

POST/EMAIL SUBMISSION DETAILS

Date Received	02/03/2017	
Name	██████████	
Organisation		
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Postcode	3124	
Privacy Options	am making this submission as an individual. I request my submission be published anonymously including only my postcode	
Privacy Statement Correct?	Yes	
Privacy Collection Notice Read?	Yes	
Submission Type	Individual	
Previous engagement in review?	Info session 2015	Yes
	Workshop 2015/16	Yes
	Targetted consultation	Yes
	SRG	
	Written submission to CP?	
	Other? Describe	
Will changes improve function of regs?		
Reasons	I do not. The changes are likely to be counterproductive to their stated aims owing to the reduction in the level of biodiversity protection embedded in them.	
Implementation issue with proposed changes?	Yes	
Reasons	Protection of biodiversity is diluted in preference to development.	
Guidelines – guidance or clarification needed?		
Details		
Terms to include in guidelines glossary?	Yes	
Details	The words 'value' as in 'high value biodiversity' or 'biodiversity value' need to be defined.	
Subscribe to e-newsletter?	Yes. Please send information updates to my email address	
Other comments	Please refer to my submission	
Written submission provided?	Yes	

REVIEW OF NATIVE VEGETATION CLEARING REGULATIONS

VICTORIAN PLANNING POLICY FRAMEWORK

Clause 12 Environmental and Landscape Values

Need to define terms such as ‘value’ eg ‘high value biodiversity’ or ‘high biodiversity value’ which is used throughout the policy framework as though its definition is universally understood. At present its understanding is subjective and this leads to inconsistent use of the term.

Clause reference	Clause name	Current wording of provision in VPP	Proposed change	Comments	Recommendations
Clause 12	Environmental and Landscape Values.	Planning should protect sites and features of nature conservation, biodiversity, geological or landscape value.	Planning should protect sites for nature conservation and biodiversity, and geological or landscape features of value.	•‘and features’ is deleted but is more nuanced and needs to be retained as it provides higher protection. This is not merely a change for clarification but a reduction in protection.	Retain current wording in the VPP.
				•Aggregates ‘conservation with biodiversity’ which are currently separate propositions. This creates a higher order hurdle for protection and is rejected.	Retain current wording in the VPP.
12.01	Biodiversity				
12.01-1	Protection of biodiversity				
12.01-1 Protection of	Objective.	To assist the protection and conservation of	Proposed to remain same as current wording.	Opportunity to increase level of protection has not been taken. The words ‘To	Change to: ‘To ensure the protection ...biodiversity

Clause reference	Clause name	Current wording of provision in VPP	Proposed change	Comments	Recommendations
biodiversity		Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.		ensure the protection...' need to replace the weaker current wording of 'To assist the protection...'	sites'.
12.01-1 Protection of biodiversity	Strategies. -Sentence one	Use statewide biodiversity information to identify high value biodiversity and consider the impact of land use and development on these values.	Use statewide biodiversity information to identify areas of high biodiversity value.	The new wording splits the current sentence into two separate propositions without any reason for the split especially as it does not increase clarity but rather obfuscates the relationship between statewide biodiversity information and its relevance to considering the impact of land use and development on high biodiversity values. As such it is considered deficient in relation to the current wording.	Retain current wording in the VPP.
12.01-1 Protection of biodiversity	Strategies. -Proposed Sentence two		Consider the impacts (both on-site and on surrounding land) of land use and development on		Do not split the propositions and retain current wording in the VPP.

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			areas of biodiversity value.		
12.01-1 Protection of biodiversity	Strategies. Ensure strategic planning: Dot point 1	Avoids and minimises significant impacts, including cumulative impacts, of land use and development on Victoria's biodiversity.	Avoids and minimises impacts, including cumulative impacts, of land use and development on areas of high biodiversity value including the habitat of species and communities listed under federal or state legislation.	The term 'high biodiversity value' is substituted for 'Victoria's biodiversity' which means that the extent of clearance and depletion of flora and fauna will be more extensive. This is because only 'high biodiversity value' may be protected while the broader term 'Victoria's biodiversity' is considered expendable. This change is therefore considered damaging and not fit for purpose. As such, the original wording is to be retained.	Retain current wording in the VPP other than deletion of word 'significant' which is considered appropriate.
				References species and communities on federal and state legislation. It should be noted that when a species/community is listed they are in categories such as 'threatened', 'vulnerable' and 'critically endangered' such that they are in the final stages towards	

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				extinction. This is an inadequate threshold for protection. The purpose of biodiversity protection ought to be to ensure viable genetic diversity and numbers of all existing species. This entails identification of the areas in which they reside and protection of them at a standard that is not negotiable.	
12.01-1 Protection of biodiversity	Strategies. Ensure strategic planning: Dot point 2	Considers impacts of any change in land-use or development that may affect the biodiversity value of adjoining national parks and conservation reserves or nationally and internationally significant sites including wetlands and wetland wildlife habitat	Considers impacts of any change in land-use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites, including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention), and sites utilised by species listed under the Japan-Australia Migratory	Replaces 'designated' with	'Listed' is not a

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		designated under the Convention on Wetlands of International Importance (the Ramsar Convention), and sites utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds Agreement (CAMBA).	Bird Agreement (JAMBA), the China-Australia Migratory Bird Agreement (CAMBA) or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).	'listed' and this is considered too literal and narrow in focus from a legal perspective.	synonym for 'designated' and the wording of this dot point needs to retain 'designated' in relation to the species identified under the conventions.
				Agree with inclusion of ROKAMBA agreement.	Amend as drafted.
12.01-1 Protection	Strategies. Ensure strategic	Assists in the protection and	Assists in the identification, protection and management of	Replaces 'sites' with 'areas' which is far too amorphous	Retain current wording in the VPP

Clause reference	Clause name	Current wording of provision in VPP	Proposed change	Comments	Recommendations
of biodiversity	planning: Dot point 3	management of sites containing high value biodiversity.	areas of high biodiversity value.	and not defined. Disagree.	as regards using word 'sites' rather than 'areas'.
				The change from 'high value biodiversity' to 'high biodiversity value' is noted. It is unclear as to the purpose of this change and whether it has any effect on implementation.	The purpose of the change needs clarification together with articulation as to whether it impacts on implementation.
				The dot point is weakened by the word 'Assists' which should be substituted with 'Ensures'. This provision should read:	
				'Ensures the protection and management of sites containing high value biodiversity'.	See 'comment' for an improved dot point strategy dot point.
12.01-1 Protection of biodiversity	Strategies. Ensure strategic planning: Dot point 4	Assists in the re-establishment of links between isolated habitat remnants that contain high value biodiversity.	Assists in identifying opportunities to increase biodiversity value through the reestablishment of links between areas that contain biodiversity value.	The draft amendment presents a significantly reduced strategy element through stating that it merely 'assists in identifying opportunities...'. This does not imply that any action will be taken. This element is not fit for purpose and needs to revert to the	Retain current wording in the VPP

Clause reference	Clause name	Current wording of provision in VPP	Proposed change	Comments	Recommendations
				original provision.	
12.01-1 Protection of biodiversity	Policy guidelines. Planning must consider as relevant: Dot point 1	Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013).	Native vegetation clearing – assessment guidelines (Department of Environment, Land, Water and Planning, 2017).		
12.01-1 Protection of biodiversity	Policy guidelines. Planning must consider as relevant: Dot point 2	The Native Vegetation Information Management System maintained by the Department of Environment, Land, Water and Planning.	Statewide biodiversity information maintained by the Department of Environment, Land, Water and Planning.	The draft alteration substitutes a specified reference relating to an IMS, with unspecified information held by the Department and as such lacks transparency and specificity. It is considered highly undesirable as a reform purporting to improve clarity to increase obfuscation and is rejected.	Specify the documents and/or management systems to be referenced.
12.01-1 Protection of biodiversity	Policy guidelines. Planning must consider as relevant: New dot point 3		Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the Catchment and Land Protection Act 1994).	This provision is aimed at ensuring that priority is given to infrastructure such as catchments. It does not support the contention that biodiversity is itself a form	

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				of public infrastructure.	
Clause 12.01-2	Native vegetation management				
	Objective	To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.	To ensure appropriate consideration of impacts from the removal, destruction or lopping of native vegetation.	The change to this element of the VPP legislation results in a reduction in protection of vegetation and is considered counterproductive to the stated purpose.	Retain current wording in the VPP
			To ensure permitted clearing of native vegetation results in no net loss to biodiversity.		