



20 February 2026

***Public comment on the Draft Terms of Reference for a Strategic Assessment of Victorian Forest Fire Management in Victoria under the EPBC Act***

**Submitted by:** Gippsland Environment Group Inc. (GEG)

**Location:** On the unceded lands of the GunaiKurnai, Yaitmathang, Ngarigo, and Bidwell Peoples.

Gippsland Environment Group has advocated for the protection and restoration of Gippsland's forests, wetlands and rivers for over 20 years.

Four GEG case studies are included in this document.

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**FFMV BURNS ARE REDUCING HABITAT AT A LANDSCAPE SCALE**

DEECA/FFMV are proposing:

- Up to **300,000 hectares per year of prescribed burning**, and
- **6,000 km of new strategic fuel breaks** across Victoria, including in ecologically sensitive areas on public land.

FFMV "planned" burn operations are carried out in ecologically diverse regions across all land tenures – state forests, national parks and nature reserves.

GEG has grave reservations about this proposed Strategic Assessment - with its clearly stated objective of Forest Fire Management Victoria (FFMV) receiving landscape scale approvals, without referrals to the EPBC Act.

This proposal replicates the EPBC exemption granted to the Regional Forests Agreements in Victoria, undertaken in the late 1990s early 2000s, which had disastrous consequences for Threatened Species.

Under the Draft Terms of Reference (ToR) for the Strategic Assessment of Planned Bushfire Management in Victoria, DEECA is obliged to:

*...describe the impacts and assess the risk of actions under the program including the risk of significant impacts to all relevant protected matters under Part 3 of the EPBC Act to ensure the long-term protection of those matters.*

It is not clear if the ToR will even review FFMV current operations and systems, which have already caused widespread destruction of Nationally Listed Species and EVCs.

**GEG recommends that an independent review of FFMV policies and operations be undertaken before any Strategic Assessment.**

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## **CURRENT FFMV OPERATIONS DEPEND ON A SERIOUSLY FLAWED AND OUTDATED SYSTEM**

FFMV operational planning routinely relies on outdated or incomplete Victorian Biodiversity Atlas (VBA) records.

FFMV relies on the VBA for operational planning even though the data is invariably out of date—with records uploaded at least 18 months after reporting, if they are uploaded at all.

GEG has observed that despite extensive surveying post 2019/20 bushfires by DEECA and Birdlife Australia for Glossy Black Cockatoos in East Gippsland, **very few of records appear to have been uploaded.**

The VBA is a poorly funded, unwieldy data system which deters members of the public from submitting records.

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## **BLANKET APPROVAL OF FFMV'S CURRENT PRACTICES IS UNACCEPTABLE**

- There is no mandatory Code of Protection for nationally threatened species to guide FFMV planning.
- There is no independent oversight of DEECA/FFMV burn operations to enforce the protection of threatened species and ecosystems.
- Planned burn operations do not involve pre-burn on-ground biodiversity surveys, despite the shortcomings of the VBA, and the shortcomings of DEECA's own corporate spatial data library.
- The Natural Environment Program (NEP) of DEECA has been disbanded. At regional East Gippsland level there are currently so few biodiversity officers that even if there was a mandatory code of protection, there would be insufficient staff to oversight the regulations.
- GEG has repeatedly observed that biodiversity recommendations are over-ridden by local FFMV operational staff.

- FFMV refuse to provide burn plans to the public on request. Environment groups are forced to apply under FOI to obtain burn plans. They invariably wait for many months for the documents and even then, crucial information is redacted.

### Current FFMV operations routinely fail to:

- Protect threatened species and habitats
- Use up-to-date ecological data for planning
- Enforce exclusion zones around recorded species
- Ensure transparency and independent oversight.

The information provided by FFMV with the Draft ToR states:

*Strategic assessments deliver conservation and planning outcomes at landscape scale. This approach can be more efficient and effective than doing project-by-project assessments.”*

<https://www.ffm.vic.gov.au/bushfire-risk-management/strategic-assessment-bushfire-management> (FAQ)

Well may FFMV say it can be “more efficient” to scrap “project by project” assessments, but this is simply an excuse for avoiding compliance with federal government environmental law.

For DEECA/FFMV to comply with the EPBC Act, they would have to fundamentally change their methods. At the first instant, on-ground, site-specific ecological assessments are required, both pre and post burns, use of current data, and recognition and engagement with contemporary scientific research.

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## EMERGING EVIDENCE INDICATES THAT PRESCRIBED BURNING MAY ACTUALLY INCREASE FLAMMABILITY<sup>1 2 3 4 5 6</sup>

In this context, it is inappropriate for the Strategic Assessment to assume planned burning is inherently beneficial without rigorous, evidence-based evaluation that is publicly available.

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<sup>1</sup> *Identifying and managing disturbance-stimulated flammability in woody ecosystems*

David Lindenmayer, Phil Zylstra First published: 17 December 2023 <https://doi.org/10.1111/brv.13041> Digital Object Identifier (DOI)

<sup>2</sup> *Self-thinning forest understoreys reduce wildfire risk, even in a warming climate.* Philip J Zylstra<sup>1</sup>, S Don Bradshaw and David B Lindenmayer. Published 18 March 2022. <https://iopscience.iop.org/article/10.1088/1748-9326/ac5c10/pdf>

<sup>3</sup> *Are the alternative ecosystem states produced by positive fire-flammability feedbacks reversible?* Philip J Zylstra and David B Lindenmayer. Published 1 December 2025. <https://iopscience.iop.org/article/10.1088/1748-9326/ae18e7>

<sup>4</sup> *Indigenous Knowledge, Aspiration, and Potential Application in Contemporary Fire Mitigation in Southwest Australia.* Ursula Rodrigues et al. Published: 26 October 2022. <https://link.springer.com/article/10.1007/s10745-022-00359-9>

<sup>5</sup> *A 1939 Royal Commission found burning forests leads to more bushfires. But the cycle of destruction can be stopped.* December 2, 2025. <https://phys.org/news/2025-12-royal-commission-forests-bushfires-destruction.html>

<sup>6</sup> *Long-unburnt habitat is critical for the conservation of threatened vertebrates across Australia.* Brenton von Takachet et al. <https://link.springer.com/article/10.1007/s10980-022-01427-7>

## **FFMV OPERATIONS RESULT IN DISASTERS FOR THREATENED SPECIES, EVERY YEAR**

Over the last decade, **Gippsland Environment Group (GEG)**, has provided much evidence of FFMV's serious failures of compliance with statutory requirements under the **Flora and Fauna Guarantee Act 1988 (FFG Act)** and the **Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)**.

GEG has:

- Carried out hundreds of detailed GPS surveys, pre and post burn, submitted to DEECA/FFMV at all operational levels - and to other government agencies, including federal.
- Undertaken multiple meetings with FFMV bureaucrats and staff, presenting evidence of threatened habitat destruction due to inappropriately hot "planned" burns.
- Written hundreds of emails and letters to authorities, both state and federal, warning of and reporting inappropriate burns.  
**Please see attached** as an example, "*Letter of Further information of FFMV operations in Victoria*" sent to DEECEW Compliance Team, 21 July 2025 jointly by GEG and VNPA.

## **DEECA/FFMV DO NOT HONESTLY OR TRANSPARENTLY CONSULT WITH COMMUNITIES**

GEG often receives no reply at all, to emails or survey reports. If there is a reply it is a form letter that rarely addresses specific issues, species or sites.

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### **CASE STUDIES**

This submission details multiple case studies demonstrating **systemic failures in FFMV operations** that threaten nationally and state-listed species and habitats, highlighting gaps in compliance, transparency, and risk assessment under both the EPBC Act and Flora and Fauna Guarantee (FFG) Act 1988.

#### **Case Study 1: Lake Tyers State Park – Mass Loss of Hollow-Bearing Trees**

**Location:** Toorloo Arm/Stoney Creek, Lake Tyers State Park

**Planned burn:** Nowa Nowa-Stoney Creek GP-TBO-NOW-0014, 5–11 March 2025, 122 ha

Photos and more information: <https://www.geg.org.au/lake-tyers-park-burn-2025>

This old coastal forest contains **RAMSAR wetlands, warm temperate rainforest, estuarine wetlands, limestone box woodlands, and threatened fauna habitat**. Threatened species include **Masked Owls, Sooty Owls, Greater Gliders, and White-bellied Sea Eagles**. GEG surveys documented:

- **100+ large old hollow-bearing trees destroyed**, felled, or collapsed within 20 ha surveyed.
- **Threatened flora killed**, including *Acacia caerulescens* (EPBC VU) and *Pomaderris oraria* subsp. *calvicola* (FFG EN).
- Many of the felled trees were removed from the Park post-burning by firewood collectors.

#### Issues:

- Hollow-bearing trees are protected under the FFG Act, yet no enforcement or monitoring occurred.
- EPBC Compliance was notified of breaches but **refused to disclose outcomes**, demonstrating a systemic lack of accountability.
- Burn plans were withheld from the public; threatened species records were redacted, **preventing effective oversight**.

**TOR relevance:** FFMV operations clearly failed to assess and manage risks to listed species and ecological communities, contrary to Part 3 obligations under the EPBC Act.

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#### Case Study 2: Glossy Black-Cockatoo Habitat, East Gippsland

**Species:** *Calyptorhynchus lathami* (EPBC Vulnerable)

**Threats:** Fire-sensitive Black Sheoak (*Allocasuarina littoralis*) and hollow-bearing Eucalyptus trees.

#### Findings:

- Planned burns continue in **known Glossy Black-Cockatoo habitat**, including areas functioning as critical refugia post-2019 bushfires.
- GEG surveys documented **active feeding sites burned**, destruction of young Black She-oaks, and canopy and hollow damage, rendering mature trees unusable for nesting.
- FFMV has **targeted Black She-oaks during planned burns**; machinery and ignition have destroyed habitat even when species records were provided directly.

#### Compliance gaps:

- EPBC Compliance was notified of serious breaches, but outcomes remain undisclosed.
- Federal recovery data from government-funded Glossy Black-Cockatoo projects is not publicly available via the Victorian Biodiversity Atlas and it is unclear if **this data is incorporated into planning**
- A few small areas of Glossy Black habitat in the Newmerella area were removed from FFMV burn plans in 2025, however the landscape scale of she-oak woodland destruction continues, resulting in ever decreasing islands of habitat.

**TOR relevance:** Planned burns continue without species-specific risk assessment or EPBC referral, **placing the species at risk of extinction.**

Media: <https://www.theguardian.com/environment/2025/may/18/glossy-black-cockatoos-victoria-forest-burn>

**NOTE: GEG reports submitted to EPBC Compliance** in March 2025, re FFMV prescribed burn impacts on Glossy Black Cockatoo habitat, can be provided on request.

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### Case Study 3: Providence Ponds Flora and Fauna Reserve – New Holland Mouse and Threatened Flora

**Location:** Gippsland Plains, Victoria (Fernbank-Fernbank Track GP-MAC-BRI-0074)

**Burn:** 12 May 2025, 80 ha (38 ha treated)

Photos and more information: <https://www.geg.org.au/ppfr-burnt-2025>

#### Species affected:

- *Pseudomys novaehollandiae* (New Holland Mouse, EPBC VU)
- *Sminthopsis leucopus* (White-footed Dunnart, FFG VU)
- *Bossiaea heterophylla* (Variable Bossiaea, FFG EN)
- *Eucalyptus arenicola* (FFG EN)
- Sedge Wetlands EVC 136 (VU)

#### Findings:

- Burn ignited **at the edge of New Holland Mouse record locations**, with **less than 1 ha excluded**, contrary to scientific advice recommending 3 ha exclusion zones.
- White-footed Dunnart record sites were **incinerated**, destroying critical habitat.
- Numerous *Variable Bossiaea* plants killed, **likely affecting many individuals in the burn area.**
- Pre/post-burn tree felling destroyed **old hollow-bearing trees** further degrading habitat, possibly including the extremely rare *Eucalyptus arenicola*.
- **Sedge Wetlands incinerated**

**TOR relevance:** The burn demonstrates failure to manage cumulative impacts, implement scientifically informed exclusion zones, or protect multiple listed species, contrary to ToR obligations to assess risk and protect MNES.

## Case Study 4: *Grevillea celata* – Colquhoun State Forest

**Species:** *Grevillea celata* (EPBC EN, FFG VU)

**Habitat:** Highly restricted to small areas within the Colquhoun State Forest.

### Findings:

- Planned burns in Colquhoun State Forest **destroyed marked plants**, despite being flagged for protection. Bulldozers cleared or damaged individuals and habitat.
- Survival of the species depends on **protection of every known plant and habitat patch**.
- EPBC Compliance received reports of destruction but **did not provide feedback**, and FFG enforcement pathways are unclear.

**TOR relevance:** Highlights failure to apply species-specific risk assessment, protection measures, and compliance oversight, **contradicting ToR requirements to assess risks to all relevant protected matters**.

<https://www.geg.org.au/lyles-bk-2025>

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## SYSTEMIC OBSERVATIONS ACROSS CASE STUDIES

- **Lack of independent oversight:** DEECA/FFMV both implement and regulate burns.
  - **Non-transparent reporting:** EPBC Compliance does not disclose outcomes of investigations. FFMV burn plans and species data are not publicly available.
  - **Reliance on outdated data:** Planning depends on the Victorian Biodiversity Atlas (VBA), which may be more than 18 months out of date.
  - **Destruction of critical habitat:** Hollow-bearing trees, rare flora, and fauna refugia are routinely destroyed by burning and machinery.
  - **Failure to enforce Flora and Fauna Guarantee Act 1988:** No accountability for loss of threatened species or habitat.
  - **Cumulative impacts ignored:** Past fires, repeated burns, and habitat loss are not considered in planning.
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## RECOMMENDATIONS – STRATEGIC ASSESSMENT OF PLANNED BURNING IN VICTORIA

1. **Mandatory code of conduct for fire management:** Establish enforceable rules and standards for all planned burning operations to protect threatened species and habitats, including procedures for preparation, ignition, and follow-up.
2. **Independent oversight:** Establish an independent authority separate from DEECA to oversee FFMV operations. Require independent monitoring and reporting of environmental impacts before, during, and after burns, to ensure damage is prevented rather than only acknowledged afterward.

3. **Suspend burning in sensitive areas:** Stop all planned burns in long unburnt habitat and locations with known threatened species until detailed, site-specific ecological assessments are completed using up-to-date field data.
  4. **Verify habitat data before burning:** Do not rely solely on outdated or incomplete Victorian Biodiversity Atlas (VBA) records; supplement with verified, current on-ground field surveys before any operations.
  5. **Track and protect critical habitat:** Regularly monitor the cumulative impact of FFMV planned burns on hollow-bearing trees and key threatened species. Model the future availability of hollow bearing trees and set enforceable limits on removals to prevent ongoing loss of essential habitat.
  6. **Use contemporary science and surveys:** Incorporate the latest scientific research into all planning, decision-making, and approvals for burns.
  7. **Transparent reporting:** Make all burn plans, environmental impact data, and compliance outcomes publicly available, including records submitted by community groups, to ensure accountability and public trust.
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## CONCLUSION

The four case studies provided by Gippsland Environment Group demonstrate **systemic failure of FFMV to comply with statutory obligations**, the department's lack of transparency, and cumulative damage by FFMV prescribed burns to threatened species and ecological communities across Gippsland.

Without **mandatory species protection measures, an enforceable fire management code of conduct, and independent oversight**, the strategic assessment process will **not ensure long-term protection of MNES**, as required under Part 3 of the EPBC Act.

Gippsland Environment Group has severe misgivings that DCCEEW can guarantee the protection of Nationally Listed Species in the event that the Strategic Assessment Report is approved.

Instead of governments allowing FFMV to continue their damaging practises, authorities must heavily invest in [rapid fire detection](#) and attack, better resourcing firefighters, training and employing many more specialist remote area firefighters and exploring [fire-fighting drones](#).

Gippsland Environment Group Inc.