

# **Comment on Draft Assessment guidelines and the proposed changes to the VPP**

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Responses to questions in submission form:

## **Q3. The draft Assessment guidelines and the proposed changes to the VPP have been developed to improve the way the regulations work. Do you think the proposed changes will help achieve this?**

There are a number of positive changes in the assessment guidelines proposed including:

- greater emphasis on avoiding removal
- re-entry of large trees into the regulations
- inclusion of endangered Ecological Vegetation Classes
- inclusion of sensitive wetlands and coastal areas (nationally or internationally listed)
- the requirement for avoid and minimisation statements in all planning applications
- offsetting requirements for large trees
- inclusion of site-based data for offsets
- flexibility around offsetting

## **Q4. Are you aware of any issue that may impact on implementation of the proposed changes?**

### **Species Distribution Modelling**

There should be mandatory reporting of a location of a threatened species discovered through studies where there is currently no modelled habitat present. There is no clear rationale as to why areas will be able to be removed from distribution models but not obliged to add.

The unintended consequence of aiming for a consistent, non-biased approach, is that species that may not be present at a site need to be offset unless proven otherwise. But at a number of sites, species which may be present don't require offsetting but can be volunteered to be offset or included in species distribution models. The risk of not requiring proponents to offset for species which is known to occur at a site is the loss of species and their habitat. The risk of needing offsets for a species which is modelled at a site but through studies has shown not to be present, is uncertainty. Whilst flexibility for altering the distribution models, this may not always be possible and then a proponent ends up paying a hefty price for a mapping error.

A suggestion for managing the circumstances where a plant or animal species has been identified where there is currently no modelled habitat present, could be managed through the Victorian Biodiversity Atlas (VBA) and/or the soon-to-be released Biodiversity Information Portal. An attribute field could be added to the VBA form to include details on the habitat of a threatened species not included in the modelling.

Currently, changing species distribution modelling is an arduous process for both external parties and DELWP staff and is not easily apparent to people wishing to improve biological datasets.

Recommendations:

1. There should be mandatory reporting of a location of a threatened species discovered through studies where there is currently no modelled habitat present.
2. Develop a data entry portal through Victorian Biodiversity Atlas to recommend changes to the modelling including details on the habitat of a threatened species and count data of the species present.
3. Enable smoother and more apparent process for altering species distribution modelling when there is adequate site-based evidence to do so.

### **Transparency in datasets**

Modelling parameters used in Maxent for species distribution modelling, Location Risk, NaturePrint, Strategic Biodiversity Score etc should be made available to the public. We place great weight on these datasets so if there is nothing to hide or no assumptions to be afraid to show to the public, then there should be no reason not to make it available.

Recommendation:

4. Make modelling parameters and inputs available for all DELWP models.

### **Over-reliance on modelled data**

Smaller applications or lower levels of impact may still remove threatened species which are listed under FFG Act or EPBC Act. Basic pathway applicants may be given the false sense of security that they don't need to undertake flora and fauna studies because the risk mapping infers there is nothing to be worried about. Applicants can be exposed to the risk of removing threatened species through the DELWP permitting process for which there is no FFG permit or no EPBC Act approval, resulting in possible fines, major delays and unnecessary losses of threatened species.

There have been numerous cases where Location A sites contain threatened species which are either known or not known in the Victorian Biodiversity Atlas. This is a major theme picked up in the commentary from individuals and organisations in the native vegetation review phases.

Recommendation:

5. Mention caveat for the need to undertake site-based surveys to meet other relevant biodiversity legislation (eg. FFG Act, EPBC Act, Wildlife Act) to minimise risk to applications.

## **Wetland assessment**

Great to see wetlands have been included into a predominantly terrestrial vegetation and habitat framework. There may be circumstances where wetlands are present and identified during a site assessment but not mapped in the 'Current wetlands' layer or 'Wetlands 1994' layer. Therefore there should be scope to include wetlands, where current EVC benchmarks don't cover the wetlands, and include them in the assessment.

Recommendation:

6. Site assessments in the intermediate and detailed pathways should require investigation of additional wetlands not mapped in the 'Current wetlands' layer or 'Wetlands 1994' layer and be mapped and considered as a part of the application.

## **Q5. Are there any other areas that need further guidance or clarification in addition to those outlined in the draft Assessment guidelines?**

### **Steps to avoid and minimise impacts**

In a previously endorsed policy document '*Guide for assessment of referred planning permit applications*' (DSE 2006), there was much greater guidance and decision guidelines for evaluating the steps to avoid and minimise for both an applicant and decision maker. Further guidance on how to evaluate if a proposal to remove vegetation has adequately addressed avoidance and minimisation is recommended. This would provide more certainty to all parties concerned. The type of improvements to the guidance might be in the form of a series of questions which are required to be answered prior to reviewing an application.

There may also be some scope to link with an improved FFG Act where the identification of 'critical habitat' for a species could be factored into the guidance questions.

Recommendation:

7. Provide further direction and decision guidelines for evaluating the steps to avoid and minimise in the form of questions for the applicant to answer.

### **Planted vegetation exemption**

This refers to the document proposed changes to Clause 52.17: '*52\_17\_tracked\_consultation\_draft\_20170105*'.

Firstly, it is good to see the definition for planted vegetation for conservation purposes improved with less ambiguity, where the exemptions do and don't apply.

There should not be an exemption for planted vegetation for biodiversity purposes on private land which is not covered by an order under *Planning and Environment Act 1987*. There are numerous private landholders who have undertaken well-designed revegetation on their land with site-indigenous species for conservation purposes and those plantings have grown to represent native vegetation. Also, the exemption does not clearly state that any indigenous vegetation that grows from parent plantings either by seed, rhizomes or other propagules, is not exempt from requiring a

permit to remove and offset and is may be best treated under the ‘regrowth’ exemption guidance in 52.17.

Recommendation:

8. Suggest adding a statement under ‘This exemption does not apply to native vegetation planted or managed:’

*“for conservation purposes on freehold land using locally native species under a volunteer scheme for private or public benefactors”*