27 April 2016

Department of Environment, Land, Water and Planning
8 Nicholson St
East Melbourne Vic 8002

Dear Sir/Madam

Review of the Native Vegetation Clearing Regulations 2016

Bass Coast Shire Council welcomes the Review of the Native Vegetation Clearing Regulations 2016 consultation paper and supports the Municipal Association of Victoria’s (MAV’s) submission. In support of the MAV’s submission we make the following further comments for consideration in the review.

Overview

Council has a strong focus on the natural environment with a Key Strategic Objective in the Council Plan 2013-2017 being:

Natural Environment: Our unique natural environment is protected, maintained and enhanced for the enjoyment of all.

Council support the proposed improvement to set out a clear approach to achieve the objective of the regulations, however would also welcome a statement of roles and responsibilities of stakeholder agencies, with appropriate resourcing for each. This information should then be explained and implemented at a metro and regional level for Council staff.

In Councils experience the primary contributors to the significant native vegetation losses in the Shire are:

- The extent of exceptions to the controls including the bushfire exemptions
- Illegal clearing and lack of sufficient consequence
- The heavy handed approach of State agencies and corporations
- The difficulty in monitoring and enforcing offsets under section 173 agreements
Council support the concurrent reviews of the Biodiversity Strategy and the Flora and Fauna Guarantee Act, together with this review is a great approach and the co-regulatory framework is supported.

The principle of No Net Loss is not being achieved as outlined in the Biodiversity Strategy Figure 2. Council would welcome greater analysis of this information in formulating the new native vegetation clearing guidelines, and connecting the new guidelines with this information to demonstrate how they are going to address the problem.

Within Bass Coast Shire the largest proportion of native vegetation losses are due to entitled land uses and exemptions, with the largest proportion of gains coming from management in conservation reserves, What appears is that private land clearing is effectively being subsidised by governments, government agencies and conservationists, and that private management under the ‘no net loss’ principle, is having little effect.

Consideration needs to be given to how to address degradation of vegetation on farmland from grazing practices, especially the loss of large trees.

The confusion of the language used should be explored and the objective of the principles made clear. The overarching principle of Victoria’s native vegetation policy is to see ‘a reversal, across the entire landscape, of the long term decline in the extent and quality of native vegetation, leading to a net gain.’ When this is coupled with the objective for permitted clearing ‘no net loss of native vegetation for permitted clearing’ it creates an awkward combination of positive and negative language, which has a significant potential to confuse.

<table>
<thead>
<tr>
<th>Proposed Improvement</th>
<th>Description</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Develop guidance to support strategic planning relating to native vegetation protection and management</td>
<td>DELWP in partnership with councils, will develop guidance to support strategic planning e.g. a planning practice note. This would include information on when it could be undertaken, what tools can be used, what information is available to inform this and the roles and responsibilities of any</td>
<td>Council are currently preparing a Biodiversity Biolinks Plan with assistance from DELWP and the WGCMA. This is a positive working partnership that will provide a map of biodiversity assets and strategic biolinks that will connect the assets. We support the proposed improvement to develop</td>
</tr>
<tr>
<td>Proposed Improvement</td>
<td>Description</td>
<td>Rationale</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>6. Replace the Native vegetation location risk map with</td>
<td>Use an updated map of highly localised habitats to indicate where a small</td>
<td>Determining the assessment pathway cannot be based on area alone, as this does not pick up small amounts of clearing that could have a</td>
</tr>
<tr>
<td>an updated map of highly localised habitats</td>
<td>amount of clearing could have a significant biodiversity impact. Clearing</td>
<td>significant biodiversity impact. A map of areas where a small amount of clearing could still have a significant biodiversity impact is</td>
</tr>
<tr>
<td></td>
<td>of any size at these locations should be considered in a higher assessment</td>
<td>therefore needed. The current Native vegetation location risk map is difficult to explain and is often misunderstood. The map used for</td>
</tr>
<tr>
<td></td>
<td>pathway.</td>
<td>this purpose should represent tangible biodiversity values.</td>
</tr>
</tbody>
</table>

The current mapping tool on Native Vegetation Information Management (NVIM) does not accurately reflect what species are found in site and the regulations do not have the flexibility to allow for on-ground assessment of native vegetation. This could potentially lead to local extinctions of species that are not accurately recording on the mapping system and clearing is allowed with no specified offsets.
Offset Delivery

The Native Vegetation Credit Register should be more transparent with additional information added so that public can see where the accredited offset sites are set up.

The market for specific offsets is not being used to its full potential. This is demonstrated by the fact that there has been one trade in specific offsets across the State. The specific offset market should be advertised online in the Native Vegetation Credit Register so that buyers are able to locate the specific offsets they require. For example, Bass Coast Shire's Over the Counter Scheme has 11 specific offsets available, but none of them are listed on the Native Vegetation Credit Register.

<table>
<thead>
<tr>
<th>Proposed Improvement</th>
<th>Description</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. Redesign the revegetation standards to ensure desirable revegetation can occur</td>
<td>Design more comprehensive revegetation standards so they encourage desirable revegetation. Potential changes could include: • Modifications to gain scoring to encourage revegetation in sites with scattered trees. • Encourage revegetation to be in areas well connected to remnant vegetation. Include specific revegetation offset site eligibility criteria to ensure the viability of the site.</td>
<td>Ensures that revegetation offsets are well connected, strategic and deliver biodiversity outcomes. Ensure revegetation is available as an offsetting option to help address local loss in biodiversity.</td>
</tr>
</tbody>
</table>

Currently the No Net Loss principle is not being achieved with significant losses still occurring throughout the state. The offset market may be able to turn this around if revegetation was a financially viable option. Guidelines for revegetation should be drafted as part of this review. Crown Land should be made available to provide accredited offsets.
<table>
<thead>
<tr>
<th>Proposed Improvement</th>
<th>Description</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. Create a framework for offsetting on Crown land</td>
<td>Create a framework to ensure that Crown land offsetting meets offsetting standards. Including that the site is eligible to be an offset, that the offset is transparent and secured in perpetuity and that it provides 'additionality', that is, that the management actions undertaken at the site are in addition to the statutory requirements for the management of the land.</td>
<td>Current Crown land offsetting approaches are variable and there is not an agreed process to establish offsets on Crown land. There are circumstances where Crown land offsets can create important benefits for biodiversity by compensating for clearing.</td>
</tr>
</tbody>
</table>

**Exemptions**

We note the review scope excludes the exemptions for bushfire protection. Council would like to see the "10/30 rule" included within the scope and reviewed. As a consequence of the exemptions for bushfire protection Council is experiencing significant native vegetation being cleared for "bushfire protection" in areas of low risk. Council understand the need for boundaries however it is our experience that the bushfire protection exemption is causing significant community angst in relation to native vegetation removal.

The bushfire exemptions must have guidelines attached, so that they are used appropriately instead of being a blanket rule for 10/30 and 10/50. Another approach would be to identify strategic firebreaks to protect assets.

The exemptions for regrowth do not define how long the vegetation has to exist before it is no longer regrowth. If we assume it is 10 years then we need in excess of 10 years of data to prove that the exemption does not apply.

**Compliance of Enforcement**

The financial penalties for removal of native vegetation are in the vicinity of $700, while purchasing an offset is often more expensive. This leads to increased rates of clearing as there is no financial benefit or incentive to do the right thing. The financial penalties must be increased to be proportionate to the cost of the offsets required to compensate the loss.
Section 173 agreements are difficult to audit and enforce. Permit applicants should be required to secure a Section 69 Agreement or Trust for Nature Covenant.

Council supports the Victorian Governments proposed improvements to the Native Vegetation Clearing Regulations however cautions the Government to consider whether all actions/improvements are able to be delivered by stakeholders within existing resources.

Council appreciates the opportunity to provided comment on the Review of the Native Vegetation Clearing Regulations 2016 and would be pleased to discuss any of the above points.

For further information on this matter please contact [REDACTED] Environment Officer on 1300 BCOAST (226 278) or via email at [REDACTED] or via email at [REDACTED]

Yours sincerely

Deirdre Griepsma
Manage Sustainable Environment

Ref: ED16/53800