

**POST/EMAIL SUBMISSION DETAILS**

<b>Date Received</b>	16/03/2017	
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<b>Organisation</b>	Trust for Nature	
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<b>Privacy Options</b>	I am making this submission on behalf of an organisation, and understand that it may be published and will include the name of the organisation unless otherwise requested	
<b>Privacy Statement Correct?</b>	Yes	
<b>Privacy Collection Notice Read?</b>	Yes	
<b>Submission Type</b>	Environmental/Community group	
<b>Previous engagement in review?</b>	<b>Info session 2015</b>	
	<b>Workshop 2015/16</b>	
	<b>Targetted consultation</b>	
	<b>SRG</b>	Yes
	<b>Written submission to CP?</b>	Yes
	<b>Other? Describe</b>	
<b>Will changes improve function of regs?</b>	Yes	
<b>Reasons</b>	Yes, will improve assessment of and response to biodiversity impacts through better procedures and information	
<b>Implementation issue with proposed changes?</b>	No	
<b>Reasons</b>		
<b>Guidelines – guidance or clarification needed?</b>	Yes	
<b>Details</b>	Refer to submission	
<b>Terms to include in guidelines glossary?</b>	No	
<b>Details</b>		
<b>Subscribe to e-newsletter?</b>	Yes. Please send information updates to my email address	
<b>Other comments</b>	Extensive consultation is welcome.	
<b>Written submission provided?</b>	Yes – attached	

# Review of Native Vegetation Clearing Regulations



## Trust for Nature submission

We also seek for native vegetation regulations to capture impacts on critically important ephemeral wetland systems such as gilgai plains woodlands and grassy wetlands. We note that this is difficult, and may require the definition of native vegetation to be broadened, and offer to work with the Department of Environment, Land, Water and Planning to identify an appropriate method to achieve this.

We see the value of the use of site information in the assessment process (proposed improvement 12) and note the importance of a reliable, systematic method for collecting this. Site information can remove a specific offset requirement to an impact site but it is not stated that site information can add a specific offset requirement to an impact site. To prevent a gap in the use of site information, it should be able to do either.

### **The accuracy of statewide mapping products and the use of site-based species information for consideration in the permit application.**

We appreciate that statewide mapping products are currently being updated, and that ongoing refinement of maps will continue. We believe this process will be greatly enhanced if it had a higher level of transparency where for example where assumptions and uncertainties were clearly stated (proposed improvement 13). The use of expertise outside of DELWP could make contribute to a program of continuous improvement. review, improve and endorse the modelling currently undertaken by the department.

This process would be aided by a focus on greater and continual collection of data on high value biodiversity on private land to best represent biodiversity priorities on private land. In addition, we suggest that information from the Trust for Nature's Statewide Conservation Plan (2013) (SWCP) could contribute to improved biodiversity mapping and modelling tools to assist with site assessments on private land as part of this regulatory process. The SWCP has systematically identified priority areas for nature conservation on private land in Victoria against six conservation objectives.

### **The application of the avoid, minimise and offset hierarchy**

We support the proposal to more explicitly recognise the hierarchy in applications to impact on native vegetation (proposed improvement 1). The native vegetation loss avoided or minimised should be quantified as a requirement of the regulatory system.

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### **The functioning and liquidity of the credit market arrangements.**

We support the role of strategic planning to improve outcomes for biodiversity (proposed improvement 3) and would see that this most effectively happen when opportunities for the conservation of high value biodiversity site.

An investment to improve the credit market on private land is more likely to deliver better conservation outcomes than establishing a role for Crown land (proposed improvement 20) because the decline in biodiversity is occurring on private land not Crown land.

### **The appropriateness of costs faced by different groups of proponents.**

The Credit Register is a well-established and managed body to administer and monitor the credit market. Increasing access to and use of the register (proposed improvement 16) can lead to better decision making for strategic offsets.

We believe the Credit Register should have an explicit role in verifying the protection of offset sites beyond the ten year offset period. We note that this post offset management plan period is the largest part of the perpetual life of a protected offset site, and contains high levels of risk particularly with inevitable changes to ownership. This long-term responsibility of the offset site owner can seem secondary to the immediate concerns around registration of on-title protection and implementation of the management plan.

Full cost recovery of monitoring and stewarding privately protected land should be adequately provided for at the outset. It is important that Proponents contribute the appropriate cost of this work. Only when the term monitoring and enforcement obligations and costs are adequately provided for at offset establishment will the Victorian regulatory scheme approach international best practice.

### **The relationship between the “no net loss” objective of the regulations and the state-wide native vegetation management objective to achieve “net gain”/ How the regulations measure and manage cumulative loss.**

We note that little data is generally available on the loss of biodiversity, permitted or otherwise, as well as gains from biodiversity protection and management. We appreciate the Department is sensitive to the cost of data collection, but the performance against

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objectives can only be measured with a level of data greater than is available today.

A previous regulatory review significantly changed the method of identifying equivalent gain through offsets to loss. A bioregional and ecological vegetation class approach was changed to geographic location (catchment management boundaries) and biodiversity contribution (strategic biodiversity score) approach. We recommend that the mapping and modelling products of the Department include and allow for improved protection and condition of underrepresented bioregions and ecological vegetation classes to prevent gaps or unintended detracting to the overall biodiversity objective of the Victorian Government.

### **The clarity and operability of the native vegetation exemptions/Whether current compliance activities provide sufficient deterrence to illegal clearing.**

We welcome the new exemption for Conservation Work. The existing requirement for removing native vegetation to achieve an improvement in biodiversity is complex, time consuming and expensive. This new exemption should simplify and improve the management of conservation sites on private land in circumstances where some native vegetation is required removal to improve overall ecological health of the property. Further information on the method for implementing this exemption is still to be released, and we would seek that a Covenant Management Plan on a Trust for Nature covenanted property would be a suitable instrument for consideration as an approved conservation management plan that demonstrates no net loss to biodiversity.

Regarding the current exemptions, both compliance and operability would be strengthened by increased reporting and transparency of use.

### **The appropriateness of current offset rules to provide adequate compensation for the environment.**

The impact of clearing, particularly with respect to rare or threatened vegetation, may not be fully compensated by the offset proposition set out in regulations, or indeed by offsets at all. A precautionary approach to applying offsets for losses in areas of high biodiversity such as those identified in the Trust for Nature Statewide Conservation Plan. Impacts in these locations must be more strictly avoided or, in the case of critically important habitat, prohibited by directing development and incompatible uses away from these areas.