



VICTORIAN  
NATIONAL PARKS  
ASSOCIATION



Elvis fire crane in action. ERICKSON AIR-CRANE

**SUBMISSION TO**

# *VNPA Draft Terms of Reference for Strategic Assessment of FFMV*

March 2026

**Victorian National Parks Association**

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## Summary

### Who we are

Victorian National Parks Association (VNPA) is Victoria's leading nature conservation organisation. We are an independent, non-profit, membership-based group, which exists to support better protection and management of Victoria's biodiversity and natural heritage.

We aim to achieve our vision by facilitating strategic campaigns and education programs, developing policies, undertaking hands-on conservation work, and by running bushwalking and outdoor activity programs which promote the care and enjoyment of Victoria's natural environment.

This submission provides an overview of issue with fire preparation activities in Victoria and discusses some of the lessons from previous strategic assessments (section 1) and then looks at key current issues with fire preparation operations in Victoria (section 2) and then provides detailed suggestion the draft Terms of Reference (TOR, section 3). Number of on-ground case studies are provided as appendices.

### Overview of recommendations:

- The draft TOR must include strict deadlines and measurable standards that genuinely avoid and minimise the risk to Matter of National Environmental Significance (MNES) with meaningful penalties for non-compliance at multiple scales.
- Long term monitoring of both impact and compliance should occur before during and after these operations, the methods must be a part of this TOR.
- The Strategic Assessment that follows this process must remain short in time to allow for regular updating due to future listings of MNES and the impacts of climate breakdown and other threats such as wind throw events, disease spread and new science on effective fire management techniques. Any agreement should be no longer than three years.
- Forest Fire Management Victoria (FFMV) should be made to show how they have avoided and minimised impact on MNES.
- The TOR should include all FFMV land management practices including Firewood Collection program both domestic and commercial .
- Clarify the scope and embrace the opportunity to discuss ecosystems beyond forest ecosystems.
- Strengthen the TOR by ensuring the breadth of activities it considers and the quality of the science on which it is based.
- Learn from the failings of the Melbourne Strategic Assessment in particular, especially with respect to governance, assurances and compliance.
- Recognise that in some systems fire has strong ecological benefits and embed actions to encourage such fire such as in grasslands of the Victorian Volcanic Plains.
- Require transparency in reporting impacts to MNES and the related compensation actions.

- Operations should have commercial incentives removed from possible outcomes, by limiting the use of 'by-products' from operations to recover MNES in other areas or retain on site.

Detailed suggestion on the TOR can be found in section 3 and include recommendations around eleven areas:

- Clarify scope
- Consider specifying a full range of fire management and FFMV activities and policies
- Specify that measurable KPIs are required
- Detail a strong evidence base
- Consider community engagement
- Greater detail regarding assurances
- Broaden the scope of independent auditing
- Recognise the use of fire to directly benefit MNES
- Specify the factors and decisions made to determine the life of the program
- Require transparency regarding offsets
- Mandate First Nations input.

## 1.0 Overview & Context

VNPA welcomes the opportunity to submit to the Draft Terms of Reference (TOR) for a Strategic Assessment of Forest Fire Management Victoria (FFMV).

We are encouraged that FFMV have acknowledged the growing impact of their operations on Matter of National Environmental Significance (MNES) and initiated a Strategic Assessment to mitigate the impact of their operations on MNES across Victoria.

With good planning, assessment and compliance the impact of FFMV operations on MNES can be avoided and mitigated which is highly supported by the Victorian community.

The State of Victoria has had ecological and animal welfare issues with the management of MNES and fire management operations for many years.

Victoria is the most cleared state in Australia with most its native vegetation and habitat cleared at colonisation<sup>1</sup>. Protection of remaining habitat will dictate if more species and ecosystems become MNES into the future.

Under the Part 10 Strategic Assessments, Section 146 (1) Agreement Relating to the assessment of impacts of the Program to revise Melbourne's Urban Growth Boundary (2009) between the State of Victoria and the Commonwealth, Victoria has failed in its obligations to that agreement. This has been handled by the Department of Energy, Environment and Climate Action (DEECA) and to date these obligations have not been met. This is despite the deadline of 2020 to secure a 15,000 ha Western Grassland Reserve, a 1,500 ha Grassy Eucalypt Woodland Protected Area and small reserves. We do not want to see the same mistakes repeated, with this process.

The growing conflict between fire management and MNES has come to a head with the plan to clear many hundreds hectares (if not thousands) of fuel breaks across some of our most intact area of public land and vast amounts of large and hollow trees being removed due to an intensification of tree removals driven by poor quality tree risk assessment methods and the seeming need to create employment for out of work native forest logging operators.

To date, the fuel break and prescribed burning operations have led to the clearing of thousands of hollow-bearing trees required by many MNES species across the whole of Victoria.

Victoria has been warned for many years that the scale and intensity of its so-called fuel reduction burning operations is having a large-scale impact on MNES and ecosystem function. This includes a lack of monitoring of the impact on MNES and ecosystem responses to fire.

The reliance one technique of fire management through fuel reduction burning is poor practice, has limited usefulness in times of extreme fire danger and has widespread negative impact on MNES to

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<sup>1</sup> Remnant Native Vegetation Investigation Discussion Paper (June 2010), Victorian Environmental Assessment Council (VEAC)

declines in habitat and populations of some species. It is also undertaken with appropriate ecological oversight and transparency.

### 1.1 Scope of activities and need to reduce impact

VNPA has concerns about the impact of many aspects of fire operations. While we recognise the community need to contain and prevent fires, we also seek to improve ecological outcomes and reduce impacts.

Areas of fire activity which must be improved include:

- Fire response, readiness, impact and recovery.
- Planned burning
  - Frequency and scale of prescribed burning
  - Scientific basis of planned burning and fuel assessment methodologies
  - Assessment and mitigation of impacts on threatened species and habitats.
- Fire preparation works, including strategic fuel breaks and storm and fire clean up
  - Thoroughness of assessment of ecological impacts and prevention measures at the right scale
  - Accountability, transparency and oversight of works
  - Responsiveness to new information (adaptive management).
- Habitat (Hazardous) tree assessment and removal.

All of the above, with the exception of fire response, are covered to some extent by the TOR, though there are some gaps.

We understand that fire response is exempted from consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Nevertheless, there needs to be clear articulation to what activities under what circumstances are to be considered fire response.

The current situation in Victoria is that there is a degree of uncertainty and lack of clarity around when emergency periods start and stop. There is a tendency for FFMV fire response activities to blend into fire preparation activities, leading to excessive roadside clearing, habitat tree removal salvage-type logging and so on, with limited opportunities for community recourse.

It is critical that any documentation or approval under this strategic assessment clearly articulate when EPBC Act and associated agreements apply and when they don't.

There is a great deal of scepticism about the effectiveness of strategic assessment due to significant failures with previous one in Victoria notably the Melbourne Strategic Assessment (MSA). Lesson from this need to be addressed in any new assessment for fire management.

## 1.2 Victorias past failures at Strategic Assessments: Melbourne Strategic Assessment

Victoria was one of first State's to undertake a large-scale strategic assessment under the EPBC Act, with Melbourne's urban growth areas subject of the Melbourne Strategic Assessment (MSA).

The failures of the State of Victoria to meet its obligations in that agreement have been highly publicised<sup>2 3 4</sup> including a scathing report by the Victorian Auditor-General Office (VAGO)<sup>5</sup>. To date, these obligations have not been met despite the deadline being in 2020. Over half a decade past the deadline only 26% of the Western Grassland Reserve has been acquired<sup>6</sup>.

These issues of poor governance and oversight were raised by academics and conservation organisations for over a decade<sup>7</sup> since the agreement was signed.

The deadline of 2020 to acquire protected areas as part of the MSA was not merely administrative . It was an ecological timeline to acquire the sites before the MNES values were degraded by land use activities such as grazing, lack of fire and spread of weeds.

With much of the MSA offset sites now being of lower ecological value than the grasslands that are being cleared, the failure to meet the agreed deadlines and lack of oversight and compliance by the Commonwealth has led to the *Part 10 Strategic Assessments Section 146 (1) Agreement Relating to the assessment of impacts of the Program to revise Melbourne's Urban Growth Boundary (2009)* between the State of Victoria and the Commonwealth to failing one of Australia's most critically endangered.

Many critiques and reviews of Victoria's failure to meet the obligations under the MSA Strategic Assessment highlight the strong need to strengthen the following areas<sup>8 9</sup>;

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<sup>2</sup> Perkins, Miki (2020). 'Madness': How governments failed Victoria's endangered grasslands. [online] The Age. Available at: <https://www.theage.com.au/politics/victoria/madness-how-governments-failed-victoria-s-endangered-grasslands-20200723-p55ewf.html>.

<sup>3</sup> Perkins, M. (2020). Broken promises turn fragile grasslands into unprotected 'basket case'. [online] The Age. Available at: <https://www.theage.com.au/national/victoria/broken-promises-turn-fragile-grasslands-into-unprotected-basketcase-20200617-p553p4.html>.

<sup>4</sup> Carey, A. (2019). From grassland to wasteland: Victoria breaks promise to create environmental reserve. [online] The Age. Available at: <https://www.theage.com.au/politics/victoria/from-grassland-to-wasteland-victoria-breaks-promise-to-create-environmental-reserve-20190512-p51mjd.html>

<sup>5</sup> Victorian Auditor-General's Office (VAGO). Protecting Critically Endangered Grasslands. [online] Available at: <https://www.audit.vic.gov.au/report/protecting-critically-endangered-grasslands?section=>.

<sup>6</sup> Western Grassland Reserve, Department of Energy, Environment and Climate Action (2025) (Online) <https://www.msa.vic.gov.au/conservation-in-action/western-grassland-reserve>

<sup>7</sup> Melbourne's Urban Expansion-Threatened Species on Our Doorstep. Victorian National Parks Association and Westernport UNESCO Biosphere Reserve. <https://vnpa.org.au/wp-content/uploads/2017/02/Melbourne-Urban-Expansion-Threatened-Species-on-Our-Doorstep.pdf>

<sup>8</sup> Lowe, K.W. and Wescott, G. (2023). Evaluating the Melbourne Strategic Assessment—Elegant on process, currently failing on implementation. *Ecological Management and Restoration*. doi:<https://doi.org/10.1111/emr.12578>.

<sup>9</sup> Gutierrez, M., Gordon, A. and Bekessy, S.A. (2024). Challenges and lessons of implementing strategic environmental assessment in a critically endangered ecosystem. *Journal of Environmental Planning and Management*, pp.1–22. doi:<https://doi.org/10.1080/09640568.2024.2303737>.

- Greater engagement with Traditional Owners. This should be irrespective of groups with or without a Registered Aboriginal Party (RAP) status.
- Mandated time frames for implementation and guidelines and standards of works.
- Solid and transparent governance, decision-making processes and public reporting including active ways for the public to participate in data collection and enforcement including citizen science.
- Increased and independent surveillance and compliance of operations including meaningful repercussions for non-compliance with agreement.
- Responsibility for these must fall to both the proponents of the agreement (State of Victoria) and the Commonwealth Government.
- Offsets should result in immediate and genuine conservation outcomes such as expanded protected areas gazetted under Victorian law.
- Genuine avoidance and minimisation of harm to MNES should be enacted including a clear publicly available decision-making framework and justification for works.

The failures of the MSA must not be replicated as part of this process for fire management highlighted by VAGO in 2020 many of the issues of the MSA stemmed from poor governance arrangements set after the signing of the agreement. The Report conclusion states:

*'DELWP was slow to establish governance arrangements for the MSA program and changed them several times. This has limited their effectiveness and meant DELWP missed key oversight activities or did not always do them consistently or to expected standards. DELWP's arrangements are not adequate to effectively oversee the MSA program's future delivery, including ensuring risks are effectively managed and progress adequately communicated to key stakeholders.'*

These issues were also highlighted by Lowe, K.W. and Wescott, G. (2023) and Gutierrez, M., Gordon, A. and Bekessy, S.A. (2024) in their evaluations of the MSA and Strategic Assessments broadly as well.

There is a non-negotiable need for clear governance arrangements to be set prior to the signing of any Strategic Assessment agreement between the state and the Commonwealth including agreed repercussions for non-compliance, fully funded arrangements for independent compliance arrangements, expected standards of works, reporting and funding.

Importantly, the Commonwealth must play a key role to ensure governance and compliance, which has been sorely lacking (missing in action) for the MSA process which by and large has been left to state process.

As part of this process there must be built in safeguards to avoid future failures of strategic assessments.

## 2.0 Key current issues with fire preparation operations in Victoria

As shown in the Case Studies (see appendices) there are ongoing issues with FFMV's handling of MNES and State-listed threatened species, ecosystems and threatening processes. Some of the key issues are highlighted in the following chapter.

### 2.1 Assessment and Advice Capacity

Freedom of Information (FOI) requests have uncovered instances of FFMV staff ignoring advice from DEECA's Natural Environment Programs (NEP) teams, as well as Zoos Victoria zoologists, in fire management operations. We have attached these documents in the Appendices. With the Victorian Government sacking of 350 staff from DEECA<sup>10</sup>, and with a lot of those lost coming from the Biodiversity Division, it is unclear where FFMV will be getting its advice on MNES and State-listed species, ecosystems and processes.

### 2.2 No independent oversight

The current oversight of FFMV operations has been shown to have no independent regulation or oversight. Victoria's Office of the Conservation Regulator (OCR) confirmed that *'the Conservation Regulator does not regulate DEECA or its activities relating to fire or fuel management of public land'*<sup>11</sup>. This includes operations that distinctly replicate logging operations such as those in the gazetted Wombat-Lerderderg National Park (Wombat State Forest), Dandenong Ranges National Park and Yarra Ranges National Park.

All assessments before and after FFMV fire operations are done internally (if at all) with no publicly available assessment framework or assessment. Essentially, FFMV are marking their own homework.

There is no mechanism for the public to report on poor practice or detections of State and Commonwealth listed species within fire operations to DEECA, despite citizen science groups detecting MNES within FFMV operations that were undetected by FFMV.

This has led to damage, death and destruction of MNES within FFMV operations with concerns raised by citizen scientists, land managers and species experts such as zoological institutions and academics, with concerns consistently falling on deaf ears.

This is a significant issue and should be addressed through the Strategic Assessment process. Either Victoria establishes a clear independent regulator, or the Commonwealth must act as one.

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<sup>10</sup> Longmore, J. and Field, E. (2025). Victorian Department of Energy, Environment and Climate Action to cut 350 jobs. [online] Abc.net.au. Available at: <https://www.abc.net.au/news/rural/2025-08-14/350-public-service-jobs-to-be-cut-in-victoria-deeca-restructure/105652454>.

<sup>11</sup> Letter from Chief Conservation Regulator to VNPA about Debris removal from Dandenong Ranges National Park

### 2.3 No measurable protections

Despite being recently updated the *Code of Practice for Bushfire Management on Public Land 2025 (The Code)* under which FFMV relies upon to meet its legislative and policy requirements fails to lay out solid measurable protections and mitigation measures for MNES and or State-listed species under the threatened species laws, the *Flora and Fauna Guarantee Act 1988* (FFG Act). The code includes high-level and vague language as a guide rather than providing concrete standards and procedures to avoid harm or to ensure the monitoring of operations for compliance with State and Federal laws and impact on MNES and State-listed species.

The current code talks vaguely and bureaucratically about ‘continuing public land stabilisation activities’, ‘identifying, assessing and treating any further risks ... including risks to natural and cultural values’ and ‘undertaking works that facilitate access to public land and the recovery of natural, cultural and built assets’, but it doesn’t actually provide any detailed rules about what should be done or not done. In some cases, clear prescription exists, but such prescriptions are often neither publicly available for scrutiny, nor clearly referenced in publicly available documents.

The Code in its current form cannot be used to meet FFMV’s obligations under Federal law as it would lead to business as usual, and that current practice is causing significant impact on MNES and facilitates poor practice and culture.

### 2.4 Diminished levels of oversight and protection

While many fire preparation activities, such as strategic fuel breaks, storm clean up, post-fire salvage and habitat tree removal, are logging-like activities using large forestry machinery, their level of regulation and the oversight of these activities is weak compared to previous logging regime (see table below for comparison).

*Table comparing Policy Features of timber harvesting with Policy features of fire management*

Policy features of timber harvesting	Policy features of fire management
Detailed regulatory ecological advice Code of Practice Detailed measurable rules/prescriptions	Code of practice for Bushfire Management on public Land Vague, not explicit No measurable rules (dos and don’ts)
Relatively assessable, location-specific workplans provided in advance (e.g. TRP, TUP, coupe plans, harvest plans)	Work plans (e.g. JFMP and fuel break plans) lack: Transparency and timelines Detail (e.g. specific size and alignments) Outcome of ecological and tree assessments
Clear consequences and legal review process	No transparent consequences for issues or mistakes
Independent regulator (e.g. OCR)	No independent regulator (e.g. OCR)
Proactive field survey	Only recent proactive field surveys (e.g. Biodiversity and Threatened Species program)

Official pathway for citizen science to be considered, incorporated and responded to (e.g. forest reports)	No official pathway for citizen science to be considered, incorporated and responded to
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## 2.5 Hazardous Trees vs Habitat Hollows

The removal of so-called hazardous trees is also a significant issue. This is done for strategic fuel breaks but also for preparation of planned burns, as well as salvage or clean up after windstorms or fire. The problem is that works are often targeting tree with hollows, which are critical habitat for wildlife. There are potential alternative approaches, outlined in our report, *Protecting our living legacies*, is a practical policy guide to safeguarding large old trees on public land in Victoria. You can access the report [here](#)

The decline of large and old trees is happening across all land types and tenures; from the suburbs, to farms, state forests and protected areas including national parks. Management theories and actions by FFMV are in part driving this decline.

The loss of large, old and hollow-bearing trees is recognised as a key threat to native forests and woodlands according to Victoria’s primary threatened species law, the FFG Act, the loss of hollow-bearing trees is also implicated in the decline of hundreds of State- and Federally-listed birds, mammals, reptiles and amphibians.

In a 2016, the Victorian Government Department of Environment, Land, Water and Planning (DELWP) published a report by Lucas Bluff to quantify the impact on hollow-bearing trees (HBTs) from exposure to a single instance of planned fire. It had the secondary goal of providing evidence-based options for managers seeking to reduce the impact of planned fire on HBTs and habitat loss<sup>12</sup>.

*The report found that ‘HBTs directly reached by fire were on average 27.9 times more likely to collapse than trees not reached by fire. While these results indicate that, in general, planned burns significantly increase the collapse rate of HBTs in comparison with that on ‘no burn’ control plots, the causes of variation in collapse rate can provide additional insight’.*<sup>[1]</sup>

This percentage does not include trees felled due to perceived threat to workers safety.

It remains to be seen if any of the management options outlined in The Bluff (2016) for DELWP have been implemented in any way, including the further monitoring and research needed to understand the long-term impacts on wildlife including State- and Federally-listed species of the State Government’s planned burning operations.

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<sup>12</sup> Bluff L 2016, 'Reducing the effect of planned burns on hollow-bearing trees'. Fire and adaptive management report no. 95, DELWP, Melbourne, Victoria

## 2.6 Clarity needed on fire zoning

The draft code does introduce a new fire zone called a ‘fire sensitive zone’ which aims to ‘protect fire sensitive species and ecosystems and manage land primarily for environmental outcomes’. This is welcome addition, but what it will look like on the ground is yet to be seen. It also less explicit than Codes such as the South Australian Code of Practice for Fire Management on Public Land in South Australia, which include clear commitments (Outcomes) such as:

- ‘The status of fire regimes (as described in the DEW Ecological Fire Management Guidelines for prescription burning of native vegetation in South Australia) are to be updated annually at both regional and state-wide level.
- The impacts of prescribed burns on known Matters of National Environmental Significance are to be assessed annually.
- Practical steps will be undertaken to reduce risks to other important environmental assets that are not listed species or communities.
- The effectiveness of environmental impact mitigation measures is assessed regularly.’

Similar to NSW, the code also includes a detailed ecological guidelines for management of native vegetation<sup>13</sup>.

## 2.7 Resilience: further detail required

There is also much talk about how to ‘maximise resilience of native ecosystems to fire’ in the draft code. But there is no clear measurable definition of what this actually means in the context of fire management.

Resilience has emerged as a key concept in ecology and conservation biology to understand and predict ecosystem responses to global change. In its broadest sense, resilience describes the ability of an ecosystem to resist, and recover from, a disturbance. However, the application of such a concept in different subdisciplines of ecology and in different study systems has resulted in a wide disparity of definitions and ways of quantifying resilience.<sup>14</sup>

If this is to be key objective, the concept and measurement need to be clearly spelt out and include key as benchmarks such as Tolerable Fire Intervals for vegetation, which outline the minimum and maximum time between fires to keep vegetation habitat ecologically functional<sup>15</sup>, but also for the tolerable fire intervals for animals as well as other measures to protect ecological assets during preventative fire works.

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<sup>13</sup> Ecological Fire Management Guidelines for Native Vegetation in South Australia. South Australian Department of Environment, Water and Natural Resources (DEWNR)

<sup>14</sup> Capdevila, P., Stott, I., Oliveras Menor, I., Stouffer, D.B., Raimundo, R.L.G., White, H., Barbour, M. and Salguero-Gómez, R. (2021). Reconciling resilience across ecological systems, species and subdisciplines. *Journal of Ecology*, 109(9), pp.3102–3113. doi:<https://doi.org/10.1111/1365-2745.13775>.

<sup>15</sup> Growth stages and tolerable intervals for Victorias’s native vegetation data sets: Fire and adaptive management report no. 84 David Cheal Arthur Rylah Institute for Environmental Research Department of Sustainability and Environment (2010)

## 2.8 Planned burning - All eggs in one basket approach?

Academics and conservationists have for many years voiced concern that ‘prescribed burning’ (or ‘hazard reduction burning’, ‘fuel reduction’) has been excessively relied upon as the single primary technique of fire management.

Prescribed burning is prioritised despite the effectiveness of such activities diminishing due to climate change and the shortening period of time that burn areas remain less flammable.

FFMV manages fire mitigation across all public land tenures in Victoria, including the use of prescribed burning, candling of stringybark trees, clearing and management of strategic fuel breaks.

To date, FFMV has not investigated at a large scale less ecologically harmful fire risk management such as slashing closer to assets, compulsory evacuation, private fire bunkers and increased and proactive rapid attack and suppression capability.

There is a need for a cross benefit analysis between burning programs and implementation of non-burning risk reduction techniques and strategies.

This TOR must ensure a thorough investigation and documentation of the potential to implementation of non-burning techniques to reduce fire threats to human life and their effectiveness.

## 2.9 Lack of monitoring around fuel reduction

The lack of long-term monitoring of the ecological and wildlife impacts of FFMV’s operations was highlighted by VAGO in its 2020 report to Parliament, *Reducing Bushfire Risks*.

The VAGO report found that 'With the exception of some isolated case studies, DELWP [now DEECA] does not know the effect of its burns on native flora and fauna.'<sup>16</sup>

A growing amount of scientific literature indicates that fuel reduction works in remote areas over thousands of hectares have limited usefulness at times of extreme or even medium bushfire.<sup>17</sup>

Many studies have concluded that fuel reduction close to assets in need of protection (houses and communities) is needed, while it may be the most difficult to achieve, is the most effective – and the most cost-effective.<sup>18</sup> Instead, there is a need to undertake more intense fuel reduction work including burning and slashing beside assets such as houses and communities.<sup>19</sup>

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<sup>16</sup> Victorian Auditor-General’s Office (2020) Reducing Bushfire Risks October 2020

<sup>17</sup> Gibbons P, van Bommel L, Gill AM, Cary GJ, Driscoll DA, et al. (2012) Land Management Practices Associated with House Loss in Wildfires. PLoS ONE 7(1): e29212. doi:10.1371/journal.pone.0029212.

<sup>18</sup> T.D. Penman, R.A. Bradstock, O.F. Price. (2013) Reducing wildfire risk to urban developments: Simulation of cost-effective fuel treatment solutions in south eastern Australia. Environmental Modelling & Software 52 (2014) 166e175.

<sup>19</sup> Owen F. Price, Trent D. Penman, Ross A. Bradstock, Matthias M. Boer and Hamish Clarke. (2012) Biogeographical variation in the potential effectiveness of prescribed fire in south-eastern Australia. Journal of Biogeography (J. Biogeogr.) (2015) 42, 2234–2245

There is also a need to invest in greater bushfire suppression technology and firefighting capacity such as early detection and aerial attack<sup>20</sup> as well as installation of fire bunkers on private land in high-risk areas.

After the 2009 bushfires, the Royal Commission recommended the need to stop building human habitation in high-risk fire areas. Unfortunately, houses are still being built in these risky areas despite repeated warnings.

### **2.10 Crown Land Offsetting**

Public land managers in Victoria are able to use a policy loophole known as the [\*Procedure for the removal, destruction or lopping of native vegetation on Crown land \(DELWP 2018\)\*](#) to avoid like-for-like offsets for native vegetation lost during management of public lands including national parks and protected areas.

This procedure is endorsed by the Secretary to DEECA and is used to rely on the Crown land exemption from the requirement for a permit to remove native vegetation in planning schemes.

This leads to a lack of reporting on how native vegetation and hollow-bearing trees have been removed in areas where MNES exist and make it impossible to understand the cumulative impact of operations on those MNES.

It is our understanding that FFMV do not collect data on the size, characteristics (such as hollow-bearing or large diameter) or number of trees removed in their operations.

This framework is largely not fit for purpose for addressing mitigation of impact on MNES and is unclear if it is used or applied by FFMV in all their operations. There is not clear transparency in accounting and reporting on the use of the framework. The system is far from like-for-like, instead substituting standard land management such as pest plant and animal control as an offset for removed vegetation, for example.

A focus on avoiding and minimising loss must be the priority of this TOR. If offsets are required, they should be option of last resort and be to the highest possible standard, at least in line with Victoria's native vegetation regulations for private land.

### **2.11 Recognising the role of Citizen Science**

Citizen science has a long history in Victoria and has been key activity for many who are concerned about the health of forest and other ecosystems. Groups have developed sophisticated techniques when dealing with forestry operations including:

- Established network of tech-literate citizen scientists
  - Field surveys: spotlighting, camera traps, song meters, plant surveys
  - GIS and satellite

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<sup>20</sup> Technological solutions for living with fire in the age of megafires  
Yebra, Marta et al. One Earth, Volume 7, Issue 6, 932 - 935

- Databases/FOI etc
- Local knowledge and networks.
- Access to expert legal and ecological understanding and advice.
- Decades of experience and practice with commercial logging and other issues.

Under previous arrangements regarding logging, the OCR in Victoria facilitated a portal for information to be shared and responded to regarding suspected breaches of the Code of Forest Practice. No such mechanism currently exists for FFMV operations.

### Case Study #1: Southern Greater Glider death during Forest Fire Management Victoria (FFMV) Operation, Yarra Ranges National Park

Conservationists, academics and zoologist had long raised concerns about the scale and intensity of FFMV's Strategic Fuel Break Operations across Victoria.

Because of these concerns, citizen scientists from VNPA and Wildlife of the Central Highlands (WOTCH) surveyed for wildlife that was using the large and hollow bearing trees planned for removal by FFMV.

The groups also commissioned an independent tree risk assessment by a qualified arborist, which found most of the trees to be low risk. *(available on request)*

The survey work undertaken by VNPA and WOTCH found that many of the trees were inhabited by MNES, including Southern Greater Glider and Leadbeater's Possum.

Despite citizen scientists undertaking surveys, lodging the findings with State and Federal authorities, and including alternatives to the scale and impact of the operations on MNES, these findings were largely ignored. This lead directly to at least one documented death of a Southern Greater Glider, as well as significant impact on their habitat.

Below we will outline the correspondence with the Federal and Victorian Environment Ministers and FFMV regarding concerns about the Strategic Fuel break Program in the Yarra Ranges National Park. This case also created significant public concern and public debate and highlights the current challenges with assessment and oversight.

#### Timeline:

- **19<sup>th</sup> December 2023.** Letter to Minister Plibersek: Concerns of Significant Impacts to Matters of National Environmental Significance caused by Strategic Fuel Break operations, in Victoria's Central Highlands.
- Response by Department: 26 March 2024 (Mc23-035736).
- **28<sup>th</sup> March 2024.** Letters to Ministers Plibersek and Dimopoulos as well as Chief Fire Officer Hardman: Urgent: *Endangered Greater Gliders recorded Denning/Nesting in Trees earmarked for Imminent Removal in Victoria's Central Highland.* (This included evidence of habitation of trees to be removed including maps, GPS positions and video and photographic evidence).

- **24<sup>th</sup> April 2024** Tree Risk Assessment and Report undertaken by independent arborist (attach).
- **6<sup>th</sup> May 2024 Letter to Chief Fire Officer Hardman and Secretary of DEECA John Bradley:** Contravention/s of Environment Protection and Biodiversity Conservation Act 1999 (Cth) in relation to Strategic Fuel Break Operations in Victoria's Central Highlands and expert opinion regarding tree risk including Arborist's tree risk assessment (Letter sent by Environmental Justice Australia on behalf of VNPA and WOTCH).
- **9<sup>th</sup> May 2024 Letter to Federal Environment Minister:** Contravention/s of Environment Protection and Biodiversity Conservation Act 1999 (Cth) in relation to Strategic Fuel Break Operations in Victoria's Central Highlands and expert opinion regarding tree risk including Arborists tree risk assessment (Letter sent by Environmental Justice Australia on behalf of VNPA and WOTCH).
- **14<sup>th</sup> May 2024.** One Southern Greater Glider found dead at a FFMV Strategic Fuel Break Operation in the Yarra Ranges National Park.
- **19<sup>th</sup> April 2024 to 21<sup>st</sup> November 2024** found that close to 2000 large and hollow bearing trees had been felled within the Yarra Ranges National Park and surrounding public land as part of the SFB program.

### 3.Key comments on the Terms of Reference (TOR)

We welcome the TOR. They provide a strong basis for a strategic assessment if adequately funded and supported. We believe there are some areas in which the TOR could be strengthened, and further consideration could be included.

#### 3.1 Clarify scope

- The strategic assessment is described as relating to [fire-related] activities undertaken by, at the direction of, or on behalf of the Secretary to the Department of Energy, Environment and Climate Action (the Secretary).
- This is ambiguous. The strategic assessment title includes the word “forest”, but many of the Secretary’s actions will affect non-forest areas, e.g. open woodland, grassland, scrub.
- The TOR needs to clarify if this is a strategic Assessment focused on:
  - a) The current range of activities covered by FFMV
  - b) Management of fire in forests
  - c) Management of fire on public land in Victoria
  - d) Management of fire in Victoria (the Secretary will authorise actions on private property under some circumstances).
- Other (e.g. CFA actions?) scope of ecosystems. The strategic assessment is titled “forest fire” but the TOR makes no reference to specific ecosystems or government departments or authorities.
- We strongly recommend that a broader definition is considered. There would be real benefit to including grasslands, for example, in this strategic assessment. Scope of exemptions for fire response activities
  - It critical that any documentation or approval under this strategic assessment clearly articulate when EPBC Act and associated agreements apply.
  - We understand that fire response is exempted from EPBC consideration.
  - Nevertheless, there needs to be clear articulation to what activities under what circumstances are to be considered fire response.
  - Clarity needs to be provided around when emergency periods start and stop. There is a tendency for FFMV fire response activities to blend into fire preparation activities, leading to excessive roadside clearing, habitat tree removal salvage-type logging and so on.
- Clarity around the manner in which State FFG Act responsibilities interact with the strategic assessment.
  - In practice. For example, in the MSA, the FFG Act is effectively ignored, with EPBC Act exemptions being considered to apply to FFG Act species as well, though without any offsetting or other compensation.
  - Clarify the use of by-products from fire management operations in order to avoid operations being driven by commercial incentives (e.g. logs of removed or fallen trees being sold for saw logs or firewood).

- Clarify the carbon loss implications of removed by-products that are removed from ecosystem function (carbon cycle) and instead burnt as firewood or otherwise.

### **3.2 Consider specifying a full range of fire management and FFMV activities and policies**

- It may be easy to accept as given popular wisdom on the role of fuel reduction as the primary approach to fire management. This tendency should be specifically countered in the TOR by making specific reference to investigating a full range of fire management activities and policies including:
  - New technologies to eradicate fire at point of ignition (e.g. surveillance, rapid attack, aerial actions, drones)
  - Fire zoning to avoid MNES
  - Installation of private fire bunkers
  - Compulsory evacuation
  - Planning to avoid new housing in high danger areas.
- An early detection and response system should be a required outcome to be detailed in the Report.
- The TOR should include all FFMV land management practices including Firewood Collection Programs both domestic and commercial scales.

### **3.3 Specify that measurable KPIs are required**

- No adaptive management program can be undertaken without clear KPIs that are measurable and evidence-based. These will become the inevitable focus of reporting and independent oversight. They will act as guard-rails to ensure progress through the lifetime of the project.

### **3.4 Detail a strong evidence base**

- Good data and analysis are fundamental to the EPBC process. However, there is long history within Victorian fire management of a lack of monitoring, poor data collection, resistance to change, and the application of fire management methods that are no longer well-supported by science. Consequently, specific reference to evidence-based science should be incorporated into the TOR, including references to:
  - Quality of data: There can easily be too great a reliance on modelled data or data of low reliability. The quality of data needs to be clearly and accurately flagged so decisions based on what data can be appropriately reviewed. Where possible, ground-truthed data should be prioritised.
  - Quality of data analysis: detailing modelling analysis and assumptions and error bars.
  - Input from citizen scientists.
  - Frequency, location and scale of burning.
  - Tolerable fire intervals.
  - Recognition of varying needs across ecosystems, landscapes with different fire history, conditions.
  - Explicit discussion of the inevitable trade-offs between management approaches.

- Monitoring.
- Creating clear, measurable protection and mitigation measures for listed species and communities.
- Explicit discussion of short-term v. long-term outcomes of various fire management activities.
- In recent years regulation around fire-prevention techniques has weakened, and the use of logging-like activities that use large forestry machinery has increased (e.g. strategic fuel breaks, storm clean up, post fire salvage).
  - The TOC needs to address the regulatory environment around these specific activities.
- Clarity is needed around the definitions of fire-prevention compared to fire suppression. The greying of these categories has resulted in poor outcomes for MNES.

### **3.5 Consider community engagement**

- The success or failure of fire management relies in part on public acceptance and understanding. Community engagement and education programs should be a required part of any fire management program. These can include citizen science monitoring, post-fire recovery programs, wildlife rescue and survey. TOC should ensure that community engagement program is a funded component of the outcomes.

### **3.6 Greater detail regarding assurances**

- Good governance continues to be hard to come by in some strategic assessments. Public reporting and transparency can be seen as inconvenient burdens to be disregarded. Public input can be seen as a distraction, and ill-informed. When audits or other independent investigations are made, their recommendations are often not welcomed. It is in this context that we consider the TOC should include stronger language around:
  - Independent oversight
  - Transparency
  - Public input
  - Public reporting of MNES
  - Frequency of review
  - How stakeholders must respond to the recommendations of independent oversight.
- Compliance is a crucial mechanism by which assurance is given that the project will achieve its goals. However, compliance is often a matter for other jurisdictions, levels of government, departments, as well as detailed across various acts with their own requirements. It would therefore be wise to very clearly spell out what will be required by whom, using what mechanisms, an exercise to be undertaken in full recognition of the malfeasance of which humanity is capable.
  - One outstanding problem is the role of the Commonwealth in requiring compliance by the Victorian Government. The mechanisms by which compliance can be enforced must we clearly stated.

- Other compliance issues will arise from lack of clarity around:
  - Responsibilities at each level of government
  - Responsibilities for each department within the State Government
  - Resourcing of compliance activities.
- Funding arrangements and capacity must also be very explicitly documented upfront for the Program to be able to achieve stated outcomes.

### **3.7 Broaden the scope of independent auditing**

- It is easy for programs to focus auditing on KPIs, outcomes and commitments. However, in many programs, there are underlying issues which indirectly affect the delivery of the program, and these should be able to be the subject of independent scrutiny. These can include ancillary components such as compliance, transparency, governance structures, tone of public communications, prioritisation of tasks in a complex environment, and so on. It would be counterproductive to limit the brief of the independent auditor to an overly narrow range.

### **3.8 Recognise the use of fire to directly benefit MNES**

- Currently there is very little prescribed burning (for example) that is done primarily for ecological benefit. This imbalance should be addressed.
- Lack of fire can have impacts on ecosystem health. Grasslands are the obvious example. Many grasslands in public ownership are deteriorating to the point of no longer meeting EPBC criteria because of lack of fire.
- Fire management programs must incorporate nature-positive actions as well as risk mitigation.

### **3.9 Specify the factors and decisions made to determine the life of the Program**

- Specify the manner in which this strategic assessment will be handled under the new EPBC Act so as provide certainty and minimise future risks to MNES.
- Be very clear on the lifetime of the project and set specific input and review points lest the long timeline be used as an excuse for inaction.

### **3.10 Require transparency regarding offsets**

- Current Victorian practice is to consolidate offsettable losses incurred on public land and compensate for those losses in some manner. However, this system is generally regarded as somewhat arbitrary and untransparent. The Victorian Government should be as accountable as anyone else, and respond clearly and unambiguously in terms of documenting how losses are offset and mitigated across fire management activities.

### **3.11 Mandate First Nations input**

- The TOR should include reference to the need to integrate First Nations in fire management.
- This should include Traditional Owners with and without Registered Aboriginal Parties (RAP) status.

## Appendices

### Case Study #2 : Addressing Bushfire Impacts on Enfield Grevillea

The Enfield State Park and Enfield State Forest, located in Wadawurrung Country, Central West Victoria, are home to the vulnerable Enfield Grevillea (*Grevillea bedgoodiana*) and other EPBC-listed species. The Victorian National Parks Association (VNPA) has raised concerns regarding ongoing fuel break and planned burn activities by Forest Fire Management Victoria (FFMV), which may threaten these species.

The Victorian Fire Code of Practice 2025 outlines **Ecosystem Resilience and Nature Conservation** as one of its core objectives, which emphasises minimising the adverse impacts of bushfire management activities on ecosystems and promoting the conservation of native flora and fauna. Unfortunately, current fire management practices in Enfield State Park do not align with this objective, as they have already caused significant damage to important biodiversity values.

#### Objective 4: Ecosystem resilience and nature conservation

- Maximise the resilience of natural ecosystems to future bushfire under a changing climate and to preserve biodiversity, clean water, and carbon storage.
- Minimise adverse impacts of fire management activities on environmental values.

The TOR for Strategic Assessment - “5.3 The Report must detail how adaptation to reasonable climate change scenarios will be considered in the implementation of the Program where such data exists.” ... does not align with the Victoria Fire Code objectives. The concept of maximising resilience should be considered as part of the TOR. The following case study illustrates some of the tensions.

#### Impacts of Fire Management on Enfield Grevillea and Ecosystems

Enfield Grevillea is highly susceptible to mechanical disturbance and inappropriate fire regimes, both of which have been identified as key threats to the species. VNPA has documented damage to the Grevillea's habitat through mechanical mulching and fuel break operations, which have included the removal of hollow-bearing trees and the introduction of heavy machinery to sensitive areas. Such actions pose a serious risk to the species and are contrary to its National Recovery Plan.



**Fig 1:**

*Enfield Grevillea destroyed by creation of planned burn boundary. Enfield State Park.*

The **Informed Decision-Making** principle in the Code states that decisions must be based on robust science and local knowledge. VNPA recommends that local data, including field observations from citizen scientists around habitat damage, should be integrated into fire planning to ensure that sensitive areas, such as those containing Enfield Grevillea, are excluded from broad scale burns or fuel break operations.

#### **Fire Experiments on Enfield Grevillea: Legal and Ethical Concerns**

VNPA has also expressed concerns about a fire response experiment being conducted on Enfield Grevillea populations without appropriate environmental approvals under the Environment Protection and Biodiversity Conservation (EPBC) Act. The lack of transparency around this experiment raises questions about compliance with the EPBC Act, which requires proper environmental assessments for actions that may significantly impact listed species.



**Fig 2:** 10 metre x 10 metre *Grevillea* fire experiment site.

The Draft Code emphasises that **Compliance with Legislative Obligations** is a fundamental requirement of bushfire management, and VNPA urges that any experiments involving fire and EPBC-listed species be fully assessed and approved through the appropriate legal channels. Ensuring transparency and accountability in such projects is critical to maintaining public trust and safeguarding vulnerable species.

The Code outlines **Mitigation Strategies** designed to optimise outcomes for both bushfire risk reduction and biodiversity conservation. To align with these strategies, VNPA recommends the following actions:

1. **Zoning Adjustments:** Enfield State Park should be classified as a **Fire Sensitive Zone (FSZ)**, where fire management activities are restricted to protect vulnerable species like Enfield *Grevillea*.
2. **Exclusion of High-Value Habitat from Planned Burns:** Using tools such as NaturePrint's Habitat Importance Modelling, DEECA should exclude areas of high conservation value from broad-scale planned burns. VNPA have also found critical failings in appropriate surveys in the area. Past surveys had been restricted to roadside surveys and missed entire important populations further off track. The Department indicated that it was relying upon Victorian Biodiversity Atlas records that had not been updated since 2015. This highlights a potential data hole where impacts on populations may be under or over estimated.

3. **Use of Targeted Ecological Burns:** Where fire is necessary, it should be applied in a highly controlled and targeted manner, with input from ecological experts and Traditional Owners to ensure that fire is used as a tool to enhance biodiversity rather than harm it.



*Figure 3: Enfield planned burn. Visible crown scorch and complete destruction of ground cover. 25/10/2024*

**The Enfield example highlights the need** include key to the principles in Draft Code, including the following:

1. **Require Environmental Referrals for Burns in EPBC-Listed Species Habitats:** All planned burns impacting EPBC-listed species should undergo environmental referrals under the EPBC Act to ensure proper legal protections are in place.
2. **Integrate Local Knowledge and Data into Fire Planning:** VNPA and environment group citizen science on-ground data should be used to inform planning decisions, ensuring that sensitive areas are protected from damaging fire management activities.
3. **Ensure Transparency in Fire Response Experiments:** Any experiments involving fire and vulnerable species should be fully transparent, with findings shared publicly and subjected to peer review to ensure scientific rigor. Relocating the Office of the Conservation Regulator to the Department of Justice and granting it independent oversight of approved activities would enhance environmental outcomes and foster greater public trust in FFMV's forest management practices.
4. **Revise Burn Plans for Enfield State Park:** Fire-sensitive areas within the park should be excluded from broad-scale burns to protect the long-term survival of the Enfield Grevillea and other species. This would also align with the purposes in the Enfield State Park Management plan to protect important species such as the Enfield Grevillea.

5. **Engage Traditional Owners in Fire Management:** Work in close collaboration with Wadawurrung Traditional Owners to incorporate cultural fire practices that align with both biodiversity conservation and bushfire risk reduction objectives.



*Figure 1 Enfield State Park Planned burn crown scorch 2024. There were numerous Enfield Grevillea records in the northern section of the burn. This is where the highest crown scorch and high mortality rate of Grevillea.*



*Figure 2 Charred remains of Enfield Grevillea.*

## 2026 UPDATE:

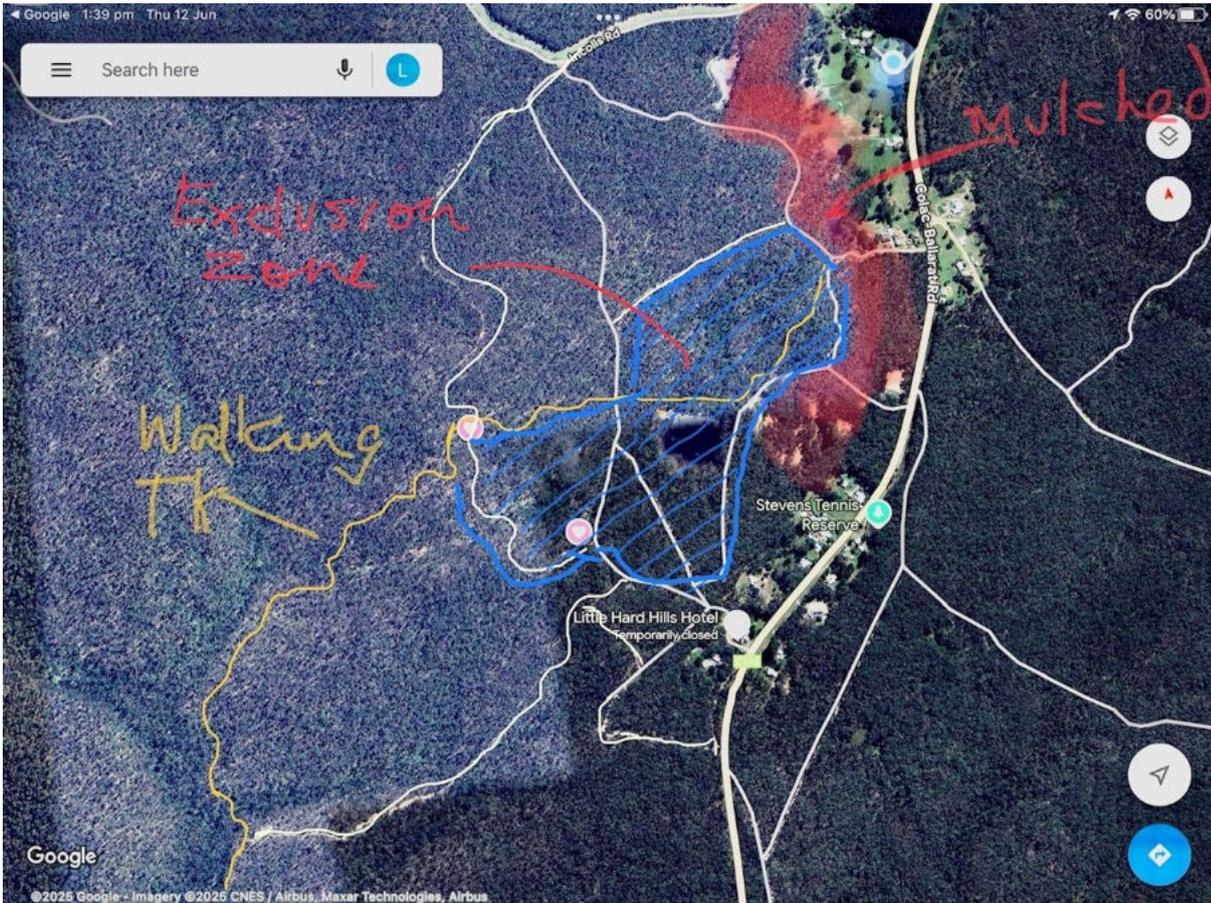


Figure 3 Image supplied from local environment group

In early February 2026, VNPA was alerted that fresh burn preparation works had commenced in the Enfield State Park. These works have been conducted in an area that FFMV had agreed to significant exclusion zones.

- Trees have been marked for removal in areas inside the agreed exclusion zone.
- Trees have been rake hoed in area that was agreed exclusion zone.
- Large populations of Enfield Grevillea that have not been added to the VBA are within areas of the burn.
- Enfield Grevillea in an area subject to a planned burn in 2024 and subsequent dry years have not recovered.
- The impacts to the Enfield Grevillea from planned burns and then subsequent dry years has not been determined.
- The results of the Enfield Grevillea trial have not been publicly released except for a preliminary report available

here: [https://www.ari.vic.gov.au/data/assets/pdf\\_file/0035/729575/Enfield-Grevillea-Fire-Regimes-Fact-Sheet-2024.pdf](https://www.ari.vic.gov.au/data/assets/pdf_file/0035/729575/Enfield-Grevillea-Fire-Regimes-Fact-Sheet-2024.pdf) that appears to ignore the previous management plan recommendations for excluding inappropriate fire regimes.

- VNPA's visits to the monitoring plots indicate a very high mortality rate.
- The methodology of burning a 20 m by 20 m plot under controlled conditions risks distorting the results, as temperatures and fire intensity within larger planned burn areas are likely to be far more severe and damaging. Areas that were previously treated with mechanical mulching have shown large declines in Orchid numbers. This may be due to dry years but monitoring of this as well as the Enfield Grevillea should be instigated.
- There are several reported tall tree forms of Enfield Grevillea that are approximately 1.8 metres high have not been thoroughly investigated as being a sub-species. Further investigation should be done on these populations to ensure that a sub-species does not go extinct.
- Swamp Skinks were identified by Nick Clemman approx. 20 years ago. There are some likely habitat areas around several waterways, seeps and drainage lines that should be investigated before further burns are instigated. All of these issues have been raised and lodged with the Department.
- There are several populations of Banksia Marginata – Silver Banksia in the northern section of the planned burn that may be completely wiped out by the burn. These populations are in good health and provide food sources for local and migratory birds. Given the severe bushfire impacts across the region great care should be taken to protect existing populations.
- Previous surveys for Enfield Grevillea were conducted in a roadside inspection. Minimal surveys have been conducted in the interior of the planned burns.

## Case Study #3: Impact of Planned Burns on Brush-Tailed Phascogales and Mountain Skinks in Victoria

In early 2024, the Victorian National Parks Association (VNPA) raised concerns about the potential impacts of planned fuel reduction burns in Victoria’s Dales Creek and Greendale-Greenhills Road areas. The focus of VNPA’s investigation was to protect two vulnerable species: the Brush-tailed Phascogale (*Phascogale tapoatafa*) and the Mountain Skink (*Liopholis montana*). Both species inhabit these forest areas, which are slated for planned burns as part of bushfire management efforts led by the Department of Energy, Environment and Climate Action (DEECA). While the Brush-tailed Phascogale species is not federally listed, it does highlight the question of how State-listed species will address in the strategic assessment process.



**Fig 01:** Baby Mountain Skink, Dales Creek.

### Discovery and Monitoring Efforts

VNPA initiated wildlife monitoring programs in Dales Creek using camera traps between January and February 2024, detecting Brush-tailed Phascogales at four distinct locations. The forest at Dales Creek consists primarily of young trees recovering from historical logging, with few hollow-bearing trees crucial for phascogale survival. Hollow trees provide critical shelter for the phascogales, a species already listed as Vulnerable under *the Flora and Fauna Guarantee Act* (FFG Act). The

findings suggested that the Dales Creek site was of local ecological significance due to its role in supporting a small population of these shy, cryptic marsupials.



**Fig 02:** *Phascogale on log in Dales Creek planned burn site. 31/01/2024*

Following the initial monitoring, VNPA requested that DEECA delay or modify the planned burns to protect this population of phascogales, noting that the forest had naturally thinned and was not an extreme fire risk. We argued that burning could further degrade the habitat by destroying essential elements like hollow-bearing trees and fallen timber, which are vital for phascogales' foraging and shelter needs.

### **DEECA's Planned Burn Strategy**

Despite VNPA's concerns, DEECA proceeded with fuel reduction burns in Greendale-Greenhills Road in October 2024, which affected both Brush-tailed Phascogale and Mountain Skink habitats. While DEECA outlined mitigation measures, including low-intensity mosaic burns and efforts to protect specific habitat features (e.g. hollow-bearing trees and skink burrows), VNPA documented that significant portions of the habitat were severely burned. Logs were directly ignited, and canopy scorch indicated that the burn was hotter than intended, severely impacting the forest floor and ground habitats that both species depend on.



**Fig 03:** *Areas of high Crown scorch – Dales Creek. 21/10/2024*

### **Impact on species**

The impact on the Brush-tailed Phascogale was particularly concerning, as the species requires extensive home ranges, and even small populations need large, intact habitats. Phascogales forage over a vast area, with females covering up to 70 hectares and males up to 100 hectares. The destruction of hollow-bearing trees and fallen timber could lead to the local extinction of this population, which was already small and vulnerable.



Figure 1: Satellite imagery Dales Creek with crown scorch visible

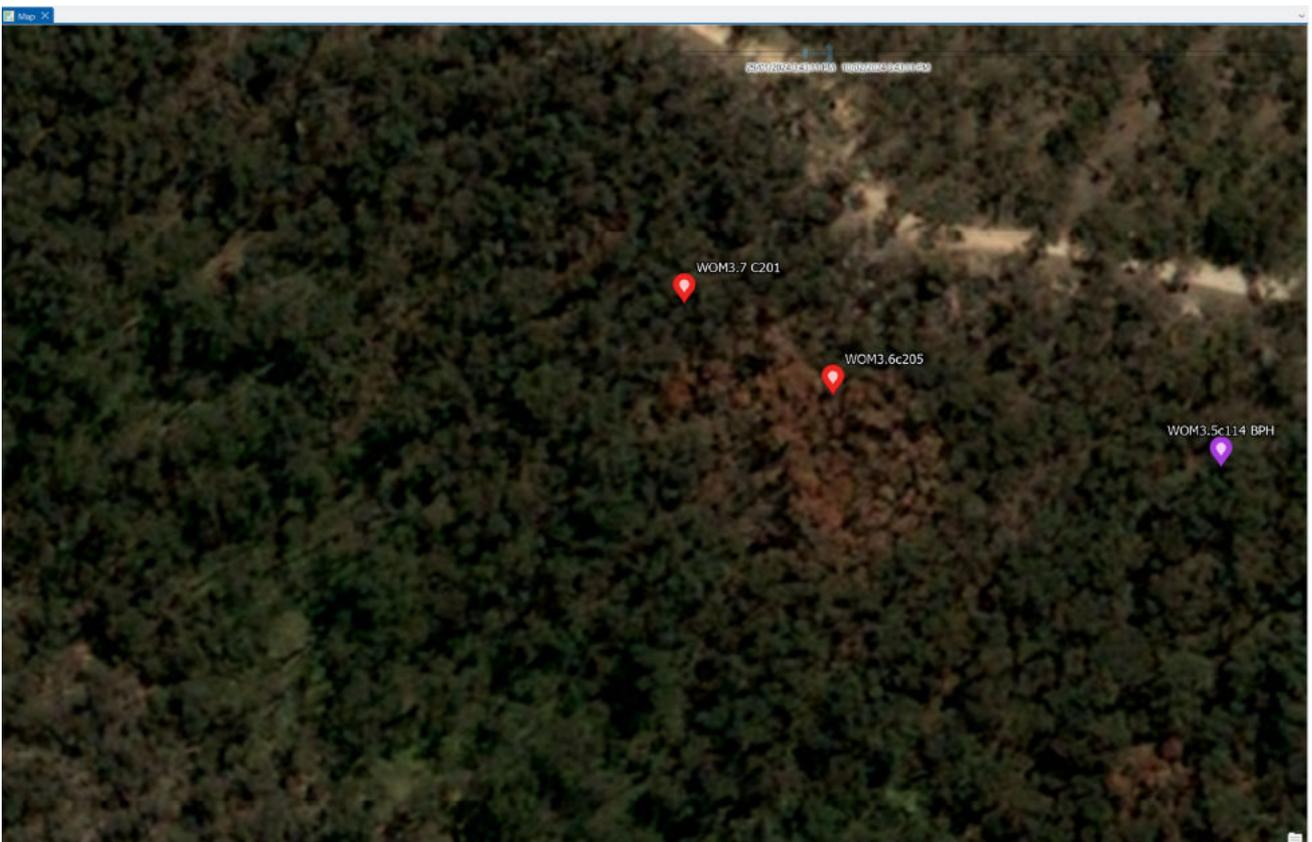


Figure 2 Close up of map above. Camera locations were reported to FFMV. This site had one of the highest crown scorch post-burn.

Similarly, the Mountain Skink, another species of concern, suffered significant habitat loss. VNPA highlighted that the burn was incompatible with the Conservation Advice for *Liopholis montana*, which calls for the protection of long-unburnt forests, essential for maintaining reptile diversity. Wombat Forestcare have argued that DEECA failed to conduct proper surveys before the burn and may have breached both state and federal environmental laws, including the EPBC Act.

### Lessons learned

This case underscores the tension between fuel reduction efforts and the conservation of fire-sensitive species. VNPA's findings suggest that broad-scale burns, even when aimed at reducing fire risk, can severely degrade habitats critical for vulnerable species like the Brush-tailed Phascogale and Mountain Skink. VNPA called for more nuanced, ecological burns that protect key habitat elements while reducing fire risk in a targeted, minimal way.

It also highlights the importance of thorough scientific assessments before planned burns, particularly in areas known to support threatened species. VNPA's monitoring efforts revealed that the lack of comprehensive pre-burn surveys contributed to unnecessary habitat destruction. Moving forward, VNPA recommended adopting more sensitive fire management strategies that align with species' ecological needs, particularly in forests that have gone unburnt for extended periods and provide essential refuges for biodiversity.



*Figure 3: Log in the forest long unburnt since 1983 breaking down and providing prime habitat and browsing.*

VNPA and partner environment group efforts to monitor wildlife and advocate for the protection of threatened species in planned burn areas have brought attention to the need for improved management of fire-sensitive ecosystems. By incorporating ecological insights and operational

oversight by an independent body into fire planning and execution, Victoria's land management agencies can better balance the dual objectives of bushfire risk reduction and biodiversity conservation.



*Fig 04: Dales Creek planned burn.*

### **Addressing Cultural and Ecological Objectives**

One of the key objectives of the Draft Code is Aboriginal Self-Determination in Cultural Fire and Bushfire Management, which recognises the fundamental role of Traditional Owners in fire management on Country. VNPA supports the inclusion of Wadawurrung Traditional Owners in decision-making processes and recommends that cultural knowledge and fire practices be integrated into all fire management activities in the Enfield area. This collaboration will help ensure that both ecological and cultural objectives are met.

In addition, the Draft Code acknowledges the need for Climate Change Adaptation in bushfire management. VNPA stresses the importance of planning for long-term changes in fire regimes due

to climate change, particularly in sensitive ecosystems like Enfield State Park, where species such as the Enfield Grevillea are already vulnerable to shifting environmental conditions

23 March 2022

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s25: irrelevant

Department of Environment, Land, Water and Planning  
Level 13, 8 Nicholson Street, East Melbourne, VIC, 3002

**Re. Strategic fuel break work on Road 8 (Paradise Plains area near Marysville)**

Dear s25: irrelevant,

Zoos Victoria are writing to you to formally request the immediate application of four treatment exclusion zones to mitigate impacts to Leadbeater's possum from strategic fuel break maintenance along Road 8 near Marysville.

Following a site visit with DELWP staff, Zoos Victoria wrote to DELWP on 7 February 2022 outlining our concerns with the maintenance work and impacts to Leadbeater's possum and recommended that the works be limited to three designated sections while comprehensive surveys and definition of the environmental impacts and associated mitigations were determined. To date, DELWP have not responded to the letter and tree removal works along the break have continued.

In the letter we also drew attention to EPBC Referral 2009-4713 that requested approval to undertake maintenance of numerous previously constructed breaks including Road 8. Of specific note the referral states "*Further removal of suitable habitat for the Leadbeater's Possum is not proposed as part of the maintenance and rehabilitation of the previously constructed fuel breaks.*" It is Zoos Victoria's view that the current maintenance works are at odds with this statement and several of the conditions under which the action must be taken as per the referral decision. We also question what mitigation measures are being applied more broadly for the Greater Glider considering its EPBC listing since the original referral?

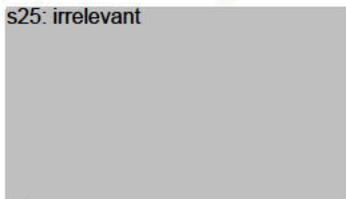
The formal request to immediately apply the four treatment exclusion zones follows a more recent site visit involving Zoos Victoria, the Arthur Rylah Institute, DELWP Port Phillip Natural Environment Programs and DELWP Strategic Fuel Breaks Project Lead Port Phillip Region. At the conclusion of this visit the Strategic Fuel Break Project Lead agreed to immediately implement the exclusion zones into operations and inform relevant contractors.

We ask s25: irrelevant that you please ensure this agreement is upheld, and that the exclusion zones are implemented. Background information can be found at the end of this letter.

As the strategic fuel breaks program continues and expands, Zoos Victoria's are keen for early opportunities to collaborate with DELWP to find constructive approaches to protect and mitigate impacts to threatened species and other important environmental values.

Yours sincerely,

s25: irrelevant



Zoos Victoria

s25: irrelevant



Zoos Victoria



## Background information

The maintenance works along the Road 8 strategic fuel break span ~24 km in length. Hazardous tree removal works, that includes pre-1900 hollow-bearing trees, is occurring up to 70 m into dense forest regenerating from Black Saturday, constituting major disturbance to the dense vegetation structure upon which Leadbeater's Possum relies. On 7/2/22, Zoos Victoria wrote to DELWP raising concerns about the lack of detailed surveys to evaluate impacts on environmental values, particularly Leadbeater's possum. We also drew attention to the EPBC Referral 2009-4713 that states:

*"The Leadbeater's Possum habitat comprises hollow bearing trees, and stands of middle storey acacia trees in Damp and Wet Forest types. Removal or fragmentation of this habitat has the potential to affect this species. Further removal of suitable habitat for the Leadbeater's Possum is not proposed as part of the maintenance and rehabilitation of the previously constructed fuel breaks. Rehabilitation of constructed firebreaks will be in accordance with Appendix 3. Therefore, the probability of a significant impact on this species from the rehabilitation and maintenance of the already constructed fire breaks is considered very low."*

We recognise that small, scattered operational exclusion zones can be problematic, and have factored this into our recommendation. The length of the four proposed exclusion zones for Leadbeater's Possum are ~490 m, 120 m, 140 m, and 200 m in length, respectively. This should present very minor operational impacts, as two of the exclusion areas predominantly overlap existing wildlife corridors (already subject to exclusion), and a third had very few hazardous trees and has already been subject to treatment (however implementing the exclusion zone based on the habitat values for Leadbeater's possum still has merit). So, the tangible change arising from this request relates to a single 490 m length of forest where no hazardous tree removal should occur owing to the high-quality habitat it provides for Leadbeater's possum. The numbers of dead standing trees (within a tree length of the road) along this stretch is relatively low compared to many other areas along the break.

Ecologists at the Arthur Rylah Institute have indicated that the proposed exclusion zones can be incorporated into the monitoring programme they have been contracted to implement, that includes assessment of mitigation methods. Zoos Victoria are also committed to undertaking further Leadbeater's possum surveys (and targeted nest box installation) in the Paradise Plains area to examine the condition and recovery of Leadbeater's possum populations.

Leadbeater's possum is likely to be among the species most severely impacted by the maintenance works due to the loss of dense vegetation structure and removal of numerous hollow-bearing trees. This area is of strategic importance to species' conservation, as it occurs at an important location in a landscape and supports a significant population recovering from Black Saturday. Zoos Victoria surveys detected the species at 16 of 19 camera trapping sites along Road 8 and Paradise Plains Road when searching for nest box installation locations. These detections have not had 200-m radius exclusion buffers applied and are being treated for hazardous trees up to 70 m into the forest. It is very clear that the works are having significant negative impacts on the quality of habitat for Leadbeater's possum in the immediate areas subject to treatment. The population implications of this are unclear, as no broader assessments have been undertaken. There is some level of uncertainty regarding the extent of regeneration that will occur following the works, so these impacts may be long-lasting.

We would like to acknowledge the consultation regarding mitigation options for Leadbeater's Possum initiated by DELWP Port Phillip and the significant efforts undertaken to minimize impacts on habitat values for Leadbeater's possum arising from hazardous tree removal.

However, our observations following the works have clearly highlighted pronounced negative impacts on habitat condition, particularly through the reduction in stem density. Our observations indicate that maintenance of these exclusion areas along the length of the fuel break is highly worthwhile, however, this approach alone is inadequate to retain habitat values for Leadbeater's possum. In this context, the total length of the break becomes highly relevant and determines the scale of impact.

The Road 8 case study highlights that, while modified tree removal approaches may provide some benefits for biodiversity, exclusion zones are the most effective means of maintaining environmental values along strategic fuel breaks. Zoos Victoria are strongly supportive of the 80:20 principle, whereby 20% of the fuel break's length may remain untreated to protect other values. We also readily acknowledge, that in the event of bushfires, it may become necessary to conduct fire management operations within exclusion zones.

The approach of applying exclusion zones has broader applicability beyond Road 8 for a range of threatened species. We would highlight that it is extremely disappointing that >600 hollowing-bearing trees were recently removed in forest supporting high densities of Greater Glider along the Road 11 strategic fuel break. This is a standout example where exclusion zones should have been examined. We also question what mitigation measures are being applied for the Greater Glider now that it is a listed species under the EPBC Act (it was not listed when the original referral was submitted in 2009).

7 February, 2022

s25: irrelevant

Port Phillip Region  
Department of Environment, Land, Water and Planning

### Re. Strategic Fuelbreak work on Road 8 (Paradise Plains area near Marysville)

Dear s25: ,

Based on the site visit on Friday (4/2/22), my observations and recommendations on the fuelbreak impacts along Road 8 are as follows:

#### Site-specific observations

Each site we visited was slightly different with regard to the size of the area subject to treatment and the context arising from the neighbouring habitat. My general assessment would be that the current impacts are of an intermediate scale, however this would be increased to high if translated along the full length of the proposed area to be treated (i.e. ~24 km).

Retaining dense clusters of live stems within the treated area remains a critical priority and objective.

Following tree removal works, consideration should be given to the debris that remains on the ground that may impede habitat regeneration (ANU should be sought for advice on the best means of promoting natural regeneration). The regeneration requirements (objectives) for the treated area seem unclear and poorly defined.

Greater clarity on the how certain mitigations should be implemented could be provided to the contractors. For example, what size trees should be stumped, how many trees should be stumped in a defined area, whether the stumping is primarily to provide a source of future hollows (natural or chainsaw) or to assist retention of some vertical vegetation structure in the short-term. This latter point relates to my comments below regarding the lack of clearly stated conservation objectives accompanying the works. In addition, retained stumps should ideally be in close proximity to live stems (< 3 m).

My main recommendation is that the scope of the works should be restricted to the three 2.5 km lengths identified and not extended beyond that. This will limit the area subject to treatment while the core planning gaps and areas of contention outlined below can be addressed.

Upon further reflection, I also suggest that Leadbeater's Possum records should require buffers (it seems highly inconsistent that this standard is applied to VicForests and not DELWP).

### **Broader observations**

I remain unconvinced that this work is appropriately covered by pre-existing permits that were issued following severe fire impacting the area. The context is entirely different a decade on, given that the treatment area now provides high quality habitat for Leadbeater's Possum (and survey data indicate high occupancy by the possum throughout the area).

Given these changed circumstances, advice from the EPBC permits section is clearly warranted as a minimum, and a formal referral may be required. Definition of what constitutes maintenance of an 'existing fuelbreak' will be central to this discussion. From my perspective, the area being treated is regenerating forest that currently provides high quality habitat for a Critically Endangered species, which is a very different interpretation to maintenance work along an existing fuelbreak.

I would highlight that VicForests are currently being held to higher environmental standards than this project, given that they are required to adhere to the following:

- Pre-logging surveys
- Retain hollow-bearing trees
- Apply 200-m radius buffers around Leadbeater's Possum records
- Ensure forest regeneration occurs in areas subject to logging.

It seems a major planning gap that formal criteria for each of these areas are not being applied (even if these criteria vary to those used by VicForests, each should still be specified).

The absence of thorough pre-treatment surveys is a major (and unacceptable) gap. While the discussions and site visits that have occurred among various stakeholders are commendable, and have been constructive, they are not an adequate substitute for a detailed survey. The current monitoring being initiated by ARI should have been completed prior to the commencement of tree removal operations. Also note that the Zoos Victoria camera trapping survey for Leadbeater's Possum were related to a nest box project and independent of the fuelbreak project (i.e. sites were selected prior to Zoos Victoria being notified about the fuelbreak project). Thus, while the latter data are informative and valuable, they do not constitute a thorough assessment of the area subject to treatment.

Leadbeater's Possum is likely to be among the species most severely impacted by the works due to the loss of dense vegetation structure and removal of numerous hollow-bearing trees. This area is of strategic importance to species' conservation, as it occurs at an important location in a landscape and supports a significant population recovering from Black Saturday. Several key questions have not been examined in the discussions that I have participated in, such as whether 200-m buffers should be applied to Leadbeater's Possum records. My view is that buffers should be applied, albeit the impact of doing this on the operation area remains uncertain given the absence of pre-treatment surveys. This highlights a major gap around the stated conservation objectives accompanying this project. Is the intention to retain Leadbeater's Possums throughout the forest area subjected to treatment? Abandonment of these sites does not seem like an acceptable outcome. Inadequate consideration has been given to treatment exclusion zones to reduce fragmentation effects. Greater clarity on the conservation objectives would help inform the application of various mitigation measures (i.e. is the objective for forest cover to regenerate in the areas that are treated? If so, what approaches can facilitate this?).

To this point in time, it seems that there has been greater emphasis on the operational aspects of the fuelbreak work, and some key conservation objectives require further attention. Zoos Victoria are not part of the core planning group for this project, and I acknowledge that there will be many planning documents with which I am not familiar. Please disregard my comments

above where this is the case. However, I would stress that the points above reflect the nature of the on-ground discussions.

The area to be treated is significant (~170 ha). Given assessment of the values (and therefore impacts) along the full length of this break have not been undertaken, my strong recommendation is that the current works be restricted to the three designated 2.5 km sections. More comprehensive surveys and definition of the environmental outcomes should be undertaken before additional areas are subject to this work. Buffers should also be applied to Leadbeater's Possum records.

Yours sincerely,

s25: irrelevant

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Zoos Victoria