

PLANNING PERMIT APPLICATION SUBMISSION

CA7, Section 3 within the Parish of Kaniva

Native Vegetation Removal

July 2016



Southern Cross
TOWN PLANNING

1.0 INTRODUCTION

This report has been prepared by Southern Cross Town Planning Pty Ltd for Mr Stephen Rich, of CA7, Section 3, Parish of Kaniva (the subject site). It accompanies an application to the Shire of West Wimmera for a planning permit to remove native vegetation at the subject site.

The purpose of this report is to:

- Detail the proposal
- Assess the proposal against the State and Local policy provision of the West Wimmera Planning Scheme
- Assess the proposal against the provisions of Clause 52.17 (Native Vegetation) and other relevant planning provisions

2.0 SITE AND SURROUNDS

Subject site

The property is located at CA7, Section 3 within the Parish of Kaniva. The site is located south of Budjik Street, and abuts South Kaniva Road to the west, Farmers Street to the east and Rows Road to the south.

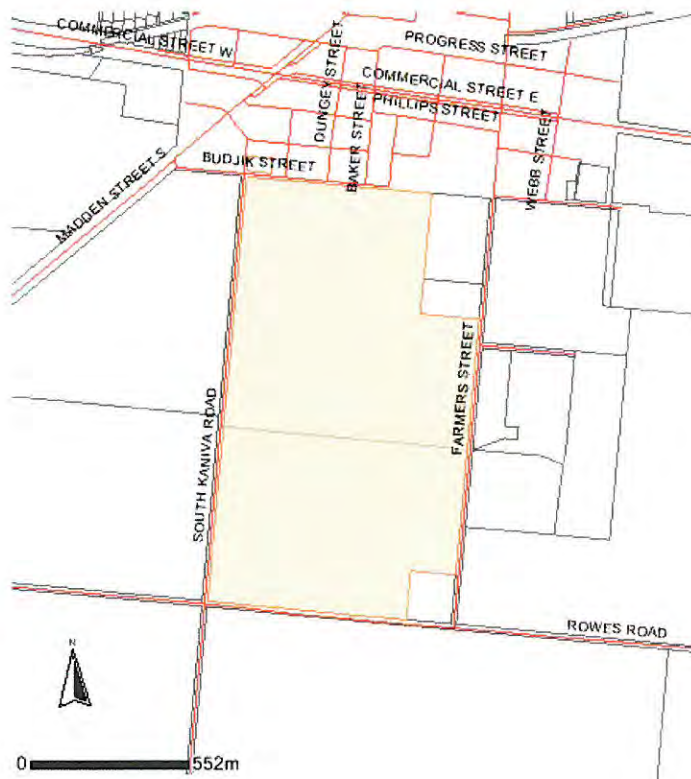


Fig.1 – Cadastre showing the subject site



Fig.2 - Aerial Photo



Photo 1 - View of subject site from the Kaniva Caravan Park.

Site Characteristics

The site is 113.7 ha in area and is currently used for agricultural purposes, primarily for cropping and sheep grazing. The site contains approximately 120 scattered trees, most of which are Black Box (*Eucalyptus largiflorens*) with some Buloke (*Allocasuarina luehmannii*). Improvements besides pasture and cropping are limited to fencing, water tanks, a windmill and stock troughs.

Surrounds

The Kaniva College adjoins the north-east corner of the site whilst a parcel of land 2.6 ha containing a dwelling and shedding is located adjoining the south-east corner of the site. To the immediate north, across Budjik Street, are residential properties in the Kaniva township including the Kaniva Caravan Park.

Surrounding land is also farmed under crops. Crop land close to Kaniva is an even mixture of totally cleared paddocks or paddocks with remnant trees scattered across the site.

3.0 PROPOSAL

This application involves the removal of 25 (twenty-five) trees from the site. The trees are primarily concentrated in the north eastern corner of the site, with ten of the trees scattered across the balance of the site. Twenty-four of the trees are of the *Eucalyptus largiflorens* (Black Box) species, and one tree is of the *Allocasuarina luehmannii* (Buloke) species. Three of the trees are dead. Others are noted to be in poor health.

4.0 PROVISIONS OF THE WEST WIMMERA PLANNING SCHEME

The site is located in the Farming Zone and covered by an Environmental Significance Overlay (ESO2), pursuant to the provisions of the West Wimmera Planning Scheme.

Permit triggers

- Clause 42.01 Environmental Significance Overlay (ESO2) – Removal of a Buloke tree and removal of trees with hollows
- Clause 52.17 Native Vegetation – removal of native vegetation

Zone Provisions

Clause 35.07 FARMING ZONE

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Response

The Farming Zone does not trigger the need for a planning permit. It is noted that the key purpose of the Farming Zone is to support agricultural production.

Policy Framework

State Planning Policy Framework

11.13-4 Agricultural productivity

Objective

To protect key agricultural resources, maintain productivity and support the development of industry.

Strategies

- Protect land and environmental resources which make a significant contribution to the region's agricultural productivity.
- Support local industries, activities and infrastructure which complement and enhance the region's agricultural sector.
- Facilitate agricultural diversification and value adding that takes advantage of natural assets, and provide appropriate and timely infrastructure to realise these opportunities.
- Facilitate intensive agriculture in appropriate locations.
- Protect and manage environmental assets as cropping expands in the southern parts of the region.

11.13-5 A diversified economy

Objective

- To use the region's assets to facilitate the diversification of the economy and build a resilient community.

Strategies

- Facilitate diversification of the regional economy and capitalise on economic development opportunities through building on the region's assets, particularly agriculture, energy, mining and tourism.

12.01-2 Native vegetation management

Objective

- To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Strategies

Apply the risk-based approach to managing native vegetation as set out in Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). These are:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

14.01-1 Protection of agricultural land

Objective

- To protect productive farmland which is of strategic significance in the local or regional context.

14.01-2 Sustainable agricultural land use

Objective

- To encourage sustainable agricultural land use.

Strategies

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.
- Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.

Local Planning Policy Framework

21.02-5 Economic development

- Notes that West Wimmera Shire is one of Victoria's most diverse and productive agricultural areas.

21.03-3 Economic Development

- Maintaining and promoting productivity

21.04-2 Vision

- Support strategic planning and response to adverse events and economic opportunities for primary industries, agribusiness and associated rural townships

21.06-5 – Agriculture

- Encourage diversification of agricultural practices including introduction of new crops and animals, use of energy efficient technology, and ecologically sustainable farming techniques.
- Encourage use, development and management of land that is conducive to maintaining options and opportunities for future farming activities.

Overlays

Clause 42.01 Red-tailed black cockatoo habitat areas

1.0 Statement of environmental significance

The Red-tailed Black Cockatoo (*Calyptorhynchus banksii graptogyne*) of south-eastern Australia has been classified as an endangered species. The current population is estimated at about 1000 birds with approximately 600- 700 breeding birds. The Red-tailed Black Cockatoo is a highly nomadic species and its population ranges throughout parts of the West Wimmera Shire Council and the Glenelg Shire Council in Victoria, as well as part of the Tatiara District Council, Naracoorte-Lucindale Council, Wattle Range Council, and District

Council of Grant in South Australia. The absence of Red-tailed Black Cockatoos from a locality within its range does not mean that the locality does not provide habitat for this species.

The Red-tailed Black Cockatoo's Stringybark feeding habitat is mainly located on public land while its Buloke feeding and eucalyptus nesting habitat is mainly located on private land. Live and dead hollow bearing eucalypts provide suitable nesting sites for the species, while seed producing Buloke (*Allocasuarina leuhmannii*) and Stringybark (*Eucalyptus baxteri*, *Eucalyptus arenacea*) provide feeding habitat for the species. Buloke have separate male and female trees and both male and female trees are required to allow female trees to produce seed. The feeding and nesting habitat of the Red-tailed Black Cockatoo must be protected in order to secure the long term survival of the species.

The aim of the national Red-tailed black cockatoo recovery program is to increase the size of the current population. It is therefore important to ensure that there are adequate nesting and feeding resources available to support an expanded population into the future.

2.0 Environmental objective to be achieved

- To protect the habitat of the endangered Red-tailed Black Cockatoo.
- To ensure the availability of suitable nesting sites for the Red-tailed Black Cockatoo through the protection of live and dead hollow bearing trees and other suitable trees within the bird's known nesting area.
- To protect the feeding habitat of the Red-tailed Black Cockatoo through the retention of Buloke and Stringybark trees.

Particular Provision

Clause 52.17 Native Vegetation

Purpose

- To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:
 - Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
 - Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
 - Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.
- To manage native vegetation to minimise land and water degradation.
- To manage native vegetation near buildings to reduce the threat to life and property from bushfire.

Other Policy

Wimmera Southern Mallee Regional Growth Plan

The Wimmera Southern Mallee Regional Growth Plan states that agricultural activity within the region is of state-wide and national importance. It notes that agriculture is the dominant land use, economic driver and employment sector in the region, and by the year 2031, agriculture will remain the largest sectors of the economy in terms of output.

A key outcome of the Plan is found at Section 10.2 (Rural land use), which mandates as a future direction to;

- Support and protect agriculture as the key rural land use and driver of the regional economy

5.0 PLANNING HISTORY

In December 2014, West Wimmera Shire Council resolved to issue a Notice of Decision to Grant a Permit for the removal of native vegetation comprising 34 Black Box trees (*Eucalyptus largiflorens*) from the site (P1169).

A third party appeal was lodged to VCAT to review the matter, with the key issues being the impacts on the amenity and biodiversity values of the native vegetation, the site and surrounding area.

In considering the matter, VCAT noted several discrepancies concerning the application and consideration by Council. These included the facts that the Environmental Significance Overlay - Schedule 2 (ESO2) affecting the site triggered the need for planning assessment for the removal of hollow bearing eucalyptus trees, which were subsequently noted on the site. It was also noted that there was a Buloke tree to be removed on the site which also may trigger a permit under the ESO2.

The Tribunal stated that insufficient assessment of the trees proposed to be removed had been made of their condition, habitat value and contribution to biodiversity value. The Tribunal further stated that the application was inadequate and did not provide enough information for a determination of significance or otherwise of what value the Black Box trees with and without hollows may have towards habitat and biodiversity value for the site. A more detailed ecological assessment of the Black Box trees would have informed a view as to how many trees contained hollows.

A full assessment against the policy provisions of the West Wimmera Planning Scheme was also not provided.

The Tribunal also considered the landscape and amenity impacts of the proposal to remove 34 trees. It stated;

I am not so convinced however, that impacts from the removal of 34 large native trees on landscape and amenity values would be sufficient enough to warrant refusing the grant of a permit.

In terms of amenity, the removal of 34 out of around 120 trees from farmland located some distance from properties on the other side of Budjik Street in the township area would not create impacts that I consider would be significant to warrant a refusal. Residents and visitors of properties within the town environs certainly gain value from the outlook provided by the adjacent farmland containing crops that are interposed with scattered paddock trees however it is an outlook with broad landscape appeal.

The extent of removal does not generate impacts on landscape or amenity values that are significant. I might perhaps take a different view if the proposal were for the complete removal of all trees from the site due to the extent of removal that would be required however this is not the case in this matter.

In September 2015, the Tribunal overturned Councils decision and ordered that no permit be issued.

6.0 DISCUSSION

Background

This application involves the removal of 25 (twenty-five) trees from CA7, Section 3 within the Parish of Kaniva. The trees are primarily concentrated in the north-eastern corner of the site, with others scattered across the large site. 24 of the trees are of the *Eucalyptus largiflorens* (Black Box) species, and one tree is of the *Allocasuarina luehmannii* (Buloke) species. Three of the trees are dead.

The 25 trees represent around 20% of the scattered paddock trees at the site. It is important to note that the vast majority of scattered trees on the site will not be impacted by the proposal.

The removal of the trees is required to increase agricultural production on the site. Removal of the trees will enable better access for agricultural machinery including a 36 metre boomspray, seeding equipment and harvesting machinery. The proposal would increase cropping efficiency including an increase in navigational accuracy by;

- Improving farmer safety, particularly when working at night with fewer trees acting as obstacles to navigation of agricultural equipment.
- Reducing both under and over application of chemical and seed.
- Effective weed and pest control.

- Less additional expense and time saving for removal of fallen limbs, spraying, seeding and harvesting.
- Increased crop yields.

Overspraying occurs when the path of GPS guided spray machinery is obstructed by trees and needs to be diverted back over a previously sprayed path to avoid the tree. The same area may be sprayed up to three times when machinery is diverted around paddock trees. Both paddocks within the property are sprayed on average four times per year. The farmer has calculated that due to the interference of paddock trees to the path of the spray machinery, chemical application rates are increased by approximately 10%. This not only increases the cost of chemical application but increases the chemical imprint on the environment, negatively impacts crop yield and results in herbicide resistant perennial rye grass growth.

Native Vegetation Significance

A range of measures have been taken to minimise vegetation removal from the site. A report prepared by Australian Ecological Research Services Pty Ltd has been commissioned (*Ecological significance assessment of scattered trees proposed for removal at CA7, Section 3, Parish of Kaniva*) to assess the ecological significance of scattered trees proposed for removal, including an assessment of their health and potential to provide nesting or feeding habitat for the Red-tailed Black Cockatoo as required under the ESO2. This report is attached.

The Report notes that of the 33 Black Box trees originally assessed to be removed, 26 contained hollows and five trees were dead. None of the hollows were of sufficient size to provide suitable nesting sites for the Red-tailed Black Cockatoo. The Buloke tree proposed for removal was relatively small in comparison to other Buloke trees on the property and was in extremely poor condition with only one lower branch bearing live foliage. This tree was not considered to be an important food source for Red-tailed Black Cockatoos nor was it likely to contribute to the pollination of other Buloke species, being located over 60 m to the next closest Buloke tree. This assessment determined that none of the scattered trees proposed for removal provided suitable habitat for the Red-tailed Black Cockatoo.

Each of the 34 scattered trees initially considered for removal was assessed as to their perceived biodiversity value considering their size, health and condition, number of hollows, signs of current or previous occupancy of hollows and the potential suitability of hollows to provide nest sites for native arboreal vertebrates. Trees were ranked as either High, Moderate or Low biodiversity value or as a combination of these such as Low – Moderate.

Trees of High biodiversity value were defined as those with:

- hollows showing signs of current or previous use,

Trees of Moderate biodiversity value were defined as those with:

- at least two hollows that may provide potential nest sites for native arboreal vertebrate species, particularly those that contained a range of hollows of varying dimensions;

Trees of Low biodiversity value were defined as those with:

- no hollows;
- less than two hollows that may provide potential nest sites for native arboreal vertebrate species.

The results of the survey are contained in Table 2 of the *Ecological significance assessment of scattered trees proposed for removal at CA7, Section 3, Parish of Kaniva* report.

From the original 34 trees proposed for removal, efforts to avoid impacts to trees of highest biodiversity value has reduced the extent of vegetation removal to 25 scattered trees. Six of the 34 trees were considered 'High' biodiversity value as they contained hollows with evidence of current or previous use. All these trees shall be retained and excluded from the permit application. Five of the nine trees that were assessed as Moderate biodiversity value will also be retained. Retention of the other four trees of Moderate biodiversity value would significantly impede the overall objective of improving access for farm machinery. All 21 trees considered to be of 'Low' or 'Low – Moderate' biodiversity value are proposed for removal.

Two alternative trees of lower biodiversity value were selected to replace two of much higher biodiversity value. Whilst the retaining of several trees recommended in the Report was not the preferred option in the Landowners attempts to improve access across the property, the Landowner was willing to compromise in order to retain trees of higher biodiversity value and minimise the impact on the environment.

Offset strategy

The Landowners propose to provide a first party offset of remnant vegetation on their property at 1295 Ozenkadnook-Mortat Road, Dopewora. The offset site consists of a remnant patch of 4.583 ha containing mostly Plains Woodland and small areas of Red Gum Swamp. Plains Woodland is an endangered Ecological Vegetation Class (EVC) whilst Red Gum Swamp is vulnerable in the Wimmera Bioregion.

An Offset Site report provided by DELWP determined that this site has two Biodiversity Class Areas (BCA) with a total of 0.461 general biodiversity equivalence units and 0.502 specific units of habitat for Common Beard-heath. The Strategic Biodiversity Score of BCA 1 is 0.399 and that of BCA 2 is 0.559. As the site is within the Wimmera CMA and West Wimmera Shire Council, this site complies with the minimum offset requirements for the proposed vegetation removal of 0.327 general biodiversity equivalence units and a Strategic Biodiversity Score of 0.496.

The offset report attached to the planning application indicates the proposed offset exceeds mandated offset requirements.

Policy Response

The proposal facilitates and enhances agricultural activity in the West Wimmera Shire and the Wimmera South Mallee Region. Agriculture is noted as being a key driver in the local and regional economy, and is of State and National significance.

Land use policy supports building upon the region's agricultural assets, encourages sustainable agricultural land use practices that are managed to maintain the long-term sustainable use and management of existing natural resources and, importantly, support effective agricultural production and assist genuine farming enterprises to adjust flexibly to market changes. Policy also seeks to protect productive farmland which is of strategic significance in the local or regional context.

There is also considerable economic development policy to maintaining and promoting productivity and the encouragement of the use, development and management of land that is conducive to maintaining options and opportunities for future farming activities.

Concerning native vegetation, policy seeks to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

In summary, there is strong planning policy promoting agricultural activity in the region. The application responds to the policy by seeking to enhance agricultural production and improve efficiencies, whilst preserving trees that have been identified as being of ecological significance and ensuring that there is no net loss in native vegetation through the provision of appropriate vegetation offsets.

Addressing other planning considerations of the planning scheme

It is noted that the land is zoned for farming purposes, and that the proposal seeks to facilitate farming operations.

This application is accompanied by a report that addresses both the Environmental Significance Overlay and Native Vegetation provisions. The Overlay triggers the need for a planning permit to remove trees with hollows and Buloke trees above a certain size. The Overlay seeks to preserve the habitat for the Red-tailed Black Cockatoo.

The attached ecological report has surveyed all 34 trees subject to the previous planning permit application. It notes that the Black Box (*Eucalyptus largiflorens*) trees are not known to be used by Red-tailed Black Cockatoos. Of the 34 trees assessed, 6 are considered to be of 'High' biodiversity value and have been removed from this application and will be retained on site. Five of the nine trees that were assessed as 'Moderate' biodiversity value will be retained. Retention of the other four trees of 'Moderate' biodiversity value would significantly impede the overall objective of improving access for farm machinery.

This report details efforts undertaken to minimise impacts to biodiversity, particularly by preserving trees of highest biodiversity value, and provides an assessment of the ecological significance of all scattered trees proposed for removal in providing potential nesting and/or feeding habitat for the Red-tailed Black Cockatoo as required by Schedule 2 to the Environmental Significance Overlay.

In response to decision guidelines of the Environmental Significance Overlay:

- The vegetation proposed for removal includes no hollows suitable for red-tailed black cockatoo habitat.
- No feeding trees are proposed to be removed.
- The proposed offset areas have biodiversity unit scores exceeding those of the trees proposed for removal.
- Further, proposed removals have been minimized to protect any trees of higher habitat value.

Balancing considerations

This proposal addresses concerns raised by VCAT in the previous application, namely the requirement for a full ecological analysis of the individual trees, and an analysis against the provisions of the Environmental Significance Overlay Schedule 2 and policies of the West Wimmera Planning Scheme.

The trees for removal were originally identified as those that significantly impacted upon agricultural operation on the site. Of the approximately 120 trees on the site, only 34 trees were identified for removal. A subsequent ecological assessment prepared as part of this application has further refined tree removal and identified a total of 25 trees. Primary consideration has always been positive ecological outcomes across the entire property and the wider district, and the protection of larger trees that provide potential habitat for birds and mammals, whilst balancing agricultural requirements. This demonstrates the landowners' commitment to minimising vegetation removal. Offsets will ensure that there is no net loss of vegetation in the district.

Character issues

Concerns have previously been raised regarding the impact of tree removal on the character of the site and its surrounds, particularly given its location adjacent to Kaniva township. It is noted that of the approximately 120 trees on the site, only 25 are subject to this application. The vast number of trees will remain on the site. It is also noted that roadside vegetation along Budjik Street will partially screen the site when viewed from Kaniva township to the north. More substantial vegetation to the rear of Kaniva College will also act to screen the site when viewed from the College grounds to the north-east.

In considering the removal of 34 trees from the site in 2015, the Tribunal was not convinced that impacts from the proposal on landscape and amenity values would be sufficient

enough to warrant refusing the grant of a permit. It further noted that the site was not included in a Significant Landscape Overlay and that the extent of vegetation removal does not generate impacts on landscape or amenity values that are significant.

Given the number of trees to be removed, their scattered nature, the scale and context of the site and the previous comment from VCAT, it is considered that there is no unreasonable landscape impact upon the neighbourhood resulting from the removal of the twenty-five trees.

7.0 CONCLUSION

This report and attachments demonstrates that the proposal to remove 25 native trees meets the requirements of Clauses 42.01 and 52.17 of the West Wimmera Planning Scheme. The application seeks to minimise the impact of native vegetation removal by preserving trees of highest biodiversity significance (the application does not remove any trees that may provide potential nesting hollows or feeding sites for the Red-tailed Black Cockatoo) and provides a suitable vegetation offset to compensate for the removal of scattered trees and thus provide a net biodiversity benefit (which is in excess of offsets required). The proposal has targeted only key individual trees that provide the greatest limitation to sustainable farming practices.

It is also noted that improved agricultural production resulting from the removal of the 25 trees will lead to the reduction of herbicide use which has potential off-sight benefits to the local and wider environment and community.

In preparing this application, both State and Local Planning Policy and the previous determination of VCAT have been assessed. It is noted the agriculture is the key driver of the local economy. It is considered that a balance has been achieved between the ability to support enhanced agricultural production on Farming Zone land, which has strong policy support, and manage environmental interests. Significant agricultural and ecological analysis has been undertaken to identify the 25 trees to be removed and balance competing interests. The vast majority of the trees on the site will remain. Approval of this planning permit application is recommended.

12 AUG 2016

Annie Austin
PO Box 71
Kaniva. Vic. 3419

11th August, 2016

Planning Officer,
West Wimmera Shire,
Baker Street,
Kaniva, Vic, 3419

Dear Sir/Madam

I am writing this letter in objection to the application by Mr SW Rich for the removal of trees, application reference no 5.2016.1356.

My beliefs remain the same as expressed in my letter two years ago. I believe it would be a great sadness to see these mature trees removed. They form a part of our landscape which is enjoyed by the many locals walking, riding, driving and living near these trees and also the visitors and tourists who stay at our caravan park - possibly because of this unique outlook bordering our town. It is a beautiful display of trees - it would be a tragedy to imagine that it could disappear forever.

The amount of birds, animals and insects which depend on the depleting trees in our environment would surely be affected. These mature trees hold value which is something which we need to protect for future generations.

Coming from a farming family I understand the inconvenience of cropping around trees. Hopefully the Rich's can understand our concern for the environment and maintaining trees which have taken up to 100 years to grow to their maturity.

I have been reading the West Wimmera Shire's Local Planning Policies and I have attached a copy of your environmental policies. I have highlighted the items that mirror my concern on the tree removal. If these policies are followed (as written by the West Wimmera Shire Council) it appears to me that a permit should not be granted.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Annie Austin', written over a circular stamp or seal.

Annie Austin.

21.07**ENVIRONMENT**20/06/2013
C30**Overview**

The West Wimmera Shire contains many areas which have significant natural landscapes and features of environmental value and include the numerous natural wetlands and waterways in the south and the Little Desert in the north. There are also small areas such as narrow reserves along streams, roadsides and railways and nature reserves which retain native vegetation, contribute to nature conservation and are valuable for migratory and nomadic birds and are valuable for flora and fauna habitat and as wildlife corridors for fauna. Approximately 30% of the Shire is Crown land hosting native vegetation and wildlife habitat.

Catchment management is a growing issue within West Wimmera Shire. The municipality lies within the Wimmera, Mallee, and Glenelg catchments.

Although the majority of public land holdings comprise national and state parks, there are smaller parcels of forested and cleared land, lakes, wetlands and reservoirs, and linear roadside reserves. Public land is used for recreation and some grazing and also supports important localised, remnant ecosystems.

The private land in the Shire has been substantially altered during the past 150 years but still contains small pockets of remnant habitat, wetlands and other original features. These areas have become increasingly important with the realisation that only 3% of the original vegetation remains intact. Floodplain management and stormwater management are critical factors affecting the development potential of private land.

Key environmental management issues in the Shire include controlling the loss of native vegetation and habitat, pollution of the water catchment and changes to drainage patterns. Private land holdings can make a substantial contribution to managing these problems.

The Shire contains a range of physiographic features which need to be carefully managed to facilitate the sustainable development of the Shire.

The condition of land, water and biological resources in the region is declining. Human activity exerts pressure on natural resources and changes the state or condition of the resources. Continuous reduction of the region's biodiversity in turn affects our ability to use the natural resources in a sustainable way.

The Catchment Management Authorities are an important source of information regarding natural resource management. The Wimmera Regional Catchment Strategy, the Mallee Regional Catchment Strategy, and the Glenelg Hopkins Catchment Strategy seek to create sustainable land management through the better co-ordination and linkages with government, land and water managers and the community.

21.07-1**Biodiversity Conservation and Habitat Protection**20/06/2013
C30**Overview**

The decline and fragmentation of indigenous vegetation and loss of biodiversity is a major environmental issue in the Shire, and a contributing factor towards all other land and water degradation issues.

Large areas of the Shire have been cleared for agriculture and the Shire contains limited areas of its natural vegetation cover. **There is a risk that scattered trees on farms will die out and the roadside vegetation will be all that remains.** The protection and management of the bushland reserves is important to provide a diversity of flora and wildlife refuge areas and habitat. There is particular need to protect habitat for the endangered species, the Red-tailed Black Cockatoo and Jumping Jack Wattle. There is a need for greater revegetation and management of pest plants and animals to address areas of degraded land.

Flora and fauna communities vary throughout the Shire ranging from woodlands and wetlands in the south and desert scrublands in the north. However, with less than 3% of the original Buloke woodlands intact and threats from pest species and development, there is the need to protect existing communities in order to maintain biodiversity.

Objectives and Strategies

Objective 1 To effectively manage and conserve the Shire's biologically diverse natural environment as an ecologically sustainable resource for present and future generations.

Strategy 1.1 Protect and enhance significant habitat on public and private land in order to maintain biodiversity.

Strategy 1.2 Support the development of wildlife corridor projects across the municipality, in accordance with a Wildlife Corridor Network.

Strategy 1.3 Encourage the revegetation of degraded rural land, including in creeks and waterways.

Strategy 1.4 Encourage the establishment, protection and enhancement of lineal vegetation corridors along drainage lines, waterways and roadsides.

Strategy 1.4 Investigate appropriate locations within the municipality to set aside land to facilitate the planting of vegetation offsets and provide the opportunity to establish carbon offsets for the Shire.

Strategy 1.5 Protect Red Tailed Black Cockatoo and Jumping Jack Wattle habitat within the Shire.

Strategy 1.6 Protect and enhance the region's indigenous genetic biodiversity by maintaining the extent and diversity of the various ecosystems.

Objective 2 To discourage development in locations, which impacts or conflicts with the quality and sensitivity of the natural environment.

Strategy 2.1 Reduce fragmentation and isolation of vegetation communities.

Strategy 2.2 Minimise land clearing (including native grasslands) and where land clearing is proposed, require a site analysis, management and remediation plan demonstrating the consideration of any rare or threatened species on or adjacent to the site and the continued integrity of the remnant vegetation and habitat.

Objective 3 To minimise impacts on areas with high habitat value.

Strategy 3.1 Encourage developments adjacent to reserves with habitat values to enhance the environmental values of the reserves.

Strategy 3.2 Ensure that the boundary between reserves and abutting properties are clearly delineated and that reserves are protected from incursions by adjoining private properties.

Strategy 3.3 Control noxious weeds and vermin throughout the Shire.

Objective 4 To identify and protect good quality vegetation stands throughout the municipality.

Strategy 4.1 Encourage the protection and enhancement of remnant indigenous vegetation, including roadside vegetation where possible.

Strategy 4.2 Encourage the planting of locally indigenous and native vegetation species, while encouraging the removal of exotic and environmental weed species.

Strategy 4.3 Encourage wildlife survival through the establishment of wildlife corridors and biolinks between native vegetation on private and public land.

21.07-2

20/06/2013
C30

Catchment Management

Overview

The widespread clearing of land for agriculture has led to increased pollution of waterways and increased salinity. The natural watercourses have changed, with extensive harvesting and redistribution from the surface water system to sustain agriculture and the rural and township communities. The ground water resources in the Shire are limited both in terms of quality and yield. There is the potential for the further extraction of the ground water resource, although the extent of extraction requires monitoring to ensure that it is not

depleted or contaminated from pollution by saline groundwater and nutrients, pesticides and herbicides or any other source.

The natural drainage patterns in the flat parts of the Shire are dramatically affected by activities such as clearing, roads and railway lines and the creation of levee banks and channels. The drainage of agricultural land without regard to adjoining, downstream and upstream land holders also significantly affects natural drainage patterns. Drainage is being undertaken continuously as farmers try to make more land suitable for cropping. The interference with natural drainage patterns also has major implications for the conservation of wetlands.

The lakes system is an important environmental, cultural and economic feature of the Shire. Care is needed to ensure that the qualities of the significant waterways of the municipality are not degraded by upstream activities.

Objectives and Strategies

Objective 1 To improve water quality and availability.

- Strategy 1.1 Encourage the incorporation of water sensitive urban design principles into future, and, where practicable, existing urban subdivisions.
- Strategy 1.2 Encourage landowners to revegetate gullies, stream banks and degraded areas to minimise erosion and salinity, and improve water quality.
- Strategy 1.3 Maintain and improve indigenous vegetation and land management practices within Proclaimed Water Catchment Areas.
- Strategy 1.4 Develop and promote greater understanding of the significance of water in maintaining sustainable communities.
- Strategy 1.5 Protect the quality of both ground and surface waters throughout the Shire.

Objective 2 To ensure new use or development does not cause water pollution, land degradation or pose a threat to the sustainable productive capacity of the Shire's major economic base.

- Strategy 2.1 Ensure development and associated road infrastructure works minimise impacts on stormwater quality, and sediment and nutrient loads to local waterways.
- Strategy 2.2 Improve water quality by better management of urban stormwater inflows.
- Strategy 2.3 Ensure that drainage of agricultural land has due regard for adjoining, downstream and upstream landholders and is ecologically sustainable.
- Strategy 2.4 Control land fill, excavation and land forming works, such as the construction and maintenance of drains, channels and waterways, likely to affect the flow of surface water having regard to the nature and likelihood of satisfactory resolution of potential drainage problems, conservation values of drained land and possible disposal sites, impacts on wetlands and wetland habitat values, topography, the level of fill and excavation and the effects of such on the subject and adjoining land, and any other matters pertinent to the proposed works such as the impact on any remnant vegetation or habitat and changes to the hydrology on a local and catchment basis.

Objective 4 To recognise the significance of water courses and bodies such as lakes, wetlands, rivers and streams as areas of environmental significance and sensitivity.

- Strategy 4.1 Identify and protect the environmental values of significant water courses, lakes and wetlands.
- Strategy 4.2 Reduce erosion and sediment inputs in catchments by encouraging the retention and replacement of riparian vegetation.
- Strategy 4.3 Work to stabilise stream banks and improve the overall condition of waterways.

21.07-3 Environmental Hazards

20/06/2013
C30

Overview

Natural disasters (including fire, flood, storms and drought) have the potential to substantially affect the community economically and socially, in addition to the environmental issues created by these disasters.

There are large areas of grass/cropping land and bushland in the Shire which regularly burn as a result of natural causes, accidents or deliberate action. One of the major issues is that of uncontrolled bushfires. Planning is required to decrease the level of risk to life and property and facilitate the efforts of the emergency services to handling crises.

Some areas within the municipality are subjected to flooding and inundation from storms and flood events. Planning should ensure that the community is protected from risks associated with these events.

Detailed information on the previous use of land may not be available for all areas. It is important to protect the community from health risks that may emerge from being exposed to contamination. Planning should ensure that the history of potentially contaminating uses is considered when making land use decisions.

Objectives and Strategies

Objective 1 To ensure new development is designed to respond to the risk of fire.

Strategy 1.1 Encourage development to be sited, designed and constructed to minimise the impact of emergency conditions arising from fire.

Strategy 1.2 Encourage the location of access ways, fencing and dams to maximise fire fighting potential and minimise the interface with fire fighting measures.

Objective 2 To restrict and control development on land prone to bushfire.

Strategy 2.1 Ensure the Bushfire Management Overlay is used to guide development on land prone to wildfire and ensure that development does not increase the risk of an environmental hazard.

Objective 3 To protect life, health, safety and community well being from flood hazard and to minimise the impact of flooding on the community.

Strategy 3.1 Ensure that the capacity of floodplains to store and convey floodwaters is not compromised.

Strategy 3.2 Encourage the use of "constructed wetlands" or other similar systems, as a means of storing floodwater, improving water quality and adding to natural habitats.

Strategy 3.3 Identify areas affected by flooding and inundation and ensure that land use and development in those areas protect the community from risks.

Strategy 3.4 Improve the management of the floodplains by addressing land use and development within the floodplain and areas of inundation, improving data/knowledge currency and availability, updating and improving ageing and poorly managed structures, and increasing the quality of private asset management.

Objective 4 To ensure potentially contaminated sites are suitable for intended future use or development.

Strategy 4.1 Require detailed information on the condition of land that may have previously contained a potentially contaminating use, including agricultural activities, for new development.

21.07-4 Climate Change

20/06/2013
C30

Overview

Climate change is one of the most serious challenges facing the world community. With the West Wimmera Shire's economy heavily reliant on agriculture, the potential risks to the municipality from changes in climate are significant. The West Wimmera Shire Council

has a critical role to play in providing leadership and working with local communities to improve the environmental performance of the municipality, and ensure the long term sustainability of the community, economy and environment of the municipality.

Objectives and Strategies

Objective 1 Improve the environmental performance of the municipality.

Strategy 1.1 Reduce greenhouse gas emissions of the Shire.

Strategy 1.2 Increase energy efficiency throughout the municipality.

Strategy 1.3 Encourage the uptake of renewable energy options.

Strategy 1.4 Halt the process of vegetation clearance.

Strategy 1.5 Expand the indigenous vegetation cover of the Shire.

Strategy 1.6 Implement an energy reduction program across all sectors of the community.

Strategy 1.7 Improve recycling and waste reduction services to reduce methane emissions.

Strategy 1.8 Encourage the establishment, protection and enhancement of vegetation links between native vegetation communities on public and private land.

Strategy 1.9 Increase the Council and the community's knowledge and understanding of the effects of climate change in the municipality.

Objective 2 To protect and conserve existing water reserves and prevent degradation of water catchment areas.

Strategy 2.1 Maintain and improve indigenous vegetation and land management practices within Proclaimed Water Catchment Areas.

Objective 3 To conserve water resources within townships.

Strategy 3.1 Encourage developments to minimise stormwater run-off by reusing rainwater and recycling waste water. This should include, but not be limited to, incorporating facilities for the re-use of water, through the use of rainwater tanks, grey water tanks and grey water pipelines.

21.07-5

20/06/2013
C30

Public Land

Overview

The Shire contains significant areas of public land. Accordingly, there is the need to recognise this resource and ensure that it and adjacent private land are properly managed. The mismanagement of public land can affect a broad range of qualities from tourism to the health of the natural ecosystem. Roadside vegetation is very important in maintaining and restoring connectivity to the fragmented parcels of public land, which are important for the survival of many species.

With public land accounting for over 30% of the land in the Shire, there is the need to recognise the significant size of this resource and to ensure that it and adjacent private lands are properly managed.

Objectives and Strategies

Objective 1 To recognise the public land resource in the Shire and ensure that it and adjacent private land are managed in a manner that reflects their environmental qualities.

Strategy 1.1 Ensure that public land and adjacent private land are managed in a compatible and environmentally sustainable manner.

Strategy 1.2 Encourage the phasing out of grazing on all roadsides and public bushland reserves which have a potential for regeneration.

Objective 2 To ensure publicly owned land is identified correctly throughout the West Wimmera Planning Scheme to facilitate its orderly development.

Strategy 2.1 Engage with public land managers to identify public land holdings throughout the municipality.

Strategy 2.2 Ensure all publicly owned land is correctly zoned.

12 AUG 2016

Charles Ferrier
13-15 Kelly Street,
Kaniva, Victoria 3419.

The Planning Officer,
West Wimmera Shire,
25 Baker Street,
Kaniva, Victoria 3419.

Re: Application for the removal of trees (reference no 5.2016.1356).

Dear Sir/Madam,

It is my belief that the removal of the trees as identified by the planning application may not be congruent to the West Wimmera Planning scheme (http://planning-schemes.delwp.vic.gov.au/schemes/westwimmera/ordinance/21_mss07_wwim.pdf21.07-5)

Under the heading of Public Land Objectives and Strategies, the overview states that "The Shire contains significant areas of public land. Accordingly, there is the need to recognise this resource and ensure that it and adjacent private land are properly managed."
"The mismanagement of public land can affect a broad range of qualities from tourism to the health of the natural ecosystem."

This leads to the Objective which states "that we need to recognise the public land resource in the Shire and ensure that it and adjacent private land are managed in a manner that reflects their environmental qualities". The strategy is "to ensure that public land and adjacent private land are managed in a compatible and environmentally sustainable manner".

In addition point two of section 93.06-2 (Decision guidelines) (http://planningschemes.dpcd.vic.gov.au/schemes/vpps/93_06.pdf) states "Whether the tree proposed to be removed, destroyed or lopped contributes to the significance of the area and whether the proposal will adversely affect that significance. I believe in this case these trees do contribute to the significance of the area".

While I appreciate the need for farming and its contribution to the district, and the rules and laws which direct the decision making of the Council I believe it is incumbent upon us in our role of being merely caretakers for our future generations to take decisions that do not totally reflect the material gains of the present.

I appreciate the opportunity provided by Council to provide comment on this important matter that impacts on our whole community today and well into the future.



Charles Ferrier.
August 10, 2016.

37 Paterson St
Kaniva Vic 3419
09/08/2016

West Wimmera Shire Council
25 Baker St
Kaniva Vic 3419

Ref: Application for planning permit located at Lot 2, LP129452, PS630876, CA 7, Section 3,
Parish of Kaniva, Farmers Street Kaniva.

The application is for a permit to remove 25 trees of native vegetation, by SW Rich of 325
Richs Rd, Goroke.

Application no is 5.2015.1356.

I wish to object to the granting of the permit by the responsible authority.

Reasons for the Objection.

1. Environment

Private land in the Shire has been substantially altered due to agricultural practices but still contains small pockets of remnant habitat, scattered trees, grasslands and wetlands. These areas have become increasingly important with the realisation that if clearing and destruction of habitat continues. The current conventional farming methods will destroy soil life, that without change will result in a faster move to desertification of our farm lands.

2. Biodiversity Conservation and Habitat Protection

The decline of vegetation and loss of biodiversity by modern conventional farming methods will and is a factor of the degradation of land and water.

Over the years' large areas of the Shire have been cleared for agriculture, all that is left is scattered trees. Areas like this, with a substantial stands of trees are required to remain, as they offer the protection needed to provide a diversity of flora, wildlife and habitat. In particular the Red Tailed Black Cockatoo. With less than 3% of the original Bulokes intact it is essential to protect all remaining trees to maintain biodiversity and food supplies for the animals that feast from our forests.

3. Catchment Management

Water resources in the Shire are limited, trees that are aged and established are needed to encourage revegetation of rural land. Trees assist with surface water drainage and also pump up nutrients through their root and soil system. They cool the earth reducing evaporation in the warmer months, they filter polluted water, repair the waterways and ensure that ground water pollution is reduced. If the continued intensive agricultural methods of clearing and excessive use of herbicides, insecticides and fungicides continues, yields will drop and farming will be unsustainable.

4. Environmental

I believe that if environmental issues are overlooked by our planning bodies we will fail future generations who wish to farm and/or enjoy our great area in this country.

Trees are needed to provide a habitat for all species of animals. It is for the vast bird life, marsupials, reptiles or worms, bugs and fungi in the soil and trees provide protection for homes and environment. If these trees are cleared, then the habitat for all the beneficial bugs needed to keep a balance in the environment will die in a chemical cocktail of sprays and fertiliser.

I believe that the removal of these trees will have a huge impact on the community of Kaniva, a greater number of persons who come to live in this community believe that increased clearing is not warranted. Clearing of vegetation and trees will cause, greater stronger wind events, longer hotter heat waves and a reduction in the lifestyle we enjoy in this country town.

5. Climate Change

A very emotive issue and, whether it is a change of climate, patterns or warming of the seas and atmosphere there is no doubt that change is happening.

Industrial pollution clearing of forests for agriculture and the continued reduction of trees, draining of wetlands and the clearing of waterways are all having an effect in the change of climate patterns.

Some may say it is only 25 trees but it is another 25, if we look at the big picture or small picture in West Wimmera a lot of land is still being cleared. In time that land will be degraded and unable to sustain agriculture due to the excessive costs of inputs required to grow crops and stock.

Facts.

- The Site is located at CA 7, Section 3, Parish of Kaniva. This site is south of Budjik Street, east of South Kaniva Road, West of Farmers Street and north of Rows Rd.
- The trees marked for clearing have been on the property for in excess of 100years.
- The Application is for the removal of 25 trees, 24 Black Box Gums and one Buloke tree.
- Offsets, the applicant has indicated that offset of a small remnant area of bushland 30 to 40Klms from the tree site is adequate to compensate for the destruction of 25 large established aged trees on the edge of Kaniva township.
- The Photos in the application reveal the majority of trees for removal (15) exist in a concentrated area west of the High School, South of Budjik St and to the east of the South Kaniva Rd with no southern boundary.
- The application has been made by Mr SW Rich.
- The land owners are MJ and WJ Rich of Goroke.
- Continued farming practices will eventually kill all the trees, habitat for other species and turn the soil into dirt.
- The applicant and the owners do not reside in the Kaniva area therefore not effected by the removal of these trees other than for their own profit and gain.
- Mr SW Rich Mr WJ Rich with several councillor and council staff, attended a seminar held in Edenhope in 2015. This seminar was facilitated by the Department of Environment, Federal agency to oversee environmental issues with in Australia.

Assessment of Application Submission for Planning Permit.

Mr SW_Rich has applied for a permit to remove 25 trees of native vegetation from, Lot 2, LP129452, PS630876, CA 7, Section 3, Parish of Kaniva, Farmers Street Kaniva.

The owners of the land are MJ and WJ Rich of Goroke.

Mr SW Rich's application is essentially to remove the tress. He refers to as scatted trees in the 70ha paddock, but on page 10 of the application Figure 2, it shows that 15 of the trees are to be removed from a substantial stand of trees in the area boarding the Kaniva College, Senior School. I would not refer to this stand of trees to be scattered but a substantial number of vegetation concentrated in one area. It is the removal of trees from stands like this that later suffer from commercial farming practices. It is then easier to apply for permission to clear more.

Maintaining at least these trees if not all of them would set an example to the students of Kaniva College that farmers and Council do regard environmental impact statements important documents to guide environmental planning issues.

I notice that further in the application, Page 5, Mr SW Rich has submitted that on 2 May 2016 that to qualify their biodiversity value in regard to habitat for animals. A site assessment was Senior Biodiversity Officer from the Department of Environment, Land, Water and Planning, Manager of Planning and Environment at the West Wimmera Shire Council, and the Landowners William and Stephen Rich facilitate discussions and minimise the impacts to biodiversity. Earlier in the application the landowners are referred to as MJ and WJ Rich of Goroke, has ownership changed?

The Landowners on page 11 refer to the, Offset Strategy, and propose the use of remnant vegetation on their property at Dopewora, 35 to 40Klms from the Kaniva site. This patch of land consists of remnant vegetation consisting of woodlands and swamp plains. They state that this site meets the minimum offsets requirements for vegetation removal.

I contend that the site is existing land that is not farmed or the Landowners have no intention of farming, it offers no benefit to the biodiversity in or around Kaniva.

It offers no advantage to the animals referred to in the application.

It would have a far greater community impact if the landowners were to reduce the clearing, not farm the area designated for the removal 15 trees and revegetate other bird and animal encouraging plants.

Mr SW Rich has attached as Appendix 3 Biodiversity Impact and Offset Requirements report. It is stated in the opening paragraph of the report that "This report does not represent an assessment by the DELWP of the proposed native vegetation removal. It provides additional information".

This report shows that the offset site is not set aside for any revegetation. In essence the report only addresses the offset site and states that "A habitat hectare assessment is required to be undertaken before any offset can be registered on the credit register."

This report does not supply the applicants with a permit to remove the trees by the state government agency.

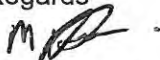
Conclusion.

I would call on the West Wimmera Shire Council not to approve application with the reference number of 5.2016.1356 to remove 25 native vegetation trees by SW Rich (applicant).

I call on you to ensure that the applicant has in the first instant, applied to the State Government, agency, the Federal Government agency as well as the Local Government planning authority. A requirement that is needed and essential for the removal of significant numbers of native trees from an area, a fact known by the applicant, the landowners, West Wimmera Council, Councillors and others.

Thanking you

Regards



Martin van Kempen
Concerned resident.

Lynette J Powell
114 Commercial St,
KANUNA
3419.

To

C. E. O David Leahy

Mayor Annette Jones

Councillors Bruce Meyer, Warren Wait,
Richard Wait and Ron Hawkins

Re P 1356.

12 AUG 2016

As a citizen, resident and rate payer of the
West Wimmera Shire I am very concerned
about Planning Permit application S-2016-1356
Removal of Native vegetation - 25 Native trees.

This area of farmland is of importance to the
owner it is also of great importance to the
many walkers of "Barney Walk" and the
occupants of the Caravan Park from the
multitude of comments that are made re the
wonderful "Farm country" views, the beautiful
sunsets and the multitude of bird life in the area.

I also feel the Council if allowing the
removal of these trees and not complying
with their own Environment Planning Scheme.

eg In Objectives and Strategies

1-1 Protect and enhance significant habitat on
public and private land in order to maintain
biodiversity.

Some of these trees are of listed as of

Moderate importance and I believe altho' not

listed there has been an Aboriginal Scaevola tree

Sighted - are these not important.

1-4 Halt to process of vegetation clearance

Therefore is not the removal of these trees

Identified

3/ the removal of indigenous vegetation.

1-5. Expand the indigenous vegetation cover of the Shire - surely the removal of these trees contrary to this.

Key Issues

21-03-4 Environment.

Point 1 - Halting the decline and fragmentation of
1.2. Indigenous vegetation

I believe some of these trees are the only on some of the only remaining box trees, remaining on the edge of Kanus, ~~pl~~ dating pre-settlement.

Point 1 - 3. Conserve and enhance the municipality
1.3. biodiversity.

I realise the owner of the land concerned has a large area of land to off set the removal of trees on his land - but it is approx 50kl from Kanus and a different habitat with different species -

Therefore the removal of these trees does not conserve biodiversity within the Shire

The Council's towards 10,000 residence policy

The removal of these trees may solve a problem and save time for the owner but if all business's do something in their

3. business save time - does the saving of time decrease the hours available therefore decreasing the employment opportunities within West Wimmera - decreasing the Councils forward plan of 10,000 residents.

I am and have been for many, many years passionate and believe in the West Wimmera Shire and would like to see as much as possible of our remaining Flora and fauna conserved and enhanced throughout the Shire as a whole.

Thank you for your time

Yours Sincerely
Lyette J Powell

Julie J. Powell

PS In your Overview paragraph 4 - The Private land in the Shire has substantially altered in the last 150 years but still contains small pockets of remnant habitat, wetlands and other original features. These ^{have become} increasingly important with the realisation that only 3% of the original vegetation remains intact.

12 AUG 2016

24

113 Commercial Street

Kaniva 3419

Friday 12th August 2016

Objection to clearing application Ref P1356

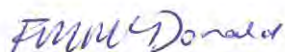
To whom it may concern-

We wish to object to the clearing of native vegetation Ref 1356 for the following reasons.

- Visual aspect- scattered paddock trees are a feature of our district. Removal of such will change the outlook on the edge of Kaniva.
- Increased wind- removal of trees will increase the wind in Kaniva. These trees are a buffer to the winds which predominantly come from the south west.
- Decrease in native birds, mammals and insects- mature trees are an important habitat for native species which are common in our town and are important in controlling pest animals and insects.
- Removal of paddock trees for convenience of farming operations will set a dangerous precedent.



Ross McDonald Ph 0427922693



Fran McDonald

2 Camp Street

Kaniva Vic.

3419

Ross and Alaine McFarlane

10/8/16

Planning Permit Application Objection

Planning and Environmental Manager,

RE: Planning permit application 5.2016.1356. Native Vegetation- Remove 25 trees.

Dear Sir /Madam

We are writing to lodge an objection to the above mentioned planning permit # 5.2016.1356

Previously we have objected to the removal of trees from this site. Our objections are for similar reasons as the first application, environmental concerns and cultural concerns and loss of amenity. Many of the West Wimmera Council's Local Planning Policies also support our concerns and have policies to support the retention of this native vegetation.

Relevant policies and strategies.

Local Planning Policy Framework

21.03 Key issues.

A key issue for the West Wimmera Shire is

21.03-4 Environment

- Protecting areas subject to future impacts as a result of climate change.
- Halting the decline and fragmentation of indigenous vegetation.
- Conserving and enhancing of the municipality's biodiversity.

Most important is the Environment policy. This policy identifies that key environmental management issues in the shire include controlling the loss of native vegetation and habitat. It also recognises that there is a risk that scattered trees on farms will die out and the roadside vegetation will be all that remains. These points are also of concern to us therefore we are objecting to this permit application.

21.07 ENVIRONMENT

Overview

The West Wimmera Shire contains many areas which have significant natural landscapes and features of environmental value and include the numerous natural wetlands and waterways in the south and the Little Desert in the north. There are also small areas such as narrow reserves along streams, roadsides and railways and nature reserves which retain native vegetation, contribute to nature conservation and are valuable for migratory and nomadic birds and are valuable for flora and fauna habitat and as wildlife corridors for fauna. Approximately 30% of the Shire is Crown land hosting native vegetation and wildlife habitat.

Catchment management is a growing issue within West Wimmera Shire. The municipality lies within the Wimmera, Mallee, and Glenelg catchments.

Although the majority of public land holdings comprise national and state parks, there are smaller parcels of forested and cleared land, lakes, wetlands and reservoirs, and linear roadside reserves. Public land is used for recreation and some grazing and also supports important localised, remnant ecosystems.

The private land in the Shire has been substantially altered during the past 150 years but still contains small pockets of remnant habitat, wetlands and other original features. These areas have become increasingly important with the realisation that only 3% of the original vegetation remains intact. Floodplain management and stormwater management are critical factors affecting the development potential of private land.

Key environmental management issues in the Shire include controlling the loss of native vegetation and habitat, pollution of the water catchment and changes to drainage patterns.

Private land holdings can make a substantial contribution to managing these problems.

The Shire contains a range of physiographic features which need to be carefully managed to facilitate the sustainable development of the Shire.

The condition of land, water and biological resources in the region is declining. Human activity exerts pressure on natural resources and changes the state or condition of the resources. Continuous reduction of the region's biodiversity in turn affects our ability to use the natural resources in a sustainable way.

The Catchment Management Authorities are an important source of information regarding natural resource management. The Wimmera Regional Catchment Strategy, the Mallee Regional Catchment Strategy, and the Glenelg Hopkins Catchment Strategy seek to create sustainable land management through the better co-ordination and linkages with government, land and water managers and the community.

21.07-1 Biodiversity Conservation and Habitat Protection

Overview

The decline and fragmentation of indigenous vegetation and loss of biodiversity is a major environmental issue in the Shire, and a contributing factor towards all other land and water degradation issues.

Large areas of the Shire have been cleared for agriculture and the Shire contains limited areas of its natural vegetation cover. There is a risk that scattered trees on farms will die out and the roadside vegetation will be all that remains. The protection and management of the bushland reserves is important to provide a diversity of flora and wildlife refuge areas and habitat. There is particular need to protect habitat for the endangered species, the Redtailed Black Cockatoo and Jumping Jack Wattle. There is a need for greater revegetation and management of pest plants and animals to address areas of degraded land.

Flora and fauna communities vary throughout the Shire ranging from woodlands and wetlands in the south and desert scrublands in the north. However, with less than 3% of the

original Buloke woodlands intact and threats from pest species and development, there is the need to protect existing communities in order to maintain biodiversity.

The strategies that the West Wimmera Shire has planned to implement to address their environmental concerns are:

Objectives and Strategies

Objective 1. To effectively manage and conserve the Shire's biologically diverse natural environment as an ecologically sustainable resource for present and future generations.

Strategy 1.1 Protect and enhance significant habitat on public and private land in order to maintain biodiversity.

Strategy 1.6 Protect and enhance the region's indigenous genetic biodiversity by maintaining the extent and diversity of the various ecosystems.

Note. In the planning application an offset has been proposed some 70km away from the site. Most trees here are of a different species. This offset does nothing to protect and enhance the regions genetic biodiversity. It may comply with clause 52.17 native vegetation, but it does not comply with many other policies. An offset, on site, containing new Black Box trees would address many of our concerns.

Objective 2. To discourage development in locations, which impacts or conflicts with the quality and sensitivity of the natural environment.

Strategy 2.1 Reduce fragmentation and isolation of vegetation communities.

Strategy 2.2 Minimise land clearing (including native grasslands) and where land clearing is proposed, require a site analysis, management and remediation plan demonstrating the consideration of any rare or threatened species on or adjacent to the site and the continued integrity of the remnant vegetation and habitat.

Objective 4. To identify and protect good quality vegetation stands throughout the municipality.

Strategy 4.1 Encourage the protection and enhancement of remnant indigenous vegetation, including roadside vegetation where possible.

Note: This permit application has no plan to neither protect nor enhance the remnant indigenous vegetation at this site.

Strategy 4.2 Encourage the planting of locally indigenous and native vegetation species, while encouraging the removal of exotic and environmental weed species.

Strategy 4.3 Encourage wildlife survival through the establishment of wildlife corridors and biolinks between native vegetation on private and public land.

21.07-4 Climate Change

Overview

Climate change is one of the most serious challenges facing the world community. With the West Wimmera Shire's economy heavily reliant on agriculture, the potential risks to the municipality from changes in climate are significant. The West Wimmera Shire Council

as a critical role to play in providing leadership and working with local communities to improve the environmental performance of the municipality, and ensure the long term sustainability of the community, economy and environment of the municipality.

Objectives and Strategies

Objective 1 Improve the environmental performance of the municipality.

Strategy 1.4 Halt the process of vegetation clearance.

Strategy 1.5 Expand the indigenous vegetation cover of the Shire.

Strategy 1.8 Encourage the establishment, protection and enhancement of vegetation links between native vegetation communities on public and private land.

Note: The strategies here are very clear and support our request for the permit not to be issued.

Other Relevant Policies.

Another concern is the loss of natural beauty due to the loss of trees. Many people walk in the morning past this area of town. People in the caravan park often comment on the views. We live in a town that lacks natural features. We do not have a river or lake to enjoy. We do not have hills or mountains to view in the distance. We do still have a few paddock trees to enjoy. A challenge to the West Wimmera shire is population decline as noted in their council plans. There are many places people can live. The West Wimmera Shire has a target population of 10,000. It needs to understand the implications of continued loss of natural beauty in the attracting and retaining residents.

VCAT Rulings

As stated in the planning application the main reasons to support the removal of the trees is to increase agricultural production on the site. There are many references to policies to support this. They are mainly economic reasons. In the rulings made by VCAT on the previous application this issue was addressed in the Tribunal's decision at item 43

- 43 The site is currently used for farming involving cropping, which will be able to continue despite the presence of trees on the site. Although the purpose for removing the trees was to improve farming efficiencies, lower costs and increase productivity, it is important to understand that this activity must occur within the framework of ecologically sustainable practice which includes retaining large scattered paddock trees that are of benefit to the local environment and remnants in the rural landscape.

Conclusion.

Our objection to the removal of the trees aligns with the environmental direction the West Wimmera Shire has planned for. It is very clear in the West Wimmera Planning Schemes of its concern of the loss of native trees, particularly scattered paddock trees. It is noted as a key issue, as well as a major environmental issue. The West Wimmera Shire has written many objectives and strategies to assist in protecting these trees. VCAT has already considered a previous application to remove these trees and ruled that large scattered trees must be retained. We ask the council to adhere to the VCAT ruling and also their own policies and deny the planning permit.

Regards Ross and Alaine McFarlane



RECEIVED
12 AUG 2016

2 Joseph St.

Kaniva 3419

12-8-16

BY:.....

Dear Sir, Madam,

We are writing in regards to
application for the planning permit to
remove 25 native trees from lot 2,

P129452, lot 2, P5630876, CA9, Section 3,
rural of Kaniva, Farmers Street, Kaniva
these trees cannot be replaced. We object
to the removal of same.

We understand that they do obstruct
the big machinery used; but the trees
cannot be replaced.

Is a compromise could at the very
least 6 of the trees most in the way
of the machinery be removed, but
please not 25.

Thanking you,
yours sincerely,

Ivy Crouch.

N.H. Crouch.



Department of Environment, Land, Water & Planning

402-406 Mair Street
Ballarat VIC 3350
(03) 5336 6856

Our ref: SP457395
Your ref: P5.1016.1356.1

22 August 2016

Ms Gillian Bradshaw
Planning and Environmental Officer
West Wimmera Shire Council
49 Elizabeth Street (PO Box 201)
Edenhope Vic 3318

Dear Ms Bradshaw,

Planning Application: P5.1016.1356.1
Proposal: Native vegetation removal
Address: CA7, Section 3, Parish of Kaniva

Thank you for your correspondence dated 26 July 2016 and received at this office on 26 July 2016, in respect of Planning Permit Application P5.1016.1356.1 for the above-described address.

The Department of Environment, Land, Water & Planning (DELWP) has considered the above application in accordance with Section 55 of the *Planning and Environment Act 1987*.

DELWP notes that with respect to this application, it is a 'determining' referral authority under clause 66.04 (Environmental Significance Overlay - Schedule 2: Red-tailed Black Cockatoo habitat areas) and a 'recommending' referral authority under clause 66.02-2 of West Wimmera Planning Scheme.

DELWP does not object to the permit being granted, but recommends that the following conditions are included on the permit:

As 'recommending' referral authority under clause 66.02-2

1. In order to offset the removal of loss of 1.760 hectares with a strategic biodiversity score of 0.620 approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*:
The general offset must:
 - contribute gain of 0.327 general biodiversity equivalence units
 - be located within the Wimmera Catchment Management Authority or West Wimmera Shire municipal district
 - have a strategic biodiversity score of at least 0.496

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria



2. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:
- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - a credit register extract from the Native Vegetation Credit Register.

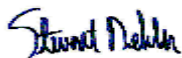
As 'determining' referral authority under clause 66.04

3. In order to offset the removal of 1 Buloke tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements:
- a) Protection of 4 Buloke trees of 40cm diameter at 1.3m or above.
- Fencing around the Buloke tree or patch of trees with a buffer of twice the canopy cover is deemed satisfactory protection allowing for the future recruitment of Buloke.
 - A security agreement placed over protected trees to the required standard, being the offset must be located within the West Wimmera Shire Council municipal boundary.
- b) Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority.

In accordance with Section 66 of the *Planning and Environment Act 1987*, please provide a copy of the permit, if one is granted, or any notice to grant or refuse to grant a planning permit to the contact person at the above address.

If you have any queries regarding this matter, please contact Ezaz Sheikh, Statutory Planner at DELWP's Ballarat office on telephone (03) 5336 6644.

Yours sincerely



STEWART DEKKER
Senior Statutory Planner
Grampians Region

c.c. Applicant: Sean O'Keeffe via email: sean@sctownplanning.com.au