



VNPA Submission on:

**Victorian State Government
Review of the native vegetation clearing regulations – Consultation
Paper**

May 2016

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1. SUMMARY

The Victorian State Government Department of Environment, Land, Water and Planning (DELWP) have released a Consultation Paper on the review of Victoria's *Native Vegetation Permitted Clearing Regulations*.

The Victorian National Parks Association (VNPA) has participated as a member of the Stakeholder Reference Group in earlier consultation rounds with the Victorian Department of Environment, Land, Water and Planning (DELWP). There has generally been commendable consultation with DELWP internal staff, key stakeholders and the general public, including an upfront acknowledgement of some of the failings and limitation of the current system within this Consultation Paper.

It is noted that the stated purpose of the review is to have regulations which sensibly protect sensitive vegetation, rather than the extensive structural reform, with standalone legislation. Instead, it is understood that additional controls may be included as part of the upcoming review of the Victorian *Flora and Fauna Guarantee Act* (1988).

While there have been some improvements since the last Draft Consultation Paper seen by the VNPA, including lower thresholds for referral, clearer articulation of the 3-step 'Avoid-Minimise-Offset- approach for all applications, and some changes to the Low-risk Based Pathway. However, many of the Proposed Improvements (PIs) listed also lack the significant detail required in order to make an informed comment on their validity and likely effectiveness.

There are six **Key Issues** presented within the Consultation Paper, each with a set of associated PIs, and there is a response to each of these provided in **Chapter Error! Reference source not found.**

The VNPA have identified an additional six **Key Gaps**, which are topics that were either ignored, or insufficiently addressed, within the Consultation Report:

- Clearing exemptions: Too many. Too much.
- Public authorities need to show leadership.
- Entire vegetation communities remain threatened
- Victoria still needs an independent regulator
- Not enough funding for compliance and enforcement
- The success/failure of the reviewed regulations is unmeasurable

Significant and detailed strengthening around these Key Gaps required in order for the review to meet its stated aims and create an acceptable policy framework to protect and manage native vegetation in Victoria.

As the VNPA have consistently advocated for in the past, consistent with VCEC 2009 recommendations, an independent Native Vegetation Regulator needs to be established. This regulator needs to be adequately resourced to oversee governance and transparency, ensuring monitoring and reporting processes are adequate.

In order to ensure the success of any new regulations, an allocation of funding is also required to adequately resource improved monitoring, reporting, compliance and enforcement activities of public authorities.

2. CONTEXT

In 2014, the current Victorian Government made an election promise to review the [Permitted Clearing of Native Vegetation Guidelines](#) (DEPI, 2013), with a view to “sensibly protecting sensitive vegetation”. This review is part of the overall review of biodiversity policy and legislation, which also includes a review of the Victorian *Flora and Fauna Guarantee Act* (1988) and the release of the Strategic Plan Draft - [Protecting Victoria's Environment - Biodiversity 2036](#).

Native Vegetation Clearing Controls were first introduced to Victoria in 1989, leading up to the principles of ‘Net Gain’ commencing in 2002. Net Gain and Habitat Hectare mapping included an important, regionally-based focus on endangered species and vegetation communities to determine the conservation value of a site or area. This approach also put a value on Scattered Trees in the landscape, and enabled specific revegetation targets for losses.

This current review comes after the previous state government weakened the native vegetation clearing regulations in 2013, changing the focus from a regional, to a state-wide approach, and ‘streamlining’ the clearing and permit process. This streamlining also shifted the intent from aiming to achieve a ‘Net Gain’ in native vegetation, lowering the bar towards achieving ‘No Net Loss’, relying more heavily on the provision of native vegetation offsets, instead of avoiding impacts, to make up for removals.

The current policy set by the previous government also moved away from valuing Large Old Trees and threatened vegetation communities, heavily relying on the use of computer modelling and demonstrably-flawed mapping products for fundamental decision making. These mapping products in particular, [have received wholesale criticism from scientists and practitioners](#).

Victoria is the most cleared state in Australia. In just 150 years, more than half of all Victoria's native vegetation has been cleared, with that number increasing to 80% of public land – meaning there needs to be more focus than ever on protecting what precious little remnant vegetation that is left.

Native vegetation and its associated biodiversity provides a huge range of services such as clean air, fresh water for drinking and irrigation, plant and crop pollination, soil retention, carbon sequestration, salinity management, as well as being a place to explore, with shade and tranquillity. The resilience of native vegetation also helps protect us against future threats, such as pests and climate change. The immensely complex range of interactions and services present in areas of remnant native vegetation, involves associations with animals, insects, soil and fungi, built up over millennia is irreplaceable, and cannot simply be replaced by planting trees.

Numerous independent reports to government, including the Victorian Catchment Management Council's (VCMC) (2007) [Catchment Condition Report](#), Victorian Environmental Assessment Council's (VEAC) (2011) [Remnant Native Vegetation Investigation](#), and the 2013 [Victorian State of the Environment Report](#) have all referred to the vital importance of keeping remnant native vegetation.

3. DELWP's IDENTIFIED KEY ISSUES

Within the Consultation Paper, DELWP has identified a sub-set of six **Key Issues** from the initial stakeholder consultation rounds. These Key Issues have been used to develop of 29 Proposed Improvements (PIs) to the existing regulations.

There have been some improvements from earlier drafts seen by the VNPA, including the following Proposed Improvements (PIs):

- **PI 1:** Improved articulation of the '3-step' Avoid – Minimise - Offset approach to clearance of remnant native vegetation, with a focus on avoidance being the primary goal.
- **PIs 5-8:** Changes to the 'Risk' Pathways to simplify the process, and lower impact thresholds for referral to DELWP, and associated offsetting strategy requirements.
- **PI 18:** Require that all third-party offsets are registered on the [DELWP] Credit Register and meet its standards, including standards for securing the offset.

One of the key problems with the Consultation Paper is that many of the Proposed Improvements are vague or unclear.

VNPA request further, detailed information about the logic, justification, funding and implementation mechanisms of some review items, particularly in relation to the following Proposed Improvements (PIs):

- **PI 6:** Replace the native vegetation location risk map with an updated map of highly localised habitats.
- **PI 13:** Increase the information available about the maps used in the regulations and improve their accessibility.
- **PI 14:** Place greater emphasis on key areas of habitat for dispersed species in decision making and offset requirements.
- **PI 21:** Formalise a set of exemption purposes and principles.
- **PI 22:** Clarify wording of exemptions.
- **PI 27:** Improve information gathering for compliance and enforcement.

The VNPA have created a detailed response table to each of the 29 'Proposed Improvements', available in **Section Error! Reference source not found.**, however broader discussion and recommendations for each of the six Key Issues is provided below:

3.1. Native vegetation clearing policy

Victoria has a large range of policies, regulations and legislation relating to biodiversity and native vegetation. The VNPA would like to reiterate its support for standalone legislation, which would include local and regional native vegetation clearing regulations, integrated with strategic or higher-level threatened species and community protections.

The VNPA understand that the *Biodiversity Strategy 2036* intends that government will lead by example in a number of areas, however given the Key Gaps identified, the regulations are not currently considered to be showing leadership.

VNPA recommends that the regulations and PIs are explicitly considered for their applicability and consistency with the themes, goals and objectives of the Strategic Plan: *Protecting Victoria's Environment - Biodiversity 2036*.

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3.2. Permit process and decision making

Very little detail was provided around this topic, particularly around the logic, justification and mechanisms for change in assessment methods and thresholds.

It is encouraging to see recognition of the increased conservation value of Large Old and Hollow-bearing trees, as well as further information required for Low Threshold clearance applications, such as an offset strategy.

VNPA recommends that decision making is undertaken more strategically, to identify Go/No Go Zones at a statewide level, inform private landholders of their existing responsibilities of high-risk and No-Go areas, and provide certainty to developers.

3.3. Biodiversity information tools used in decision making and offset rules

Since their introduction, the current Biodiversity information tools have received significant criticism from stakeholders, including limitations on their transparency, currency (time since update), accuracy and useability.

It is encouraging to see a shift towards improving these tools, as well as looking to incorporate the significance of Large Old or hollow-bearing Scattered Trees, and allowing for site-based assessment of habitat features to validate/enhance DELWP modelling.

The current approach of statewide significance of threatened species is inappropriate, as it does not provide any mechanisms for protecting local or Bioregionally significant vegetation. Unfortunately, there is little indication in the Consultation Paper that this is set to change.

VNPA recommends that Bioregions and EVCs be reintroduced and that the depletion status of EVCs becomes a clear consideration in the risk assessment process.

There has been significant criticism of the current threatened species 'risk' modelling, used to determine referral pathways. All models have inherent limitations, weightings and assumptions put into their data, the details of which have not been made public, which is further eroding confidence in their appropriate usage.

VNPA recommends that current methods and models used to determine Site Significance be published in a peer-reviewed journal.

3.4. Offset delivery

This inappropriate statewide focus has also resulted in native vegetation offsets for permitted clearing no longer needing to come from the same local area or region where the clearance occurs. For example, clearing a house block of Heathy Woodland in Westernport could be offset by the purchase of Grasslands near Werribee.

In order to reflect the value of local vegetation community, local losses should be the offset by local 'gains' – and be of the same type of vegetation. Or, at the very least, offsets should be of the same vegetation type in a more appropriate ecological scale, such as a Bioregions.

VNPA recommends a shift to requiring local, or Bioregionally-sourced 'like-for-like' vegetation community offsets.

VNPA seek the creation of a Conservation Zone, to be used to identify and protect areas (including private land) Offset sites, as well as identify them on planning Schemes and in Native Vegetation Precinct Plans (NVPPs).

3.5. Exemptions

Significant consultation and policy development is required for this topic, which was not adequately addressed in the Consultation Paper, which is discussed in detail in **Section 4.1**.

VNPA recommends that the State Government show leadership in this field, by:

- **Funding public authorities to be able to sufficiently and appropriately manage public land**
- **Directing public authorities to at the very least meet, if not exceed, the native vegetation clearing rules which apply to all Victorians.**

3.6. Compliance and enforcement

The Consultation Report did not state the level of funding, or mechanisms by which compliance and enforcement would be achieved.

Resourcing (or a lack of it) presents the biggest barrier to effective compliance and enforcement. Increasing the level of reporting around these issues will require council resources that aren't there, particularly in the rate-capped they are currently faced with.

VNPA Strongly recommends that the regulations are updated to include an increase in the cost of penalties to more accurately reflect the (often irreparable) damage caused, as well as ensure cost-recovery for compliance actions.

VNPA recommend that the State Government invests financially to ensure these actions are implemented, and that the objectives of the regulations, and upcoming Strategy: *Protecting Victoria's Environment - Biodiversity 2036* are met.

VNPA recommend that a media strategy is developed to educate and inform the public about the regulations, as well as provide public notice and examples of penalties for non-compliance.

4. KEY GAPS: ADDITIONAL AREAS TO BE ADDRESSED

In addition to the six **Key Issues** DELWP discussed in the Consultation Paper, the VNPA have identified a further six **Key Gaps**, which require further, detailed information from DELWP.

This Key Gaps need to be addressed, in order to have good regulatory practice, and ensure that the regulations will be able meet their stated aim, to *sensibly protect sensitive vegetation*.

4.1. KEY GAP 1 – Clearing Exemptions: Too Many. Too Much.

There are currently 34 exemptions for requiring a permit to clear remnant native vegetation under the Native Vegetation provisions of the *Planning and Environment Act 1987* (the Act which triggers the regulations under this review). In the same act, there are also wide-ranging Bushfire Exemptions provided under Clause 52.48, which are directly linked to the unregulated clearance of remnant native vegetation on private land, and must also be considered as part of this review.

According to recent Victorian government data, by far the biggest cause of remnant native vegetation loss is unregulated clearance, such as via agreements, exemptions, and existing land-use rights on freehold land.

'Existing use' exemptions are often applied by small landholders where there has been a (relatively) uninterrupted use of the land for more than 15 years, and there is a claim that vegetation removal is required to be able to continue that use.

Significant and high-value 'Scattered Trees' in otherwise cleared landscapes constantly fall victim to such 'existing use' permit exemptions. The existing regulations need to be strengthened to ensure sufficient value is given to the protection of Scattered Trees, some of which can be hundreds of years old, and often provide the last habitat for threatened species and woodland birds in highly cleared agricultural landscapes.

VNPA recommends that Stakeholder Workshops focused on Exemptions are held as part of this review. Workshops should be used to create clear definitions of any required exemptions, ensuring they limited, consistently applied, involve avoidance and minimisation, require offsetting and reporting, and are audited and enforced.

VNPA also recommends the establishment of an Independent Native Vegetation Regulator. This Independent Regulator will manage the development and implementation of any exemptions, and provide a mechanism for a public review and complaints process (For further details, see **Section 4.4**).

Relevant Proposed Improvements within the Consultation Paper:

Chapter 3 - Biodiversity information tools used in decision making and offset rules

- PI 15

Chapter 5 - Exemptions

- PIs 21-24

Chapter 6 - Compliance and Enforcement

- PI 29

4.2.KEY GAP 2 – Public Authorities need to show leadership

A detailed policy response is required from DEWLP to address the existing inadequacies identified within this Key Gap.

The data suggests that Vegetation on public land is protected in name only. Through a lack of leadership by public authorities, using **alternate**, or 'Secondary Agreements', combined with serious under-funding of management and research resources to allow for sufficient and appropriate management of threats on public land.

This includes the use and application of Bushfire Exemptions under Clause 52.48 has not been addressed, and must also be considered by this review.

While exemptions are listed as a Key Issue in the Consultation Paper, the enormous amount of clearance undertaken by Public Authorities has been ignored as a major driver of remnant vegetation loss in Victoria. This clearance takes place under alternative or Secondary Agreements, rather than through a transparent approvals process (**Figure 1**).

It is believed that some local councils have recently expressed a willingness to remove the existing 'public works under \$1m' exemption from their planning schemes as a means of showing leadership in this regard. This commendably leadership should be directed from the State, not the other way around.

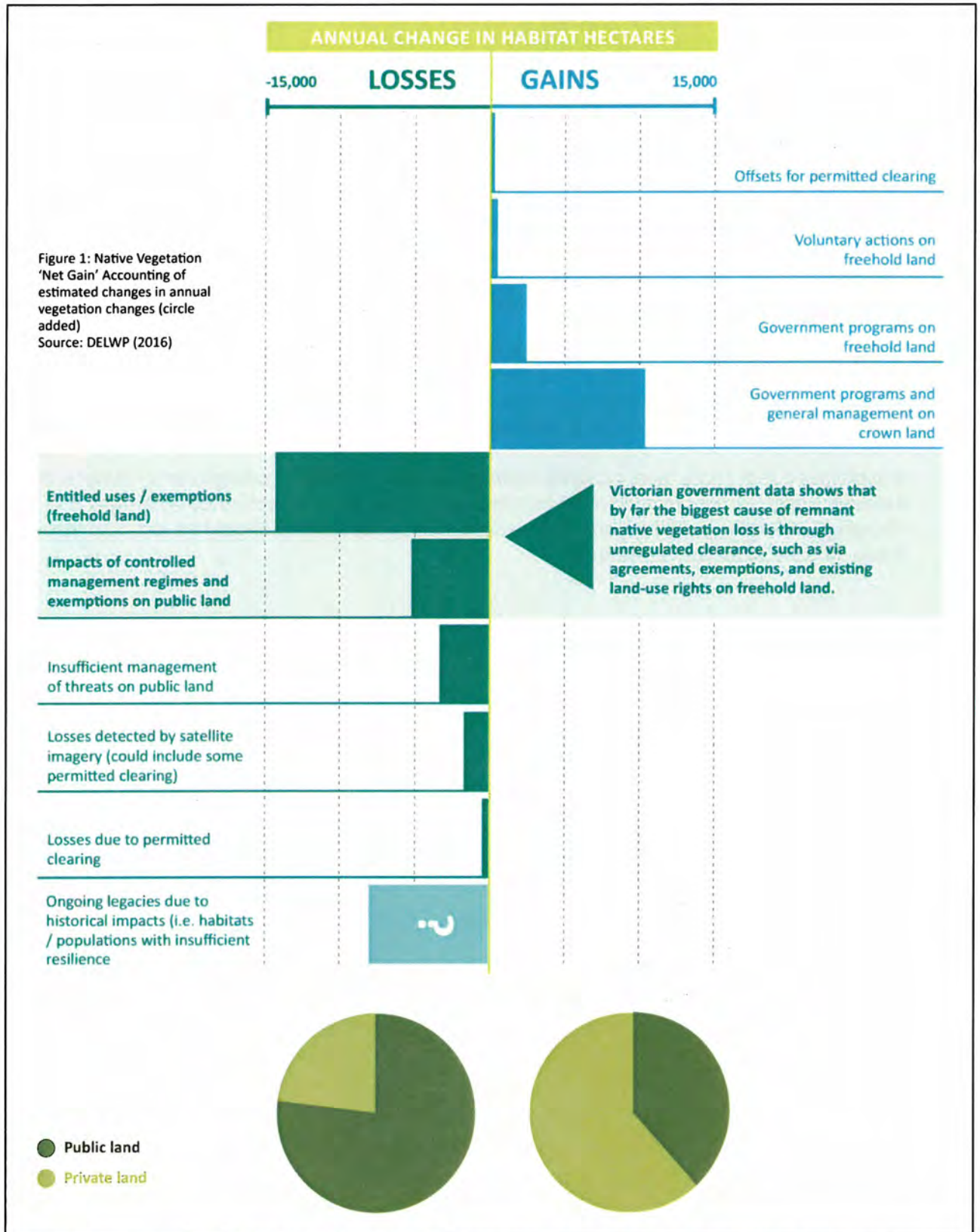


Figure 1 - Native Vegetation 'Net Gain' accounting of estimated changes in annual vegetation changes

The Victorian Government needs to show leadership, by ensuring public authorities are striving to exceed the minimum requirements of the permitted clearing of native vegetation regulations, not using Secondary Agreements or similar to avoid scrutiny and responsibility.

Government departments, public authorities and service providers operate under a variety of Secondary Agreements, which are generally unregulated agreements with DELWP/the Minister, using specific exemptions, Memoranda of Understanding (MoUs), or Codes of Practice (CoPs) to undertake clearance of remnant native vegetation.

Secondary Agreements are nominally put in place to 'streamline' the process of remnant native vegetation, plants and animals for public works, avoiding the costs and time delays of a permit process. This streamlining also means that to clear remnant native vegetation, public authorities are able to avoid public scrutiny, reporting, and even offsetting - all of which are basic requirements for ordinary Victorians, on their farms or in their back yards.

Furthermore, the Planning exemption that allows the Departmental Secretary to approve clearing on Crown Land must be removed, and public authorities must set an example by demonstrating leadership and accountability.

VNPA recommends that public authorities show leadership and accountability by applying at least the same, if not better, vegetation controls as other Victorians. This leadership needs to include public reporting clearance, the demonstration of avoidance and minimisation, as well as the provision of an offset strategy.

In the areas of the state with the greatest level of clearance, public road reserves provide a disproportionately large amount of critically important habitat. These narrow reserves harbour more than 5% of all of Victoria's remnant native vegetation, in fact current estimates 570,000 hectares of remnant native vegetation contained within public land road reserves.

In three of the state's Bioregions, more than 15% of all remaining native vegetation on public land is contained solely within road reserves (see **Figure 2**, below).

Road reserves are more-or-less unprotected from the constant pressure from development and minor works exemptions and Secondary Agreements from public authorities. Through a lack of regulatory transparency, in both forming, implementing and monitoring existing Secondary Agreements, there are no records of the extent of unregulated clearing by public authorities and utility providers.

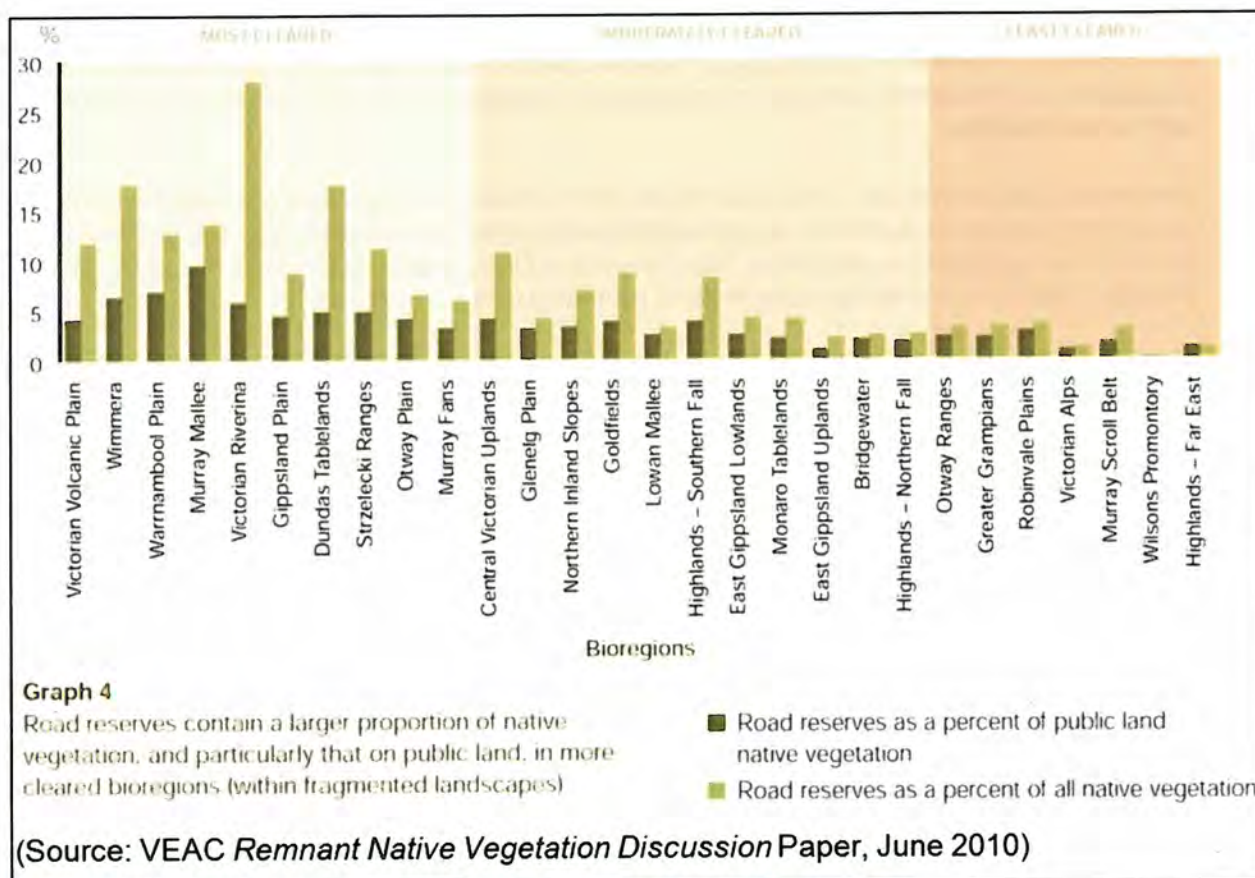


Figure 2- Importance of Road Reserves in the Victorian Conservation landscape

After unregulated clearance, the second-largest cause of native vegetation loss in Victoria is on public land, where authorities are entrusted with protection of our natural places. This is very important to note, as most of the remnant native vegetation in Victoria is in public land. In fact, it makes up 38% of the entire state.

VNPA recommends that the State Government shows leadership by funding public authorities to sufficiently and appropriately manage public land, in order to meet the review's stated aim to *sensibly protect sensitive vegetation*.

Relevant Proposed Improvements within the Consultation Paper:

Chapter 5 - Exemptions

- PIs 21-24

Chapter 6 - Compliance and Enforcement

- PI 29

4.3.KEY GAP 3 – Entire Vegetation Communities remain threatened

The 2013 Permitted Clearing policy moved almost completely away from a Bioregional and EVC-based approach to a state-wide approach that relies almost completely on modelled species habitat distribution models.

While the original native vegetation clearance controls were established to protect habitat and other features such as land health, salinity and erosion reduction, they have now moved to focus predominately on threatened species as a surrogate for all species. It is important to recognise threatened species presence, and the use of habitat distribution models provides an extra piece of information, the current modelling system has proven to have its flaws, particularly at the site-based scale, and should not be used as a standalone method.

The scarcity of vegetation community needs to be explicitly recognised, irrespective of the presence or absence of threatened species. For example, only 16% of remnant vegetation remains in the Victorian Volcanic Plain Bioregion, meaning all remnant habitat is of critical importance to the regional, yet statewide 'significance' models to be used in the proposed regulations do not consider this importance when permitting clearance, or sourcing offsets.

VNPA understand that some consideration of the Bioregional Conservation Status of EVCs is somehow (detail required from DELWP) included in the Strategic Biodiversity Score, however, consideration of the local value and scarcity of our vegetation communities is largely ignored by the current policy.

While there could have been some improvement within the previous system especially in regard to the depletion classifications applied to coastal EVCs and those that will be affected by climate change, Bioregions made sense and consideration of the relative abundance or scarcity of each EVC within each Bioregion provided a useful metric by which to measure progress, set targets and document loss. This approach was also easily mapped, understood and could be well communicated.

VNPA recommends that Bioregions and EVCs be reintroduced and that the depletion status of EVCs becomes a clear consideration in the risk assessment process.

In 2013, the previous State Government changed the focus of native vegetation management from a Bioregional to a State-wide scale. This was an inappropriate shift, and vegetation controls needs to reconsider the local and regional significance of vegetation and threatened species, in order to adequately identify, protect and manage important places for Victorians.

VNPA recommends a return to local, or Bioregionally-sourced of like-for-like offsets for permitted clearance of native vegetation.

The existing and proposed regulations barely take into account any local values or observable on-ground conditions, particularly where Scattered Trees are concerned. In the Consultation Paper, Proposed Improvement (PI) 15 mentions the reintroduction of site-specific measures for biodiversity value of Scattered Trees, however no detail has been provided on how this would be achieved.

Under the previous native vegetation framework, associated pre-1750 clearance EVC was used to provide information on the significance of Scattered Trees. One efficient and effective way to include the significance of Scattered Trees, is to require that tree removal referrals include details their trunk size, exact location, and a photo.

A smart phone app could be developed to help users and simplify this process. This information is relatively easy to collect, and many local planning schemes already require comparable information under existing overlays.

These details would then assist referral authorities in considering the tree's context, such as tree hollows, nests, age, but could also be fed into the existing Native Vegetation Information Management (NVIM) tool, which could automate the use pre-1750 EVCs mapping already held by DELWP, and used to determine the appropriate conservation significance and offset.

Relevant Proposed Improvements within the Consultation Paper:

Chapter 1 - Native vegetation clearing policy

- Pls 1-4

Chapter 2 - Permit process and decision making

- Pls 5-11

Chapter 3 - Biodiversity information tools used in decision making and offset rules

- PI 15

Chapter 4 - Offset delivery

- PI 19

4.4.KEY GAP 4 - Victoria still needs an Independent Regulator

The role of a Native Vegetation Regulator was recommended to be established in the Victorian Competition and Efficiency Commission's (2009) report into environmental regulations.

Having of native vegetation clearance regulations means government authorities, such as DELWP and local councils, have multiple roles, as they are responsible for both the clearance and the regulation of native vegetation clearance permits. This leads to potential conflicts of interest. Of particular concern, is that under the current Government, clearance works, policy development and regulation are all housed within the same department (DELWP).

VNPA recommends the establishment and adequate resourcing of an Independent Native Vegetation Regulator,

This regulator needs to be resourced to ensure governance, monitoring and reporting processes are all being followed appropriately by authorities, to provide a mechanism for review and complaints, and to maintain public confidence in the system.

Relevant Proposed Improvements within the Consultation Paper:

- This important issue was not addressed in the Consultation Report –

4.5.KEY GAP 5 - Not enough funding for compliance and enforcement

The Port Phillip and Westernport Catchment Management Authority (PPWCMA) commissioned a report in 2009 to measure the effectiveness of local government planning scheme controls in protecting native vegetation.

One of the main recommendations was for the Victorian Government to create a template and guidelines for local councils under the Victoria Planning Provisions (VPP) to give explicit planning consideration for local environmental assets. The recommendations also asked that

the Minister direct local councils update their local planning schemes to reflect updated native vegetation data, and provide training/assistance to do so.

Currently, the best-resourced councils are those with the least amount of remnant native vegetation, e.g. Melbourne City Council vs. a rural Shire Council, and vice-versa. The proposed changes are looking to increase reporting requirements, requiring council staff and resources which simply don't exist, particularly with the commencement of council 'rate capping'.

To ensure sufficient compliance and enforcement actions, **the State Government need to make a clear commitment to financially investing-in and adequately resourcing DELWP and local councils.**

Public Infringement Notices (PINs) also need be able to be issued, as they act as a further disincentive to illegal clearance, in conjunction with appropriate planning and enforcement media releases to help educate and deter, currently undertaken by NSW Planning Department, as well as the Commonwealth Government. Penalties collected should then be directly returned to improving the resourcing compliance and enforcement.

In order to provide a real disincentive to illegal clearance, penalties for non-compliance need to be increased to appropriate amounts, and clearly articulated to the public. Currently, in some cases, it can be cheaper to illegally clear native vegetation, even if a fine is issued by the relevant authority than to go through the planning and offset process, which is clearly not acceptable to the Victorian public.

It is understood that currently, less than half of all native vegetation offsets go through the Credit Register, as they are secured using Section 173 agreements with local councils. VNPA are supportive of DELWP requiring all third-party offsets to be included on the Credit Register for ease of identification and certainty of availability.

VNPA also seek the creation of a Conservation Zone in Victorian Planning Schemes which identifies all areas secured as offsets, regardless of tenure or security arrangement. Such a Conservation Zone would clearly identify sites on public mapping, including any native vegetation offsets on Public land, where specific management is required in addition to existing statutory requirements. , and allow for improved transparency, in-turn facilitating better public awareness, monitoring, reporting and enforcement.

Relevant Proposed Improvements within the Consultation Paper:

Chapter 4 - Offset Delivery

- PI 16; PI 18; and PI 20

Chapter 6 - Compliance and Enforcement

- PIs 25-29

4.6.KEY GAP 6 – The success / failure of the reviewed regulations is unmeasurable

The reviewed clearing regulation's objective is for '*No Net Loss in the contribution made by native vegetation to Victoria's Biodiversity*' cannot be measured and reported easily or effectively.

In order to be part of a 'good regulatory system', policy must be transparent, accountable and performance-based (see the [Victorian Guide to Regulation](#)).

In order to achieve this, a clear definition of what the term “contribution” means is required. Once this contribution is defined, a baseline map of the site- or tree-specific contribution of native vegetation across the state would need to be developed. Baseline mapping would then need to be used to measure and report against the success, or failure, of the policy to meet its objective.

While it sounds impressive, the current objective is unable to be defined, and therefore unmeasurable, and a poor regulatory system.

VNPA recommends that Bioregions and EVCs be reintroduced and that the depletion status of EVCs becomes a clear consideration in the risk assessment process.

Relevant Proposed Improvements within the Consultation Paper:

Chapter 1 - Native vegetation clearance policy

- PI 4

Chapter 2 - Permit process and decision making

- PI 6

Chapter 3 - Biodiversity information tools used in decision making and offset rules

- PI 13

5. VNPA RESPONSE TABLE TO DELWP'S 29 PROPOSED IMPROVEMENTS

VNPA have undertaken a detailed analysis of the 29 Proposed Improvements suggested by DELWP within the Consultation Paper, presented below in order of Key Issue:

Chapter 1: Native vegetation clearing policy			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
1. Clarify that the primary focus of the regulations is to ensure avoidance of native vegetation removal where possible	<p>Clearly state that the regulations achieve the objective of no-net-loss in the following manner: Preventing the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.</p> <p>Applying the three step approach:</p> <ul style="list-style-type: none"> • avoid the removal of native vegetation where possible • minimise the impact on Victoria's biodiversity from the removal of native vegetation, that cannot be avoided • for any native vegetation that is removed, provide an offset that makes an equivalent contribution to Victoria's biodiversity. 	<p>Sets out a clear approach to achieving the objective of the regulations. Ensures that the regulations are focussed around avoiding impacts on native vegetation as a first step.</p>	<p>Including the proviso of 'where possible' detracts from this solution and without guidance on when it will not be possible means that we can't judge if this will be effective. The description does not provide any evidence to suggest this.</p> <p>PI must clearly state that the regulations achieve the objective of no net loss in the following manner:</p> <ul style="list-style-type: none"> • Preventing the removal of native vegetation that makes a significant contribution.... • Applying the 3-step approach... <p>If the suggested methods are to be implemented it must be 'ensured'. 'Stating' that the regulations achieve no net loss is not the same as 'ensuring' that they will be achieved via the methods described.</p> <p>Require a Proposed Improvement that ensures that avoid must be applied.</p>
2. Consolidate comprehensive policy guidance for native vegetation removal	<p>DELWP provides consolidated guidance to inform planning and decision making about native vegetation removal. This includes a reference to the importance of biodiversity and strategic planning, identifies priorities for protection of native vegetation, details how biodiversity and 'other matters' in Clause 52.17 are considered when deciding a permit, the intent of the exemptions and compliance and enforcement.</p>	<p>The Guidelines focusses on the biodiversity considerations in the permit assessment process and does not include broader policy guidance about the consideration of native vegetation removal across the planning system. This has led to inconsistencies and gaps in the application of the regulations. This guidance will equip decision makers with policy reference points to inform their work.</p>	<p>'Other matters' including land and water protection as well as all of the other values of native vegetation need to be considered as part of 52.17 - Not within other parts of the planning scheme.</p> <p>Other parts of the planning scheme do not cover, or regulate the full range of values provided by remnant native vegetation.</p> <p>Guidance needs to be clear and enforceable, and include consideration of 'other matters'; and items currently covered outside P&E Act, e.g. EPBC Act, Wildlife Act, CaLP Act, FFG Act, etc.</p>

Chapter 1: Native vegetation clearing policy			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
3. Develop guidance to support strategic planning relating to native vegetation protection and management	DELWP in partnership with councils, will develop guidance to support strategic planning, e.g. a planning practice note. This guidance would include information on when strategic planning should be undertaken, what tools can be used, what information is available to inform this and the roles and responsibilities of any parties involved.	<p>This provides a framework to improve the quality and the consistency of strategic planning for biodiversity across the state, including for overlays, focused on planning to protect and conserve biodiversity and to avoid significant impacts.</p> <p>(The development of mechanisms to protect the highest value areas for biodiversity, which could include the use of critical habitat determinations, will be considered as part of the Government's commitment to review of the Flora and Fauna Guarantee Act, 1988).</p>	<p>Generally supported.</p> <p>VNPA has conducted two studies.</p> <ul style="list-style-type: none"> - One into where native vegetation extent overlaps with residential zones; and - One identifying where ecological values (EVCs with high depletion status and threatened species records) are covered by some form of protective overlay, covenant or public land classification and what remains. <p>These two studies were undertaken by Local Government Area, and are informative to direct action to support local government to update/amend their planning schemes.</p> <p>VNPA strongly recommend that more needs to be done in regard to areas where there is inappropriate zoning and overlays.</p> <p>VNPA recommends forming a working group needs to implement the updates to zoning and overlays in local government planning schemes.</p> <p>VNPA recommends that a State Government grant funding program be established, to assist councils achieve this important policy development work.</p>

Chapter 1: Native vegetation clearing policy			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
4. Improve monitoring to determine if the regulations are achieving their objective and make this information publicly available	<p>Improve monitoring and reporting on:</p> <ul style="list-style-type: none"> Native vegetation removal that is being avoided, Permitted native vegetation clearing and offsets that are occurring (including linking clearing and offsets), Clearing through exemptions Levels of non-compliance with the regulations, Assessment of the improvements in native vegetation that are occurring at offset sites. 	<p>This increases transparency by making data about system performance publicly available. It also enables the government to assess the effectiveness of the regulations in achieving their stated objective of 'no net loss'.</p>	<p>There is a fundamental problem with the objective of the policy.</p> <p>The impact of native vegetation loss on Victoria's biodiversity cannot be monitored using the tools that are proposed. In fact we do not have the tools available to do this if you take the definition of biodiversity literally. And using the proposed measures (using only a select group of threatened species) is not adequate to the proposed task.</p> <p>These objectives are also not in line with 'characteristics of a good regulatory system' including effectiveness, transparency and accountability. The objective under the (previous) Native Vegetation Framework was measurable - i.e. an increase in the extent and quality of native vegetation.</p> <p>VNPA recommends that monitoring be made public, and image-based (i.e. observable on maps).</p> <p>VNPA recommends that the objective be generalised, referring to native vegetation (not its 'biodiversity value') – which can be measured using existing tools.</p> <p>VNPA recommends that the Native Vegetation Framework objectives be reinstated, and extended to include a measure of no further deterioration in the status of Victorian threatened species.</p>

Chapter 2: Permit process and decision making			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
5. Reduce the low risk-based pathway threshold	Reduce the threshold so that fewer applications are assessed in the low risk-based pathway. For example, instead of a hectare or 15 trees driving a higher level of assessment, this could be reduced to 0.5 hectares or 7 trees.	A hectare or 15 trees, if they are large and old, is considered a significant amount of clearing to receive a relatively low level of assessment. This issue will be addressed in part through changes to the decision guidelines for the low risk-based pathway (see solutions 7 and 8 in this section).	<p>VNPA do not agree that 7 and 8 are relevant to this PI. This should be considered on its own.</p> <p>Agree that the clearing amounts are too high to be considered 'low risk'.</p> <p>VNPA request further details or consultation around what is proposed to replace these amounts, and the logic/justification for setting threshold limits.</p> <p>For example, thresholds should be strategic, using clearing rates from past years, and looking at planned development, zones etc. to make a conscious public decision on how much Victorians are prepared to clear, and where losses should be made.</p> <p>Strategic losses then need to be compensated in to achieve a Net Gain for the community and the environment. Can the government afford this? Where is the business case?</p>

Chapter 2: Permit process and decision making			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
6. Replace the native vegetation location risk map with an updated map of highly localised habitats	Use an updated map of highly localised habitats to indicate where a small amount of clearing could still have a significant biodiversity impact. Clearing of any size at these locations should be considered in a higher assessment pathway.	Determining the assessment pathway cannot be based on area alone, as this does not pick up small amounts of clearing that could have a significant biodiversity impact. A map of areas where a small amount of clearing could still have a significant biodiversity impact is therefore needed. The current native vegetation location risk map is difficult to explain and is misunderstood. The map used for this purpose should represent tangible biodiversity values.	<p>Further information is required, including an example of how the new map would differ from the old, and how it would better protect biodiversity and native vegetation.</p> <p>VNPA recommends any new mapping developed should reflect the type and regional significance of vegetation communities.</p> <p>VNPA recommends that a local/bioregional context-based map of vegetation type and scarcity be included for use in local planning approvals and decision making.</p> <p>If highly localised habitats are purely species-based, then new mapping is considered to be insufficient.</p> <p>VNPA recommends the listing of explicit No-go zones for vegetation removal to be included in this map.</p> <p>Regardless to improvements in this map and how valuable it will be for strategic purposes such as overlay development, it is a certainty, as with the current map, that it will often be wrong at site scale.</p> <p>VNPA also recommends that where high value vegetation is found in low-risk mapped areas, the map must be able to be over-ridden by written local expert (suitably experienced) evidence (and be used to <u>either increase or decrease</u> modelled/mapped values, as appropriate).</p> <p>Generally supportive of this.</p>
7. Require an avoid and minimisation statement for all applications, and consider this in decision making.	Include an application requirement to provide an avoid and minimisation statement for all applications. Include the assessment of this statement as a decision guideline. A minimisation statement is currently required for moderate and high risk-based pathway applications only.	So that opportunities to avoid and minimise impacts of clearing can be utilised for all applications. This requires proponents to explain why they cannot avoid removing native vegetation completely, and what steps they have taken to minimise their impacts on Victoria's biodiversity. This allows councils to work with proponents to avoid and minimise impacts.	

Chapter 2: Permit process and decision making			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
8. Require an offset strategy for all applications and consider this in decision making	Require that all applicants state how they will offset their impacts should a permit be granted. Require that the correct offset must be identified before a permit can be granted. An offset strategy is currently required for moderate and high risk-based applications only.	<p>To ensure all applicants understand offset requirements and make provisions for these in the planning stage of their proposal.</p> <p>To ensure all applicants understand offset requirements and make provisions for these in the planning stage of the proposal.</p> <p>To ensure that permit applications are only approved if an offset is available and has been identified. This will also assist in improving compliance with offset requirements.</p>	<p>Generally supportive of this.</p> <p>However, VCAT in <i>Villawood v GC Bendigo 2005</i> logically pointed out that the offset strategy should not require fully calculated and secured offset because a permit may not be granted, or may be restricted to less.</p> <p>VNPA recommends that the Offset Strategy requirement only needs to demonstrate the availability of an offset, and that a mechanism for putting offsets 'on hold' for 6 months/as appropriate, by agreement with third party supplier.</p>
9. Change to two pathways, a "lower assessment pathway" and a "higher assessment pathway"	Reduce the number of assessment pathways, and application requirements and decision guidelines to two. Consolidate decision guidelines for moderate and high risk-based pathway applications.	<p>Remove the word 'risk' from the pathway to avoid confusion about its meaning and focus the pathway on the level of the assessment that is applied to the application. Ensures that more comprehensive decision guidelines can be applied to all applications in the higher assessment pathway (e.g. the high risk-based pathway decision guidelines apply to the higher assessment pathway.</p>	<p>VNPA suggests that as a minimum addition to this proposal, another pathway comprising 'no go zones' should be added.</p> <p>VNPA recommends that local expert information must be able to alter a site's pathway (either higher or lower), rather than be purely determined by the maps/models.</p> <p>What will be the additional requirements over-and-above the low risk pathway? i.e. now that lower pathway has to produce a minimisation and offset strategy? Will this just be threatened species considerations? Or will local/regional context or 'other matters' also provide influence?</p>
10. Provide clearer guidance on when to refuse an application to remove native vegetation	Provide a clearer explanation of the criteria that should be used to assess whether a proposal will have a significant impact on Victoria's biodiversity, and whether a permit should be refused on these grounds.	This will ensure that the regulations are providing the required protection for biodiversity by not permitting the removal of native vegetation that would have a significant impact on Victoria's biodiversity. This will also assist proponents to plan to avoid native vegetation removal that would be unlikely to be approved and assist decision makers to make consistent and evidence based decisions.	<p>VNPA request that these areas should be clearly shown up-front on maps and a funded, strategic process undertaken to ensure appropriate zoning is in place.</p> <p>No-go zones must be clearly articulated within this guidance material. These need to then be strictly enforced (no exceptions). i.e. a focus must be put on 'upfront' notification to landowners and public land managers, rather than leaving it to planners at the end of the process.</p>

Chapter 2: Permit process and decision making			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
11. Include a decision guideline that allows councils to consider locally important biodiversity when assessing applications	Include in the 'other matters' section of Clause 52.17 a decision guideline relating to whether the native vegetation has been identified within the planning scheme to have local biodiversity importance.	Including this separate decision guideline in 'other matters' enables council to consider biodiversity values that are locally important but are not reflected in the statewide view of importance without needing to develop an overlay. These values need to be referenced in their planning scheme.	<p>This is important but it does not go far enough.</p> <p>As mentioned earlier the use of EVCs as an additional consideration to Statewide modelled species distribution would add an extra element of information that is now missing and would assist in ensuring that local/regionally significant ecological values were considered.</p> <p>It would also go some way towards considering 'other matters' such as ecological function or services in permit applications.</p>

Chapter 3: Biodiversity information tools used in decision making and offset rules			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
12. Allow habitat characteristic information collected at the site to be used to supplement the maps of a species habitat in the permit application process and for offset sites	Describe the circumstances that would allow information collected at a site by a suitably qualified ecological consultant to be used to supplement the habitat importance maps. Detail for when site collected information can be incorporated into decision making and when, and the criteria on which decisions are based, would be developed.	To address issues with the maps' accuracy or coarseness of scale at the site level while managing the impact of bias and observability associated with site-collected data.	<p>We need more information on which situations will allow for the provision of site- based characteristics in order to be able to adequately comment on this.</p> <p>Only allowing site-collected data to supplement the Habitat Importance Mapping is not adequate.</p> <p>VNPA recommends that the extent and condition of native vegetation extent and condition be able to be informed by site-based data.</p> <p>VNPA request that further information is provided around this topic.</p>
13. Increase the information available about the maps used in the regulations and improve their accessibility	Provide clear information about the data and methodologies that were used to create the maps. Improve accessibility of the maps and ensure they are user-friendly.	Allows users to better understand the regulatory outcomes that the maps inform. Assists users to provide valuable feedback on the maps' accuracy and usefulness.	<p>VNPA recommends that as a bare-minimum improvement, aerial imagery (with a date for time-stamping) need to extend to site level, not street or suburb level as it currently does.</p> <p>Will the logic behind the threshold used within the location risk map and habitat importance map be provided?</p> <p>VNPA recommends the reintroduction of Bioregional EVCs, which were a clearly understood concept, which were easy to explain.</p>

Chapter 3: Biodiversity information tools used in decision making and offset rules			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
14. Place greater emphasis on key areas of habitat for dispersed species in decision making and offset requirements	Give greater consideration for impacts on areas of key habitat for dispersed species, such as breeding sites. This would consider the specific offset threshold.	To allow for greater differentiation within habitats for highly dispersed species. This would provide greater protection for important habitats sites for rare or threatened species with dispersed habitats.	This may be an improvement - further information is required before specific comments can be provided.
15. Differentiate between the biodiversity value of scattered trees for use in decision making and offset requirement determination.	<p>When a site assessment is undertaken collect information to differentiate between the biodiversity value of scattered trees.</p> <p>For example, information about the tree species, age, and/or location. Use this information on a permit application. Where a scattered tree has high biodiversity value and a permit is granted, require the offset be of equivalent value and include trees.</p>	<p>To better reflect the biodiversity value of scattered trees in decision making. So that the removal of high value scattered trees can be specifically compensated for.</p>	<p>More specifics are required here to adequately respond:</p> <p>VNPA request information about which what variables and metrics will be used to determine tree's values?</p> <p>Suggested variables include the tree's habitat value for fauna, regardless of which species.</p> <p>It is not clear if this will be provided as guidance, as a requirement, or if decisions will be made on a case by case basis.</p> <p>Diameter at Breast Height (DBH) measured in accordance with the associated EVC / pre-1750 EVC Benchmarks worked well in the past!</p> <p>Offsets must not be in Habitat Hectares, let alone Biodiversity Equivalence Units (BEUs) - Offset must be in something that represents the habitat value of the tree to the species it supports, and be in a local context.</p>

Additional: Regardless of on-site protection for individual offsets using on-title agreements, we also seek the creation of a conservation zone that can be used to protect areas (including private land) that will be used for offsets in planning scheme changes, or Native Vegetation Precinct Plans (NVPPs).

Chapter 4: Offset delivery			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
16. Increase the use and functionality of the Credit Register	<p>Increase the information recorded in the Credit Register and make this available to councils, offset purchasers and government investment programs. This could include:</p> <ul style="list-style-type: none"> Registering potential offset sites before they are established so buyers can identify them, and offset providers do not incur the costs of setting up an offset site before they have a buyer. Linking offset and permit information for greater transparency Recording first party offsets. 	<p>Improved information about offset availability, particularly potential offsets, will decrease barriers to entry to the offset market for potential offset providers and reduce costs for offset purchasers.</p> <p>Establishing a single system for tracking and reporting on offset delivery would provide greater transparency and confidence in the provision of offsets and a clearer link between clearing and offset sites.</p>	<p>Generally supportive.</p>
17. Support the development of the market for low availability offsets	<p>Work with conservation groups (including Trust for Nature) to develop programs to target information to potential offset providers about offset types or locations with low availability.</p> <p>Improve external access to species information to support identification of potential species specific offsets.</p> <p>Increase use of over the counter agreements.</p>	<p>This work will build the profile of offsetting in the community, with an aim to increase market participation for low availability offset types or locations.</p>	<p>VNPA do not yet have a position on this solution.</p> <p>It is of some concern is that in resourcing the development of a market for hard to achieve (i.e. rare or threatened species specific) offsets, is effectively putting resources into the clearance of threatened species / habitat.</p>
18. Require that all third party offsets are registered on the Credit Register and meet its standards, including standards for securing the offset.	<p>Require that all third party offsets are registered on the Credit Register. This means that trades and use of the credits will be tracked and that payment to the offset provider will be linked to the delivery of the offset management plan.</p>	<p>Provide greater confidence in offset outcomes being achieved for both purchasers, the community and the environment, through higher levels of transparency, monitoring and compliance. Encourage larger strategic offsets to be established and delivered by third parties. Increase likelihood that credits are available on credit register to meet offset obligations.</p>	<p>Generally supportive.</p>

Chapter 4: Offset delivery			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
19. Redesign the revegetation standards to ensure desirable revegetation can occur	<p>Design more comprehensive revegetation standards so they encourage desirable revegetation.</p> <p>Potential changes could include:</p> <ul style="list-style-type: none"> • Modifications to gain scoring to encourage revegetation in sites with scattered trees • Encourage revegetation to be in areas well connected to remnant vegetation. • Include specific revegetation offset site eligibility criteria to ensure the viability of the site. 	<p>Design more comprehensive</p> <p>Ensures that revegetation offsets are well connected and strategic and deliver biodiversity outcomes.</p> <p>Ensure revegetation is available as an offsetting option to help address local loss in biodiversity.</p>	<p>Selective use of revegetation is theoretically supported, however regeneration is preferred.</p> <p>Terminology referring to regeneration should be used where revegetation may be a subset or associated activity.</p> <p>VNPA advises against create a rigid regeneration/ rehabilitation guide. Local knowledge should always be incorporated into a regeneration solution. There should be room allowed for this. i.e. an end target for improvement in quality proposed that is appropriate to the EVC. i.e. some EVCs have naturally low diversity.</p> <p>VNPA recommends forming a working group to develop these guidelines, including representatives from all regions. It is not appropriate that this process be managed by Melbourne-based policy staff alone.</p> <p>VNPA is generally supportive of this, as long as it is clearly only used to 'value add' to existing statutory management requirements.</p> <p>VNPA has developed a policy statement for this, and can provide this to DELWP.</p> <p>VNPA requests to be involved in the process to create the framework for offsetting on Crown land.</p>
20. Create a framework for offsetting on Crown land	<p>Create a framework to ensure that Crown land offsetting meets offsetting standards. Including that the site is eligible to be an offset, that the offset is transparent and secured in perpetuity, and that it provides 'additionality', that is, that the management actions undertaken at the site are in addition to the statutory requirements for the management of the land.</p>	<p>Current Crown land offsetting approaches are variable and there is not an agreed process to establish offsets on Crown land. There are circumstances where Crown land offsets can create important benefits for biodiversity by compensating for clearing that is occurring.</p>	<p>This concept was described in the original Native Vegetation Framework, but not implemented in any 'gain' guide.</p> <p>Remnant enhancement should include wording to reduce edge effects, enable an isolated remnant to contribute near-adjacent habitat or be made ride of internal smaller-scale weedy clearings. This should include options for requesting re-scoring or re-modelling of habitat, such as offset sites.</p> <p>For example, a 25m buffer on strategically applied to many central uplands remnants on farmland would not only reduce edge effects but create linkages and more effective habitat areas for species like Hooded Robin.</p>
We suggest another: Increase the flexibility of remnant enhancement works.	<p>Expand works for improving the condition of remnants to include buffering, short effective linkages and infill revegetation to DEWLP standards.</p>	<p>Works within the remnants don't prevent edge effects. Some great outcomes and more options for off-setters could be achieved if particularly smaller offsets could be buffered, linked to close-by larger remnants or have internal cleared weed sources removed. This would open a new source of offsets that would result in expanded on-ground improvements in the extent and quality of native vegetation and habitat values for higher assessment pathways, not currently available.</p>	

Chapter 5: Exemptions			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
21. Formalise a set of exemption purposes and principles	The purposes and principles for exemptions include that exemptions are clear, consistent and evidence based. Require that the clearing that occurs under exemptions is minimised. Where significant new footprint permanent clearing occurs under exemptions that this is recorded, reported and its impact on biodiversity counterbalanced through native vegetation investment and management at a statewide level.	Provides for consistency in the development and application of the exemptions. Ensures environmental impacts resulting from exemptions including those that apply on public land, are minimised and counterbalanced, in order to meet overarching native vegetation objectives.	<p>There is a lot that is subjective in this solution.</p> <p>Whilst it is good to justify the exemptions, who will judge what is 'evidence-based'? And by which guidelines? This needs clarification. For example if it was the VNPA, we may say that many of the exemptions should go, as theoretically we can't afford to lose more vegetation. Needs should be judged by a Stakeholder Workgroup, before an independent arbitrator (if required).</p> <p>What are the mechanisms by which the clearing under exemptions is minimised? What are the options? People who are considering clearing will need to make contact with a responsible authority to have this required of them.</p> <p>VNPA recommends that all exemptions require offsetting, and on this basis some level of contact and documentation will be required.</p> <p>The final solution described is not acceptable. Exemptions should be required to offset their impacts directly, and report on them. This should not be the responsibility of the State (i.e. taxpayers)</p> <p>Theoretically a good idea, but further information required regarding which exemptions will be removed from current list, as well as detail regarding the new wording or tools that will be provided.</p> <p>VNPA recommends a stakeholder working group is formed to develop definitions, explanations and rationales for exemptions table, including how Net Gain will be achieved.</p> <p>VNPA then recommends that the above exemptions rationale table then becomes an incorporated reference document, providing a binding reference point for applying the regulations.</p>
22. Clarify wording of exemptions	Make wording changes to some exemptions to clarify the removal of native vegetation that is allowed without a permit under these exemptions.	To ensure consistency of application of the exemptions, address common misinterpretations and enable better levels of compliance and enforcement.	

Chapter 5: Exemptions			
Proposed Improvement	Description	DELWP Rationale	VNPA Response
23. Provide guidance on the intent and application of exemptions	Develop guidance material about the application and intent of the exemptions to assist councils and proponents. Provide an explanation of what the exemptions are intending to achieve.	Enables councils to apply exemptions consistently across the state and supports compliance.	Supportive of this but this should go further than just 'guidance material'. The network of Native Vegetation Officers that operated across the state to assist in implementing the Native Vegetation Framework in the early 2000's was very effective at supporting local government, other Department staff and other agencies and landowners with the implementation of the policy.
24. Adopt a consistent approach to agreements referenced in the exemptions	<p>Ensure that the approach to agreements in exemptions is consistent by:</p> <ul style="list-style-type: none"> developing principles for the intent and contents of agreements using consistent definitions and terms adopting a standard level of consultation in the development of an agreement ensuring agreements are publicly available recording and reporting clearing and offsetting that occurs under agreements. 	<p>Provide a clear, transparent and consistent approach to developing and implementing agreements referenced in the exemptions.</p>	<p>The Native Vegetation Officer system should be reinstated and resourced. This item requires its own section that addresses and further explores how 52.17 is (or is not!) applied to Public Authorities!!</p> <p>While transparency is required around how the agreements are developed and implemented, there must be more involvement by stakeholders and practitioners in the development of these agreements – as well as independent regulatory oversight of their operation.</p> <p>All MoU's etc. must be required to offset their clearing to the same, or higher, standards as private landowners, that offsets cannot be voluntary, and must be documented.</p> <p>VNPA recommend that if Secondary Agreements. are to be permitted, then they must be made public for review before approval.</p>

Additional: The exemption that allows the Department Secretary to approve clearing on Crown Land must be removed.

Chapter 6: Compliance and enforcement				
Proposed Improvement	Description	Rationale	VNPA Response	
29. Review the overarching compliance and enforcement framework	Consider future assessment (beyond the scope of this review) of the legislative framework of the regulations and whether change is warranted to address compliance and enforcement issues.	Provides options to examine the regulations' compliance framework more broadly, to ensure it is efficient and effective. NB: This action is outside the scope of this review.	Generally supportive of this. VNPA recommends that the Native Vegetation permitted clearing policy should reflect and/or sit within the context of other relevant policy. This should occur with other policy also, e.g. Biodiversity Strategy and FFG Act amongst others.	

Additional: The biggest barrier to compliance and enforcement is resourcing. The issues associated with ensuring effective compliance and enforcement of clearing regulations are long-standing and have a long history of under-resourcing. Low rate-base councils can't afford to undertake this work. Even increasing the level of reporting around these issues will require council resources that aren't there. This is not specifically mentioned within the solutions. The State Government needs to ensure that it invests financially to see that these actions are implemented.

Additional: There is nothing in these Proposed Improvements that include an increase in the cost of penalties to reflect the damage caused. An increase in the penalties that apply are required. This needs to be clearly articulated to the public. Public Infringement Notices are also recommended. These penalties need to be a serious disincentive to clearing and this could also be a source of revenue that may assist in resourcing.