

POST/EMAIL SUBMISSION DETAILS		
Date Received	01/03/2017	
Name	[REDACTED]	
Organisation	Friends of Eastern Otways	
Email	[REDACTED]	
Postcode	3231	
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	Environmental/Community group	
Previous engagement in review?	Info session 2015	Yes
	Workshop 2015/16	Yes
	Targetted consultation	
	SRG	
	Written submission to CP?	Yes
	Other? Describe	
Will changes improve function of regs?		
Reasons	The proposed changes certainly go some way in improving the way the regulations work. Large trees and vegetation communities have generally been protected.	
Implementation issue with proposed changes?	Yes	
Reasons	To provide a real disincentive to illegal clearing penalties for non-compliance need to be increased and enforced. The document does not place much emphasis on this clause.	
Guidelines – guidance or clarification needed?	Yes	
Details	<ul style="list-style-type: none"> • Need for an Independent Regulator <p>This does not appear to have been addressed – We feel there is a need for an Independent Native Vegetation Regulator as recommended in the Victorian Competition and Efficiency Commission’s Report (2009)</p>	
Terms to include in guidelines glossary?	Unsure	
Details		
Subscribe to e-newsletter?	Yes. Please send information updates to my email address	
Other comments	some additional comments on attached document	
Written submission provided?		

February 24, 2017

Comments re Review of the native vegetation clearing regulations

Some of our concerns re the proposed regulations (April 25, 2016) have been addressed:-

- **Clearing exemptions**

“Scattered Trees”

‘Large trees are frequently the oldest component within our ecological system and cannot be replaced’

Landowners would have to really justify any removal of large trees and if permission should be granted then the offset must include protection of at least 1 large tree for every large tree to be removed within the same CCMA boundary .

If 2 large trees are protected less offset may be required.

There is no protection of dead trees with a trunk diameter of less than 40cm at a height of 1.3 metres above the ground . Some trees that have diameters of less than 40cm provide nesting sites for native fauna.

- **Vegetation Communities threatened**

Protection of remnant indigenous vegetation is a key component of the regulations with details required for land owner applications describing the native vegetation to be removed, destroyed or lopped. Values of native vegetation are clearly stated.

Endangered Ecological Vegetation Classes (EVCs) are used to determine biodiversity value alongside extent of native vegetation, vegetation condition, strategic biodiversity value, habitat for rare and threatened species, sensitive wetlands and coastal areas and Large trees.

Where exemptions are granted an offset must be secured before the native vegetation is removed, to the satisfaction of the responsible or referral authority.

The offset site must provide permanent gain – it does not appear to need to be found in the same CCMA boundary.

Granting of a permit for vegetation clearing does not ensure compliance with other legislation eg Flora and fauna Guarantee Act or the EPBC Act.

- **Public Authorities Need to show Leadership**

Our request that the DELWP Secretary should not be able to approve clearing on Crown Land was not addressed – it is stated that native vegetation to be removed, destroyed or lopped should be of **minimum extent necessary** to manage Crown Land. This would be very easy for DELWP to justify.

- **Need for an Independent Regulator**

This does not appear to have been addressed – We feel there is a need for an Independent Native Vegetation Regulator as recommended in the Victorian Competition and Efficiency Commission’s Report (2009)

- **Need for Funding for Compliance and Enforcement**

Just a general statement:

Where a person has breached or failed to comply with the Planning & Environment Act, the planning scheme or a planning permit they may be liable for certain penalties. This could take the form of a planning infringement notice a VCAT enforcement order or prosecution under the P&E Act.

To provide a real disincentive to illegal clearing penalties for non-compliance need to be increased and enforced.

- **Measuring results of New Policy and Reporting**

We have not been able to find how the review should be reported annually. Is the policy measurable? This review should be reported annually to the independent regulator with accountability being demanded.