

Native vegetation removal regulations

2022-2023 Annual no net loss report



December 2023



Energy,
Environment
and Climate Action

AL

Photo credit

Richard Boon DEECA

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

DEECA is committed to genuinely partnering with Victorian Traditional Owners and Victoria's Aboriginal community to progress their aspirations.



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Contents

1. Executive Summary	3
2. This year's report.....	3
2.1 Purpose of report	3
2.2 Limitations to evaluating the no net loss objective	3
2.3 Biodiversity 2037 net gain target	4
3. Native vegetation removal regulations	5
3.1 Authorities responsible for approving native vegetation removal	6
3.2 Authorities responsible for approving and administering offset sites.....	6
3.3 Allocating offsets to approvals.....	7
3.4 Offset compliance	7
4. This year's approvals	8
4.1 Approval summary	9
5. This year's security agreements	10
5.1 Total number of security1 agreements	10
6. This year's credit allocations.....	11
6.1 Guidelines for the removal, destruction or lopping of native vegetation	11
6.2 Permitted clearing of native vegetation – Biodiversity assessment guidelines	11
6.3 Victoria's native vegetation management – A framework for action.....	11
6.4 Total allocations for 2022-2023	11
7. Exemptions from the native vegetation removal regulations	12
7.1 Exemptions not requiring written agreement	12
7.2 Exemptions for fire mitigation	12
7.3 Exemptions requiring written agreement	12
7.4 Extractive industry work plans	12
7.5 Conservation work exemption	12
7.6 Crown land exemption	12
7.7 Fire protection (Roadside fuel reduction) exemption	13
8. Other initiatives.....	14
8.1 Policy updates.....	14
8.2 Stakeholder engagement	14
8.3 Implementation systems and tools	14
8.4 Modelled data exclusions	14
8.5 Offset site management	15

9. Unauthorised native vegetation removal 16

Appendix 1 – Local government approved removal data..... 17

Appendix 2 - Local government approved removal locations 20

Appendix 3 – Security agreement statewide distribution 21

1. Executive Summary

Based on information provided by responsible authorities and data held by the Department of Energy, Environment, and Climate Action (DEECA), this year more native vegetation was permanently protected and managed as offset sites under security agreements than was approved for removal.

A total of:

- **228** hectares and **1,559** large trees with a biodiversity value of **67** general habitat units and **49** species habitat units were approved for removal (noting only around 51% of councils reported).
- **920** credit allocations were issued for **165** general habitat units, **180** species habitat units for **41** different species and **2,570** large trees. A further **48** credit allocations were issued under the previous two versions of the regulations.
- **940** hectares and **6,057** large trees with a biodiversity value of **197** general habitat units and **5,022** species habitat units were protected under new security agreements.

Table 1: Biodiversity losses and gains

Approved losses	Gains
Extent removed	Extent secured
<ul style="list-style-type: none">• 228 hectares• 1,559 Large trees	<ul style="list-style-type: none">• 940 hectares• 2,759 Large trees
Offset requirement	Offset allocated
<ul style="list-style-type: none">• 67 GHUs• 49 SHUs• 1,559 Large trees	<ul style="list-style-type: none">• 165 GHUs• 180 SHUs• 2,570 Large trees

2. This year's report

This report presents an overview of data received from responsible authorities for approved native vegetation removal and from DEECA for new security agreements and native vegetation credits allocated during the 2022-2023 financial year.

This report focuses on whether the no net loss to biodiversity objective is being achieved, and where any gaps persist in making this determination.

Previous year's reports can be viewed at [Native vegetation \(environment.vic.gov.au\)](https://nativevegetation.environment.vic.gov.au).

2.1 Purpose of report

The purpose of this report is to summarise data provided by responsible authorities regarding the:

- Extent of native vegetation approved for removal during the 2022-2023 financial year.
- Extent of native vegetation protected under security agreements during the 2022-2023 financial year.
- Amount of native vegetation credits allocated to planning approvals during the 2022-2023 financial year.
- Number and nature of compliance enforcement actions taken by responsible authorities for the 2022-2023 financial year.

This information will be used to provide an indication as to whether the native vegetation removal regulations are achieving the no net loss to biodiversity objective at a statewide level.

2.2 Limitations to evaluating the no net loss objective

Definitively determining whether the no net loss objective is being achieved over the course of a single financial year is affected by the following limitations.

Operation of the regulations

Permit holders must secure their offset requirement before native vegetation approved for removal can be removed, rather than at the time the approval is granted.

- For many planning approvals, native vegetation is not anticipated to be removed in the same year the approval was granted, thus permit holders often do not secure their offset requirement in the same year of approval. Offsets secured and allocated for these approvals, will be included in future reports.
- Some native vegetation approved for removal is never removed because the approval is not acted upon or amended in following years. Therefore, permit holders may not be required to secure the offset requirement identified in the original approval.
- Is it currently not possible to accurately determine the extent of native vegetation that is removed without the proper approval.

Collecting data

This report relies on over 80 responsible authorities providing data on approved native vegetation removal, as well as newly established security agreements. This information is provided to DEECA on a voluntary basis, rather than under a regulatory obligation to report. DEECA actively requests this information from responsible authorities.

However, due to internal tracking processes or resourcing issues, some responsible authorities are not able to provide data.

Despite these limitations, DEECA is confident that this year's report includes the majority of approved removals and newly established security agreements for the past financial year.

Improvements in data collection will continue to occur for future reports to provide an even more accurate account of the no net loss objective to biodiversity values from approved removal of native vegetation under the native vegetation removal regulations.

2.3 Biodiversity 2037 net gain target

Protecting Victoria's Environment – Biodiversity 2037 (BIO 2037) outlines the State Government's commitment to achieve an overall **net gain** in the extent and condition of native habitats across terrestrial, waterway and marine environments over the 20-year life of the plan.

Progress under BIO 2037 can be seen in the annual progress update ([Implementing Biodiversity 2037](#)). It includes information on a wide range of biodiversity loss and gain indicators, as well as community involvement in biodiversity enhancement.

The no net loss objective of the native vegetation removal regulations should be considered separately to the BIO 2037 progress update, which includes information regarding the periodic Net gain approximation report.

3. Native vegetation removal regulations

In Victoria, the removal of native vegetation requires planning approval from a relevant responsible authority. The responsible authority will assess applications in accordance with the State's native vegetation removal policy – *Guidelines for the removal, destruction or lopping of native vegetation* (Guidelines) – and decide on whether to approve the proposed removal.

No net loss objective

The Guidelines adopt the three-step hierarchy of avoid, minimise and offset to achieve the objective of no net loss to biodiversity values.

- Avoid removal, destruction or lopping of native vegetation when possible
- Minimise impacts when removal cannot be avoided
- Offset native vegetation removal when it cannot be avoided.

No net loss means that, through the avoid, minimise and offset hierarchy, there will not be a reduction in the state's biodiversity value from the approved removal of native vegetation.

Biodiversity values

The biodiversity values considered under the Guidelines include:

- Native vegetation extent
- Native vegetation condition
- Large trees
- Endangered Ecological Vegetation Classes (EVC)
- Sensitive wetlands and coastal areas
- Strategic biodiversity value
- Habitat for threatened species.

Impacts to and compensation (secured offset sites) for these biodiversity values is measured in:

- General habitat units when removal is not significantly impacting threatened species habitat

- Species habitat units when removal is significantly impacting one or more threatened species habitats
- Large trees as per EVC benchmarks.

Avoid and minimise

The most critical steps in the three-step hierarchy are avoid and minimise. Responsible authorities will expect applicants to demonstrate, through an avoid and minimise statement, that only native vegetation removal necessary to achieve their objective is proposed for removal.

Removal

Applications to remove native vegetation are submitted to the relevant responsible authority for assessment. Depending on the level of proposed impact the application may be referred to DEECA, as the referral authority, for further assessment.

The application to remove native vegetation will generally be approved if the level of impact is deemed acceptable and satisfactorily meets the application requirements in the Guidelines. All applications must include a native vegetation removal report (NVR report).

Identifying biodiversity impact

An NVR report is used to identify the loss of biodiversity value which is expected to occur when a patch of native vegetation or scattered tree is removed. Loss is measured in general habitat units, species habitat units, and large trees. The NVR report identifies the offset requirements if approval is granted.

Offset requirement

Native vegetation approved for removal must be compensated with a secured offset before it can be removed. The applicant granted approval to remove native vegetation is responsible for locating and securing the offset requirement identified in the NVR report and included as a condition on the approval.

A secured offset can either be a security agreement established on the entity's own property (first party offset) or an offset allocated from a property owner who has already entered into a security agreement to protect and manage an offset site (third party offset).

Identifying biodiversity gain

A native vegetation offset report is used to identify the amount of biodiversity improvement (gain) which is expected to occur within the permanently protected offset site if standard management actions are implemented over a ten-year period. Gain is measured in general habitat units, species habitat units, and includes the protection of existing large trees.

Offset sites may protect and manage existing patches of native vegetation, scattered trees, revegetation, or a combination of all three.

A native vegetation offset report must be included with every offset site.

3.1 Authorities responsible for approving native vegetation removal

Unless otherwise exempt, all land managers and landowners must seek and be granted approval to remove native vegetation. Under various pieces of legislation, the following authorities are responsible for assessing and approving applications to remove native vegetation.

Local government

Local governments are responsible for assessing and approving planning permits to remove native vegetation under the *Planning and Environment Act 1987* (P&E Act) and Clauses 52.16 and 52.17 of the Victoria Planning Provisions (VPP). There are 79 local governments in Victoria.

Councils are expected to voluntarily provide this data to DEECA.

Minister for Planning

The Minister for Planning is responsible for assessing and approving all matters specified under the P&E Act and Clause 72.01 of the VPP. This includes energy generation facilities with an installed capacity of one megawatt or greater.

This data is provided by the relevant team from the Department of Transport and Planning.

Secretary to DEECA

DEECA's Secretary is responsible for endorsing native vegetation removal proposals for:

- Planning schemes amendments (PSA)

- VPP Clauses 52.03, 52.20, 52.30, 52.35 and 52.36.

DEECA's Secretary is also responsible for providing written agreement to rely on the following exemptions:

- Railways
- Road safety
- Transport land
- Utility installations (Electric)
- Utility installations (Water).

Written agreement is provided on the condition that the avoid, minimise and offset hierarchy outlined in the Guidelines is applied.

This data is collected and provided by DEECA's internal approvals tracking processes.

DEECA Pipeline Licensing team

DEECA's Pipelines licensing team is responsible for assessing and approving gas pipeline proposals under the *Pipelines Act 2005*.

This data is provided by the Pipeline's Licensing team at DEECA.

DEECA Earth Resources Regulation

DEECA's Earth Resources Regulation is responsible for assessing and approving extractive industry work plans under the *Mineral Resources (Sustainable Development) Act 1990*.

DEECA's Statutory Planning and Approvals teams, as the referral authority, provide this data.

Table 1 in Section 4 summarises data provided by responsible authorities regarding approved removals during the 2022-2023 financial year. Note that it is likely that not all approved removal data has been provided by responsible authorities.

3.2 Authorities responsible for approving and administering offset sites

All native vegetation offset sites must be secured in perpetuity with an on-title security agreement with a statutory authority under one of the following security mechanisms.

Planning and Environment Act 1987 (P&E Act)

Local governments can enter into a security agreement to secure an offset site under Section 173 of the P&E Act.

Landowner security data is provided by local governments.

Victorian Conservation Trust Act 1972 (VCT Act)

Trust for Nature can enter into a security agreement to secure an offset site under the VCT Act.

Landowner security data is provided by DEECA's Native vegetation offset register.

Conservation, Forests and Lands Act 1987 (CF&L Act)

The Secretary to DEECA can enter into a security agreement to secure an offset site under Section 69 of the CF&L Act.

Landowner security data is provided by DEECA's Native vegetation offset register.

Crown land offset Memorandum of Understanding

Under specific circumstances, the Secretary to DEECA can enter into a security agreement with a Crown land manager to secure an offset site.

Security agreement data is provided by DEECA's Native vegetation offset register.

Table 2 in Section 5 summarises data provided by statutory authorities regarding the extent of new

security agreements executed during the 2022-2023 financial year.

3.3 Allocating offsets to approvals

All applications seeking approval to remove native vegetation must include the offset requirement and an offset statement which demonstrates that a compliant offset is achievable.

If approved, the offset requirement is included as a condition on the approval, and it must be secured before the native vegetation is removed. Evidence of a secured offset must be provided to the responsible authority and may be either:

- An allocated credit extract, which allocates credits generated from a third-party security agreement, or
- An executed first party security agreement.

Multiple offset allocations satisfying multiple planning approvals are typically made from a single security agreement.

Section 6 summarises the credit extracts allocated to approvals for the 2022-2023 financial year.

3.4 Offset compliance

Removal approvals

It is the role of the responsible authority who approved the native vegetation removal to ensure applicants are securing their offset requirements prior to the removal of native vegetation.

4. This year's approvals

Table 1 displays data provided by responsible authorities regarding the native vegetation which was approved for removal in 2022-2023.

Table 2: 2022-2023 Approved removal of native vegetation

Responsible authority	Planning mechanism	# of Approvals	Extent (ha)	LT Removed	GHUs	# Species impacted	SHUs
Local Government (40 out of 79 Councils reported)	Permits (2017 Regs)	418	78.87	610	24.924	16	7.131
	Permits (2013 Regs)	1	1.39	0	0.640 (GBEUs^)	1	0.350 (SBEUs^)
	Totals	419	80.26	610	24.924 (plus 0.640 GBEUs)	17	7.131 (plus 0.350 SBEUs)
Minister for Planning (Wind and solar facilities)	Permits (2017 Regs)	18	30.66	124	7.591	0	-
	Permits (2013 Regs)	0	-	-	-	-	-
	Totals	18	30.66	124	7.591	0	-
Secretary to DEECA (Provisions)	52.03 (LXRP)	13	16.24	266	4.327	0	-
	52.30 (State Projects)	5	1.65	1	0.481	0	-
	52.35 (Major Road Projects)	2	1.20	7	0.334	0	-
	52.36 (Rail Projects)	6	15.47	57	5.059	0	-
	Planning Scheme Amendments	7	18.24	84	6.859	1	1.013
	Totals	33	52.80	415	17.06	1	1.013
Secretary to DEECA (Exemptions)	Railways	10	3.19	35	0.870	0	-
	Road Safety	79	18.24	120	7.411	1	0.964
	Transport Land	4	2.28	0	0.666	0	-
	Utility installations (Electric)	19	0.84	6	0.634	0	-
	Utility installations (Water)	14	3.78	35	2.125	0	-
	Totals	126	28.33	196	11.706	3	0.964

DEECA's Pipelines Licensing team	Pipeline Licence	2	0.43	1	0.170	0	-
DEECA's EER	Work plans	12	35.21	213	5.117	4	39.410
Statewide	Overall Totals	610	227.69	1559	66.568 (plus 0.640 GBEUs)	25	48.518 (plus 0.350 SBEUs)

^ General Biodiversity Equivalence Units and Specific Biodiversity Equivalence Units.

* Level Crossing Removal Program

4.1 Approval summary

Approvals granted

There were at least 610 approvals granted across the responsible authorities with the majority from local governments and the Secretary to DEECA. Noting that only 40 out of 79 local governments provided approval information.

Table 3: Percent of approval granted per responsible authority

Authority	Percent of approvals granted
Local government	69%
Secretary to DEECA (Exemptions)	21%
Minister for Planning	3%
Secretary to DEECA (Provisions)	5%
DEECA ERR	2%
DEECA Pipelines licensing team	<1%

Extent approved

There were 227.69 hectares of vegetation approved for removal with the majority from local governments. Noting that only 40 out of 79 local governments provided approval information.

Table 4: Percent of extent approved per responsible authority

Authority	Percent of extent approved
Local government	35%
Minister for Planning	13%
Secretary to DEECA (Exemptions)	12%
Secretary to DEECA (Provisions)	23%
DEECA Pipelines licensing team	<1%
DEECA EER	15%

5. This year's security agreements

Table 2 displays data provided by statutory authorities regarding security agreements executed in 2022-2023.

Generally, the catalyst for new security agreements is either to meet the offset requirements for an

individual (often large) project, or to satisfy the offset requirements for many smaller projects expected to be approved in the near future. Native vegetation credits generated from security agreements, which may not be immediately allocated to planning approvals, are available to be allocated to future planning approvals. As a result, native vegetation credits generated under a security agreement established in one year are often allocated to planning approvals in subsequent years.

Table 5: 2022-2023 New security agreements

Security agreement	Recorded on the NVCR	Number	Extent (ha)	LT	GHUs	Number of Species	SHUs
CFL Act	Yes	17	667	4,659	148	305	3,546
VCT Act	Yes	1	62	415	14	11	133
Crown Land Offset MOU	Yes	1	208	970	34	44	1,340
P&E Act*	Yes	1	3	13	1	11	3
Overall total		20	940	6,057	197	371[^]	5,022

[^] Some species habitat was secured under multiple security agreements. There was a total of 344 unique species habitat secured..

*Security agreements secured under the P&E Act are first party offsets and are not required to be registered on the native vegetation offset register.

Type of vegetation protected

All the security agreements were protecting existing vegetation. Two of these also included areas of revegetation.

5.1 Total number of security agreements

With the establishment of 20 new security agreements this year, it brings the total number of security agreements registered on the Native vegetation offset register to 431, covering 19,943 hectares.

6. This year's credit allocations

Credit allocations, in the form of native vegetation credit extracts, are administered by DEECA's Native vegetation offset register, and used by applicants to demonstrate they have met their offset requirements. Native vegetation credit extracts provide evidence that a third-party offset has been allocated to a specific planning approval. Allocations for the 2022-2023 financial year are displayed below. This year, credits have been allocated for approvals granted under the current and previous two regulatory frameworks.

Credit extracts may be allocated to planning approvals granted in the same year. However, it is common for extracts to be allocated to planning approvals granted in previous years.

6.1 Guidelines for the removal, destruction or lopping of native vegetation

This is the current version of the native vegetation removal policy. It was introduced on 12 December 2017 and is referred to as the 2017 regulations. Most allocations this year were to planning approvals granted under the current 2017 regulations.

Table 6: 2017 Regulation allocations

2017 Regulation	# of allocations	Units	# of unique species	LT
GHU	896	165	-	2,333
SHU	24	180	41	237
Total	920	345	41	2,570

6.2 Permitted clearing of native vegetation – Biodiversity assessment guidelines

This was the version of the native vegetation removal regulations in place from 12 December 2013 – 12 December 2017 and is referred to as the 2013 regulations. Some allocations this year were to planning approvals granted under the 2013 regulations.

Biodiversity impact and improvement under the 2013 regulations was measured in general biodiversity equivalence units (GBEUs) and specific biodiversity equivalence units (SBEUs).

Table 7: 2013 Regulation allocations

2013 Regulation	# of allocations	Units	# of unique Species
GBEU	20	9	-
SBEU	12	117	11
Total	32	126	11

6.3 Victoria's native vegetation management – A framework for action

This was the original version of the native vegetation removal regulations in place prior to 12 December 2013 and is referred to as the Framework. Some allocations this past year were to planning approvals granted under the Framework.

Biodiversity impact and improvement was measured in Habitat hectares (Hha), trees and new recruits.

Table 8: Framework Allocations

Regulation	# of allocations	Hha	Trees*	New recruits
Framework	16	3	1,366	1,224

*Under the Framework Trees were classified as large old trees, or very large old trees as per EVC large tree benchmarks.

6.4 Total allocations for 2022-2023

There were 968 allocations across the three versions of the regulations with the majority allocated under the 2017 regulations.

- 2017 Regulations 95%
- 2013 Regulations 2%
- Framework 3%

7. Exemptions from the native vegetation removal regulations

The native vegetation removal regulations provide for exemptions from the requirement for approval to remove native vegetation. A number of these do not require a secondary approval to rely upon. However, some exemptions require written agreement from the Secretary to DEECA to ensure they are addressing the no net loss objective of the regulations.

7.1 Exemptions not requiring written agreement

Most exemptions are targeted at landowners for native vegetation removal required to undertake maintenance, personal use, or safety activities.

Landowners are not required to notify the responsible authority when relying on these exemptions. It is not possible to accurately determine the extent of native vegetation removal occurring under these exemptions.

7.2 Exemptions for fire mitigation

The planning provisions include several exemptions specifically allowing native vegetation removal for bushfire risk reduction activities. Besides Clauses 52.16 and 52.17, Clause 52.12 also contains exemptions to mitigate bushfire risk.

Generally, landowners and land managers apply these exemptions without notifying the responsible authority.

7.3 Exemptions requiring written agreement

Some exemptions apply to sectors or organisations who provide essential services, which must be regularly maintained and periodically upgraded or improved.

Access to these exemptions is provided through written agreement from the Secretary to DEECA and require that native vegetation be removed in accordance with a pre-approved procedure. Those procedures require that native vegetation removed for construction purposes must be identified and assessed in accordance with the Guidelines. The timing for securing an offset is varied as per the relevant procedure.

Records of this removal are maintained by DEECA and are included in the removal data presented in Section 4.

7.4 Extractive industry work plans

Earth resources have exemptions which remove the requirements for a permit for native vegetation removal associated with stone and mineral extraction activities. These exemptions remove a duplicate process to approve native vegetation removal. In place of a permit, native vegetation removal is assessed as part of Work Plan approval process under the *Mineral Resources (Sustainable Development) Act 1990*. This approved removal is presented in Section 4.

7.5 Conservation work exemption

The conservation work exemption enables native vegetation removal to proceed without the requirement for a permit when written agreement is provided by the Secretary to DEECA. This will be provided if the applicant clearly demonstrates the native vegetation removal directly results in an overall improvement for biodiversity.

This year written agreement to rely on the conservation work exemption was provided on 21 occasions.

The exempt proposals are anticipated to yield quantifiable benefits to approximately 516 hectares of land. Additionally, there will be qualitative gains, encompassing the advantages derived from research projects and broader downstream benefits associated with the construction of wetland regulators, fish ladders, and other initiatives.

These gains will be realised through various methods, including the direct removal of approximately five hectares of native vegetation, partial removal involving ecological thinning, and the clearing of native weeds across approximately 287 hectares. Additionally, ecological burning will be conducted on approximately 3.7 hectares of land.

Generally, the purpose for relying on this exemption was to manage native vegetation so it better reflects its EVC benchmark.

7.6 Crown land exemption

The crown land exemption enables DEECA, Parks Victoria, and the Great Ocean Road Coast and Parks Authority (GOR Authority) to remove native vegetation on Crown land they manage without a permit, provided native vegetation removal is in accordance with a pre-approved procedure.

Native vegetation removal to undertake new management activities, as well as activities to improve native vegetation extent and condition are recorded. Biodiversity losses and gains are calculated in habitat hectares.

This year's data is currently being analysed and will be presented the 2022-2023 Native vegetation regulations Crown land exemption report.

7.7 Fire protection (Roadside fuel reduction) exemption

The roadside fuel reduction component of the fire protection exemption enables native vegetation removal activities along roadsides to be undertaken by road authorities without the requirement for a permit for the following fire management objectives:

- Prevent fires on roadsides
- Contain roadside fires
- Manage safety of road users.

The removal must be in accordance with a work plan approved by the Secretary to DEECA.

One written agreement to rely on this exemption was provided this year. The treatment area covered 24.6 hectares along 12.3 kilometres of roadside.

8. Other initiatives

The following information summarises other actions taken in 2022-2023 to assist in the implementation of the native vegetation removal regulations.

8.1 Policy updates

Policy updates are generally communicated through emails and targeted correspondence provided to stakeholders. This year the major policy updates included:

- The publication of an updated *Native vegetation removal regulations – Applicant’s guide*
- The publication of facts sheets summarising the exemptions most applicable for bushfire risk reduction activities along the transport network
- The publication of updated guidance, including application template, to rely on the Fire protection (roadside fuel reduction) exemption.

8.2 Stakeholder engagement

DEECA engaged with a variety of stakeholders regarding the interpretation and application of the native vegetation removal policy.

- The Native Vegetation Advisory Group met twice this year to discuss the implementation of the native vegetation removal regulations. The advisory group is made up of representatives from local government, industry groups, DEECA and ecological consultants.
- Upon request numerous advice/training sessions were run with various stakeholder groups.
- NVO service provider day.

8.3 Implementation systems and tools

The native vegetation removal regulations utilise several systems and tools which stakeholders interact with while implementing the regulations.

Email support

- Native vegetation removal support – 505 responses
- Native vegetation offset register – 685 responses
- Native vegetation offset management – 325 responses.

Tools/systems

- Native vegetation removal and offset reports generated in EnSym – 2,835

- Native vegetation removal reports generated in NVIM – For most of the year this system was unable to generate reports. Users were asked to direct requests to generate reports to the Native Vegetation Regulation’s team who used EnSym to generate the report for the user.
- Searches of available native vegetation credits on the Offset search tool – 4,340
- Native vegetation removal regulations e-learning training course participants – 47.

Competency checks

This year, 13 Vegetation Quality Assessment competency checks were conducted by DEECA staff. As a result, 193 assessors either gained competency or had their competency status renewed. All competent assessors are listed on the [Vegetation Quality Assessment list of accredited assessors](#).

8.4 Modelled data exclusions

The native vegetation removal regulations provide an avenue for applicants to exclude modelled data from consideration during the assessment process if the on ground ecological conditions do not support wetland associated native vegetation or species habitat characteristics.

Mapped wetlands

Nine mapped wetlands were excluded (either totally or partially) from consideration.

Species habitat importance maps (HIMs)

Six HIMs were excluded from consideration at specific locations across the state.

- Clumping Golden Moths (*Diuris gregaria*)
- Coast Ixodia (*Ixodia achillaeoides* subsp. *arenicola*)
- Sea Bindweed (*Calystegia soldanella*)
- Wedge Diuris (*Diuris dendrobioides*)
- Tasman Grass-wrack (*Heterozostera tasmanica*)
- Giant Gippsland Earthworm (*Megascolides australis*)

8.5 Offset site management

As of 30 June 2023, DEECA was responsible for regulating 299 native vegetation offset agreements¹. DEECA aims to monitor offset agreements three times in the first 10 years after the commencement of the agreement and once every five years thereafter. On-ground monitoring was conducted by DEECA on 79 native vegetation offset sites this year, which is 26.4% of all native vegetation offset agreements regulated by DEECA. Most sites (76%) were found to be compliant.

Table 9: Level of compliance issues

Compliance finding	% of 79 agreements monitored
Compliant - no issues	38%
Compliant - minor issues	38%
Not compliant - moderate issues	18%
Not compliant - major issues	6%

Table 10: The most common compliance issues

Compliance issue	% of 79 agreements monitored where a compliance issue was detected ²
Herbaceous (including grassy) weeds	34%
Woody weeds	30%
Pest animals	19%
Fencing	15%

Herbaceous (including grassy) weeds are the most common and often the most significant and challenging management issue on DEECA-regulated offset sites. Woody weeds are also a common management issue. This is partly because the target is very specific and must be achieved soon after the agreement is signed, so it is relatively easy to fail to achieve the target of <1% cover and no mature plants present. There are a range of other

issues that are less frequently encountered. Meeting revegetation, supplementary planting and biomass reduction targets are also typically challenging, but they are not 'common issues' because relatively few agreements include these commitments.

Addressing compliance issues

Minor compliance issues pose a small risk to native vegetation or do not need to be addressed urgently and are dealt with in the following annual report review. An example of a minor compliance issue might be that a single mature woody weed needs to be removed.

Moderate issues pose more serious risks and often need to be addressed before the next annual report is due. In these cases, landowners must complete actions and provide feedback with evidence by an agreed date. An example of a moderate compliance issue might be that a stand of flowering woody weeds needs to be treated before the plants produce seed.

Major issues require prompt action to address a shortfall. An example of a major compliance issue might be a large stand of mature woody weeds needs to be eliminated where the target should have already been met. Some major issues may take 12 months or more to resolve. DEECA has systems in place to follow-up with landowners.

18 agreements were found non-compliant following DEECA's monitoring visit. In four cases the due date for rectifying matters has passed and the landowner failed to submit feedback and evidence to show that the issues have been addressed. DEECA aims for 100 per cent compliance and is working with the remaining landowners to address residual issues.

¹ This excludes offset agreements established in Victoria under the *Environment Protection and Biodiversity Conservation Act 1999* only and agreements established in terms of a Memorandum of Understanding where there are no management obligations.

² The percentages understate the actual proportion of offsets where the issue was observed. Where there is no requirement to address an issue in the relevant management plan (a common situation with older agreements), the agreement cannot be found non-compliant.

9. Unauthorised native vegetation removal

Unauthorised removal occurs when a landowner or land manager removes native vegetation without the appropriate approval from the responsible authority, or not in accordance with the description of a relevant exemption.

Responsible authorities are responsible for taking compliance and enforcement action, which in most cases will be local governments.

This year 21 Local governments provided information on compliance and enforcement actions they took. Table 11 summarises those actions.

Of the 21 Local governments, 8 provided data on the extent of illegal clearing, which occurred across 2.12 hectares and 96 trees.

Table 11 Local government compliance action

Compliance action taken	# of events
Prosecution	3
Planning Infringement Notice	45
Fine	31
Negotiated outcome	32
Official warning	15

A negotiated outcome is an action which the landowner and the local government have agreed to address the unauthorised removal of native vegetation. Typical actions include the purchase of offsets that would have been required if a permit was issued, restoration or revegetation of the impacted area, or biodiversity improvement of another area on the property.

The illegal clearing data provided by local governments is likely only a portion of the illegal clearing cases reported to local governments.

DEECA maintains a record of suspected unauthorised removal cases reported to them by the public. Once recorded, suspected cases on private land are referred to the relevant local government, suspected cases on Crown land are referred to the Office of the Conservation Regulator.

The relevant responsible authority will investigate and decide whether to pursue the matter.

This year there were 63³ cases of suspected illegal clearing reported to DEECA's Natural Environment Programs comprising ~250 hectares and 227 large trees. 36 of those reports were on Crown land.

³ The number reported may not be an accurate reflection of the suspected cases of illegal removal across the state.

Appendix 1 – Local government approved removal data

The table below presents a breakdown of Clause 52.16 and Clause 52.17 permits granted by each local government. The table expands upon local government data displayed in Table 1, while including the number of credit extracts allocated to permits granted by each of the local governments.

Only local governments who provided data are represented below. In addition to this report, each local government who provided data will receive a list of permits they granted, confirmation of whether a credit extract has been allocated to each permit, and a map showing the location of approvals.

The number of offsets allocated to permits is expected to be lower than the number of permits granted. This is due to the following reasons:

- Offsets to satisfy planning permit conditions are not required to be secured until just prior to native vegetation removal, which may occur years after approval.
- Some permits do not require offsets due to the minimal impact to biodiversity values.

During the previous reporting period (2021/22), 260 permits were unable to be matched to allocated credit extracts produced that financial year. Of these 260 unallocated permits, 82 were allocated in 2022/23.

Local government	# of permits granted^	Extent removed (ha)	LT removed	GHUs Required	# of Species requiring offsets*	SHUs Required	# of permits allocated offsets
Banyule	1	0.09	2	0.016	0	0.000	0
Bass Coast*	14	1.97	19	0.437	0	0.000	8
Baw Baw*	14	3.55	39	1.013	0	0.000	5
Benalla	3	0.26	3	0.058	0	0.000	2
Bendigo*	1	Insufficient data					
Brimbank*	21	0.01	0	0.001	0	0.000	1
Buloke	No permits issued						
Casey	16	3.62	28	1.337	0	0.000	8
Central Goldfields*	7	0.64	2	0.471	0	0.000	1
Colac Otway*	21	Insufficient data					
Corangamite*	8 (incl. one under the 2013 regulations)	1.57	0	0.084 (plus 0.640 GBEUs)	1	0.350 SBEUs	4
DTP - Alpine Team	7	2.14	11	0.318	14	3.739	2
East Gippsland*	10	1.34	9	0.701	0	0.000	5
Frankston*	1	Insufficient data					
Gannawarra*	3	0.26	4	0.148	0	0.000	0
Geelong*	34	3.07	15	1.489	1	0.006	18
Hindmarsh	1	0.11	1	0.078	0	0.000	1

Local government	# of permits granted^	Extent removed (ha)	LT removed	GHUs Required	# of Species requiring offsets*	SHUs Required	# of permits allocated offsets
Kingston	15	0.87	11	0.172	0	0.000	13
Latrobe	7	1.28	16	0.470	0	0.000	3
Macedon Ranges*	11	0.89	4	0.305	0	0.000	3
Manningham	12	2.05	13	0.640	0	0.000	4
Mansfield	5	4.22	54	1.151	0	0.000	2
Melton*	20	1.96	1	0.781	0	0.000	2
Mildura*	3	Insufficient data					
Moira	10	6.91	121	1.975	0	0.000	3
Moonee Valley	No permits issued						
Moorabool	4	1.96	5	0.062	0	0.730	1
Mornington*	60	5.51	47	2.322	0	0.000	25
Mount Alexander	16	3.36	29	1.334	0	0.000	4
Nillumbik	22	10.43	47	1.477	1	2.656	13
Northern Grampians	8	1.24	4	0.694	0	0.000	3
Pyrenees	7	Insufficient data					
Queenscliffe	No permits issued						
Strathbogie	7	0.94	7	0.411	0	0.000	5
Surf Coast	10	2.18	14	1.134	0	0.000	6
Wangaratta	2	0.12	2	0.029	0	0.000	2
Warrnambool	No permits issued						
Whittlesea*	12	12.87	70	3.720	0	0.000	1
Wodonga*	4	0.85	5	0.293	0	0.000	1
Yarra Ranges*	22	4.01	27	1.803	0	0.000	13
Local government Totals	419	80.26	610	24.924 (plus 0.640 GBEUs)	17	7.131 (plus 0.350 SBEUs)	159

* Indicating data constraints, certain identified approvals did not align with a Native Vegetation Removal Report due to limitations in the available information.

[^] One permit was granted under the 2013 Regulations.

+ Species which were significantly impacted upon and require offsets include:

Critically Endangered:

Mount Stirling Stonefly, *Thaumatoperla flaveola*

Woolly Billy-buttons, *Craspedia maxgrayi* s.s.

Little Pink Spider-orchid, *Caladenia rosella*

Small Golden Moths, *Diuris basaltica*

Endangered:

Mountain Pygmy Possum, *Burramys parvus*

Alpine Bog Skink, *Pseudemoia cryodroma*

Snow Aciphyll, *Aciphylla glacialis*

Gunn's Alpine Buttercup, *Ranunculus gunnianus*

Subalpine Baeckea, *Baeckea latifolia*

Dusty Daisy-bush, *Olearia phlogopappa* subsp. *flavescens*

Alpine Phebalium, *Phebalium squamulosum* subsp. *alpinum*

Lilac Bitter-cress, *Cardamine lilacina* s.s.

Squat Picris, *Picris squarrosa*

West-coast Swamp-gum, *Eucalyptus ovata* var. *grandiflora*

Vulnerable:

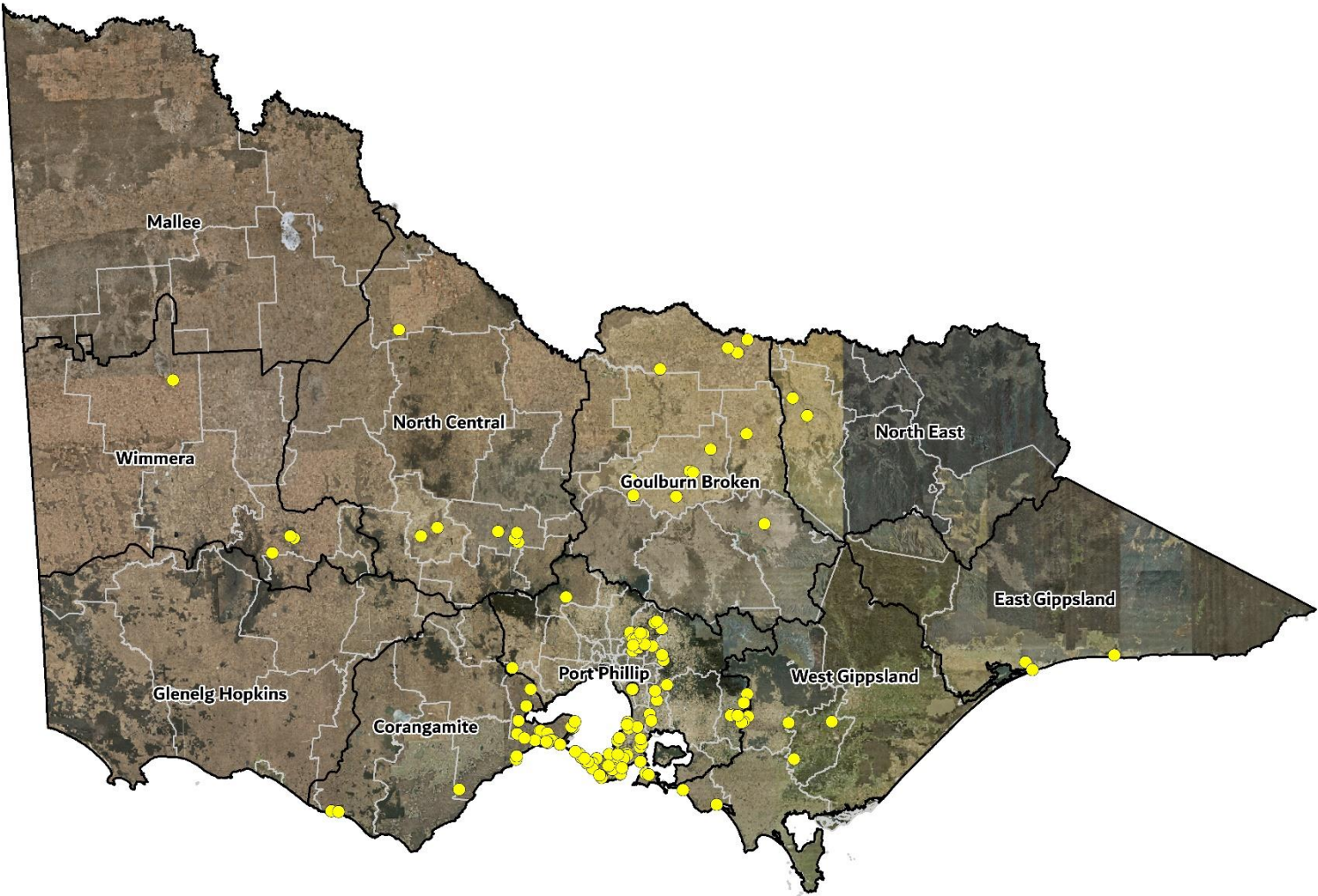
Alpine Bootlace Bush, *Pimelea axiflora* subsp. *alpina*

Mountain Leafless Bossiaea, *Bossiaea bracteosa*




Not listed on the FFG Act Threatened List.

Shining Cudweed, *Argyrotegium nitidulum*

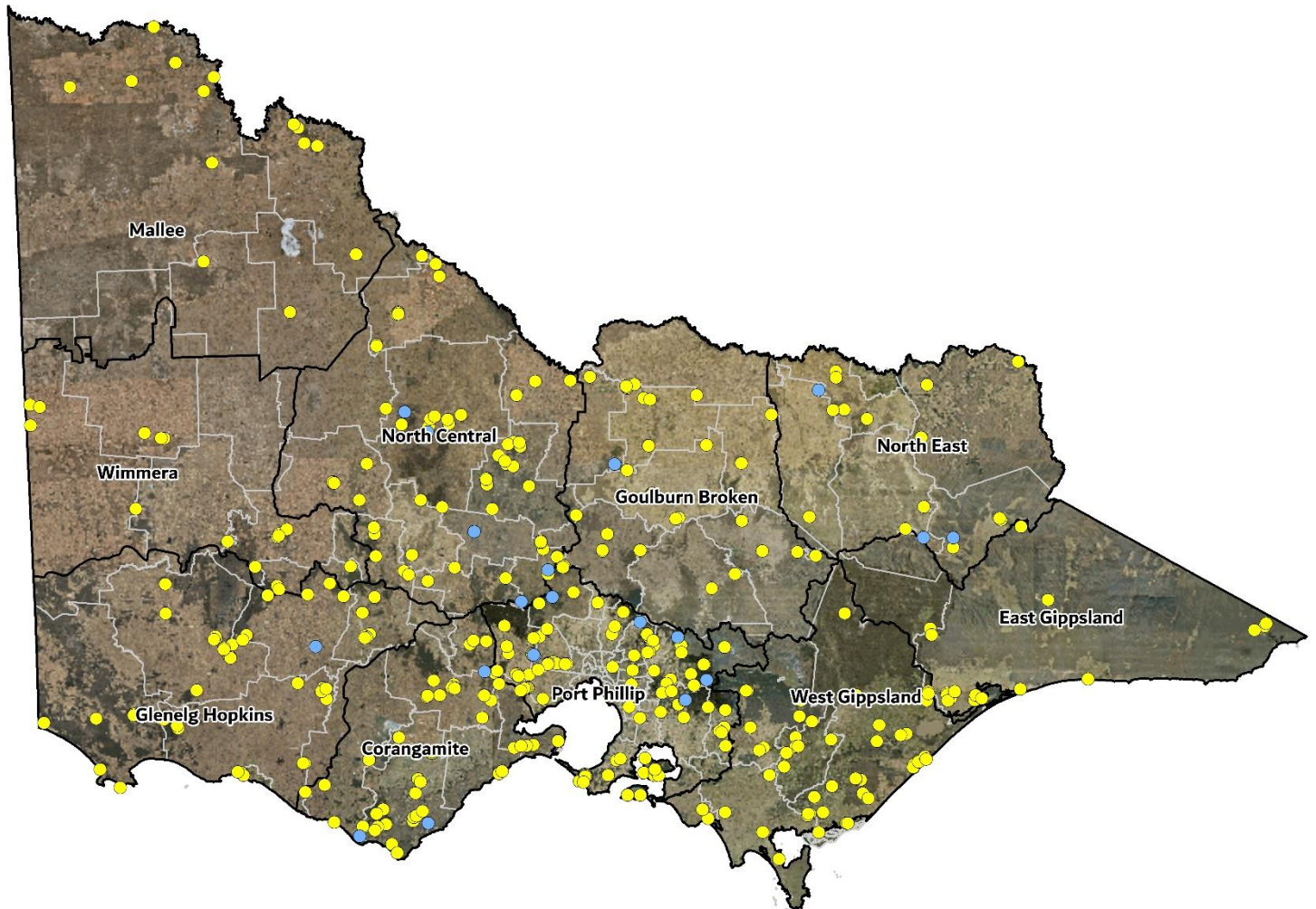
Appendix 2 - Local government approved removal locations



Legend

-  Planning Permit Location (Clause 52.16 and 2.17)
-  Catchment Management Authority Area Boundary
-  Local Government Area Boundary

Appendix 3 – Security agreement statewide distribution



Legend

- Third-party Security Agreements (431- including the 20 noted below)
- Third-party Security Agreements Established 2022/23 (20)
- Catchment Management Authority Area Boundary
- Local Government Area Boundary

