Native Vegetation Clearing Regulations

My name is Cameron Black, I work with Bell Cochrane & Associates and we work in the extractive industries sector.

My concerns with the current regulations are primarily on the sustainability of the whole process. I feel that very soon there will be no “freehold” land left in the catchments to offset the required SBEU’s as required by the targets species. Several recent application to clear veg have revealed “threatened species” that are requiring offsets. At least two of these application cannot proceed as there are no offsets available in the catchment, and these are IN EXISTING WORK AUTHORITIES, that have previously only required general offsets. The introduction of SBEU has a multiplying effect on the area of land that needs to be “secured” or locked up. Granted this is rule of thumb type of stuff, but recent applications reveal it to be in the order of 1:10 ie for each hectare a quarry wishes to disturbed, approximately 10 hectares needs to be secured if SBEU are required. This is land that is free hold, secured under some legal agreement (generally Sec173 or sometimes CALP Sec 69), that cannot be used for any other purpose. How does this meet the philosophical idea of preserving the environment for the future as no-one will be allowed to “visit” it

The definition of “native vegetation” also needs serious review. Apart from the inconsistency between federal and state definitions, there is the underlying premise that native vegetation is sacrosanct. Several of our applications are on cleared land, that has been cleared, farmed for several decades, and because of the interest in developing a quarry, has been let to “farrow” for several years, allowing “native” grasses to re-establish, fall into the >25% cover trigger, and requiring offsets. Had the applicant continue to “farm” the land, and control noxious weeds, as required by DELWP/CALP, they could have avoided the 25% trigger. The regulations seem to forget that “trees have a habit of growing”, whilst this is tongue in cheek, it goes to my belief that quarrying is (mostly) a temporary use of the land and that native vegetation can be re-established.

The philosophy of “protecting” native veg has been explained by our veg consultant, yet I feel it is incomplete. Quarrying on the most part is only a temporary use of the land, (granted there will be some larger sites that do not meet this statement) yet no serious acknowledgement is given by the regulations to rehabilitation. How is protecting a swath of land that has a suitable Strategic Biodiversity Score considered net gain. On the face of it a quarry will disturbed some land for a defined time period, then rehabilitate this land. To allow this to happen, the quarry must “lock up” someone else’s land that probably has a high Strategic Bio Score because it has proven too difficult to farm or develop in the past, or was cleared and farmed then let go perhaps hundreds of years ago.

Quarrying is a low value commodity that is highly sought by the community (the commodity is needed in EVERY MAJOR PROJECT announced, let alone ongoing maintenance). An industry quoted usage in Victoria is in the order of 10 TONNES OF QUARRY PRODUCTS PER PERSON PER YEAR. That is every year. Do the maths and equate this to the recently announce population predictions for Victoria, and the more recently announced major projects.

If third party offsets are secured, the actual dollar cost of vegetation offsets is a significant factor in development costs that is not at present being recovered by the operators, but must be if the current regime continues, and indeed the project gets off the ground. I feel a better overall environmental outcome would be to channel part of this cost into rehabilitation, even to the extent of developing suitable environments for threatened species if needed, rather than securing land that historically no one else has had an interest in (hence the high Strategic Bio Score)
On a more local/site specific point, the modelled data by DELWP does not (apart from VCAT) allow for a challenge. The applicant is forced to accept an inspectors “opinion” as to the status (i.e. the 25% trigger) of the land, then is in the hands of who ever developed the regional habitat importance maps. There needs to be some review process / decision maker that is separate from the local inspector. This would allow the local inspector to save face, whilst giving the applicant the chance to challenge the BIOR.