vegetation protection and management</td>
<td>DELWP in partnership with councils, will develop guidance to support strategic planning e.g. a planning practice note. This would include information on when it could be undertaken, what tools can be used, what information is available to inform this and the roles and responsibilities of any parties involved.</td>
<td>This provides a framework to improve the quality and the consistency of strategic planning for biodiversity across the state, including for overlays, focused on planning to protect and conserve biodiversity and to avoid significant impacts.</td>
<td>VFF has no argument with consistency of approach. However as we oppose the existing regulatory framework's focus on avoidance.</td>
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</table>

1 The development of mechanisms to protect the highest value areas for biodiversity, which could include the use of critical habitat determinations, will be considered as part of the Government's commitment to review the Flora and Fauna Guarantee Act, 1998.
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</table>
| 4. Improve monitoring to determine if the regulations are achieving their objective and make this information publicly available | Improve monitoring and reporting on:  
- Native vegetation removal that is being avoided.  
- Permitted native vegetation clearing and offsets that are occurring (including linking clearing and offsets).  
- Clearing under exemptions.  
- Levels of non-compliance with the regulations, including with management of offset agreements.  
- Assessment of the improvements in native vegetation that are occurring at offset sites. | This increases transparency by making data about system performance publicly available. It also enables the government to assess the effectiveness of the regulations in achieving their stated objective of 'no net loss'. | The VFF supports improved monitoring, but questions who would cover the cost of such work.  
Under-resourced rural councils and their farmer ratepayers cannot afford to cover these costs. The VFF therefore argues that the State Government meet the full cost of monitoring.  
The VFF is opposed to monitoring and reporting removal of native vegetation carried out under an exempt activity. |
2. Permit Process and Decision Making

It is clear from the outset that this review is aimed at further restricting landholders’ ability to clear and offset native vegetation on their land.

The VFF is strongly opposed to all but one of the "proposed improvements" outlined in this section of the review.

These reforms will simply add to the cost and regulatory burden farmers face in managing native vegetation on their properties.

In regard to the permit thresholds, pathways and requirements the VFF is opposed to the proposals that:

- Halve the clearing thresholds for farmers wishing to follow the simplified offset pathway from less than 15 trees and 1 hectare of bushland, down to 7 trees and 0.5ha. (Proposed Improvement 5)
- Remove the moderate risk-based pathway. (PI 9)
- Require anyone wanting to clear and offset native vegetation must include an ‘avoid and minimisation statement’. (PI 7)
- Require that all applications provide an ‘offset strategy’ prior to permits being granted. (PI 8)

These proposals will exclude many more landholders from following the low-risk pathway for clearing vegetation and simplified offset model. Many more farmers will either be forced into meeting the additional requirements demanded under the high risk-based pathway or abandon any attempt to clear vegetation, which hinders their productivity.

These additional requirements under the high-risk pathway are listed below and come at a considerable cost to farmers.

They include:

- The requirement to provide a habitat hectare assessment report (farmer must employ a consultant ecologist).
- A report outlining the steps taken to minimise the impact of removing vegetation on biodiversity.
- An assessment of whether the removal will have an impact on any rare or threatened species.
- A report on how a compliant offset will be secured.
The VFF is also opposed to the proposed improvement (PI 11) that: "enables councils to consider biodiversity values that are locally important, but are not reflected in the statewide view of importance, without needing to develop an overlay".

The VFF is already concerned at the lack of rigour around the implementation of blanket environmental overlays that restrict farmers' productivity. Allowing councils to "consider biodiversity values" without needing to develop an overlay risks seeing even more restrictions placed on farmers' ability to remove and offset native vegetation on their land.

The restrictive nature of the proposed improvements, which reinforce the government's focus on avoidance, are further reflected in proposed improvement (PI 10) to establish what are effectively "no go zones" for clearing native vegetation. Under the proposal the State Government would ensure the regulations would "not permit the removal of native vegetation that would have a significant impact on Victoria's biodiversity". Effectively areas would be identified where removal was "unlikely" to be approved.
### Permit process and decision making – Proposed improvements and VFF position

<table>
<thead>
<tr>
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<tr>
<td>5. Reduce the low risk-based pathway threshold</td>
<td>Reduce the threshold so that fewer applications are assessed in the low risk-based pathway. For example, instead of a hectare or 15 trees driving a higher level of assessment, this could be reduced to 0.5 hectares or 7 trees.</td>
<td>A hectare or 15 trees, if they are large and old, is considered a significant amount of clearing to receive a relatively low level of assessment. This issue will be addressed in part through changes to the decision guidelines for the low risk-based pathway (see solutions 7 and 8 in this section).</td>
<td>Oppose</td>
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<tr>
<td>6. Replace the Native vegetation location risk map with an updated map of highly localised habitats</td>
<td>Use an updated map of highly localised habitats to indicate where a small amount of clearing could have a significant biodiversity impact. Clearing of any size at these locations should be considered in a higher assessment pathway.</td>
<td>Determining the assessment pathway cannot be based on area alone, as this does not pick up small amounts of clearing that could have a significant biodiversity impact. A map of areas where a small amount of clearing could still have a significant biodiversity impact is therefore needed. The current <em>Native vegetation location risk map</em> is difficult to explain and is often misunderstood. The map used for this purpose should represent tangible biodiversity values.</td>
<td>Development of such a highly localised map should also identify areas within the current high classifications that could be downgraded to low.</td>
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<tr>
<td>7. Require an avoid and minimisation statement for all applications and</td>
<td>Include an application requirement to provide an avoid and minimisation</td>
<td>So that opportunities to avoid and minimise impacts of clearing can be</td>
<td>Oppose</td>
</tr>
<tr>
<td>Proposed improvement</td>
<td>Description</td>
<td>Rationale</td>
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<tr>
<td>consider this in decision making</td>
<td>statement for all applications. Include the assessment of this statement as a decision guideline. A minimisation statement is currently only required for moderate and high risk-based pathway applications.</td>
<td>utilised for all applications. This requires proponents to explain why they cannot avoid removing native vegetation completely and what steps they have taken to minimise their impacts on Victoria’s biodiversity. This allows councils to work with proponents to avoid and minimise impacts to achieve improved biodiversity outcomes.</td>
<td>The minimisation statement is currently only required for moderate and high risk-based applications. Extending the requirement to all applications would simply add to the cost and regulatory burden farmers face in applying to clear and offset native vegetation. To increase the regulatory burden has the potential to increase contempt for the regulations.</td>
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<td>8. Require an offset strategy for all applications and consider this in decision making</td>
<td>Require that all applicants state how they will offset their impacts should a permit be granted. Require that the correct offset be identified before a permit can be granted. An offset strategy is currently required for moderate and high risk-based pathway applications only.</td>
<td>To ensure all applicants understand offset requirements and make provisions for these in the planning stage of their proposal. To ensure that permit applications are only approved if an offset is available and has been identified. This will also assist in improving compliance with offset requirements.</td>
<td>Oppose - conditional Simply applying an offset strategy to all offsets, would once again simply add to the regulatory burden farmers face in applying to clear and offset native vegetation. However if an offset strategy was to be delivered for all compliant offsets, in conjunction with a fully government-funded registration and monitoring program, then there is a clear argument for removing the current offset risk factors. Section 9.4.5 of the current Biodiversity assessment guidelines states the risk factor is applied: “To address the risk of offsets failing”.</td>
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<tr>
<td>Proposed improvement</td>
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<td>9. Change to two pathways, a &quot;lower assessment pathway&quot; and a &quot;higher assessment pathway.&quot;</td>
<td>Reduce the number of assessment pathways to two. Consolidate application requirements and decision guidelines for moderate and high risk-based pathway applications. Remove the word 'risk' from the pathway description.</td>
<td>Removing the word 'risk' from the pathways will help to avoid confusion about their meaning and focus the pathways on the level of the assessment that is applied to the application. Ensures that more comprehensive decision guidelines can be applied to all applications in the higher assessment pathway (e.g. the high risk-based pathway decision guidelines apply to the higher assessment pathway).</td>
<td>Oppose</td>
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<td>Once again removing the moderate risk-based pathway in combination with lowering the vegetation clearance threshold forces more applications into the high risk-based assessment pathway.</td>
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<td>10. Provide clearer guidance on when to refuse an application to remove native vegetation</td>
<td>Provide a clearer explanation of the criteria that should be used to assess whether a proposal will have a significant impact on Victoria’s biodiversity and whether a permit should be refused on these grounds.</td>
<td>This will ensure the regulations are providing the required protection for biodiversity by not permitting the removal of native vegetation that would have a significant impact on Victoria’s biodiversity. This will also assist proponents to plan to avoid native vegetation removal that would be unlikely to be approved and assist decision makers to make consistent and evidence based decisions.</td>
<td>Oppose on the basis that there is no detail on these criteria, how they will be developed and applied.</td>
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<td>Once again this proposal is aimed at reinforcing avoidance rather than delivering sustainable outcomes.</td>
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<tr>
<td>Proposed improvement</td>
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<td>11. Include a decision guideline that allows councils to consider locally important biodiversity when assessing applications</td>
<td>Include in the other matters section of Clause 52.17 a decision guideline relating to whether the native vegetation has been identified within the planning scheme to have local biodiversity importance.</td>
<td>Including this separate decision guideline in other matters enables councils to consider biodiversity values that are locally important but are not reflected in the statewide view of importance, without needing to develop an overlay. These values need to be referenced in their planning scheme.</td>
<td>Oppose</td>
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Farmers already face inconsistent and broad local government applications of environmental overlays.

The VFF has long advocated that a more rigorous approach needs to be applied to local government applications of environmental overlays, requiring assessment against social and economic impacts, not solely environmental.

Further freeing councils to impose even more restrictions, without even needing to go through the overlay process would further extend the restrictive regulatory framework farmers face at local, state and federal level in regard to native vegetation management.
3. Biodiversity information tools used in decision making and offset rules

The VFF supports improvements in the accuracy of native vegetation mapping as long as it does not add to the cost of farmers managing native vegetation.

The VFF seeks an assurance from Government that any costs associated with these improvements are borne by the whole community (funded by the state), not local councils or landholders, via the application process.

The VFF has long argued that the costs associated with improved environmental monitoring and management should be borne by all Victorians.
<table>
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<tr>
<th>Proposed improvement</th>
<th>Description</th>
<th>Rationale</th>
<th>VFF Position</th>
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<tbody>
<tr>
<td>12. Allow habitat characteristic information collected at the site to be used to supplement the maps of a species habitat in the permit application process and for offset sites</td>
<td>Describe the circumstances that would allow information collected at a site by a suitably qualified ecological consultant to be used to supplement the habitat importance maps. Detail of what site collected information can be incorporated into decision making and when, and the criteria on which decisions are based, would be developed.</td>
<td>To address issues with the maps’ accuracy or coarseness of scale at the site level while managing the impact of bias and observability associated with site-collected data.</td>
<td>Support</td>
</tr>
<tr>
<td>13. Increase the information available about the maps used in the regulations and improve their accessibility</td>
<td>Provide clear information about the data and methodologies that were used to create the maps. Improve accessibility of the maps and ensure they are user-friendly.</td>
<td>Allows users to better-understand the regulatory outcomes that the maps inform. Assists users to provide valuable feedback on the maps’ accuracy and usefulness.</td>
<td>Support</td>
</tr>
<tr>
<td>14. Place greater emphasis on key areas of habitat for dispersed species in decision making and offset requirements</td>
<td>Give greater consideration for impacts on areas of key habitat for dispersed species, such as breeding sites. This would consider the specific offset threshold.</td>
<td>To allow for greater differentiation within habitats for highly dispersed species. This would provide greater protection for important habitat sites for rare or threatened species with dispersed habitats.</td>
<td>The VFF needs more detail on what this means and how it would be enacted.</td>
</tr>
<tr>
<td>15. Differentiate between the biodiversity value of scattered trees for use in decision making and offset</td>
<td>When a site assessment is undertaken collect information to differentiate between the biodiversity value of scattered trees. For example, information</td>
<td>To better reflect the biodiversity value of scattered trees in decision making. So that the removal of high value scattered</td>
<td>The VFF recognises the need to conduct further work on the biodiversity value of scattered trees, particularly given they</td>
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*This would consider the correlation between sites of important habitat and endangered EVCs*
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>requirement determination</td>
<td>about the tree's species, age and/or location. Use this information when making a decision on a permit application. Where a scattered tree has high biodiversity value and a permit is granted, require the offset be of equivalent value and include trees.</td>
<td>trees can be specifically compensated for.</td>
<td>are at the greatest risk of decline. As discussed in the VFF's response to Section 1 on Native Vegetation Clearing Policy, there needs to be a mechanism that recognises the risk and impact of avoidance that results in ongoing decline in the value of scattered trees.</td>
</tr>
</tbody>
</table>
4. Offset Delivery

The VFF is keen to see the development of a strong offset market.

However as the consultation paper highlights:

- It's expensive to establish and monitor offsets – in addition to actual management of offset.
- The rules keep changing
- These costs and uncertainty act as disincentives
- There is a lack of market depth

As previously mentioned, the VFF is urging the government to simplify the regulations, lower the costs and rebalance the framework - away from avoidance and back towards clearing and offsets.

The proposed improvements (PI 16 & 18), in regard to tracking and registration of offsets, negate the need to apply risk factors to offsets. Better monitoring and registration will remove the risk of offset failure.
### Offset delivery – Proposed improvements and VFF position

<table>
<thead>
<tr>
<th>Proposed improvement</th>
<th>Description</th>
<th>Rationale</th>
<th>VFF Position</th>
</tr>
</thead>
</table>
| 16. Increase the use and functionality of the Credit Register | Increase the information recorded in the Credit Register and make this available to councils, offset purchasers, offset providers and government investment programs. This could include:  
- Registering potential offset sites before they are established so buyers can identify them, and offset providers do not incur the costs of setting up an offset site before they have a buyer.  
- Linking offset and permit information for greater transparency.  
- Recording first party offsets. | Improved information about offset availability, particularly potential offsets, will decrease barriers to entry to the offset market for potential offset providers and reduce costs for offset purchasers.  
Establishing a single system for tracking and reporting on offset delivery would provide greater transparency and confidence in the provision of offsets and a clearer link between clearing and offset sites. | Supported by the VFF on the basis that it does not add to the cost of establishing offsets.  
The State Government needs to ensure it fully covers the cost of registering first party offsets. Any move to cost shift to rural local councils will ultimately be borne by rural rate payers, including farmers.  
Offset registration negates the need to apply offset risk factors. Registration encourages accountability. |
<p>| 17. Support the development of the market for low availability offsets | Work with conservation groups (including Trust for Nature) to develop programs that target potential offset providers, especially focussed on offset types or locations with low availability. Improve external access to species information to support identification of potential species specific offsets. Increase use of over the counter agreements. | This work will build the profile of offsetting in the community, with an aim to increase market participation for low availability offset types or locations. | VFF supports the development of a market in low availability offsets. |
| 18. Require that all third party offsets are registered on the Credit Register and meet its standards, including standards for securing the offset | Require that all third party offsets are registered on the Credit Register. This means that trades and use of the credits will be tracked and that payment to the offset provider will be linked to the outcomes being achieved for purchasers, the community and the environment, through higher levels of transparency, monitoring and compliance. Encourage | Provide greater confidence in offset outcomes being achieved for purchasers, the community and the environment, through higher levels of transparency, monitoring and compliance. Encourage | VFF supports, given this requirement ensures accountability and again removes the need for a risk factor to be applied. |</p>
<table>
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<tr>
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</table>
| 19. Redesign the revegetation standards to ensure desirable revegetation can occur | Design more comprehensive revegetation standards so they encourage desirable revegetation. Potential changes could include:  
- Modifications to gain scoring to encourage revegetation in sites with scattered trees.  
- Encourage revegetation to be in areas well connected to remnant vegetation.  
Include specific revegetation offset site eligibility criteria to ensure the viability of the site. | Ensures that revegetation offsets are well connected and strategic and deliver biodiversity outcomes. Ensure revegetation is available as an offsetting option to help address local loss in biodiversity. | The VFF is concerned that DELWP has offered no analysis on why the standard needs to be upgraded. However the VFF is keen to see modifications to gain scoring to encourage the protection and revegetation in sites with scattered trees. (See Offsetting the decline in Section 1: Native Vegetation Clearing Policy.) |
| 20. Create a framework for offsetting on Crown land | Create a framework to ensure that Crown land offsetting meets offsetting standards. Including that the site is eligible to be an offset, that the offset is transparent and secured in perpetuity and that it provides 'additionally', that is, that the management actions undertaken at the site are in addition to the statutory requirements for the management of the current Crown land offsetting approaches are variable and there is not an agreed process to establish offsets on Crown land. There are circumstances where Crown land offsets can create important benefits for biodiversity by compensating for clearing that is occurring. | The VFF asks what impact crown land offsets would have on the offset market.  
- Increased offset supply?  
- Price impacts? |
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<td>land.</td>
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5. Exemptions

Native vegetation clearing exemptions allow farmers to proactively manage their land, without the time and financial burden of applying for a permit.

The exemptions exist to ensure farmers are able to clear and maintain small areas of native vegetation to manage pests and weeds, build improvements, and protect their assets from fire. The VFF is concerned that many of the proposed improvements would limit the ability of farmers to utilise Clause 52.17, to the detriment of land management, public safety and positive environmental outcomes.

The VFF does not support any proposal to amend wording of the Clause 52.17 exemptions.

Where greater clarity to the exemption wording is required, the VFF supports the development of educational material for councils and farmers. This consultation material needs to be drafted in consultation with the VFF.

The VFF does not support the drafting of explanatory guidelines that would be enforced through reference in the VPPS.

The VFF rejects the proposed improvement (PI 21), which would require the reporting and recording of clearing which occurs under exemptions*.

Reporting and recording of clearing under the exemptions would impose an even greater regulatory burden on farmers.

Clause 52.17 refers to written agreements being established between the Department and the individual wishing to clear native vegetation. The VFF does not believe that agreements should have to be reached between the state and landholder on private land and supports the status quo. The VFF is concerned that this improvement is aimed at requiring agreements to be reached under all exemptions, an objective the VFF rejects.

Additionally, the VFF is seeking a guarantee that any reduction in the thresholds used to determine the risk-based pathways (lowered from 14 to 7 trees and 1ha to 0.5ha), described in the Permitted clearing of native vegetation: Biodiversity assessment guidelines, will not also be applied to the exempt clearing thresholds listed in Clause 52.17. The VFF does not support a reduction to the exempt clearing thresholds or the thresholds used to determine risk-based pathways.

It is paramount that the exemptions continue to operate in a way that allow farmers to appropriately manage their land and are not eroded by restrictive changes to regulation.
### Exemptions - Proposed improvements and VFF position

<table>
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<tr>
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<th>VFF position</th>
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<tbody>
<tr>
<td>21. Formalise a set of exemption purposes and principles</td>
<td>The purposes and principles for exemptions include that exemptions are clear, consistent and evidence based. They also require that the clearing that occurs under exemptions is minimised. Where significant new footprint permanent clearing occurs under exemptions, that this is recorded, reported and its impact on biodiversity counterbalanced through native vegetation investment and management at a state-wide level.</td>
<td>Provides for consistency in the development and application of the exemptions. Ensures environmental impacts resulting from exemptions, are minimised and counterbalanced, in order to meet overarching statewide native vegetation objectives. This includes the accountabilities for and demonstrating how the environmental impacts resulting from exemptions on public land are minimised and counterbalanced.</td>
<td>The VFF does not oppose delivery greater clarity to the exemption’s purposes and principles. However the VFF opposes guidelines being drafted that are enforced by being referenced in the VPPs. Consistency is best delivered through educational material for farmers and councils. The VFF strongly opposes the second part of this proposed improvement – reporting and recording clearing under the exemptions. The exemptions exist to ensure farmers are able to clear and maintain small areas of native vegetation to manage weeds, build improvements and protect their assets from fire. Imposing reporting and recording requirements would undermine what farmers see as a right and tie up attempts to manage farms in even more red tape.</td>
</tr>
<tr>
<td>22. Clarify wording of exemptions</td>
<td>Make wording changes to some exemptions to clarify the removal of native vegetation that is allowed without a permit under these exemptions.</td>
<td>To ensure consistency in application of the exemptions, address common misinterpretations and enable improved levels of compliance and better enforcement.</td>
<td>The VFF does not support any changes to the wording of the exemptions. However the VFF is happy to support and be involved in the wording of educational material for farmers and councils that more clearly explains the exemptions.</td>
</tr>
<tr>
<td>Proposed improvement</td>
<td>Description</td>
<td>Rationale</td>
<td>VFF position</td>
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<td>23. Provide guidance on the intent and application of exemptions</td>
<td>Develop guidance material about the application and intent of the exemptions to assist councils and proponents. Provide an explanation of what the exemptions are intending to achieve.</td>
<td>Enables councils to apply exemptions consistently across the State and supports compliance.</td>
<td>The VFF would support the development of educational material that provides guidance. However as already mentioned the VFF is opposed to enforcing the any guidelines through reference in the VPPs.</td>
</tr>
<tr>
<td>24. Adopt a consistent approach to agreements referenced in the exemptions</td>
<td>Ensure that the approach to agreements in exemptions is consistent by:</td>
<td>Provide a clear, transparent and consistent approach to developing and implementing agreements referenced in the exemptions.</td>
<td>The VFF supports the status quo, whereby most exemptions do not require an agreement to be reached.</td>
</tr>
<tr>
<td></td>
<td>• developing principles for the intent and content of agreements • using consistent definitions and terms • adopting a standard level of consultation in the development of an agreement • ensuring agreements are publicly available • recording and reporting clearing and offsetting that occurs under agreements.</td>
<td></td>
<td>The only exemption that applies to private land and currently requires landholders to gain an agreement is for the removal of native vegetation for the destruction of rabbit warrens.</td>
</tr>
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<td></td>
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<td></td>
<td>The VFF is concerned that this improvement is aimed at requiring agreements to be reached under all exemptions, an objective the VFF rejects as unwarranted.</td>
</tr>
</tbody>
</table>
6. Compliance and enforcement – proposed improvements

While the VFF supports compliance and is opposed to illegal clearing, the Federation is extremely concerned at the proposal (PI 26) to train community groups and other third parties to "identify and take action in response to non-compliance".

This is an absurd proposal that risks tearing rural communities apart. Is the Government proposing training Landcare groups to report and take action on non-compliance? This is an ill-conceived idea that puts people on both sides of the farm fence at risk.

The VFF would however support a fully independent review of compliance and enforcement of the native vegetation clearing regulations. Such a review should also consider the additional value farmers deliver in voluntary revegetation and protection works, for which they receive little recognition and virtually no payment.
## Compliance and enforcement - Proposed improvements and VFF position

<table>
<thead>
<tr>
<th>Proposed improvement</th>
<th>Description</th>
<th>Rationale</th>
<th>VFF Position</th>
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<tbody>
<tr>
<td>25. Develop a compliance and enforcement strategy</td>
<td>Prepare a risk-based compliance and enforcement strategy for councils that they can use to inform their compliance activities, including the development of compliance plans. The strategy will address issues from education and cultural change to enforcement tools and identify roles and responsibilities to support delivery.</td>
<td>Provides a consistent statewide approach to ensuring compliance with the regulations that is focussed on the activities that deliver the greatest benefit relative to impact.</td>
<td>The VFF supports compliance and enforcement in regard to offsets. However, the cost must be borne by all Victorians, through the State Government, not cash-strapped rural councils.</td>
</tr>
<tr>
<td>26. Provide guidance and support materials for compliance and enforcement activities</td>
<td>Provide guidance (including training) to assist councils and third parties to address non-compliance with the regulations. This includes how to best focus efforts based on risk, tools for different circumstances, information to assist in monitoring and acting on non-compliance, appropriate responses to illegal clearing, and when DELWP may be able to provide support for compliance activities.</td>
<td>Empowers councils and community groups to proactively address compliance in a systematic way and identify and take action in response to non-compliance.</td>
<td>The VFF is emphatically opposed to community groups policing native vegetation regulations.</td>
</tr>
<tr>
<td>27. Improve information gathering for compliance and enforcement</td>
<td>DELWP in conjunction with councils to gather and report on the level and drivers of illegal clearing and non-compliance with permit conditions (particularly the requirement to provide offsets).</td>
<td>Changes the culture around compliance with regulations through collectively gathering and sharing information on non-compliance. This will enable more councils to understand the extent of compliance issues in their area, so that compliance efforts can be well directed and focussed on areas of key concern.</td>
<td>The VFF does not support illegal clearing and supports the collection and sharing of such information.</td>
</tr>
<tr>
<td>28. Promote co-regulatory support</td>
<td>DELWP to work with councils, the Commonwealth Government and other</td>
<td>Helps support councils having greatest difficulty in addressing non-compliance.</td>
<td>Support</td>
</tr>
</tbody>
</table>

34
<table>
<thead>
<tr>
<th>Proposed improvement</th>
<th>Description</th>
<th>Rationale</th>
<th>VFF Position</th>
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</thead>
<tbody>
<tr>
<td>relevant agencies to address non-compliance, with a focus on activities that have significant impacts on Victoria’s biodiversity.</td>
<td>Provides opportunities (that are beyond the scope of this review) to examine the regulations’ compliance framework more broadly, to ensure it is efficient and effective.</td>
<td>The VFF supports an independent review of compliance and enforcement.</td>
<td></td>
</tr>
</tbody>
</table>

29. Review the overarching compliance and enforcement framework | Covering a number of components this could include a future assessment of the legislative framework of the regulations and whether change is warranted to address compliance and enforcement issues. | | |
Appendix 1: On-farm case studies

Case study 1

Case
Removal of native vegetation comprising 34 Black Box trees to allow for access of agricultural machinery for cropping.

Permit trigger
Clause 42.01-2 – Removal of hollow bearing eucalypt trees in the ESO2
Clause 52.17 – Removal of native vegetation including dead vegetation

Information
On September 1, 2014, farmer submitted an application to West Wimmera Shire Council for a permit to remove 34 scattered Black Box trees. The site contains approximately 120 large native scattered trees across the land comprising primarily of Black Box and Buloke trees. The scattered trees make it difficult for agricultural machinery to efficiently access and maneuver around the site for cropping and associated land management activities due to the large size of machinery that is utilised.3

West Wimmera Shire Council granted the permit on February 19, 2015. West Wimmera Shire Council subsequently received an application for review, with Environmental Justice Australia objecting to the permit. The matter was referred to VCAT, heard August 27, 2015, where the West Wimmera Shire Council decision was set aside and directed that no permit be granted.

Council had supported the permit application relying on the lack of objection received from DEWLP and the proposal for a compliant offset site to be provided by the permit applicant. DEWLP offered no objection to the proposal subject to an appropriate offset being provided and on the basis that no threatened species were modelled as occurring on the site; not all trees on the site are proposed to be removed; and the strategic biodiversity score identified the trees as making a ‘middle of the road’ contribution to the State’s biodiversity.4 Despite this, the VCAT Member did not issue the permit because ‘insufficient assessment of the trees proposed to be removed [had] been made of their condition, habitat value and contribution to biodiversity value’.5

The VCAT Member did not receive written submissions from Council, nor DEWLP when presiding over this case, and noted that, ‘this was not helpful particularly given the complexity of native vegetation regulation and on how the Department viewed the proposal to remove scattered paddock trees under the Permitted clearing of native vegetation – Biodiversity assessment guidelines’.6

The VCAT Member suggested that a ‘more detailed ecological assessment of the Black Box trees would have informed a view as to how many trees contained hollows. It would have assisted in determining whether any hollow bearing trees benefited to fauna and birdlife and whether it

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3 This machinery is industry standard size.
4 The farmer had a first party offset agreed upon, however following the permit objection, the offset was required to be amended and an alternate location was chosen.
5 VCAT Reference No. P478/2015, section 41.
would be more appropriate to focus on removing only those trees that did not involve Bulokes and any hollow bearing Black Box trees.\(^7\)

On October 20, 2015, the 34 trees were inspected by representatives from West Wimmera Shire Council and DEWLP, who were unable to assess the trees and directed the farmer contract an ecologist, at the expense of the farmer.

An ecologist inspected the site on March 7, 2016, and having assessed the trees, verbally suggested that all 34 trees would be able to be removed. On March 14, upon the advice of DEWLP and Council, the ecologist recommended revising the number of trees to be cleared to 14, and thus be considered a ‘low risk’ application.

The efficiency gains sought by the farmer in clearing the trees will not be met if only 14 trees are cleared. Thus the farmer’s pursuit to be granted a permit to clear 34 scattered trees is ongoing. The ecologist will now be returning to the site to further assess the trees.

Throughout this process, the farmer has spent in excess of $10,000 in consultation fees and travel to Shire Councils to comply with the permit requirements. This does not include the ongoing cost to operation that each tree poses, estimated to be in excess of $10,200 per year, nor the costs associated with establishing the offset.\(^8\)

Additionally, the farmer first applied for the permit 19 months ago, with the matter still unresolved. Should the permit be granted immediately, clearing could now not occur until after next harvest, likely March 2017.

This case reinforces the VFF’s core argument that the proposed improvements and existing native vegetation clearing regulations are costly, overly-complex and in need of major reform.

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\(^7\) VCAT Reference No: P470/2015, section 42.

\(^8\) Farmer estimates that each scattered paddock tree costs in excess of $300 in excess chemical sprays and fertiliser; damage to equipment from fallen limbs during harvest and bailing; loss of production from moisture stress and weed; and time spent managing area. Thus, proposed removal of 34 trees = [$300 \times 34 \text{ trees}] = $10,200.
Case study 2

Case
Removal of native vegetation on neighbouring fence line

Permit trigger
Clause 52.17 – Removal of native vegetation including dead vegetation

Information
Farmer sought guidance from Shire Council to clear trees for neighbouring fence lines. On one occasion, the Shire representative deemed that a red gum could not be removed to construct the fence. Subsequently, the neighbour cut 1/3 from the red gum to allow the fence to continue.

In another instance, the Shire representative deemed that a Box Tree that had been used as a wire strainer many years previous could not be removed. When the fence was removed for replacement, the tree collapsed.

There is uncertainty amongst farmers and Councils over the fence line exemption noted in Clause 52.17. Farmers are also frustrated where ‘common sense’ does not prevail in allowing the clearing of some vegetation.

This case study reinforces the need for clearly worded educational material to be supplied to councils and farmers to ensure a more practical approach is taken to exemptions. This information should not be drafted as guidance material, which is enforced through reference in the VPPs.
Case study 3

Case
Removal of 7 dead native trees in cropping area.

Permit trigger
Clause 52.17 – Removal of native vegetation including dead vegetation

Information
Farmer applied for permit to remove 7 native trees, which had been dead for over 40 years. The permit process took over 9 months to be approved. In interactions with the Shire Council and Department, there was uncertainty over who would be able to advise the farmer and deal with the matter. The process was convoluted and involved a significant administrative burden.

The vegetation was deemed valuable and was required to sow 500 trees per tree, equating to 3,500 trees, and a farm plan was put together. No offset was granted for the 14,000 trees the farmer had planted in the previous decade, as this was subsidised with government funds.

This case study shows the current regulations are so heavily weighted towards the avoidance of native vegetation clearing that farmers are forced to abandon clearing and subsequent offsets works, which is curbing their ability to utilise new technology and boost production.
Case study 4

Case
Removal of 29 native trees for the installation of pivot irrigation.

Permit trigger
Clause 52.17 – Removal of native vegetation including dead vegetation

Information
Farmer sought to remove 19 isolated native trees in addition to a cluster of 10 trees, applying for a permit through the Council. The Council was very supportive of the plan, as the farmer wished to switch their production from dryland to irrigation, which would improve farm viability and output.

A first-party offset was provided, creating a 9.2 easement on the property with the plantation of 515 native plants. The farmer provided an offset management plan, considering pathways for wildlife. The Council, in conjunction with the Catchment Management Authority, required the removed trees to be relocated to a local river. The CMA subcontracted the relocation of the trees, however the subcontractor failed in their ability to adequately perform this task.

Despite this, the farmer was able to complete the process through the ‘low risk-based pathway’ in 2 months, with relatively little cost. The farmer felt that the system wasn’t unachievable and that he was able to complete the majority of the paperwork without outside assistance.

This case shows how a supportive council, operating in partnership with the local CMA were able to help a farmer deliver a practical solution that boosted farm productivity and led to improved environmental outcomes.
Case study 5

Case
Removal of 20 scattered native trees in a cropping area.

Permit trigger
Clause 52.17 – Removal of native vegetation including dead vegetation

Information
Farmer sought to remove 20 native trees from a paddock with more than 50 scattered trees in a 40 hectare paddock, to allow for increased productivity and a reduction in damage to machinery.

Farmer attempted to apply for permit via the online application process. On the first attempt, the application crashed mid-way through the process. Farmer attempted to again utilise the online module at an alternative time of day, however the program again crashed.

The now frustrated farmer contacted the local DEWLP office, where a representative attempted to assist with the online process. The farmer was then made aware that the removal of the 20 trees led him to a ‘high risk-based pathway’, not ‘low risk’ as previously imagined. The farmer found the increased recording requirements necessitated under the ‘high risk-based pathway’ including three photographs of each tree to be particularly onerous. The farmer was also informed that assessment would take at least 3 months.

The farmer is particularly frustrated at the inability to use the online tool, get simple advice, and see clear processes and procedures around native vegetation clearing.

Once again this case study exemplifies the need to simplify the overly complex native vegetation clearing regulations. Even though this case was above the 15 tree threshold, it shows the consultation paper’s “proposed improvement” to lower the threshold to 7 trees and half a hectare would force more farmers into a time consuming and costly assessment process.
Appendix 2: Cost of isolated paddock trees

Cost of Isolated Paddock Trees in a Cropping Operation

Summary

Describing the costs of Paddock Trees to Cropping

The costs of isolated paddock trees for a cropping system can be separated into the following categories:

- Extra time taken to navigate around trees during seeding, spraying, and harvest
- Extra use of herbicides with overlap around trees
- Lost production around trees because of:
  - Inability to crop next to trees
  - Competition for water and nutrients from trees
  - Shading of surrounding crops
  - Un-cropped areas harbour weeds, which spread into crops
  - Wheel rutting around trees from manoeuvring large machinery
- Damage to machinery from hitting trees during seeding, spraying, and harvest
- Damage to machinery from fallen tree branches amongst crops
- Cost of employing labour to clean up fallen branches and trees
- Inability to operate at night because of risk of hitting trees/fallen branches

Table 1: Quantifying the Costs of Isolated Paddock Trees in a Cropping Zone

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<thead>
<tr>
<th>Description</th>
<th>Evidence</th>
<th>Estimate</th>
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<tbody>
<tr>
<td>Spraying</td>
<td>Extra time taken for spraying and extra chemicals used.</td>
<td>$124/tree/year</td>
</tr>
<tr>
<td>Damage to Machinery</td>
<td>Varies. One farmer suffered $298,000 damage in 6 years, from around 5000 gum trees in cropping area.</td>
<td>$10/tree/year</td>
</tr>
<tr>
<td>Sowing</td>
<td>Extra fertiliser, seed, and time taken when circling trees with an air-seeder</td>
<td>$50/tree/year</td>
</tr>
<tr>
<td>Clearing fallen tree limbs, fallen trees</td>
<td>Employing labour to clean up trees, or time taken to do so</td>
<td>$30/tree/year</td>
</tr>
<tr>
<td>Lost productivity around trees</td>
<td>Yield mapping, lost cropping area, competition for water, nutrients and sunlight, weeds, and soil compaction/rutting</td>
<td>Average - $140/tree/year Up to $200/tree/year</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$354/tree/year</td>
</tr>
</tbody>
</table>
Discussion

Cost of Sprayer to Circle a single tree in Time = $120/tree.

It takes approximately one minute to navigate around a single tree. You have to first slow down the Sprayer without affecting your rate, then circle the tree (45 seconds), and then gradually speed up again without affecting your rate. This all adds up to over one minute/tree if everything goes well.

Spraying at 25km/hr with a 36 metre boom = 90 ha/hr
90ha/60 minutes = 1.5 ha/minute.

Contract spraying costs about $10/ha. Each tree takes an extra 1 minute, which is equivalent to 1.5ha. This means an extra $15/tree for each time the paddock is sprayed per year.

Each paddock is sprayed up to 8 times per year, which will require circling each tree each time = $120/tree.

Cost in Extra Chemical used when Circling a tree in over laps = $4/tree

It takes approximately 5% extra chemical in overlaps, compared to running in a straight line.

Yield loss around trees = average $140/tree

Yield maps from West Wimmera farmers show up to $200/ single tree in loss of grain yield not including the loss of grain quality. (See attached yield maps and illustrative yield loss calculations).

Time taken to Circle a Single Tree with the Air Seeder = $12/tree

In order to prevent weed invasion around trees, farmers generally circle trees with an air seeder.

Time taken for air seeder to circle a tree = 1 minute at $36/ha
Sowing 20ha/hr = 60minutes / 20 ha/hr = 3 minutes/ha
Therefore 1 minute required to circle a tree is equivalent to 1/3ha x $36/ha = $12/ tree.

Cost in Extra Seed and Fertilizers when going around trees with the air seeder = $37/tree

| Extra Seed (Wheat) | @80kg/ha X $300/tonne = $24/ha / 1/3 ha/tree = $8 |
| Extra MAP         | @65kg/ha X $750/tonne = $48/ha / 1/3 ha/tree = $16 |
| Extra Urea        | @60kg/ha X $650/tonne = $39/ha / 1/3 ha/tree = $13 |

Cost to Clean up Fallen Debris under and around Trees = $30/tree

To clean up fallen debris under and around trees would take two men, a front end loader, chain saws and other equipment = $150/hr. It might take 1 hour to clean up when a tree drops large limbs, and significantly more time if a tree falls over. Approximately 20% of the trees need attention each year = $30/tree.

Cost per tree in Damage to Machinery = $10/tree

Damage to machinery can occur because of:
- Collisions with trees - when operating a 30-40m boom sprayer, air seeder or header it is easy to miss-judge the distance between trees.
- Damage because of fallen debris on paddocks - air seeder or header may hit fallen debris.
In the last 6 years a West Wimmera farmer has had a the following equipment either damaged or written off - header front ($60,000), sowing bar ($150,000), stieger ($15,000), header rotor ($12,000), boom ($50,000), windrower ($5,000), harrows ($6,000) and other lesser damages = $300,000 / 6 years = $50,000/year / 5000trees = $10/tree/year.

Other costs = $?/tree

There are additional costs not included in the $350 estimate – including costs associated with hay making for mixed farmers. Time taken to negotiate around trees using Headers, Balers, Hay Rakes, Hay Conditioners, PTO Hay Mowers, PTO Windrowers, and Harrows.

GPS Drop outs and time taken to regain the GPS

Loss of critical and optimum Spraying/Sowing time as you spend extra time circling trees instead of covering more hectares. This results in things like less effective weed control as not been able to spray them on time. If sowing is delayed it can reduce potential yield.

Lost production time because of time taken to repair machinery after damage.

Trees prevent many farm operations at night, because of the heightened risk of machinery damage. Inability to work at night means:

- lost opportunity for optimal spraying time – this is often at night
- inability to concentrate harvest and improve yield/quality of grain and
- inability to time sowing for optimal yield.
Dry Weight

Client Information:
- Client: DYER
- Farm: Kaniva
- Field: K11

Legend Information:
- Units = kg/ha
  - Greater than 3,500.00: 1.81 ha
  - 3,000.00 - 3,500.00: 10.94 ha
  - 2,500.00 - 3,000.00: 27.58 ha
  - 2,000.00 - 2,500.00: 17.09 ha
  - 1,500.00 - 2,000.00: 4.00 ha
  - Less than 1,500.00: 2.13 ha

Field Information:
- Crop: Chickpeas
- Start Date: 30/12/2010
- Product: Chickpeas
- Elapsed Time: 8,357 h
- Area: 63.54 ha
- Average Wet Weight: 2,617.73 kg/ha
- Average Dry Weight: 2,615.5 kg/ha
- Total Wet Weight: 166,338.06 kg
- Total Dry Weight: 166,196 kg
- Average Moisture: 10.79 %
- Productivity (area/hour): 7.60 ha/h

Field information and legend apply to active map layer only.
Yield Loss Calculations: Chickpeas - Kaniva K11

Assumed Price $450 per tonne
Area - 63.54 hectares
Average yield across the paddock is around 2.62t/hectare

The yield map shows a significant yield reduction around trees – each red/crimson area is a tree – usually with amber areas surrounding it.
Assume trees are the main contributing factor to the reduction in productivity for the areas with yield of 2000kg/ha and below (i.e. red/crimson areas).
Assume trees contribute to half the reduction in productivity for the areas with yield of 2000-2500kg/ha (i.e. amber areas).

Methodology: For each area in yield graph below average productivity, take the average yield loss compared to average and multiply by the area of yield loss.

Yield Loss = (AIY-APY)*AOL
Where:
AIY=Average interval in yield loss areas (see amber, crimson and red bars on yield graph).
APY=Average yield across the paddock
AOL=Area of Lost Yield (halved for the 2000-2500kg/ha interval)

<table>
<thead>
<tr>
<th>Yield Interval (t)</th>
<th>Average Yield (t)</th>
<th>Area (ha)</th>
<th>Approx Yield Loss (t/ha)</th>
<th>Lost Yield (t)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-2.5</td>
<td>2.25</td>
<td>8.55</td>
<td>0.37</td>
<td>-3.16</td>
</tr>
<tr>
<td>1.5-2</td>
<td>1.75</td>
<td>4</td>
<td>0.87</td>
<td>-3.48</td>
</tr>
<tr>
<td>0-1.5</td>
<td>0.75</td>
<td>2.13</td>
<td>1.87</td>
<td>-3.98</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>-10.62</td>
</tr>
<tr>
<td><strong>Price</strong></td>
<td>$450/t</td>
<td></td>
<td></td>
<td>$4781.14</td>
</tr>
<tr>
<td><strong>Estimated 35 trees in paddock = $136.60/Tree/Year</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Dry Weight
DYER - Kaniva - K01

Client Information:
Client: DYER
Farm: Kaniva
Field: K01

Legend Information:
Units = kg/ha

- Greater than 6,500.00 -> 13.38 ha
- 6,000.00 - 6,500.00 -> 11.61 ha
- 5,500.00 - 6,000.00 -> 14.24 ha
- 5,000.00 - 5,500.00 -> 12.05 ha
- 4,500.00 - 5,000.00 -> 7.96 ha
- Less than 4,500.00 -> 12.27 ha

Field information and legend apply to active map layer only.

Field Information:
- Crop: Wheat (Durum)
- Start Date: 29/12/2010
- Product: Wheat (Durum)
- Elapsed Time: 15.194 h
- Area: 71.51 ha
- Average Wet Weight: 6,156.94 kg/ha
- Average Dry Weight: 5,515.9 kg/ha
- Total Wet Weight: 440.299.16 kg
- Total Dry Weight: 394.458 kg
- Average Moisture: 10.41 %
- Productivity(area/hour): 4.71 ha/h
Yield Loss Calculations: Wheat - Kaniva K01

Assumed Price $220 per tonne
Area - 71.51 hectares
Average yield across the paddock is around 5.51t/hectare

The yield map shows a significant yield reduction around trees – each red/crimson area is a tree – usually with amber areas surrounding it.
Assume trees are the main contributing factor to the reduction in productivity for the areas with yield of 5000kg/ha and below (i.e. red/crimson areas).
Assume trees contribute to half the reduction in productivity for the areas with yield of 5000-5500kg/ha (i.e. amber areas).

\[
\text{Yield Loss} = (\text{AIY-APY}) \times \text{AOL}
\]

Where:
AIY = Average interval in yield loss areas (see amber, crimson and red bars on yield graph)
APY = Average yield across the paddock
AOL = Area of Lost Yield (halved for the 5000-5500kg/ha interval)

<table>
<thead>
<tr>
<th>Yield Interval (t)</th>
<th>Average Yield (t)</th>
<th>Area (ha)</th>
<th>Approx Loss (t/ha)</th>
<th>Lost Yield (t)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-5.5</td>
<td>5.25</td>
<td>6.03</td>
<td>-0.26</td>
<td>-1.57</td>
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<tr>
<td>4.5-5</td>
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<td>-0.76</td>
<td>-6.05</td>
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<tr>
<td>0-4.5</td>
<td>2.25</td>
<td>12.27</td>
<td>-3.26</td>
<td>-40.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>-47.62</strong></td>
</tr>
<tr>
<td>Price</td>
<td>$220/t</td>
<td></td>
<td></td>
<td>-$5421.416</td>
</tr>
</tbody>
</table>

Estimated 45 trees in paddock = $232.80/Tree/Year