In regards to the Native Vegetation Clearance Regulations, through regular work for clients seeking to clear NV for development, I have identified three significant issues with the process that I believe could be readily resolved, and which would improve the ecological basis of the clearance/offset system, as well as promoting fairness in development applications.

1. NV clearance and offset requirement decisions are predicated on the accuracy of the Statewide mapping database (e.g. SBS, Location Risk and Habitat Importance). It is clear that the overwhelming majority of this mapping has not been ground-truthed, and in all fairness, it is not realistic for DELWP to be able to do this. However, the lack of accuracy at times results in some very unrealistic offset prescriptions: from my significant experience, situations where SBEU are prescribed for areas which are long-term disturbed and the habitat is highly modified/non-existent, and where the target threatened species have not ever been recorded within a considerable radius, and alternate situations where it is quite obvious that an area proposed for development is high quality habitat and would potentially support threatened species, but Location Risk is A, and no SBEU are prescribed when the offset requirements are determined (i.e. threatened species likelihoods for that location are clearly very low). DELWP needs to be prepared to: (a) accept reliable 3rd party data, such as habitat scoring, threatened species or community observations, etc, from sites that have never been ground-truthed (e.g. from VQA accredited consultants, etc.) to expand and improve the accuracy of the databases, and (b), be prepared to accept that information provided from reliable 3rd parties can result in a modification to the offset requirement prescribed (i.e. so that the presence of a high quality parcel, or the obvious lack of quality of a site, which is contrary to the mapped view, can override the Statewide mapping database).

2. The default imposition of a 15 m radius and Condition Score of 0.2 on all 'mature' trees (> 3 m in height) is an unfair construct that does not represent the true ecological influence of trees of different heights/diameters/age class. It is clearly ridiculous to suggest that a sapling that is barely 3 m in height and with a dbh of < 15 cm has the same ecological footprint of a tree that is 30 m in height and a dbh of 180 cm. I would suggest that DELWP must consider a partial regression back to the NVF tree category system that recognises tree diameter classes in order to restore the ecological sense (and fairness to developers) of the decision-making; in the proposed context, I woud recommend that a VLOT Scattered Tree for loss would be attributed the 15 m radius, an LOT a 12 m radius (for example), an MOT an 8 m radius, and a ST a 5 m radius. Condition scores could be assessed on-site by a reliable 3rd party wherever possible, as 0.2 under a Scattered Tree is more often than not an over-estimate; only a default of 0.2 would apply if no such assessment had been made. Such a system would adequately address the ecological influence of the different diameter classes of trees, so that a fair offset for their loss could be applied.

3. It is clear that DELWP are trying to force all offsets effectively into the 3rd party market - the desire for the Department for even all 1st party offsets to be s69 agreements and on the NVCR (and to have to go through a costly BB assessment and NVCR registration with the associated fees) - is becoming clearer by the month. In addition, even though the EnSym NVR Tool Team (or the EnSym NVR Tool itself) will provide a report for an defined Remnant Patch offset area as x amount of GBEU; once the characteristics of this area are entered into the First party Offset Calculator, the offset area then only can provide a maximum of approximately 60-75 % (a bit variable) of the original GBEU assessed. This is a de facto penalty for any person wishing to undertake a 1st party offset to meet the requirements which is hard to understand; also the amount of area required for a 1st party revegetation offset after running the data through the calculator is also substantially greater (i.e. up to 2x the area) than a Remnant Patch Offset. All of this does not make ecological sense from a landscape viewpoint. Surely, it is better for the offset, whether it is a patch or a revegetation offset, to be implemented on a site near to the clearance, rather than at a 3rd party site which could be 150 km away, and is simply a protection of NV that already exists (i.e. no new native vegetation is being created with a 3rd party offset). What I am suggesting to correct this is to actually encourage the establishment of 1st party offsets to facilitate better landscape biodiversity outcomes (rather than penalise it as is the current system), and further to this, to further encourage 1st party
revegetation offsets to be established in preference - as surely these are the only chance of new native vegetation being established in the locale where the clearance has occurred. These 1st party offset outcomes could be readily encouraged as the preferred outcome by manipulating the GBEU worth of an offset site for it at least to be worth what is produced through the EnSym Tool, or even to weight it a little higher.