Submission to the Native Vegetation clearing regulations review.

Dear Sir/Madam,

Please accept my submission to the review.

1. Native Vegetation Clearing Policy.

I support the no nett loss policy and also nett gain is important especially in the grasslands where so little remnant remains. The principle of avoiding clearing of native vegetation should be paramount to ensure that “no nett loss” is achieved. Using offsets does not compensate specific vegetation types eg. Very large old habitat trees and also the difficulty in replacing VVP grasslands and grassy woodlands. These ecosystems should a priority. Much more education needs to be done to inform people of the precarious state of these remnants.

I support the planned improvements to strategic planning. Guidance to support strategic planning should be developed with councils to allow for consistent planning decisions across councils. This is especially important in high growth housing development areas, eg Bannockburn, Teesdale and Inverleigh areas on the VVP. High value biodiverse sites should be identified early. The current VVP Conservation Action Plan (CAP Process) involving Greening Australia, TFN, Parks Victoria and DELWP have prioritised the above growth area to facilitate strategic planning. Educational forums should be held with all stakeholders (Councils, Developers, Landholders) to inform people of the precarious state of these remnants, before any permits are considered and to explain the “avoid clearing” principle. This principle should be given a lot more emphasis.

Improved monitoring and reporting is vital to evaluate these improvements and detect non compliance.

2. Permit process and decision making.

Although a referral is not required to remove less than 0.5 ha of native vegetation, the cumulative effect of this clearing could result in a significant area of vegetation removal. All applications should be judged on biodiversity grounds including low risk pathways. This would negate the need for a threshold especially involving VLOT and the critically endangered VVP. Councils and DELWP conclude that the majority of clearing is for smaller areas but table 3 shows that this constitutes 70% of referrals in the risk based pathway and a considerable area of 53 ha. The amount of clearing triggered under clause 52.17 is unknown but one would assume the area is considerable. This anomaly needs to be addressed.

The fact that consultants state that offsets are difficult to source is particularly relevant on the VVP grasslands, with so little remaining. Consideration should be given to the now successful method of
restoration developed by the Grassy Groundcover Research Project (GGRP) undertaken as a 3 year research project by Greening Australia and Melbourne University. Biodiverse grasslands can be successfully recreated by this method and they should be included as legitimate offsets when they meet permit requirements.

Avoid and minimisation statement should be required on all applications and correct offsets should be identified before a permit is granted if an offset is required.

3. Biodiverse tools used in decision making and offsetting.

All habitat importance maps should be supplemented with site collected information to ensure up to date and correct assessment in “real time” of biodiversity and habitat value at the site. Scattered trees in the landscape should be scored on their age and habitat value. No amount of offset seedlings can replace for example, a 400+ year old tree with its habitat value. This is where the avoid rule should be exercised to the maximum. There is still far too much of this clearing being done by landowners and road authorities. Planting thousands of seedlings in another area is simply no compensation for the removal of one of these trees considering the many decades it takes to establish habitat.

4. Offset delivery.

Offsets should be secured before clearing begins and recreated grasslands should be available to the market. Although offset rules may be complex, care must be taken that simplifying them will not diminish the avoid rule. Uniform rules need to be established and adhered to so the present confusion over offsets is eliminated. A framework needs to be created for offsets on crown land.

5. Exemptions.

Where no requirement for a permit exists such as maintenance of public facilities, it is essential that removal of vegetation occurs in accordance with guidelines, and that clearing that occurs under exemptions is minimised. Eg. Avoid a repeat of the unnecessary trashing of pristine remnant grassland community on the [Redacted] Road in Oct 2013 by contractors to [Redacted] under the guise of “Bushfire mitigation”. These offenders should be held to account and suffer the same penalties as those who breach clearing regulations by clearing without a required permit. Although a permit may not be required, some form of documentation should be required to take account of particular site values, hence an assessment and protocols listed to follow. Individual companies cannot be trusted to “do the right thing” even if they should be aware that some sites are listed as protected by Federal and State legislation.

6. Compliance.

In my experience, enforcement of penalties in the past has been poor. I believe that there have been adequate laws and penalties available, but these have not always been acted on. I have had to reassess my commitment to reporting breaches because of poor support or outcomes by DELWP. (formerly DSE) and Council. It is all very well to have these laws and penalties but they are irrelevant unless those who breach are penalised. Instead of promoting compliance, it breeds a mentality of “we can get away with it”. Landholders put pressure on councils and government departments because of their importance in the overall community and usually get a reprimand. I can give you a
photographic list of breaches over many years on public roadsides of which not one attracted a penalty.

Conclusion.

I generally support the proposed improvements. It is imperative to have the ability to be able to carry out all that is determined in the final document. While all the proposals appear to make a stronger and more protective act, those charged with administering it will need full support from government and allied organisations. Otherwise there is no point in developing another plan to gather dust on the shelf. It is a very detailed document and I hope the drafting can make it as “user friendly” as possible so it can be understood by the general public.

Yours Sincerely,