Preface to submission

I appreciate this attempt to improve the situation for native vegetation in Victoria, because as the First Nations say "We are Country", and all things depend ultimately on having a viable landscape, and not having to spend millions of dollars of future taxpayer dollars to restore it. Sadly Victoria, a small state, has decimated much of its habitat in many of its regions.

On another note the prolonged time for fixing the DEWLP departmental website does not contribute to public awareness.

I also appreciate the opportunity to give some ideas and opinions on what needs to happen. In this submission I have put important ideas into bold text and especially important ones are both bold and underlined, to make summarising my main points easier.

What exactly are we saving and who exactly is saving it?
Submission to the Victorian Government Native Vegetation Review by


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1. Risk to the Ecology of Victoria

The Remnant Native Vegetation report (VEAC 2011), according to the VNPA's submission, stated that Victoria is the most cleared state in Australia, with about half its original vegetation cover cleared, including 80% of the original cover on private land: and with 44% of plants and 30% of native animals either extinct or threatened.

Under Section 1.1.1 the document says: "The most important places to achieve gains and to avoid losses are in locations with higher relative contributions to biodiversity." Although I see the necessity for preserving areas of higher biodiversity as sources, there is no in-built mechanism for restoration of degraded areas in this statement, and in the Review.

This is reinforced by Figure 2 "Relationship between 'no net loss' and 'net gain' objectives" which fails to apply this to regions rather than the whole state. Therefore what happens in reality is that severely degraded regions like the mallee, where most of the ground mammals have become extinct since human settlement, and the vegetation is well on the way along with the remaining suite of biodiversity it supports, additionally with salinity and soil loss, is that instead of being considered vital for preservation and restoration the area is considered against an overall "statewide" objective.

The "Proposed Improvement" no. 1, i.e. the three-step approach, involves "Preventing the removal of native vegetation that makes a significant contribution to Victoria's biodiversity". Clearly the analysis which may be involved at various stages is a view about whether a particular remnant parcel of vegetation contributes to the number of species (biodiversity) at the state-wide level, rather than contributes to the retention of habitat within, and overall condition of, the federal Sub-Bioregion in question, which actually in turn has implications for overall biodiversity. It sets out a clear step-by-step approach that will probably end up doing very little because it requires a listing, and probable counting and prioritising, of the relevant species for the parcel of land in terms of the statewide condition rather than the regional and local one.

Habitat for Sub-Bioregions is not specifically a prerequisite of the 3-step process, nor is the
relevance of the Ecological Vegetation Class (EVC) species list for that Sub-Bioregion, as compared to its relevance in terms of the entire state, so the process is so generic that it is virtually meaningless.

As a very broad example, there might be a Quoll in one region which makes it possible to clear where there is a Quoll in another region, because we are still sure there are Quolls in the state. Thus there might be a swathe of a particular species of wattle in one part of the state, which means it is possible to clear in another part of the state, because the state of Victoria can still count that wattle as part of its biodiversity. **The contribution to habitat in that particular region, and therefore the overall health of the fauna in that local area, is not as relevant as the contribution at the statewide level of having that species SOMEWHERE in the state biodiversity suite, so this is a flawed process which fails to protect regionally-based ecologies. Although there are codicils to this in the Review, generally this state rather than regional approach is enshrined into it.**

I therefore think that this Proposed Improvement 1 might be a slight improvement but in terms of guidance for local regional decisions it is next to useless. The ramifications are that it may appear the state is doing very well overall, but in fact individual regional areas may be failing their biodiverse species in terms of habitat protection, so the end result is decline. **There is a failure to include "in that (federal) Sub-Bioregion" as a specific requirement in Proposed Improvement 1.**

Slowly and surreptitiously decline may occur over a number of areas, but it is not immediately obvious this will impact on the state's biodiversity but it will! Regions should not be lumped as a whole, across the state, instead a holistic approach WITHIN each Sub-Bioregion needs to be taken. A whole-of-area approach for a Sub-Bioregion is not reflected in the three-step process, and neither is any reference to habitat, and particularly habitat outside reserves, only state-wide biodiversity.

It is clear that Shire lands and councils play a strong role in management of native vegetation in Victoria due to the regulatory framework, however in the Statewide Assessment of Public Land currently being examined by VEAC, these lands are totally excluded from the process. I am not sure what percentage of the state and its native vegetation that is, but it is likely to be quite large. In addition to this, in areas like the mallee where clearing has resulted in most mammals being extinct, and only about 10% of the native vegetation being left in fragments and on roadsides, much of the biodiversity and habitat is actually on the Shire lands. However for all extent and purposes in the State of Victoria these are not "public lands". One should remember that local government is not enshrined in the Constitution so local government lands are entirely state-based lands and under state administration, as well as containing important habitat and species. **However the state responsibility for vegetation on all public lands including shire lands is excluded from the statewide planning assessment (VEAC), whereas vegetation on shire lands (still state lands) is lumped under the planning process instead, with privately owned vegetation which also may represent the last of the species, seemingly no-one's concern. This is a mish-mash approach that is anything but holistic for each Sub-Bioregion.**

It is also clear that the Shires would like more expert information and guidance to be available so that they can make better decisions. However since the Kennett government demolition of regional state environment offices in Victoria, there has been little expertise remaining in regional Victoria. Staff in the local state department regional office may only number one or two in terms of biological expertise, hardly the basis for taxonomy analysis, although staff for primary industry and fire management may number many more. Therefore if the local government officer is unclear they only have limited options, including:

- ring the local state department office nearby and hope they can get hold of someone who knows the bird, reptile or plant under consideration;
- ring Melbourne and hope someone is available who has ever been to their locality;
- look up the Biodiversity Interactive Index or other maps.

**The lack of regional expertise is a completely unsatisfactory situation which will result in a lot of generalised overlays and management that will be based on inadequate information. This is unlikely to be assisted by the VEAC public land process which excludes Shire lands, even though those are still public state lands.**

Unlike the VEAC State Public Lands inquiry which excludes local government, section 1.2.3.

"Strategic planning to protect and conserve biodiversity" seems almost entirely reliant on local
government planning processes such as overlays to protect areas, which apparently must be of high biodiversity. So on the one hand there is an inquiry that excludes local government areas, and on the other local government jurisdictions are almost entirely responsible for native vegetation but even then only areas of high biodiversity are relevant.

There seems to be a complete absence of state government planning for the regions which is reliant not just on high biodiversity areas, but on an overall approach to habitat protection in each region. Instead the regulatory process ensures habitat protection is largely reliant on local government efforts and they must compare the habitat to state level biodiversity, which is disastrous.

The concept of “risk” is considered in Proposed Improvement 9 which says that removing the “word ‘risk’ from the pathways will help to avoid confusion about their meaning”. However the process of risk assessment in terms of biological impacts is an important one, and surely in this day and age, professional council and other staff should be able to understand the concept? I would prefer the word risk to remain, but it should be clear that the risk is to the ecology, so that instead it might be better to use the term “ecological risk”. It should be clear the risk is to the functionality of the ecological system, so that disturbances represent a risk to the integrity of the ecosystem, and thereby potentially render it unable to cope with climate change and other impacts.

For example, the “risk” to ecological systems in semi-arid regions is likely to be desertification and further salinity, if the systems become dysfunctional. The risk in terms of the Murray River and associated wetlands is that if it becomes dysfunctional, farming will no longer be possible and whole urban communities will need to be relocated. It is impossible to underestimate what risk means in terms of ecology – whole regions can be rendered virtually useless for anything, as was shown by the tragedy of salinisation. This is not a unique situation which cannot be replicated in other ways in other regions. Disturbance beyond a certain level renders an ecosystem incapable of maintaining essential processes like nutrient and water cycling, and being stable enough to remain resilient to prevent frequently changing, thereby turning whole landscapes into “no go zones”.

Small incremental disturbances which don’t appear to damage much may thus on the whole create a wider regional problem. I believe this is what happened to the region involved in the 2009 bushfires. Small incremental damage added up to a system that was weakened and thus prone to disturbance, making it far more dangerous than if the system had been intact. Thus roadside clearing which removes shrubs and replaces them with grasses, which then dry out, and whole areas cleared for farms which have simplistic monocultural grass systems which also dry out, along with road and disturbance of forests thus weakening and drying them out, lead to a scenario which is “ripe for the picking” on a disturbance comes along. It is important that disturbances should not be considered in isolation to other Sub-Bioregional disturbances, because the ecological system works as a whole, as a system, and this has important ramifications for clearing and permits. The whole emphasis of assessing ecological risk to the local area is completely lost if the focus is on comparing the permit area to state objectives.

Ecological risk really is the right phrase, and a really sophisticated analysis of threats to Sub-Bioregions should be done so that levels of risk of various types such as groundwater, fire, catchment water, salinity, habitat resilience and so on are well-known, and only then can decisions could be made. Until then there should be a moratorium on any clearing, otherwise it is all just an uninformed and piecemeal response.

There have been several documents to build upon including the Land and Biodiversity study, and the VEAC inquiry into Remnant Native Vegetation, but still we are not dealing with EVCs and habitat and biolinks properly, years after the fact. In the VEAC Inquiry the document agreed to: “comprehensive, adequate and representative system of protected areas” and yet we are still not discussing EVCs in a serious way in this Native Vegetation document. The state is still not, after many inquiries noting the Janis Criteria, looking at regions in a holistic way, including both the importance of reserved levels of EVCs and “assets”, along with the degraded land between them which may provide buffers or future refuges, more than a decade after CSIRO warnings regarding the need for whole-of-area approaches. Also the state is not analysing ecological risk from various activities, and how that pertains to the local area, as though human activities can go on unabated without any consequences, so long as we have the right number of species (=biodiversity) at the state level. The
point about climate change is that ecological risks to local areas have already gone up without anyone noticing.

2. Ecological Risk levels

There seems to be little in the way of protection for small areas or low numbers of old growth trees in that there is an inability to refuse a low risk-based pathway application on biodiversity grounds. Proposed improvement 5 will reduce the threshold so that few applications are assessed in the low risk-based pathway. **Arguably in a state in which so much has been cleared already, and many EVCs are not well represented within their bioregions, there should be no further clearing at all, full stop.** Failing that, guidelines need to be stringent, need to be based on both EVC and threatened species knowledge, and need to take into account the amount of clearing in that Sub-Bioregion and the amount of that particular habitat left. For example in the mallee, the situation is a catastrophe, in that most of the vegetation that is not in reserves is on roadsides and subject to constant maintenance with heavy machinery for rabbits and road improvements, whilst overall the vegetation is almost absent in large parts of the region. These aspects do not seem to have been taken into consideration.

Regarding Scattered Trees, Proposed Improvement 15 introduces high biodiversity value, however it is important that this does not allow the removal of more trees of lesser quality as a result, as they may have other values in terms of habitat, connectivity and so on that are not immediately noticeable in terms of biodiversity.

Section 2.2.1 notes the threshold for the low risk-based pathway (15 trees or one hectare in Location A of the Native vegetation location risk map) categorises too much clearing in the low risk-based pathway and results in most or all applications being assessed in the low risk-based pathway in some council areas. **Proposed Improvement 9 seeks to amalgamate medium and high categories, with the likely end result that many more applications will end up in the low risk category, if more information is not available to place them as high risk.** The amalgamation of categories is probably not a good move at this stage, until all the other issues have been ironed out and the system is working well for a long period of time.

In addition Proposed Improvement 8 extends offsets to low biodiversity applications. However I don't believe offsets are of much value except as a last resort, as they do not replicate the entire community with its nutrient and moisture processes and suite of animals as well.

3. Habitat

If anyone said its ok if a town of 100 people disappeared, because we can build a new town down the road with a new 100 people, do you really think anyone would say that it is the same? But this seems to be the state’s level of understanding of habitat protection. To say that it is not proactive is being polite, and no wonder it has been causing so many problems. **The state approach needs a complete rethink and EVCs and habitat should not be footnotes and afterthoughts.**

Complexity seems to be completely overlooked in this review and in the state’s approach, and seems to rely on a very high bar of comparison with statewide biodiversity and the idea that offsets can replace communities. Habitats are built on interspersed patches of flora and fauna, each with specific nutrient and moisture requirements and its own suite of microbes, invertebrates and vertebrates, and are not readily replaced.

When discussing Offsets, as in section 4.2.1, the mistaken state approach is reinforced. That says it is the intention of the strategic biodiversity score to differentiate sites based on their statewide strategic biodiversity value. Thus offset providers whose sites have very low strategic biodiversity scores note their sites contain good quality, well connected vegetation, and believe they have been unreasonably downgraded by the low scores. **Consistent with this is the failure to mention EVCs except as a footnote, habitat is not mentioned until 20 or so pages into the Review document, and the concept of habitat value within the (albeit highly flawed bandaid approach) offset process is completely ignored.** Furthermore the process used to assess areas is in the minds of various departmental officials, rather than spelled out in this Review document!
Habitat is finally mentioned properly after more than 20 pages of the document. There it refers to habitat only with regard to moderate to high risk applications under section 2.2.3, where it says: "actual impact is determined using site assessed condition scores and by applying the specific general offset test which considers the removal of rare or threatened species' habitat relative to the remaining habitat for the species in Victoria."

However this test is not explained at this point, nor in the rest of the document. And it again uses the very high bar of the state, rather than sub-bioregional appraisal. So if something is well-represented in north-eastern Victoria it doesn’t matter if it disappears from western Victoria. This is a ridiculous approach on paper, even if in practice the mysterious site assessed condition scores improve the situation somewhat.

Importantly though the determination is based on "habitat relative to the remaining habitat for the species in Victoria". This is not a regionally based determination and it certainly fails completely to examine the situation regarding habitat requirements for the Sub-Bioregion and the EVC. In support of this section 2.2.4 (about clause 52.17) goes on to state: "Some councils and community groups have expressed the opinion that the statewide priorities do not always align with local priorities or the local biodiversity values that should to be considered when native vegetation is proposed to be removed."

This submission may seem unfair in its criticism of the Review, because there are State government procedures for habitat determination mentioned in the document, however these do not ever seem to be really spelled out in the Review. Ironically the Review states that high conservation value areas are to be determined by the Flora and Fauna review process. Habitat determination is hidden in Note 1 to the Proposed Improvement 3 which says: "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 the Flora and Fauna Guarantee Act, 1988."

Therefore many outcomes of this vegetation review process will be completely unknown to both decision makers and the public until the Flora and Fauna review is finalised, and even then the habitat assessment is not spelled out in this Review so is subject to the personal approach of the state's Assessor on the day, if the state department even gets involved. Furthermore the Flora and Fauna Guarantee has been toothless from its inception, so it is likely that "high conservation areas" to be dealt with by it will be largely ignored in state government legislation, which is appalling.

The Review thus presents a secretive and generic process which fails on a number of major fronts. The end result will be maintaining the status quo of reserves and farms, so that decline of other vegetation is set in concrete. This may not be immediate decline in biodiversity, i.e. species loss, but it may mean longer term decline in remnant habitat, which means that there are no refuges from climate change or buffers to national parks, or biolinks between reserves. Thus there may be an overall imperceptible decline in entire communities, rather than the state objective involving number of species (biodiversity). The situation may only become obvious at some much later point where species crash or ecological communities become dysfunctional, i.e. biodiversity is lost, and even then it may not be counted if it does not affect state levels! This seems to be the case for woodlands and grasslands, in spite of numerous measures and reports.

Since Proposed Improvement 14 completely fails to deal with approach properly, I suggest a Proposed Improvement X which should read: "The state's primary consideration should be the protection of habitat so that all animal species can thrive, but also the retention of representation of the EVCs of each federal Sub-Bioregional area according to the Janis Criteria so that vegetation itself can thrive."

In terms of significant remaining habitat, roadside vegetation is often counted, but in reality such areas are fragments when other larger areas have been taken for farming or development. In reality they are marginal zones where animals are forced to nest and live, where they are just as likely to have their partners and their progeny killed in front of them, and then to not live out their own lives fully either. This happens to parrots and to stumpy-tailed lizards on a regular basis, some of whom mate for life, are threatened, and would otherwise live very long lives. This is done so property developers and other money-makers can live affluent lives, and leave a legacy for their kids. The real
legacy they are leaving is stressed animals with truncated lives and broken families. They are largely prevented from performing their important functional roles in ecological processes to which they, unlike property developers, contribute significantly, thus ensuring the ultimate health of the soil, water and landscape of Victoria for all future humans and other animals.

The idea of a high-speed train seems to be very popular but it should not go through eastern Victoria, which is an area of high sensitivity. But even if it takes a direct route from Melbourne to Albury, there will be a significant amount of vegetation that needs to be assessed. It may be in some cases that there will be no alternative than offsets. The same should never however be done for roads, which instead should be re-routed to avoid remnant habitat. I believe Offsets are a strategy of last resort, and should only be used in rare cases where there is absolutely no other alternative.

With regard to the issue of dispersed habitats (section 3.2.4) for rare or threatened species which cover a large geographic area, decline will be evident if enough individuals cannot find enough territory to hunt and mate. Examples might be the Powerful Owl, which may be in decline as enough pairs do not have enough good quality habitat for hunting as it is logged and given over to property developers. It was suggested by some that key sites, for example breeding, nesting or feeding sites, warrant a higher level of protection, and that is certainly true for breeding sites, but for feeding, this might involve the protection of quite large areas of good quality habitat, supporting a sufficient population of prey. Driving animals into decline such as the large owls and the Quoll via starvation due to reduced feeding ranges can hardly be considered to be of any credit to the State of Victoria. All logging of old growth must cease to ameliorate this and similar problems with widely dispersed but threatened species. To create this situation so that some well off people can have the house of their dreams, or the developers can plonk a supermarket in the middle of prime habitat, is reprehensible.

Proposed Improvement 14 attempts to ameliorate this problem but, like many other Improvements in this Review which are generic or restrictive, it refers to breeding sites but not feeding sites. However no organism can breed successfully if the progeny can’t be fed! It also is restricted to rare and threatened species, but not vulnerable species, thus allowing the decline of Vulnerable species into the threatened category without preventative measures. This does not show either a proactive or precautionary approach to the problem of decline due to breeding, and fails to mention feeding altogether.

In Section 1.2.3 it is noted some stakeholders suggested ‘no go zones’ be identified and introduced where the removal of native vegetation would never be permitted and I think that should be considered seriously, especially in regions where clearing has changed over 50% of the region and greatly undermined the viability of many EVCs. One hectare on private or public land cleared in such a devastated ecology is very different from one hectare cleared in a region with most of its vegetation intact. The emphasis on biodiversity rather than remaining habitat component may lead to even further deterioration in heavily cleared areas. There should be a weighting scale where Sub-Bioregions are assessed for the amount of clearing and given a weighting for importance as a result. There should also be a weighting for percent vegetation remaining in each EVC of that Sub-Bioregion, rather than a statewide tally, particularly if that EVC is important habitat for various species.

The first paragraphs of 1.2.1 show two things. One idea I greatly support, that greater emphasis should be place on avoiding the removal of native vegetation rather than on offsets, which do not preserve the ecological community and its nutrient and moisture recycling processes and suite of animals. Decision-making can concentrates on high biodiversity OR on removal of vegetation as habitat and therefore the basis of the ecological community and its processes, and I believe the latter is the more constructive approach, in which it is still possible to put ADDITIONAL emphasis if the community has high biodiversity also. But primarily retention of native vegetation is done to provide habitat for the animals within it, and all the flora and fauna contribute to recycling of nutrients and retention of moisture, therefore protection of that should be the aim.

The other idea in paragraph 1.2.1 clearly places the emphasis on biodiversity, i.e. retention of variation in species, and not on habitat protection, even though it is habitat protection that leads to retention of biodiversity and resilience to change, as well as improvements in nutrient and water retention and recycling.
It seems to me that the federal government has devolved its responsibilities to the states through (EPRC) Bilateral Agreements enshrined by COAG, and now the state government is attempting to devolve its responsibility by making local governments responsible for all vegetation in the state that is not on public land reserves. Overall the impression is of irresponsibility at all levels, along with a failure to understand the whole-of-landscape approach to habitat protection. The emphasis in the Victorian process in place of habitat protection, EVC analysis, and (federal) Sub-Bioregional analysis is on areas of high biodiversity at the state level. This is a completely unacceptable and non-proactive approach. It is especially poignant when the entire responsibility for assessment has been pushed onto states by the federal government, who are now pushing it onto councils, while setting a ridiculously high bar of state biodiversity to attain, although councils are not even legal under the federal constitution. Therefore in my opinion the entire process is both shoddy and shonky.

4. Connectivity

Connectivity is dealt with somewhat by Proposed Improvement 19 finally later in the document on page 35, wherein connection between fragments is to be encouraged. Rather than being a focus of the plan, along with habitat and EVCs which are also largely ignored, connectivity is almost an afterthought and seems to be largely ignored in the whole document. Such a non-ecological approach makes one wonder if anyone with biological expertise actually reviewed the Review before it went out.

I do not think offsets are a solution but if they are to be used, then they should indeed be of high quality in comparison to the site to be lost, but areas that provide good quality habitat and connectivity should be given equal, if not more, consideration to those that are comparable to the state level biodiversity requirements. So a new Proposed Improvement X could be written:

"Areas of vegetation that provide suitable habitat for a number of species, or that provide connectivity between vegetation fragments, or buffers to reserves, should be given serious consideration in addition to those that provide biodiversity values."

At the moment it appears that deliberations about habitat and other values are to be a behind-the-scenes departmental process, and so are more or less down to the judgement of a state government employee on the day, although there are no doubt guidelines. It is not enough in a Review of Native Vegetation regulations to focus on state government planning regulations (shires) and completely ignore other state government departmental approaches, such as habitat and connectivity assessments, and EVCs, all of which receive hardly any commentary in this state government document regarding vegetation.

Proposed Improvement 19 includes encouragement of revegetation in sites with scattered trees, and in areas well connected to remnant vegetation. Importantly there is to be offset site eligibility criteria to ensure the viability of the site. The problem is that without an analysis of the Sub-Bioregional EVCs as required by the Janis Criteria, and their contribution to animal habitat and community establishment, knowing what is important in terms of revegetation is almost impossible. Therefore offsets, already a bandaid, become even more of a "virtual" solution, especially if monocultural re-vegetation not related to EVCs is involved. This is even worse if the plantings are in rows and continually controlled for weeds underneath by spraying etc., allowing almost no value as habitat. The offset becomes a quick fix that is a solution in name only.

It should be noted that the CMAs seem to be unable to provide substance to the notion of "biolink" so that for example the Mallee CMA plan for biolinks involves virtually no revegetation, due to funding no doubt, so that it is a "Virtual Biolink" where pest management will be the priority. The previous investigations into remnant vegetation in Victoria become almost meaningless in the face of such funding constraints. Reserves and remnants are highly fragmented across most of the state, so why is connectivity not a first order priority in this document? It is not good enough in a time of climate change when organisms are more and more likely to use connections between fragments to move, that Victoria fails to plan for creating biolinks due to funding constraints, and leaves connectivity completely out of a Review of Native Vegetation removal.

Therefore although I am in favour of including revegetation as in Proposed Improvement 19,
especially if it contributes to connectivity, without a serious analysis of the type of revegetation required in terms of EVC and animal requirements, and a VERY STRICT REGIME of requirements, it may be a waste of resources. There is however an alternative argument that the situation is so desperate in Victoria that anything is better than nothing, and that climate change will be so dire, that nothing is more important than connectivity of any description between remnants. This could work well or be a waste of resources, depending on how well it is done, which of course depends on the strictness of regulation.

5. Permits and Information.

Proposed Improvement 10 involves whether an application has a "significant impact on Victoria’s biodiversity and whether a permit should be refused on these grounds". **IF VICTORIA'S BIODIVERSITY AT A STATEWIDE LEVEL IS NOT IMPACTED, ACCORDING TO THIS AWFUL PROPOSED IMPROVEMENT 10 THERE ARE NO GROUNDS TO REFUSE, so Proposed Improvement 10 remains dreadful.** It gives the rationale “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”. **But what Proposed Improvement 10 actually does is give proponents the impression everything will be fine so long as they don’t impact state-wide biodiversity. It misleads both proponents and government officers, and is also the wrong approach because it is statewide and not bioregionally based, and ignores the issues of habitat and connectivity altogether.**

An overall approach such as in Proposed Improvement 7 will be helpful which introduces the requirement to provide an “avoid and minimisation” statement for all, not just moderate and high risk, applications, and including it in decision-making. 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". **I fully support the approach of Proposed Improvement 7, but special consideration needs to be given in Sub-Bioregions where particular EVCs are at risk, and where habitat overall has been significantly reduced. It is no longer good enough in times of climate change to say: “that area will be all right because there is plenty in the national park”.** Animals may be moving out of national parks and reserves, and in many places, there will be nowhere to move to, so much clearing in Victoria has been done, in the pursuit of the dollar in farming and in the property market.

Clause 52.17 sets out guidelines for removal of vegetation, largely based on biodiversity criteria, although it does include "other matters". Section 1.1.2 says that 52% of councils stated that they often, sometimes, or occasionally consider "other matters" in Clause 52.17, and 4% stated that they never considered them. Many stakeholders and councils agreed that it is practical to consider these other matters individually when assessing a proposal to remove native vegetation so that the basis for decisions are made clear. A range of stakeholders also highlighted the need for stronger guidance for assessing applications in relation to when native vegetation removal should be avoided, that is when a permit should not be granted for its removal. **So there is clearly a requirement for improvement of the system in terms of information given to both councils and the public.**

Proposed Improvement 4 which improves monitoring to determine if the regulations are achieving their objective and make this information publicly available is commendable. **But the decision-making process at the state government level also needs to be more transparent, not just the end results of that process.** There is almost no information about the state government decision-making process in the very document that purports to be a state government review of the state's native vegetation regulations. Such state government assessment processes should be based on EVC status and habitat conditions within Sub-Bioregions, not just on ad hoc state-based aims, and such site condition assessments or other processes should be incorporated (specified in detail) into the Review's final document, which should not be based on overall state objectives rather than Sub-Bioregional requirements.

There also does not seem to be any uptake of specific biodiversity equivalence units involving habitats for rare or threatened species (Table 8), but this is not explained in the Review. **There needs**
to be some solid data and explanations in the Review and not just generalisations.

I belong to a local club which is often discussing occurrences of rare species, and sometimes even new species, but information from such organisations is not systematically added to the database. **Local knowledge can be largely missed, particularly because the state completely fails to staff the regions with biodiversity experts and taxonomists, and leaves the whole job to intermittent surveys running out of Melbourne.** After the effects of such a dearth of localised regional knowledge, on top of this a statewide bar has then been set, to which this largely unknown local knowledge is compared. This is particularly true in the case of invertebrates which are largely unknown Australia-wide.

Furthermore this is largely based on statewide biodiversity criteria rather than localised habitat value or ecological community characteristics or their contribution to ecosystem processes. To say this approach falls short of the mark and is reactive rather than proactive is an understatement. No wonder it hasn't really been working well, judging from the numerous comments made by local councils. It is top-down, and Melbourne driven

As long as EVCs and local surveys are not given priority, and instead mapping "guesses" are made, which are then compared to a bar which is at the absolute top level, i.e. the state, there is no hope of preserving much of either the habitat nor the species in the state (the biodiversity), such as if an invertebrate requires a particular EVC (or even plant species within it) to survive. Therefore what this approach involves is a bandoit at best.

Furthermore even if a patch of habitat does happen to pass all the harsh requirements, there is no guarantee that the decision will hold. The VNPA in its submission to the Remnant Native Vegetation report (VEAC 2011) noted that about 70% of council and state government decisions were overturned by VCAT in about 2003, and only 35% of applications to clear vegetation have been refused clearing altogether in spite of the fact that the native vegetation proposed to be removed is often of 'high' or 'very high' conservation significance. Although this was the situation in the early 2000s has it improved much? **There doesn't seem to be any analysis of this aspect of clearing i.e. VCAT decisions in this report, which should be of fundamental importance, especially regarding the dire condition of the State's vegetation cover.**

Chapter 4 states under Offset Delivery that the proportion of offset requirements that are met using offsets registered on the Credit Register has been steadily increasing over recent years. **It is not clear if there has been a higher rate of development requiring permits impinging on Victoria's environment and of what kind?** **There may have been increases in urban development due to population rise in major centres, but an analysis of a rise in permits (including reasons) is also, like VCAT decisions, not forthcoming in the Review and should be included.**

Chapter 4 also says offsets registered on the Credit Register are viewed as an efficient way to connect buyers and sellers of offsets, and simplify the process of buying an offset for those who remove native vegetation. **This may indicate that with an increasing number of permits, overloaded staff are looking for a simple solution such as offsets to resolves issues.** I think the indications that the generalised offsets are becoming a kind of ready fix, a rubber stamp solution to the problem, is of considerable concern. **This is especially the case as I think offsets DO NOT provide much of a solution since they do not transfer whole communities of plants and animals even if some plants are offset, so should be the option of last resort.**

**There is a general lack of data and information involving trends and explanations in this Review, which should be included in the document, as well as a lack of clarity and proper process on the ground.**

### 6. Section 5 and approach to Public Lands are flawed

Section 5 starts by saying there "is general consensus among stakeholders that exemptions are an important part of the regulatory system." **However I am not sure that is the way conservation groups see exemptions at all.** The VNPA in their submission to the Remnant Native Vegetation inquiry (VEAC 2011) said that 36 environment and conservation groups released a joint statement on 3 April 2012 (in response to "The Future directions for native vegetation in Victoria—Review of Victoria’s native vegetation permitted clearing regulations 2012") on Victorian native vegetation rules. **That...**
joint statement included the line: "We request that any review of the Native Vegetation Management Framework should: include no further exemptions for clearing."

So in terms of stakeholders supporting clearing exemptions, apparently this Review's idea of stakeholders does not include conservation groups, or they are incorrectly attributing support for exemptions by them, where there is clearly none. Therefore Proposed Improvement 21 which says: "Formalise a set of exemption purposes and principles" should indicate that the main principle is that there should be none if at all possible. This would be the position of a number of major stakeholders, and also myself.

Section 5 then continues: "Exemptions ensure that the system functions well by allowing for the maintenance of previously cleared areas....". There is some value in the idea of having re-vegetation on previously cleared land, in the unlikely event there is not an issue of remnants or scattered trees, but "maintenance" may not involve any vegetation at all, just fencing for example, so this is rather spurious in terms of vegetation. The rest of the rationale is complete rubbish though, especially: "Exemptions ensure that the system functions well by allowing clearing where the costs of obtaining and complying with a planning permit would outweigh the benefits to the environment of doing so."

So according to the Review Section 5 if the developer has high costs, this is a big problem for the environment, and the environment would rather have a big urban development than an open paddock. Is there anyone in the department who even understands what they just wrote? The benefits to the environment will NEVER be improved by development, except where re-vegetation replaces completely cleared land (and not scattered trees and remnants). The amount of carbon retention and moisture retention in a crop paddock or in an empty grass paddock vastly outweighs the amount where the surface is concreted by a development, and in addition the soil is able to breathe and a multitude of soil bacteria and soil invertebrates still persist. If a largely cleared paddock has scattered trees or scattered remnant vegetation it is capable of even more nutrient and moisture retention than an open paddock. Apparently no-one in the department has seen magpies etc. feeding in such paddocks, or realises what goes on in the soils, or what creatures use scattered trees, because they think the "environment would be better off being cleared if it costs someone to obtain and comply with a planning permit."

Is this just badly written or do the writers really not understand much of what they are writing, including stakeholder attitudes, the need to protect habitat and connectivity, that EVCs are of primary importance and so on?

The ideas in Section 5 of the benefits to the environment of development is utter garbage and should be removed from the document altogether if one is not to be a laughing stock, along with references to stakeholder consensus that are assumed but not checked with stakeholders themselves.

Proposed Improvement 24 discusses the inclusion of Agreements in exemptions, including:

"* developing principles for the intent and content of agreements;
* using consistent definitions and terms;
* adopting a standard level of consultation in the development of an agreement;
* ensuring agreements are publicly available; and
* recording and reporting clearing and offsetting that occurs under agreements."

This is in response to section 5.2.3 which mentions "inconsistencies in agreements applicable to different authorities" and "reporting of clearing under agreements is not adequate". However Proposed Improvement 24 and its introduction in the Review fails to explain to the reader what some of these Agreements might entail. There needs to be a much better description in this section of what is involved here. Are these state government agreements, what are they exactly? There is absolutely no information here for the reader to base an analysis on. This is another example of where the Review is scant on information, making assumptions that the public, and sometimes even the shires, know what goes on behind the scenes. I would recommend re-writing much of section 5.2 for the final document, as one of the most contentious sections has been badly written.

Section 5.1.2 is additionally dreadful in a number of ways. Firstly this is because it assumes that the processes involved with Codes of Practice are sufficient, such as the dreaded logging ones that have been revised umpteen times because they are not effective, along with the flawed RFA process
which fails Janis and other criteria. Conservation groups are constantly taking the government to court over such issues, because it is failing its responsibilities. And now of course we have the federal government further abrogating its responsibilities by passing the responsibility for most development applications to state governments under Bilateral Agreements.

Yet in spite of that new situation, the state government actually makes it worse by passing any real supervision of vegetation onto very shoddy processes like Codes of Practice, which are not regulations at all, and are designed to facilitate resource extraction. The end result is that Victoria, as the federal government clearly desires on the behalf of its corporate donors, fails to actually REGULATE vegetation removal rather than hold it under spurious codes, even when federal threatened communities may be in play, along with completely ignoring the Janis Criteria by not basing assessments on EVCs.

Section 5.1.2 writes: "to avoid duplicate regulation or to streamline processes by removing the requirement for a planning permit...". Isn't it funny that the state government creates a “One Stop Shop” where regulation of development is no longer supervised by the federal government, but is a state government responsibility under Bilaterals. Even funnier this is also to "avoid duplicate regulation or to streamline processes", hence the horrific term "One Stop Shop", which should probably be called One Stop Chop. Is it clear that the Victorian state-based Or is this simply a case of complete and utter mismanagement, where it is assumed other processes such as codes can bear the entire gamut of state government responsibility (now that the feds have devolved themselves of any), even though they replace actual regulations and are designed to facilitate resource extraction? Fundamentally if this approach goes ahead, the Victorian ALP has failed the State of Victoria by failing to regulate, and preferably prevent, clearing of vegetation, especially on public and shires (also state) lands, putting themselves on a par with the notoriously corporate-driven Abbott government.

The whole approach in section 5.1.2 is totally unacceptable.

 Proposed Improvement 21 says where there are exemptions then the quality of the vegetation is again to be compared with statewide biodiversity "to meet overarching statewide native vegetation objectives." This is to provide accountability and minimise impacts due to exemptions on public land. However it only really seems to be referring to "new footprint permanent clearing" and not to the issue in general, but why there is a rush on permanently clearing, which should be assessed by setting a ridiculously high bar for the environment, in a state which has lost much of its vegetation, is unclear. What this term actually means is again not explained in the document, and again this matter is to be compared at a statewide level, rather than at (federal) Sub-Bioregional level.

The entire approach in Section 5.1, is unacceptable, firstly because statewide biodiversity is the bar set, and no accountability is provided for EVCs, habitat or connectivity as discussed in earlier sections. And secondly because there should not be any clearing of public land in a state with much of its vegetation gone in the first place, only in very extreme circumstances. Finally it makes the dreadful mistake of assuming that "codes" can replace regulations, even though they have mostly become the subject of court cases due to their weaknesses. This section provides a carte blanche approach to make the whole thing easy, seemingly supporting the federal "one stop approach" which is designed to make it easier for exploiters.

Instead of making real improvements this seems to be tinkering at the edges so that Section 5.2 is not really discussing "key issues" but "peripheral issues", leaving the fundamentals of a highly flawed process in place. This is particularly poignant in an era when the federal government is clearly abrogating its responsibilities under Bilaterals, and when the UN has been lied to that Australia does no more land clearing. Somebody at some point in the chain has to pick up the ball, otherwise the whole process becomes largely a rubber stamp for exploitation.

In Section 5 the fundamentals of section 5.1 are completely ignored by the Improvements, in favour of peripheral issues in Section 5.2 around transparency: any vegetation regulations on public land are to be replaced by state "codes" that favour exploiters: clearing of public land seems to be a fait accompli that is largely facilitated. Without a complete rethink of the approach in Section 5 this entire Review will fail, and the Review may as well have not been written.
7. Maps and Data Acquisition

Whether percent EVC or some other method will be used to determine habitat quality by the department or councils is, as is the tone of this document, a complete mystery to readers of this Review. On the other hand there is a "strategic biodiversity score" with a map reflecting that overview of biodiversity, indicating again the top-down approach applies, but the Review still fails to say how the biodiversity score is arrived at by departmental processes, and there are no maps provided as examples where an explanation could be attached.

The description of the map says:
"The Strategic biodiversity score map provides a statewide view and provides a way of identifying the most important locations for Victoria's biodiversity, and provides a standard measure of biodiversity value across the State, which allows both clearing and offsetting sites to be compared using the same measurement."

Although this is useful information such maps should not be used to allow or disallow developments on the basis of statewide indicators. Localised habitat and biodiversity values MUST be paramount, hence I suggest using the federal Sub Bioregional categories, and undertaking an analysis within each one as to what is important habitat and biodiversity sites, and making the decisions largely on the basis of that. In contrast to such a proactive approach, the approach in Table 5 seems to involve reducing costs to the proponent instead of producing maps which are based on solid data. It says (my bold font):
"The maps facilitate upfront planning so proponents can avoid and minimise native vegetation removal and understand offset obligations, without having to undertake costly site assessments......They indicate areas of likely suitable habitat for a species and remove the need for costly and sometimes inconclusive species surveys......The habitat importance maps provide a more transparent and consistent view of suitable habitat for rare or threatened species compared to site assessment."

So what seems to be happening here is that decisions are able to be made on a site without proper data analysis of the site, to save the costs to the proponent, and create maps based on estimates of statewide biodiversity rather than known information about EVC extent. THIS IS COMPLETELY UNACCEPTABLE.

Section 2.2.1 notes there is a problem of inaccuracies in some "habitat importance maps", which are the basis for the native vegetation "location risk map", which is updated to show "highly localised habitats". These show where a small amount of clearing could have a significant biodiversity impact, under Proposed Improvement 6, thus indicating any clearing in those locations should be considered within a higher assessment pathway. Proposed Improvement 6 is an improvement, but there is not much indication that there is a systematic determination of "habitat", in fact the entire document almost fails to mention habitat. Furthermore systematic determination of habitat and presumably also EVCs, is actually prevented, due to costs to the proponent.

DETERMINATION OF HABITAT IS A STATE GOVERNMENT RESPONSIBILITY. It is an asset which should be investigated and analysed in an in-depth way by the DEWLP, as the yardstick against which any damage, human or natural, may be measured. As such it should not entirely be at the cost of the proponent but be a joint undertaking. I think the taxpayers of Victoria would be happy to find their taxes are being spent on finding out what the state's assets actually are. By this I mean habitat and EVCs, as well as connectivity, and animal communities supported by vegetation mosaics. Without this any idea of "habitat map" or "biodiversity map" is virtually meaningless, so no wonder there is confusion.

Table 6 notes that problems with maps include problems with resolution and on-ground changes. The problem is, as I have stated elsewhere, the lack of on-the-ground staff in the regions which allows a continual updating of the available data. An on-ground presence could be enhanced by coordination with those groups such as Field Naturalists and Friends Groups who are actually out there gathering information, and may be able to provide species lists and new findings, most of which currently sits on shelves across the state, never to be seen by government. One only needs to look at the federal government heritage database (previously the National Estate) to get an idea of the paucity of information for Sub-Bioregions to see that the top-down approach is likely to be inefficient in terms of
gathering of data (not policy and management).

The Biodiversity Interactive Index is a very good mapping system which I would not like to see replaced, but it is not as comprehensive as it should be. That is because there are few on-the-ground surveys by qualified staff trying to ascertain the quality of the EVCs or suite of animal species which is found in the various localities.

There needs to be, even if costly in terms of resources, more on-the-ground data gathering. Mapping and modelling are excellent tools, but that is ultimately what they are, they are only as good as the information from the ground. Instead of being treated as tools that add to knowledge, they are being treated as THE source of knowledge, which they can never be. For example if one bush of one species that is threatened is spied out of the car window of a local person, that information may never get to the state government database, especially if there are few local biodiversity experts in the local office to relay the information to, and no on-the-ground surveys are ever done. On the other hand an overview of what the statewide biodiversity says about the particular local area is supposed to be enough to make a complex decision in the current process.

Most of the people who have intimate knowledge of the local area where I live have never heard of the ALA, and pretty much not the state flora and fauna databases either! But they will talk to the local officer if available: “Oh guess what I saw one of those bushes that were all cleared on such and such road, and I haven’t seen one around there for 20 years”. Many of the older residents cannot even use computers, and many of the local regional areas have very few young residents at all to do so.

One can ignore all those local sources of knowledge as “anecdotal” and they certainly will stay that way as there are few local officers in regional offices to check on such findings, or to do regular surveys. So not only species, but knowledge about species, is disappearing, with the Koorie knowledge almost completely gone in some areas, and apparently not well used like that of local naturalist organisations. But don’t worry because Melbourne is in control of everything everywhere, and the knowledge about it, and everything everywhere is compared on the same high state bar by someone in Melbourne who has probably never been to the local region in question, but can prepare a map.

The more top-down the approach to information gathering is, and the more the state hands over its responsibility for data acquisition to others such as councils and developers, rather than employ state government staff to do proper field investigations, the more the process of vegetation management in all aspects from permits to mapping is likely to fail.

8. Offsets and Compliance

Proposed Improvement 20 where offsets occur on Crown Land, states that the offset needs to be secured in perpetuity, which I fully agree with. It concerns me that this may make it easy to obtain permits to clear Crown Lands in the first place, which should never be allowed, given the amount of vegetation remaining in Victoria. It seems to me that the government needs to set up a new category of reserve, wherein that piece of Crown Land represents an Offset, however if they are going to do this, it will need to go through the parliamentary approval process. Otherwise what category are these parcels going to be under and how can they be assured to be preserved “in perpetuity”? One way of doing this may be to make them parcels of land administered by the Trust for Nature, which already has the legislative framework. Otherwise they may have to have new legislation, or be legislated as small “Bush Reserves”, such as are found scattered all over the mallee. I might add these are never maintained, and often treated by the public as rubbish dumps or places where trailbikes, cars etc. can run rampant. Remnant vegetation in small parcels therefore resembles damaged scrub rather than the EVC they are aiming to protect. Small reserves are quite difficult to maintain by a short-staffed and cash-strapped Parks service, and are very easily damaged. So therefore it might be preferable to maintain these Proposed Improvement 20 offsets by fencing, and have them legislated as non-saleable Trust for Nature properties in some way.

It also appears about 30% of offsets are not registered on the Credit Register and these are secured with Section 173 agreements where compliance and monitoring is not feasible for councils. Some stakeholders have suggested that large first party offsets should be secured with agreements that
meet the same requirements as those for third party offset sites on the Credit Register, and to that end Proposed Improvements 17 and 18 are a good start. **My feeling on these Section 173 offsets is that all should be incorporated on a separate register and ALL OFFSETS should be under the monitoring of state government personnel.** I do not think that Councils generally have biological expertise for monitoring of offsets, whether credit register or Section 173.

Section 6.1.2 makes the point that:

- "some councils have compliance approaches that are working well, including:
  - targeted provision of information about the regulations
  - standard requirements for compensation if illegal clearing occurs
  - processes for following up on permit conditions to provide offsets to check that these have been met
  - processes for monitoring that offsets secured using Section 173 agreements are being delivered."

However Section 6.2.1 points out that most councils do not have an agreed approach to managing compliance with regulations. Section 6.2.2. found that "more than half stated that they either occasionally or never followed up on permits issued with conditions to provide offsets to check if the permit holder had removed native vegetation in accordance with the permit conditions and had provided the correct offsets." This makes the entire process a bit of a joke doesn't it?

It is not at all clear to me why the State does not have an across-the-board regulatory framework in this regard which would ensure that:

- proponents are clear about regulations and penalties;
- that the process of providing evidence of offsets including photos is clear; and
- that monitoring processes are delivered properly.

Section 4.2.2 discusses first party offsets. Councils are supposed to monitor compliance of such Section 173 agreements not on the register but cannot afford to do so. In my opinion they are not the right body to do so either. **All offsets etc should be monitored by officers from the state government with the correct professional qualifications to do so.** To leave this sort of thing to non-biological staff is absolutely disastrous. I completely agree with the councils this should not be their jurisdiction, not only because of cost, but because of expertise. **Councils simply do not have the scientists to notice if the habitat value is being compromised in subtle ways.** The stakeholder suggestion that large first party offsets should be secured with agreements that meet the same requirements as those for third party offset sites on the Credit Register seems also to be a sensible suggestion. However the section is supposedly answered by Proposed Improvements 17 and 18 which scarcely deal with the issues at all, except in a very general way, and certainly do not include that stakeholder suggestion about including first party offsets.

It seems to me that monitoring should be a State government function and not a council one. Rather than "some" council approaches working well, there should be a clear framework for approach to compliance, including a two-pronged reporting framework by councils to the state government on:

1/ regulations and compliance; and
2/ monitoring of permits and offsets, especially Section 173; and
3/ monitoring should be done by a team of qualified state government staff.

It amazes me that a state government framework to which all councils should comply apparently does not already exist! **I thus fully support Proposed Improvement 25, and a vastly increased role for DEWLP as suggested by stakeholders.** However with regard to Proposed Improvement 26 I disagree with the issue of councils "monitoring and acting on noncompliance" as I believe that is a state government role, and that a separate section of DEWLP needs to be set up to this end. **IN FACT I BELIEVE THE ENTIRE PROGRAM OF APPROVALS SHOULD BE ADMINISTERED BY DEWLP WHO HAVE THE SCIENTISTS TO FOLLOW THROUGH ON THE PROCESS. Clearly permit applications etc. would need to go through Planning, but the actual assessment of vegetation clearance, and compliance mechanisms, needs to be managed by the Environment Department scientists.**

After all DEWLP is not just the department of firefighting and farming is it? This Proposed Improvement 26 gives the rationale that it: "Empowers councils and community groups to proactively
address compliance in a systematic way and identify and take action in response to non-compliance". The councils do not have the resources and neither they nor the community are the police force nor should have that role. On the other hand the DEWLP has a defined compliance department, which although short-staffed and underfunded, seems to be regularly involved in providing permits to shoot native animals.

The DEWLP Compliance section role could be improved and expanded, thus bringing in vegetation oversight without a major department restructure. One of its functions could be regular rotation of Sub-Bioregions to do random compliance assessments. Another could be to visit sites notified by council as being above a certain size, or containing important ecological communities or EVCs. The DEWLP compliance section could incorporate a team whose job it is to assess compliance of vegetation permits.

Section 1.2.1 says some stakeholders suggested that there should be greater emphasis on avoiding the removal of native vegetation in all cases to achieve the objective of the regulations: and avoiding native vegetation removal, where possible, should be the first step when new uses or development are planned. I certainly agree with this approach if a holistic, bioregionally habitat-based management approach is to be taken, which should be the case. I think the offset process is only a last-ditch effort as it does not transfer the existing animal species, or the ecological community, only a range of plants which may not establish well, or re-establish the community including its invertebrates, bacteria and fungi. Often in these cases the role that soils and nutrients and water cycling plays is forgotten, and these are at their optimum in a well-functioning community, rather than a sterile re-vegetation plot.

Section 6.2.1 says that non-compliance is prevalent in some areas, and in such places "significantly greater areas of native vegetation are removed as a result of illegal activities than from permitted clearing." Also 50 per cent of councils stated that illegal clearing occurred sometimes, or often. From Figure 4 in the Review, around 13 of 46 councils state that illegal clearing is going on often. It is pointed out there is a lack of council resources in some councils to enforce the regulations, but my view is monitoring and compliance should not be a shire responsibility in the first place, as they do not have the scientific expertise to examine the areas in the depth required.

Figure 4 also fails to give any real assessment of the problem, and what needs to happen is some examination of what kind of areas are involved. For example if illegal clearing occurs only sometimes, the areas may be so much larger than those in the "frequent" category that the problem may actually be worse in those shires. The other problem is the quality of vegetation that is being illegally cleared, for example it may be that a highly threatened EVC is being cleared, and no-one has even noticed. That is because the State has failed to make the assessment of EVCs front and centre of its approach. If threatened EVCs were regularly monitored it would immediately be noticed if rampant bulldozing was occurring in them.

It may be possible to utilise regular satellite surveys and monitoring of EVCs to investigate the situation further. Illegal clearing needs far more investigation in terms of areal extent, but also localised biodiversity and habitat effects, and effects on EVCs. I suggest that the state government set up a special team entirely focussed on this issue, who should first focus on the worst shires, but also have a role regularly monitoring (e.g. by satellite and random visits) the extent of EVCs, leading to possible convictions for their illegal clearance. This would work similarly to Workcare, and as mentioned above be a section within the existing compliance section of DEWLP.

Where is the State government oversight? This is an appalling state of affairs and says to me that in some areas the State government has not been doing any checking whatsoever, that is, there is a "leave it to the councils approach", which is not good enough, and this seems to be unfortunately somewhat built into the regulations i.e. planning. The state should have a responsibility for compliance, and it should be reported on regularly and checked by qualified state government staff on a regular basis. The worst shire areas should be the focus of remedial programs, including education, random compliance visits by state government officials, increased reporting by councils, and so on, until the situation changes in those particular locations.

I would point out that we are therefore contravening our promises to the United Nations Framework on Climate Change, in which Australia says it is no longer doing land clearing, which is clearly a blatant lie, made even more so by the situation in the State of Victoria! There is even the
case for not only state government regular oversight of compliance, but federal government intervention and penalties due to this UN agreement! This level of clearing and the lack of oversight regarding areal extent and quality, as well as the lack of focus on areas where it is worst, is completely unacceptable.

Proposed Improvement 27 should be approved and this should involve a complete revamp of the Compliance section of DEWLP, with more staff and resources, including regional staff, and with a role in evaluation of damage to EVCs through satellite and random field visits. The approach needs to be systematic, as in the Statewide Assessment of Public Land. Each Sub-Bioregion needs individual assessment by DEWLP biologists for EVC’s remaining and a satellite record kept of current EVC holdings statewide. Then over time each bioregion should be systematically studied for variations in these EVC holdings by the state government not the councils, such as by an expansion of the existing compliance division. New information can be contributed by regional department staff and councils, especially on EVC status, but the primary analysis needs to be done for each Sub-Bioregion in order using satellite information and field visits. There could be a timetable set so that each Sub-Bioregion is examined in depth once every decade. Variations in clearing without permits would result in prosecutions, including where government may have been at fault (e.g. roadside or rail reserve clearing).

This is not the Victorian era where all sorts of illegal activities should be allowed to go on behind the scenes, and never discovered and penalised, this is the era of satellite detection and toeing the legislative line of a secular society, unless we all want to live in a laissez faire anarchy where anything goes (which clearly many developers and farmers might prefer). The State government by failing to take responsibility for what is a climate change promise to the UN (no land clearing) is allowing virtual anarchy to take place right under its nose in contravention of Australia’s international obligations.

The central idea of mapping replacing surveys seems to save costs, especially to the proponent, and allows the state to not comprehensively assess the remnant vegetation according to Janis Criteria, in a state where half its vegetation is already gone, and a great deal more than 50% of it in specific regions. I therefore think this approach to replacing proper surveys with maps is appalling. Instead I suggest comprehensive surveys of vegetation, with the cost to be jointly shared by the proponent and the taxpayer. Staff involved would need to prove biological credentials, and not just be planners or other council staff, they should be from amongst state government biologists, or consultancies. This would not be in place of a regional team of biologists which would regularly survey the area though.

In general the Review has the air of dealing with issues in a very generic way, avoiding serious mention of specifics such as EVCs and habitat, and any mention of functional processes, ecosystem services or environmental accounting etc. It seems as though the Review is trying to keep away from any serious change, and just wants to tinker at the edges. That in my opinion is not good enough. A complete overhaul is needed.

Section 6.2.2. found that councils said that permit holders often failed to present evidence that they had provided offsets. Also Section 6.2.1 points out that Court and VCAT enforcement penalties are too low to be a disincentive. For some reason the latter always seems to be a problem in protection of the environment. There should also be greatly increased penalties, and these should include penalties for not providing proof of clearance and offsets, including the use of photos, the requirement for which should be in the state government framework.

In this aspect I agree with the Proposed Improvement 29 suggestion, and thus agree there should be a review of the state government compliance mechanism. To this end the role played by the compliance section, which I have suggested should be expanded to include satellite and field analysis of EVCs (as determined by departmental biologists) on a systematic, Sub-Bioregional basis, cycling over the regions in a decade or so (as in the YEAC Assessment), should be included in such a Review. THE WHOLE APPROACH OF THE STATE GOVERNMENT NEEDS TO CHANGE.
9. Whole-of-Landscape Approach and State expertise both missing

The VNPA in their submission to the VEAC Remnant Native Vegetation document asked for things such as:
- support for existing and new incentives for conservation of native vegetation on private land;
- improving the conservation management of small and/or linear patches of remnant native vegetation on public land, including road and rail reserves, stream frontages, and other small blocks;
- improve coordination and clarity across land tenures and between stakeholders"; and
- an assessment of mechanisms and incentives for private landholders to contribute to connectivity and biodiversity enhancement with a view to augmenting the range of mechanisms and incentives currently available."

But I can't say I have seen many improvements over the decades, such as more schemes to conserve private land; better and increased management of small linear reserves (road, rail, stream etc.); and greatly improved mechanisms to achieve connectivity; and I also doubt that clarity involving roadside management and private remnants and stakeholder roles has improved. Why is it that we don't seem to be going forward in Victoria?

I agree with the gist of Proposed Improvement 28 that sees compliance as a cooperative government issues nationally involving co-regulation, but the emphasis that addressing non-compliance should have "a focus on activities that have significant impacts on Victoria's biodiversity" is wrong. That is because yet again the focus is shifted away from Sub-Bioregional analysis of EVCs, and their attrition, as well as contribution of flora generally to habitat, animal community and functional process of nutrient and moisture cycling etc. Instead there is a leaning towards a comparison with the high bar of the state level of biodiversity.

Section 3.2.5 says stakeholders have raised that decision-making and offset requirements do not directly consider the Ecological Vegetation Classes (EVCs) of the vegetation. The Review attempts to resolve the problem of EVCs by Proposed Improvement 14, however that almost entirely deals with dispersed species! There is however a Footnote which mentions EVCs as an afterthought (!), which says that if EVCs are useful in terms of biodiversity they may be considered. However EVCs are not a footnote, in terms of vegetation, aside from habitat for species, they are the MAIN GAME.

This approach contravenes the state's obligations to protect representative vegetation in its own right i.e. the Janis Criteria, and by doing this, no matter how much state biodiversity levels are used as benchmarks, it will fail the state's biodiversity by doing so. There is no real consideration of the need to preserve EVCs (Ecological Vegetation Classes) within Sub-Bioregions (national standard) in this Review, which is the proactive and precautionary approach. Thus on the ground, in many parts of many regions and for many species, this plan will fail the vegetation as habitat and support for biodiversity in the longer term, even if overall it appears that the state is improving.

There are areas where locally or regionally the situation is already URGENT; even if in comparison to statewide indicators they fail the test. The fauna of the mallee are almost entirely reliant on reserves, roadbounds, and fragments on private land, and I imagine this is not the only region where that is the case. The VNPA in their submission to the Remnant Native Vegetation report noted that VEAC stated in that 2011 report that the highest number of threatened species in any one region in Australia occurs in north western Victoria.

The CMA plan for climate change includes biolinks, in which it invests more efforts in pest management between reserves than it does on re-vegetation which is virtually excluded, making the biolink itself "virtual", probably due to funding shortfalls. Plans such as those by the Mallee CMA reinforce the status quo, rather than making determined efforts to improve degraded areas. Under the threat of climate change, desertification of arid areas is a real possibility, not just increasing salinity. But priorities in plans are pest management and maintenance of existing reserves, ignoring areas outside, with proposed "biolinks" between the parks and reserves which may have to become refuges, not even being targeted for concerted revegetation. This Review MUST take into account places like the mallee that are already in decline due to habitat loss and salinisation, and face even more decline due to climate change.

Worse still in areas like the mallee, where much remnant, even threatened vegetation, is on wafer thin roadsides or in strips on private land, "maintenance" activities by Shires etc. mean that what is
left is constantly bulldozed for rabbit control or road maintenance, thereby damaging roots of trees and tearing out whole shrubs. **Existing sources of biodiversity do need high priority, but a great deal of effort needs to be put into restoration of degraded areas also.**

Without proper care, the Murray River ecosystems and thus the Murray system itself may become dysfunctional, leaving a water supply that is not feasible for anyone or anything. This is partly of course reliant on the fiasco of the Murray Plan which has turned a scientific approach toward the Murray system into one where people come first. Someone should tell them it doesn't work that way, before they are faced with having nothing of their landscape and water left at all. It is all on the line when a landscape's ecosystems are badly degraded, even before climate change.

It may be that some areas will be preserved well, such as national parks, whilst the rest of the region is a disaster. But the lack of localised habitat- and EVC-based approaches, added to support for damaging activities like road, pest and fire maintenance which disturb habitat, will allow the full impact of climate change to hit.

**Because remnant habitats are often not "locations with higher relative contributions to biodiversity" and because the idea of net gain is not specified to apply to Sub-Bioregions and EVCs rather than the state as a whole, it seems as though degraded areas will remain that way, and will probably even further decline.** Hence if climate change or degraded reserves mean species must move into outlying areas, there will be nothing there for them. It is clear from the state of Victorian woodlands and grasslands that something similar has already occurred there, with much of those areas cleared since human settlement, already resulting in localised animal extinctions (e.g. woodland birds).

Furthermore applications for clearing may be granted for various purposes in such severely degraded regions **BECAUSE THEY DO NOT MEET THE STATE TEST, whilst the fauna is hanging on by the skin of its teeth.** The fauna may, as climate change proceeds, no longer be able to rely on reserves for their final refuge. Just as an examination of woodlands showed that the state has failed to meet its obligations, this top-down approach will be the death-knell for many of the areas that are already badly damaged. **Apparently what is required by current and reviewed vegetation regulations to prevent clearing is for a patch to show high integrity and high biodiversity (even to state level), rather than to show the patch may be the very last fragment of an EVC, or the last spot where the local snakes and birds can reside.**

**The concept of restoration of degraded regions seems completely absent in governmental approaches, at all levels, including in this Review, where it seems the only factor of interest in protecting the state's vegetation is comparison with state biodiversity.** To say this is taking a narrow approach is an understatement, and it is certainly not taking a whole-of-landscape approach. With even further clearance under permits to EVCs, fragmented remnants such as these, because they do not meet state-level biodiversity criteria, slowly disappear from particular localities. Eventually the many becomes the whole, and so one day this is noticeable at state level. In the end preservation of areas, other than national parks and reserves, in degraded areas in this state is likely to fail completely without serious plans to prevent it. **Whole regions that are already badly degraded are likely to decline, meaning that in the end the state may have many areas where habitat and biodiversity are almost absent, and certainly only of low quality.**

The holistic concept is completely absent in Victoria, which instead seems to be relying on preservation of "valuable assets" and areas of "high biodiversity". Certainly statewide biodiversity should have some input, but ultimately it is secondary to what is needed in each region.

**With the remainder of Sub-Bioregions in poor state, for those areas between the severely underfunded Parks system, the outcome will be poor.** The areas between reserves will be unable to perform as refuges under climate change, when organisms move out of reserves into nearby buffers, connectivity elements, or other habitats. This is the case long-term, even if on paper it looks as if the state is achieving something overall.

**The non-holistic approach within regions is compounded by a lack of regional expertise and departmental involvement in species and community analysis and compliance issues.** Already we have seen habitat and biodiversity decline in the State in the 25 years since depressing Kennett gutted the public service in the regions, particularly the biologists who could inform us about the taxonomy, biodiversity and habitat aspects of those regions. This regional gutting of staff was never
been reversed by ALP governments in the decades that followed. Thus maps and information available, which are not based on field work, provide little in the way of expert guidance for Shire staff to follow. Council staff are not taxonomists, or even biologists usually, and yet they are expected to have that high level of understanding.

To make up for this appalling statewide approach, personified in Proposed Improvement 10, Proposed Improvement 11 allows for the consideration of locally important biodiversity, to be included in the section "other matters" under Clause 52.17. The rationale is given that this enables councils to consider locally important biodiversity values which are not of statewide importance, without needing to develop an overlay. Although this is certainly better, this local biodiversity inclusion in "other matters" will probably involve the majority of applications and is a really piecemeal approach instead of being the main approach. The requirement for statewide biodiversity is a very high bar to set, and to then fudge the problem that creates by Proposed Improvement 11 is not really a proactive approach.

The proper approach is to assess all the EVCs and habitat remaining for each Sub-Bioregion, and make those the standard, so that it is not only biodiversity, or the number of species, but the quality and amount of habitat remaining in the local area that is to be considered. On top of that one can add known sites of identification of threatened species, comparison with state biodiversity and so on. However it should be noted that for invertebrates, Australia has not even identified most of those, so that if the precautionary principle were to be used here, all areas with invertebrates would be protected until more is known. Therefore it is highly unlikely that many threatened invertebrates have already been identified, and it is completely certain that statewide biodiversity is data deficient. Furthermore more information often comes to light during surveys, which can find threatened species in areas where they were previously unknown.

Council staff who are not scientists trained to do these kinds of surveys are virtually handed the whole responsibility for development determinations by the state government, which has been handed to it by the federal government through bilateral agreements. This leaves a government structure not even in the Constitution in charge of the environment of Victoria, and on top of that one which doesn't maintain staff with the necessary scientific expertise, and yet these staff are in charge of the whole shemozzle, in which they must make their decisions on the basis of mapping that is not even determined by on-the-ground field work!

The last thing this Review seems to want is adequate field assessment of state vegetation by professional staff, either in terms of habitat or EVCs, as a basis for "habitat maps" on which determinations will be made. Nor does the state apparently want to be involved in compliance, which seems to be entirely a shire responsibility, with few government staff either locally available or expected to be involved.

The necessity of field work, especially on extent of EVCs and their contribution to habitat, as required by Janis, is the proactive approach. However this is not only ignored, but even argued against in this Review as too costly etc. Restoration of degraded areas is however far more costly, as has been shown by issues of salinity and erosion, yet restoration of degraded regions is also indirectly prevented in this Review if areas do not involve species that meet the state bar of biodiversity. It is no surprise this top-down inadequate approach achieves a good deal of confusion and consternation.

The emphasis on only retaining areas of high biodiversity at a state-based level, rather than habitat protection within a Sub-Bioregion, and the responsibility of biodiversity protection being shoved onto local government, whilst in the ongoing VEAC public lands processes local government lands are excluded, is a totally confusing mess which lead to very poor results. The reliance on council expertise in monitoring and compliance only worsens that mess, and means that staff who are not biologically qualified state employees are being sent out to assess complex stands of vegetation with intricate species interrelationships and ecological community characteristics. The state has systematically run-down its regional biological expertise and is now reliant on non-qualified council staff for just about everything. This is appalling and it is no big surprise if there is an overall decline in Victoria.

This document deals a lot with biodiversity, that is biological species diversity, on a statewide basis.
But the government in all aspects of management, including this review, does not seem to take a holistic within-region approach to habitat management, which leads to the whole-of-landscape approach as recommended by experts. Nor does it consider the important aspect of regional taxonomical analysis, resulting in a mapping system which is necessarily superficial as the basis for permit determinations; and a great deal of confusion and consternation. I could not imagine a worse, more inappropriate and top-down approach if I tried. All it tells me is that governments at all levels abrogate their responsibilities for the natural environment, which makes me very angry.

The CSIRO and others for many years have argued for a whole-of-landscape approach, which this Review seems to ignore. The failure to include Shire and even CMA planning on a Sub-Bioregional basis in habitats outside of reserves, rather than by setting a high state bar (of biodiversity), shows that an holistic approach is not being followed. The powers that be do not recognise the overarching nature of climate change in which reserves may not be sufficient refuges for protection of biodiversity, and remaining habitat will become paramount.

Even preservation of reserves, especially small bushland ones, is shoddy due to lack of resources including staff and money, and concerted effort. Yet this document in its Section 5, seems to want to facilitate further clearing of vegetation even on public lands, in spite of the fact the state has been half cleared. The exclusion of Shire lands, which ARE state government public lands, from the VEAC state public lands investigations process, further tends towards poor outcomes.

Proposed Improvement 2 says that DELWP will provide consolidated guidance to inform decision-making about native vegetation removal, since the current Guidelines focus on biodiversity considerations in the permit assessment process, but do not include broader policy guidance about the consideration of native vegetation removal across the planning system. It says guidance could include a reference to the importance of biodiversity and strategic planning, identify priorities for protection of native vegetation, details on how biodiversity and 'other matters' in Clause 52.17 are considered when deciding a permit, the intent of the exemptions, and compliance and enforcement. This would be greatly enhanced by an OVERALL clarification of the state government position and the decision-making process, providing the required guidance, and leading to results which should then still be monitored.

Figure 2 should preferably have Outcomes which read "To achieve net gain for each Sub-Bioregion, and "No net loss of EVCs within a Sub-Bioregion". Guidance could include goals to ensure that as little vegetation is removed as possible; that habitats and EVCs are maintained within Sub-Bioregions to provide an holistic approach; and that degraded areas are to be improved; and that biologically qualified personnel should be involved in assessments and compliance.

There seems to be a consensus in section 3.2.5, which I obviously agree with, that EVCs should be considered in addition to species' habitats in decision-making, and when like for like offsets are required. Certainly there has been little attempt to ensure that Victoria's EVCs are in ship-shape condition, giving the situation we have currently that many EVCs are under-represented in reserves and thus becoming scarcer, and that some habitat types are even in decline.

Sadly the whole process is ensnirled in the existing, often generic, regulations, which deny prioritising local habitat and EVCs. For example "Clause 52.17 does not allow council to refuse to grant a permit based on biodiversity values that are considered locally important but do not align with statewide biodiversity priorities", but instead allows for biodiversity values to be included in overlays. The more proactive councils may include biodiversity in overlays, but overall there would not be a consistent result in preserving EVCs, or conserving Sub-Bioregions, from such a dreadful exclusion of local values, and a non-consistent approach across the state which depends entirely on the fervour and leanings of the local council involved towards conservation. Proposed Improvement 11 helps but it is not a strategic approach to the problem, it is a bandaid approach. THE ONLY WAY TO FIX ALL THIS IS TO TAKE A COMPLETELY NEW APPROACH WHICH IS NOT TOP-DOWN, BUT IS BASED ON BIOREGIONAL CHARACTERISTICS, AND USING BIOLOGICALLY QUALIFIED STAFF IN ASSESSMENTS. This means that by default Clause 52.17 would be completely changed, and "biodiversity values that are locally important" may not even be an issue, as EVCs and habitat characteristics of a federal Sub-Bioregion would be the main determination. Even if the powers that be do not have the foresight to use such a reversed and proactive approach, Clause 52.17 should be changed to reflect that local areas are of paramount importance.
It is quite clear that when avoiding Sub-Bioregions and even regional vegetative condition and going straight to state-level assessments, no serious consideration of EVCs or the local conditions are involved, resulting in conflict with those Councils who wish to improve their local situation with regard to habitat and vegetation.

I think Ecological Community (plants and animals in an integrated ecosystem) should be considered first in any assessment: EVCs next; amount and quality of habitat required by various animal species third; comparison with statewide biodiversity fourth; and as the very last resort, offsets. There needs to be a strategic approach based on data from each Sub-Bioregion, for that Sub-Bioregion, with only occasional reference to state biodiversity appraisals, NOT THE OTHER WAY AROUND.

What an earth is wrong in this state that instead of taking the proactive approach the Review takes the measure of last resort, state biodiversity as its main criteria, ignoring Janis requirements for representation of vegetation types, and also the need for habitat for dispersed, nomadic and increasing numbers of climate change refugees to buffer zones or refuges in fragments?

At the very least there should be a Proposed Improvement which specifically seeks to adhere to Janis Criteria for EVC representation. This should be the PRIMARY goal of vegetation protection in the state, along with habitat protection for species, and sustenance of ecological communities. The concept of ecological community is not even discussed throughout the entire Review, whilst offsets are considered equivalent the original habitat, as though one can transplant an ecological community somewhere else.

The current approach is BACK-TO-FRONT AND COUNTER-PRODUCTIVE, fails to deal with the issue of degraded regions, lacks appropriate on-the-ground analysis as a basis for mapping, and provides unrealistic criteria for assessment by staff unqualified to do the kind of monitoring and compliance assessment required. Furthermore the state government fails it obligations by passing off issues of compliance and assessment to shire governments, at a time when the federal government clearly wants to abrogate its responsibilities, whilst at the same time telling the UN that there is no clearing going on here. As shown by the number of VCAT losses, and the rubber-stamp assessment of public land clearing, it seems that that latter part is most definitely not true.

The aim should not only be to keep important "assets" and reserves, but also to holistically examine regional EVCs and habitats, with a view to long-term improvement over a whole Sub-Bioregion, rather than allow an overall decline in the area whilst maintaining the status quo of reserves and farms, so that ecological communities are undergo functional breakdown and hence loss of resilience across the wider area, instead of improving resilience and refugial zones in the face of climate change. The end result of that is regional biodiversity loss, which eventually becomes clearer as state biodiversity loss.

Biological systems work from the ground up, in that species interact to create a community, which then is involved in function process such as carbon and water retention. However the state government is approaching this from the top down, which is not consistent with how the ecosystems actually work.

Furthermore how can the approach used within this document agree with the federal government promise made in the UN climate change agreements of NO land clearing? Land clearing per se in terms of its contribution to habitat and functional processes needs to be examined- and this needs to coincide with the Janis Criteria and the federal Sub-Bioregional analysis. The only way to do this is to use EVCs as the basis, making this a proactive and internationally responsible approach to conservation instead of it being one where the State is always running behind federal requirements WHICH REQUIRE PROPER DATA ANALYSIS, leaving councils, proponents and conservationists in a constant state of confusion and upset.

10. Environmental Accounting
A submission by the VNPA to the VEAC Remnant Vegetation Report states:
"Overall, retaining remnant native vegetation is cheaper and more effective than revegetation alone. Remnant native vegetation also provides a wide range of environmental services such as clean air, fresh water, pollination, flood regulation, soil retention and carbon sequestration. These benefits are
worth many millions of dollars to the community annually."

This raises the point not only of the importance of revegetation which can be costly, but also of the fact that environmental services are not costed, and not appreciated. **There needs to be a system of Environmental Accounting introduced across the whole of government, as suggested in previous federal government environment initiatives, and a recognition of the importance of native vegetation in nutrient and moisture regulation, that is as a driver of functional processes that maintain the health of the land in the state, upon which we ultimately all depend.**

**There needs to be an understanding of functional roles built into preservation efforts, not just species numbers.** An example of where this was not considered was the clearing that resulted in salinisation in the mallee, whilst the retention of vegetation was correctly considered important to continue the health of Melbourne’s water supply catchment. Thus in some cases contribution to moisture and nutrient recycling is considered, and in some cases it is not. That needs to change, and some form of environmental accounting as previously considered at the federal government level, would greatly alleviate the confusion surrounding what should, or should not, be retained. For example, the contribution that one long-lived parrot or reptile provides to its local ecosystem over periods involving decades, in terms of ecological processes, should be weighed against them disappearing due to being forced into fragmented habitats (such as roads) by developments. **It is clear that successive governments in Victoria have not given much thought to nutrient cycling e.g. carbon and nitrogen retention, or moisture retention by plants and biological crusts, over decades, which must change.**

The VNPA in its submission to the Remnant Vegetation inquiry also says Victoria needs to (my bold font):

"Be informed by the best available ecological science and policy approaches, including an assessment of the economic value of vegetation and the services it provides, not just the apparent regulatory cost."

[PERSON], a member of Wentworth Group of Concerned Scientists is described on a blog by [PERSON] as saying (my bold font):

"If Australia is to become a sustainable society - one that creates wealth without degrading its natural capital - a most fundamental reform is to create a system of environmental accounts that measure the condition of environmental assets (such as rivers, soil, native vegetation, fauna, and estuaries) appropriate to the scales at which economic and policy decisions are made."

(Written by [PERSON] in [PERSON] online blog "A Healthy Environment and a Productive Economy", written 11/6/2015 at [PERSON])