



Friends of the Gippsland Lakes Parks & Reserves (FOGL)
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FOGL submission on Review of the Native Vegetation Clearing Regulations

Thank you for the opportunity to comment on this consultation paper. FOGL has a broad-based membership of people who are committed to protecting and enhancing the natural values and biodiversity of the Gippsland Lakes and surrounding area. Our Vision: The importance of protecting and enhancing biodiversity, the natural environment and unique eco-systems of the Gippsland Lakes Parks and Reserves is recognized, respected and highly valued by the community and is reflected in all aspects of planning, land use and tourism. Our Mission: Actively strive to protect and enhance the natural environment and biodiversity of the Gippsland Lakes area through research, evidence-based submissions to government bodies, initiation of on-ground projects and engaging the community through activities and education.

FOGL recognizes and emphasizes that substantial high-quality native vegetation is critical for our biodiversity and natural eco-systems and therefore is essential for a healthy environment for us all. It cannot be compromised. It is with this in mind that we make the following comments and suggestions.

There are many positives in this document, including the proposals to re-instate some of the conditions removed in 2013, which seriously weakened protection for our native vegetation. However, many proposals need much more specificity in order to ensure they would result in enhanced or protected native vegetation and there is critical need for additional elements as suggested in the following points.

1. **Transparency in policy and procedures** is critical and essential in building trust in the system and trust in those responsible for administering it.
2. **Independent Regulator:** There is an urgent need for an Independent Regulator and it must be adequately funded. DELWP and local Councils have conflicts of interest and currently they are responsible for: policy, clearing, and regulation. There needs to be an Independent Regulator totally outside this system who is responsible for overseeing. It is noted that an Independent Regulator was recommended in the Victorian Competition and Efficiency Commission's (2009) report into environmental regulations. This was because of the above-stated conflicts of interest.
3. **Biodiversity values must be maintained and enhanced within the local landscape, not state-wide.** Currently native vegetation can be cleared in one area and the offsets procured in a totally different area. This can result in wildly uneven protection across the landscape.
4. **Risk-based Categories:**
 - a. More risk-based categories are needed, not fewer (moderate and high-risk have been combined) in order to reflect the complex nature of environmental values such as habitat, biodiversity, erosion, salinity control and water quality.
 - b. A No-Go category should be included: where no clearing is permitted under *any* circumstances
 - c. Restore the local and regional focus
 - d. Remove all ambiguous/ambivalent language: eg. 'clearing should be avoided *where possible*'. What does 'where possible' mean? If the circumstances are not clearly specified, then clearing is easily granted.
5. **Entire vegetation communities are threatened, not just specific species:** The focus on computer modelling only of threatened species is grossly inadequate and much too narrow. Insufficient consideration is given to the importance of native vegetation that may not contain threatened species.
6. **Inadequate species monitoring by DELWP contributes to poor modelling.** The computer models are only as good as the data that are entered into the models.
7. **Backlogs in entering data into the VBA** need to be urgently addressed. Decisions are being made without access to critical data.
8. **Exemptions for clearing and unregulated clearance result in the greatest loss of remnant vegetation:**
 - a. Best to remove *all* exemptions and unregulated clearing, as government data show (delwp, 2016) much more vegetation loss occurs if a permit is not required.
 - b. Exemptions are the biggest loophole and this loophole **MUST** be plugged.

- c. Crown Land should NOT be exempt from regulation. The planning exemption that allows DELWP to approve clearing in Crown Land should be removed, as it has resulted in the second largest cause of loss of native vegetation in Victoria (Delwp, 2016).
 - d. Victorian government data show that the greatest cause of loss of remnant vegetation is through unregulated clearance, such as via Agreements, Exemptions and existing land-use rights on free-hold land. While most of this is on private land, the second, and quite significant, cause of loss of remnant vegetation is by exemption of public utilities and Delwp for clearing on public land.
 - e. If exemptions are to be allowed, then *much* more specificity is required.
9. **Government data showing losses and gains clearly indicate much greater losses than gains overall indicating the present system is NOT protecting our native vegetation and actually is resulting in NET LOSS.** (delwp, 2016, Figure 2, page 15, Draft: Protecting Victoria's Environment – Biodiversity - 2036). It needs to be noted, these data on vegetation gains include offsets that don't reflect REAL gains in native vegetation. See 11b and 11c below.
10. **Compliance and Enforcement of the regulation are seriously underfunded.**
11. **Off-sets**
- a. The offset market approach tends to encourage clearing, because some people make money from it. This needs to be re-thought.
 - b. Offsets need to be true additions to native vegetation. Current practice in East Gippsland is to 'protect' native vegetation that is *not* under threat of removal rather than plant new trees and shrubs. This is because of the Offset market where some people make money from clearing native vegetation. /this results in a net loss of native vegetation.
 - c. There should be NO offsets allowed on otherwise already protected land: There is no environmental value in offsetting on a property already under a TFN covenant. This is patently dishonest and results in net loss of native vegetation.
 - d. ALL offsets on both private and public land, regardless of how they were procured, must be entered on the Offset Credit Register. Less than half are currently on the register. Transparency and honesty are important.
 - e. All offsets on both private and public land should be clearly identified and included on all public maps, so that the public knows where they are; this would also facilitate public awareness, monitoring, reporting and enforcement and would help to build public trust in the system.
 - f. Victorian Planning Schemes need to identify *all* areas secured as offsets, regardless of tenure or security arrangements.
 - g. Must re-instate a 'like-for-like' criterion and insist that is *local*.
 - h. Better yet, make the criterion 'better quality offset veg-for-lost veg'
 - i. Better standards are needed for offset delivery and management
 - j. Offsets should be regionally targeted for specific outcomes, such as connectivity, wildlife corridors
12. **Incentives for adding and protecting native vegetation must be enhanced and/or established**
- a. Council rebates for native gardens and protecting trees
 - b. Protect *all* trees, both alive and dead
 - c. Bush Broker and Bush Tender enhanced and expanded to include suburban gardens
 - d. Councils need to enhance roadside vegetation and stop slashing it: In East Gippsland it has been noted that council slashers will slash native vegetation and then go around agapanthus, which is an environmental weed!
 - e. Incentives should be offered to developers to plan subdivisions *around* native vegetation. These incentives could be public acknowledgement of their contribution to the environment.
13. **Disincentives must be increased to amounts and conditions that actually act as disincentives.**
- a. Fines must be substantially more costly than the planning and offset process.
 - b. Use Public Infringement Notices
 - c. Require Reparation and Community revegetation work as well as fines – public naming and shaming works much better than fines
 - d. Penalties collected should be used for better enforcement and monitoring.
14. **Habitat for dispersed species:** Much more detail is needed on exactly how information on habitat for dispersed species would be integrated into decision-making.
15. **Ground-truthing should be allowed in all cases.** Details needed for how this information would be put onto the maps and therefore be useful in decision-making.
16. **Reinstate 'Net Gain',** not 'no net loss'
17. **Reinstate EVCs** – everyone understands them and finds them very useful.
18. **Scattered trees are extremely important:** Individual trees and their age, hollows need to be cited on maps.
19. **Subdivisions should be required to retain all significant trees, dead or alive.** Subdivisions can be planned *around* the trees and this would result in more interesting and more environmentally healthy places in which to live.
20. **Re-establish the Environment Defenders Office (EDO) and fund it generously.** It is critical in helping the community to protect their environment. Many Victorians value deeply their environment and deserve a publicly-funded EDO.