

From: [REDACTED]  
Sent: Wednesday, 4 July 2012 10:18 AM  
To: EHPP Landscapes & Ecosystems Section Mailbox  
Subject: Native Veg Regulation review

Hi

As a town planning consultant, working principally at the implementation end of the Regulation and many other Acts etc., my responses to the draft Native Veg Regulation amendments are as follows:

1) It is clumsy for a clearing application to be assessed by both local government (where applicable) and the CMA; then for compliance to be administered by a third party (OEH). (I take the overall point that having to obtain 2 consents will slow down the rate of clearing, however many people will at most only get one, then argue if a compliance action is started.) The public does not know where to go for approvals, much less whether or not approval is required. The CMA's role (quasi-regional govt.) remains unclear, somewhat unpopular and perhaps even uncertain in the future. If clearing is thought to be hidden, or if the landowner thinks they can get away with it, then they won't bother with an opaque and slow system (as you correctly acknowledge). The other distortion is when approvals are gained, and then the cleared area is extended with impunity. The current processes may be legitimate from the govt.

perspective, but is too opaque and uncertain from a public perspective. A consequence is that neighbours and other potential whistleblowers who object to unapproved activities have to make a significant investment to find out what is required and whether or not the requirements were met. Then, if they report someone, they have to live with the consequences, which can be very uncomfortable (to dangerous) in a small rural community. (Talk to activists about their experiences.)

2) I am not necessarily suggesting in (1) that local government undertake compliance of this regulation. Compliance is underresourced and an unpopular activity in local government. In my experience, it is not well handled there and is pursued very selectively. Complainants are usually left very dissatisfied, both as to process and outcome. Councillors prefer to be seen as heroes rather than police, so Council budgets typically do not allow enough money for compliance, which necessarily undermines things like stringent DA conditions (often honoured in the breach, with impunity). That makes local government a laughing stock in some circles. It's also manifestly bad management and bad policy.

3) EECs are to be protected, however there are mapping deficiencies which will cut across this desired approach. Mapping quality can mean that acres of EEC could be cleared with impunity. It would take decades for the EEC to be restored, if a prosecution were to be successful (and that assumes that it is agreed that EEC existed there prior to the clearing - try proving that, based on current mapping!). What resources will be committed to improve EEC mapping, and communication of EEC boundaries to those who don't want to respect them? I acknowledge that EECs are likely to have transition zones around them where they grade out to ecological communities with non-EEC status. Are these buffers to be protected, in order to prevent "edge effects" and to more effectively protect EECs? A buffer approach, like APZs in bushfire areas, is desirable and I recommend it.

4) Generally, the Regulation amendments appear to be facilitating clearing. In the presentation I attended, there was no voice for the environment, and politically I understand why. However, the Act and Regulation are intended to protect native vegetation and its diversity, for sustainability reasons, and your amendments should return to that approach, over a message to landholders that the amendments will make clearing easier. That encourages an attitude of "catch me if you can". Government's role is stewardship of the state's assets in perpetuity -

ensure the amendments achieve that, even if it's uncomfortable for some current private landholders.

5) Your outcomes assessment is a sound approach. It enables consent authorities to assess a clearing proposal against identified local opportunities, risks and hazards (eg salinity, erosion, corridor connection). Presumably it also gives you more power to demonstrate that sometimes clearing should not be permitted or was not exempt from approval.

6) I'm concerned about an assessment of "low condition" giving more credence to an approval for clearing. How does that mesh with the CMA's resilience thinking? Resilience thinking includes a reference to a threshold whereby it will be very expensive, time-consuming and possibly impossible to restore a landscape once the threshold has been crossed. This is not the same as your "low condition" assessment. Can you tighten this up? It may push your "low condition" assessment further along the resilience scale, possibly past the recovery threshold. This approach would enable different organisations to participate in identifying where the threshold applies on specific land, and to come to an agreement as to whether or not it has already been passed. If it has, there are still questions about the impact of further clearing on such a degraded landscape, and the undesirable consequences eg on soil erosion, microclimate, habitat and corridors etc. In some instances, an argument might succeed to say "no approval for clearing; public and/or private investment is required to rebuild the landscape".

7) Death by a thousand cuts: many private landholders use this approach to cross a resilience threshold, or to otherwise promote what they consider to be their own interests. This is where the issue of compliance management comes in (see 1 above).

8) Less relevant to the Reg., but to hear a landholder say he'd put a bulldozer through a patch of lantana and for that not to be challenged or otherwise commented on was a shock. OEH and CMA could put more resources into training landholders in effective bush regeneration techniques, typical bush regen. contracts and sources of bush regen. contractors.

9) Recognise that tree and sea changers do not usually know about broadscale land management. Their number is growing as more small semi-rural lots are created by subdivision. I know CMA is working in this area, but these landowners are coming from a low knowledge base and may or may not be diligent and skilled in managing their land. If they are often absent and/or low skilled or not investing in land management, they affect not only their own property but all those nearby (eg via weed and feral animal infestations, erosion, increased bushfire risk, reduced tree cover which can increase wind ground speeds; etc. etc.).

10) Avoid sending the message that private landholders are entitled to clear, unless (.... detail which they may not become familiar with for years)... That message has been strong in the country community forever, and it's simply not true. Further, with sustainability concerns for the planet, the priorities have changed for all landholders and for land managers including government. Ensure you are targetting the correct message (conservation) and the correct people. Have you ever considered running mid-week workshops for hobby farm owners in big towns and cities, to capture the weekend types?

11) Native vegetation is losing out in the long term. As with Brazil, Australia is clearing too much, too fast and with insufficient replenishment of the biodiverse native communities that we need. Be a steward in perpetuity and tighten up approvals for clearing, including imposing requirements for revegetation and/or creation of well-vegetated buffers to EECs and wildlife corridors.

With thanks for the opportunity to comment.

Helen Monks

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