

28 May 2021

Re: Request for Information – Victorian Farmers Federation

I am providing information in response to the request of the committee to respond to the questions below.

I guess a follow-up question—and I would love to talk more about vegetation clearing; maybe someone else will bring that up or I can put it on the record with some questions—can the VFF put forward a paper? You have mentioned some things there. Can you put forward something that we can look at— take it on notice to this committee in relation to camping on river frontages?

The information will be provided in two parts – information relating to Native Vegetation and information relating to ‘camping on river frontages’. This letter will outline the nature of the material attached and highlight key issues or themes within. The materials referenced in the submission are also provided.

Materials referenced in the VFF submission.

The following materials referenced in the submission provided. VFF has consistently raised with Government the need to encourage and reward industry good practice in ‘sustainable agriculture’ and the impacts of poor management of issues on crown land has on the economy and biodiversity.

1. Parliamentary Inquiry submission - invasive animal species on crown land
2. Deer management strategy submission
3. VFF Native Vegetation Review submission
4. VFF position statement on native vegetation regulation
5. VFF budget asks relating to planning systems and pest plant and animal management programs

Native Vegetation

Attachments 3 and 4 above are the key positions of the VFF in relation to Native Vegetation.

Within our submission to the Native Vegetation Regulations VFF put forward short and long term solutions to why the NVR system is delivering net loss – not gain.ⁱ This included using the CALP Act to prepare Special Area Plans, with compensation for land management actions which impact on beneficial use.

As the regulations were being finalised VFF arranged on farm visits to demonstrate issues and solutions. At that time the position of DELWP working with landholders to create and implement landscape level Native Vegetation Precinct Plans (NVPPs) was developed. This would see landholders and the department look at an area – what needs to be achieved in the landscape. Landholders could undertake proactive work – for example to fence off habitat trees to allow regeneration, to provide vegetation links where they work for the farm. Then once these works were established isolated trees or trees presenting a safety risk to property or operation of machinery could be removed in accordance with the NVPP.

We believe this process is in line with the Landcare approach of undertaking works in the landscape which are good for the environment and good for the farm. It would provide incentives to undertake the revegetation work before removal and provides an easy to understand framework that delivers landscape scale outcomes which are essential for biodiversity gain.

Camping on River Frontages

Attachments 6 to 8 relate to the issues regarding the impact of changes to regulation and management of public land and the breakdown of Government commitment to, and understanding of, the founding principles of Landcare – good for the farm and the environment.

6. VFF Submission to Land (Regulated Water Course Land) Regulations
7. VFF submission to Renewing Victoria's Public Land Legislation
8. VFF letter to Minister for Environment on Landcare

2016 was the 30th anniversary of Landcare – a partnership formed between the Victorian Government and the VFF which is now a global success story. In that year VFF wrote to the Minister for Environment, seeking *“to discuss opportunities for government programs that look to find a balance between improving agricultural production and achieving an environmental benefit for the community.”* VFF is keen to work with Government to ensure the current generation understands the power of co-operative models such as Landcare to deliver outcomes far in excess of any regulatory system.

In reality the failures to understand 'rural' landscapes and methods to achieve 'net gain' by ownership and support to the landholder to deliver win win solutions in native vegetation are also the key issues in relation to camping on licensed land. It shows that the stewardship of the landholders is not appreciated, not the biosecurity and workplace safety issues of camping in workplaces.

In both the draft regulations and the principles underpinning new Land legislation, the role of licence holders are not recognised. Not only are their 'Landcare' and stewardship efforts being threatened, but campers will have one rule applying to them in relation to firewood collection but licence holders will be bound by NVR and can be prosecuted for removal of firewood by campers. This is not fair, nor does it recognise the impact of camping on revegetation and 'net gain' in these areas.

In relation to modernising the Land Acts *“The VFF believes that for any Act which will be the key statute to outline how the Crown will manage one third of the land mass of Victoria must demonstrate how the Crown will demonstrate land managers can balance productive use, environment, natural hazards and safety and biosecurity.*

Farmers are key stakeholders in Crown land management. Poor management impacts farm productivity, environmental health and safety. Farmers endeavour to be good neighbours through environmental works, management of pest plants and animals, maintenance of fences and mitigating fire risks. They simply ask for this endeavour to be reciprocated.”

In relation to camping on licensed waterways VFF believes the regulations are fatally flawed as they are based on Forest regulations without consideration of the differences between state forests and licensed waterways. This includes:

- *Crown frontages generally have a low ratio of area per metre of perimeter;*
- *Crown frontages are sensitive riparian environments, important for the protection of water quality and biodiversity. They are generally unsuitable for camping because they are narrow, have limited access and are often near farms and residences;*
- *Waterways are dynamic areas. Their location or nature can change rapidly. Increasing the likelihood of 'access' and significantly increasing the length of stay increases the risk of environmental damage or injury as well as the consequence and likelihood of harm. Consequences in relation to indemnity and insurance clauses in licences have not been considered or adequately explained to licence holders;*
- *These areas are, by their nature / category always 'licensed' for agriculture use in conjunction with active management requirements. Licence holders have undertaken works including revegetation, fencing, weed and erosion control and grazing management – which will be put at risk if not properly considered. Notification of licence holders in regards to permit and commercial operations have not been considered;*
- *Licences have requirements and obligations which are not considered by the regulations. Licence holders are responsible for breaches of legislation as well as clean-up of sites;*

- *Regulatory conflict and regulatory fairness has not been considered. If a camper removes dead vegetation for firewood under the regulations the licence holder may be fined for breaching the Native Vegetation Regulations;*
- *Riparian areas are generally not heavily timbered – not a large amount of ‘firewood’ for collection. Interfering with vegetation which is stabilising riverbanks or compacting soil that will have water quality and landform impacts (eg if active recreation – bikes etc are used when denuded area is ‘muddy’ or movement of watercourse during floods);*
- *Generally do not have ‘access tracks’ where most campers, emergency services and enforcement personnel in forests access areas by vehicle; and*
- *Enforcement of ‘unlawful’ camping reported by licence holders has been poor. Led to degraded environment and safety issues.*

In relation to traceability and safer siting of camping the following issues were identified.

Traceability

New regulations are required in Part 5 – access to require:

- *Mandatory registration of overnight access via a ‘covid safe’ style application with QR code at access point or via telephone to the 1300 number stating the ‘registration’ number of the site (emergency signage);*
- *That where there is not a ‘public’ road or access track vehicular access will be prohibited; and*
- *Removal of any soil or plant material from clothing or property prior to entry to the land.*

Division 5 of the regulations must be amended to require a permit for camping until the area has been assessed for safety and ability to comply with the regulations. Mapshare needs to clearly identify areas where a permit is required.

The Voluntary Code must include information on biosecurity protocols and proper behaviour to minimise risk to life and property.

In addition to the biosecurity changes to Part 5 of the regulations a Voluntary Code must include information on biosecurity protocols and proper behaviour to minimise risk to life and property. Regulation 18(2) should be deleted (collection of firewood).

Regulation 19 must be amended to recognise biosecurity ‘hygiene’ protocols in relation to soil, wood, vegetation etc.

The government must establish ‘emergency markers’ and a dedicated response time for reporting of serious issues. Ambulance dispatch time would be the appropriate model and compliance with meeting the Code 1, 2 or 3 times must be reported.

Safer camping

Part 5 – Access needs to be amended to prohibit camping on areas which do not meet the siting and safety requirements of the regulations.

If this is not delivered it will be essential for permits to be required until areas are deemed suitable for camping.

Part 3 of the regulations need to be amended to require permits for any site that does not meet the following criteria:

- *Camp sites that meet all setback criteria are identified and marked (as per Mitta Mitta example on engage) and camping prohibited in other areas;*
- *In consultation with the licensee, the government should fence off camping areas so that campers do not interfere with stock on the licensed land;*
- *Camp sites are designed with public safety, biosecurity and public / private interfaces in mind – including:*

- *setting aside (and constructing) camp fire and meal preparation areas at least 30m from private land and 20 m from waterways*
- *the implementation of portable toilet systems (where appropriate) or signage ensuring that faeces are disposed of at a minimum of 50m from any watercourse, 30m from private land, crops or fenced off grazed areas and at a minimum depth of 30cm.*
- *a minimum of 250m from a bee site*
- *erection of signs near bee sites stating no camping (expense of the crown)*
- *at least 500m from a dwelling for privacy and safety, including of vulnerable residents (children, elderly)*
- *be accessible by safe, and fenced, tracks from public roads;*
- *be in areas that contain adequate phone reception (for emergency purposes);*
- *be in areas that are not prone to erosion, flash floods, limb drop or have any known hazards (river snags, cliffs, mine shafts etc); and*
- *Camp sites will have an ESDA recognisable identifier sign and QR code for registration.*

Regulation 35(1)(b) should be replaced with ‘unless the land has a minimum width of 85m’. This ensures that a minimum width to allow for safe and legal camp sites to be identified.

Regulation 35(2) should be amended to allow the regulated land manager to establish a greater distance than mentioned in VFF version of R 35(1)(a) and (b)’. This ensures that a minimum width to allow for safe and legal camp sites to be identified in areas of additional risk or environmental sensitivity.

The Regulations [r35(6)] should be amended to reduce the 28 night stay limit to 5 days with a maximum number of days per annum per site of 14 days. This ensures that there is fairer access to these reserves which are physically constrained. It also helps ensure that environmental damage from camping is minimised. Provide information relating to your situation.

All references to recreation in the regulations should refer to “passive recreation” which should be defined and all active and vehicular forms of recreation be prohibited with penalties applying.

The Government must commit to achieving a 50% inspection rate for camping of 2 days or less and 100% of all stays over 2 nights. Inspection will be made during a stay by an enforcement officer;

Areas where a permit is required should be mapped and presented on the app.

Should you require any further information please contact the Senior Stakeholder Policy and Advocacy Advisor Land Management and Planning [REDACTED]

Lisa Gervasoni

Senior Stakeholder Policy and Advocacy Advisor - Land Management and Planning
Victorian Farmers Federation.

The VFF calls on the State Government to undertake the following short and long term actions to deliver appropriate and fair native vegetation clearing regulations for agriculture.

Long Term Solution

- Develop Special Area Plans for native vegetation to ensure that farmers are compensated for actions seeking to enhance environmental outcomes.
- Commit to ensuring regulation Impact statements are prepared for any 'land management' amendment to the Victoria Planning Provisions.
- Fund Landcare under the agriculture portfolio to ensure revegetation projects consider agricultural and environmental benefits.

Short Term Solutions

- Removal of Farming Zone from the provisions of clause 52.17 (native vegetation regulation)
- Implementation of a specific provision to apply to farming zone land to provide for removal of isolated paddock trees subject to longer term revegetation / regeneration on the property. Deemed loss exempts existing residential land under 4000m. A simple process to recognise and reward long term achievement of farmers in revegetation.
- Exemption from planning permit fee for tree removal in farming zone (section 1 use)
- Removal of third party notification and appeal rights in the native vegetation regulations applying to agriculture and from Environment Significance Overlays (ESO) for habitat protection and & water supply catchments to ensure a streamlined permit process based on impact of the proposal.
- Implementation of a review and restructure of the SPPF (state planning policy framework) to strengthen references to the importance of agriculture to the Victorian economy.
- Revision of the planning provisions (VPP's) to remove statements / control relating primarily to land management including removal of any planning control where the appropriate regulatory tool is a Special Area Plan under the *Catchment and Land Protection Act*.
- Preparation of a Ministerial Guideline for the use of the Planning Scheme for land management and biodiversity issues on agricultural land to assist local government and referral bodies in understanding under what circumstances a planning permit trigger or condition may be appropriate and how to balance the range of strategic directions applying.
- Preparation of a planning practice note on streamlined native vegetation controls in the Farming Zone