

ONLINE SUBMISSION DETAILS	
Date Received	20/01/2017
Name	[REDACTED]
Organisation	
Email	[REDACTED]
Postcode	3820
Privacy Options	I 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
	Workshop 2015/16
	Targetted consultation
	SRG
	Written submission to CP?
	Other? Describe
Will changes improve function of regs?	Yes
Reasons	<p>"Yes. I strongly support the proposed changes.</p> <p>First, the native vegetation clearing regulations exist to protect our native vegetation. These changes help to restore some basic protections for native vegetation that were taken away by the BAG in 2013. I am supportive of all changes that increase protections for biodiversity. Particularly, protections for large trees (although see comment below), endangered evcs, wetlands, offset multipliers and importantly by lowering the thresholds that trigger detailed assessments. Having said this, I strongly feel that threatened species are still not adequately protected by the proposed changes (please see my comments below).</p> <p>Second, I think the proposed changes will help with the practical implementation. I worked as an ecological consultant for five years and we had frequent and sometimes serious, project-delaying issues with implementing the BAG after its introduction in 2013, mainly around uncertainty on how some scenarios were supposed to be handled (e.g. offsetting threatened species habitat that isn't present, what if a threatened species is present, what if you can't source your specific offset, etc). The current proposed changes, particularly clarifying some exemptions in the VPP and issues around sourcing of specific offsets, help to provide certainty for proponents wishing to remove native vegetation and guidance for ecological consultants who have to interpret and work with them."</p>
Implementation issue with proposed changes?	Yes
Reasons	<p>I am still concerned that the phrase "materially increase the cost of the proposal" is included in the guidelines as a reason for not avoiding or minimising impacts to biodiversity. This is an ambiguous phrase and provides unnecessary uncertainty and opportunity for legal challenges by proponents. Who decides whether the cost of avoiding biodiversity impacts is materially increased and how much of an increase is considered "material"? This phrase should be removed.</p> <p>Accepting on-ground assessments:</p> <p>I support the changes to accept on-ground assessments when they can clearly demonstrate that threatened species habitat isn't present. There is always the issue that DELWP will only ever receive a consultant report</p>

	<p>(for a clearing site) when the habitat is not present, but not visa versa.</p> <p>However, the main problem that arises here involves the scenarios that are less clear cut, i.e. "it's probably not suitable habitat" or "we surveyed for this rare orchid, didn't find it, the habitat is marginal, so it's probably not suitable habitat". Invariably there is a judgement call to be made by an expert in DELWP based on the ecology of the species in question. I don't have much to offer other than to note that some clear guidance on what happens in these 50-50 scenarios might help if possible.</p> <p>On the flip-side, sometimes consultants do find new populations of threatened species. If these are found (and reported) outside modelled habitat, how will their presence be treated?</p> <p>The resolution of the NVIM online map at small scales is still an issue that has not been resolved.</p> <p>Sourcing un-sourcable specific offsets:</p> <p>I generally support the clarification in these changes that if specific offsets cannot be sourced, the arrangements will be determined by the Secretary of DELWP on a case by case basis. However, I have concerns with large projects involving large amounts of native vegetation removal with large consequences for Victoria's biodiversity (e.g. there are several large projects looking at removing entire State Forests in the pipeline currently). It may be wise to provide some general overarching requirements for offsets that must be followed by the Department, so that offsets for large projects that cannot meet their specific offset requirements must follow some sort of general framework rather than be left completely to the discretion of the Department Secretary of the day?</p>
<b>Guidelines – guidance or clarification needed?</b>	Yes
<b>Details</b>	<p>I'm a little uncertain on whether avoid and minimise is required for Basic pathways. I think not from most of the guidelines, but Table 6 suggests yes? The second sentence of the first paragraph under 4.6.1 is ambiguous "However, reasonable steps to avoid and minimise impacts on other values of native vegetation may be required, if such values are present." What does this mean?</p> <p>Perhaps by this DELWP means that indirect impacts to biodiversity (e.g. fragmentation, change of fire regimes when a house is built on a bush block, impacts from septic tanks, etc) will be taken into account, which I would strongly support.</p> <p>A very minor point, but I suggest replacing "X" with "Required" or "Not Required" or similar in all tables.</p>
<b>Terms to include in guidelines glossary?</b>	Unsure
<b>Details</b>	
<b>Subscribe to e-newsletter?</b>	Yes. Please send information updates to my email address
<b>Other comments</b>	<p>Threatened species:</p> <p>These changes do little to address my concerns about the over-enthusiastic adoption of modelling over on-ground surveys for threatened species. I understand the idea, that you are offsetting habitat not the individual threatened species themselves. This approach is perhaps warranted in some scenarios, e.g. for birds capable of wide dispersion. However, it is completely irresponsible in others. For example, threatened plants often have few, small, isolated populations in a sea of apparently suitable habitat and species can be seriously impacted by the loss of a population, even though the species apparently has a large area of suitable habitat. Maintaining that no on-ground surveys need to be done because our modelling is infallible is a severe shortcoming of the current proposed changes. Detailed pathways should allow for DELWP to require threatened species surveys by appropriate consultants. If DELWP have concerns on the ability of consultants to undertake high-quality surveys, then DELWP should seriously look at increasing the difficulty of its accreditation process for native vegetation</p>

	<p>assessors.</p> <p>Following on from this, if a threatened species is found at a clearing site and is permitted to be removed by offsetting impacts as per the current proposed guidelines, I strongly feel that its presence at the offset site, at least for threatened species with limited dispersal abilities (e.g. plants, many animals) must be confirmed. Merely noting that suitable habitat is present at the offset site is not enough and more often than not will do nothing to redress the loss of the extinction of the species at the clearing site.</p> <p>Very Large Trees</p> <p>It has been my concern for a long time that Very Large Trees deserve special protections. That enormous trees that were alive before europeans arrived in the country can be dozed and chipped for an offset cost of only twice that of a small tree (usually a couple of hundred dollars) is ridiculous. I support the limited protections for large trees reintroduced in the current proposed changes, but I advocate an extra level of protection for very large trees (e.g. not permitted to be removed except in exceptional circumstances if over e.g. 1.5 m dbh and then large offsets required). I would prefer to see increased protections for very large trees and no offset requirements at all for small trees, if that trade-off had to be made.</p> <p>Large Tree offsets:</p> <p>There should be a multiplier for large tree offsets (e.g. 2 to 1) to account for the often higher than normal death rate and eventual collapse rate of large trees.</p> <p>Penalties for non-compliance:</p> <p>Perhaps not directly relevant to this review, but penalties for people that wilfully disregard these regulations must be increased. Several cases of illegal clearing that I was involved in or followed, resulted in a penalty where the proponent only had to source the offset that they would have had to source anyway (i.e. no penalty at all).</p>
<p><b>Written submission provided?</b></p>	