

ONLINE SUBMISSION DETAILS		
Date Received	08/03/2017	
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Privacy Options	I am making this submission on behalf of an organisation, and understand that it may be published and will include the name of the organisation unless otherwise requested	
Privacy Statement Correct?	Yes	
Privacy Collection Notice Read?	Yes	
Submission Type	Consultancy	
Previous engagement in review?	Info session 2015	
	Workshop 2015/16	Yes
	Targetted consultation	
	SRG	
	Written submission to CP?	
	Other? Describe	
Will changes improve function of regs?		
Reasons	<p>The overall intent of the review is well founded to address many of the shortcomings of Victoria's Native Vegetation Permitted Clearing Regulations. The major proposed amendments that are to be implemented, either in part or in full should result in positive outcomes for biodiversity. These include but are not limited to:</p> <ul style="list-style-type: none"> • Reducing the Basic assessment pathway threshold to 0.5 ha • Publishing the methods detailing how the models and maps were created (provided adequate information is provided to allow for testing of the models). • Redeveloping the revegetation planting standards. 	
Implementation issue with proposed changes?	Yes	
Reasons	<p>There are three areas where we believe that the draft policy falls short in adequately protecting native vegetation for its biodiversity and other relevant values under clauses 52.16 and 52.17 of the SPPs. These, for the most part appear like positive steps, however the amendments make no tangible positive change, or have a reduced contribution to native vegetation values when comparing to the existing policy.</p> <p>1. Inclusion of the avoidance step for biodiversity considerations is vital to ensure that unnecessary clearing is not permitted. There is no reason why even the most basic application cannot identify potential ways to avoid native vegetation clearing. In the proposed guidelines, avoiding native vegetation removal is left to strategic measures in planning schemes (e.g. overlays) and modelled information for biodiversity values at state level. Despite this we consider that all proponents should be expected to provide a statement with a planning permit application to explain why native vegetation clearing cannot be avoided if clearing is proposed. As proposed for the Basic assessment pathway, avoidance and minimisation does not need to be demonstrated for biodiversity values, but may be necessary for other values such as land protection. This in effect is the same biodiversity policy position which applies under the current Biodiversity Assessment Guidelines. Our concern is that the new policy does not clearly state the requirements of the proponent regarding avoid and minimise, but rather clumsily gives a caveat (green</p>	

	<p>box under 4.4.1) which nullifies the following requirements (Table 4) for avoid and minimise reporting on all applications. The guidance under 4.4.1 needs to be removed that 'steps were not taken to avoid and minimise impacts on the biodiversity values of native vegetation would be an acceptable avoidance and minimisation statement for a Basic Assessment Pathway application'. Strategic measures are not adequately in place across all municipalities to control the avoidance of native vegetation clearing. As the basic pathways will encompass the vast majority of applications the implications for biodiversity may be detrimental. The proposed absence of requirement to demonstrate avoidance for Basic applications is ultimately a blanket exemption for these applications, to native vegetation clearing controls under clauses 52.16 and 52.17.</p> <p>2. Despite removing 'biodiversity' from the title of the draft Native Vegetation Clearing Assessment Guidelines, it still only provides policy about native vegetation clearing in the context of biodiversity. The benefits of the broader scope to include other native vegetation values under 52.16 and 52.17 of the SPPs are unclear. We question how often other values trigger planning permit applications and expect that the new Guidelines will be used principally for biodiversity considerations. The proposed Guidelines do not provide any additional guidance to planners for other matters, to that already provided under clauses 52.16 and 52.17. At present, the responsible authority must consider the other matters, outside of biodiversity considerations, and therefore expectations for the proponent to avoid and minimise for this purpose are implied. What is the policy for offsetting permitted clearing of native vegetation which has a role in preventing land salinisation? This broader scope of the proposed Guidelines requires further clarification and purpose.</p> <p>3. Allowing site-based information regarding threatened species occurrences to be used to supplement modelled habitat seems like a positive step. However, it is proposed that this provision can only be used to remove a specific offset requirement for a clearing site or add a specific credit to an offset site. This only benefits proponents who are planning to clear vegetation and has disproportionate adverse effects on biodiversity. The policy should be revised to also allow threatened species that are known to occur at a clearing site to be added as a specific offset requirement. Similarly, if a species is known to not occur at an offset site (e.g. due to lack of suitable habitat) then the native vegetation should not be allocated as a specific credit as this could allow actual known habitat to be cleared and offset using known unsuitable habitat. If it is possible to allow the specific habitat maps to be overturned in favour of clearing vegetation, then it should also be allowed to be overturned in favour of biodiversity protection. In summary, the policy undermines the argued scientific rigour of the habitat models for their intended use in policy and will likely be challenged in the planning process where biodiversity protection is disadvantaged. There are also implications for how the specific offset test is calculated in revised datasets.</p>
<p>Guidelines – guidance or clarification needed?</p>	<p>Yes</p>
<p>Details</p>	<ul style="list-style-type: none"> • On page 23, the Guidelines state that Large Trees are frequently the oldest component within an ecological system and cannot be replaced. We believe that large old trees can be replaced although considerable time is often required. This should be clarified. • Replacing the location risk map with location map. Though the intent is positive, the outcomes are difficult to determine without seeing the model and understanding how and what information fed into its development. The effect of this amendment will depend on the accuracy of the mapping and how frequently the map is reviewed to incorporate new data. • Including more important areas for dispersed species habitat in the location map and including these in specific offset tests – it's unclear how this will be implemented.

	<ul style="list-style-type: none"> • The frequency of reviewing the habitat models is unclear. Reviewing the models and maps need to be undertaken on a regular basis to ensure that previously unknown populations of threatened species can be incorporated. • DELWP will work with relevant stakeholders to develop a cost effective approach to record and report significant new permanent clearing. This will allow the impacts on biodiversity to be known and can be counterbalanced through native vegetation investment and management. However, the threshold for requiring this additional information is not specified, the level of documentation required is not clear, the word “can” is used implying that counterbalancing impacts with investment and management is merely optional. In addition, the extent of investment and management to counterbalance the loss is not detailed. Further clarity is required on this, as at present it does not sound like it will be very effective or implemented well.
Terms to include in guidelines glossary?	No
Details	
Subscribe to e-newsletter?	Yes. Please send information updates to my email address
Other comments	
Written submission provided?	