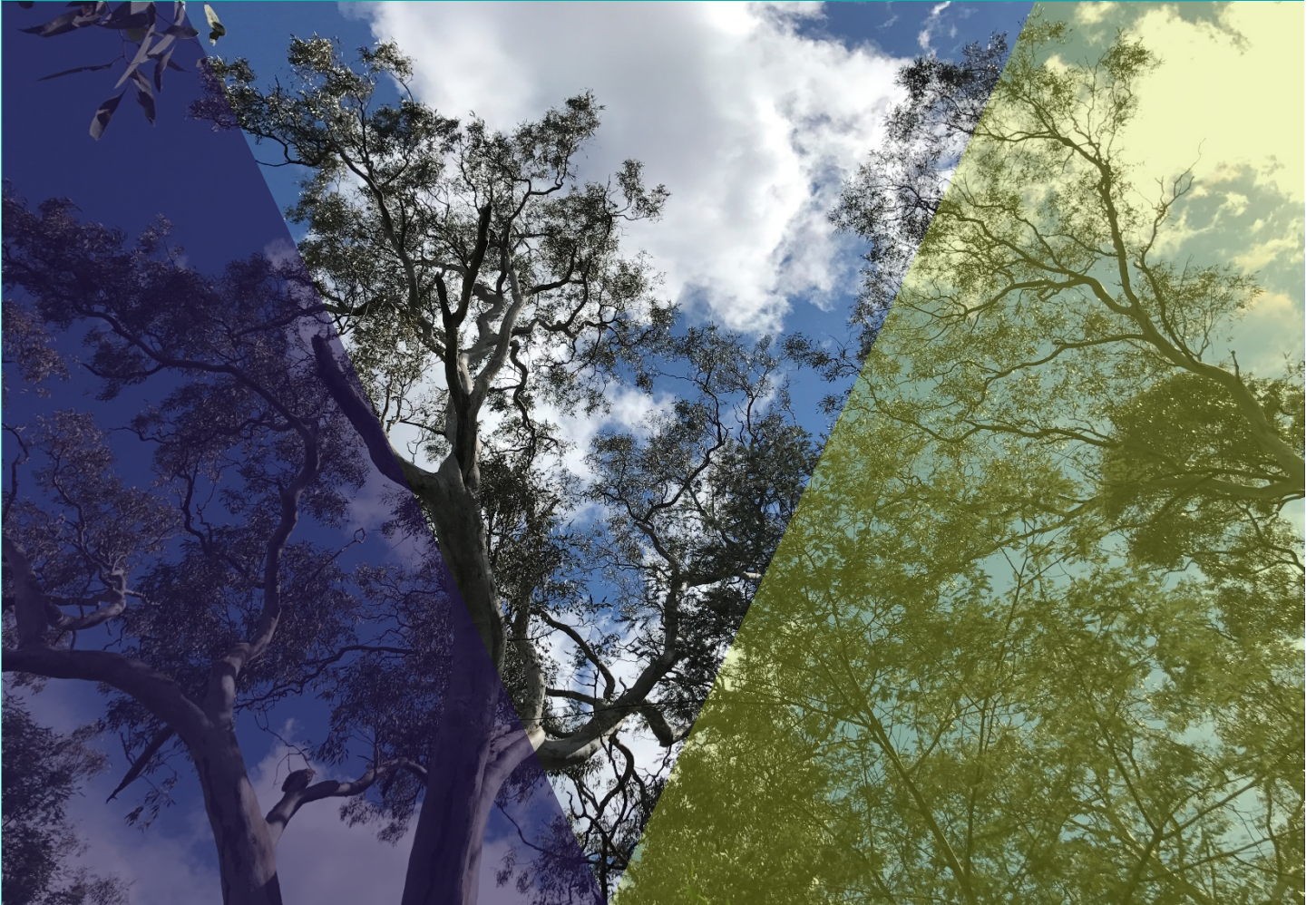


Assessor's handbook

Applications to remove, destroy or lop native vegetation



Version 1.1 October 2018

Version control

Version	Release date	Updates
1.0	December 2017	
1.1	October 2018	Correction of typos throughout document Section 3: updated introductory text and offset statement text Section 4: updates to some text, no change in policy direction Section 5: updated Figure 1 to include all decision guidelines Appendix 1A: change of order and addition of dead tree Appendix 2: Part D includes details of when it may be appropriate to estimate the large trees during a site assessment, Part E explains how to account for project impacts when they are delivered in stages, over multiple properties or on Crown land Appendix 3: partial removal moved here, contiguous land explained Appendix 4: text about EVC and large tree updated Appendix 5-9: reordered Appendix 6A: more details on updated habitat zone mapping and 6C has been added to further explain how to map areas with many trees Appendix 8: now covers offset estimation, staging and reconciliation

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1 Introduction

1.1 Purpose and scope

This Assessor's handbook guides the assessment of applications for a planning permit to remove, destroy or lop native vegetation (referred to as 'remove' native vegetation in this Assessor's handbook) under Clauses 52.16 and 52.17 of planning schemes in Victoria.

This Assessor's handbook may be useful when assessing other applications that require approval for the removal of native vegetation where the *Guidelines for the removal, destruction or lopping of native vegetation* (Guidelines) are applied. This includes subdivisions, approval processes that allow exemptions from requiring a planning permit to remove native vegetation to be relied on, or approvals under the *Pipelines Act 2005* or the *Mineral Resources (Sustainable Development) Act 1990*.

This Assessor's handbook does not address requirements of other clauses in planning schemes that require a planning permit to remove vegetation, including Erosion Management Overlay, Salinity Management Overlay, Environmental Significance Overlay, Vegetation Protection Overlay and Significant Landscape Overlay (unless the overlay specifically states otherwise).

This Assessor's handbook replaces the *Permitted clearing of native vegetation – Biodiversity assessment handbook* (Department of Environment and Primary Industries, May 2015).

1.2 Use of the document

Responsible and referral authorities should use this Assessor's handbook when assessing Clause 52.16 or 52.17 permit applications and when providing information to applicants about the requirements of the Guidelines.

This Assessor's handbook may help consultants and applicants when they prepare an application to remove native vegetation.

Users of this Assessor's handbook should be familiar with:

- The *Planning and Environment Act 1987*
- Clause 12.01-1S *Protection of biodiversity* of the Planning Policy Framework
- Clause 12.01-2S *Native vegetation management* of the Planning Policy Framework
- Particular Provisions and relevant schedules of planning schemes – Clause 52.16 *Native*

Vegetation Precinct Plan and Clause 52.17 *Native Vegetation*

- *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), an incorporated document in all planning schemes
- *Applicant's guide – applications to remove, destroy or lop native vegetation* (DELWP 2018) or as updated
- *Exemptions from requiring a planning permit to remove, destroy or lop native vegetation – Guidance* (DELWP 2017) or as updated
- *Native vegetation gain scoring manual*, Version 2 (DELWP 2017)
- *Biodiversity information explanatory document – measuring value when removing or offsetting native vegetation* (DELWP 2017).

This Assessor's handbook references responsible and referral authorities; referral authority means the Department of Environment, Land, Water and Planning (DELWP) as the statutory referral authority under Clause 66 *Referral and Notice Provisions*, unless otherwise stated. DELWP is a recommending referral authority for *Native vegetation* under sub-Clause 66.02-2.

1.3 Supporting information

DELWP has developed systems and tools that enable applicants to view relevant mapped information and complete an application to remove native vegetation. These systems and tools also enable assessors to view information and check applications they are reviewing.

The Native Vegetation Information Management (NVIM) native vegetation removal tool is an online tool used by applicants to view information, map native vegetation to be removed and generate a *Native vegetation removal report* to be included with an application. It can also be used by assessors when checking and assessing an application. The report generated by the NVIM native vegetation removal tool includes all the biodiversity information needed for an application in the Basic or Intermediate Assessment Pathway.

The NVIM native vegetation offset tool can be used by applicants who wish to obtain a *Native vegetation offset report* and register a first party general offset site. The report includes all the biodiversity information needed to establish a first party general offset site, including the general habitat units of gain available.

The EnSym native vegetation regulation tool (EnSym tool) is used when applications are in the Detailed Assessment Pathway. It analyses spatial data prepared by consultants and generates a *Native vegetation removal report* that includes some of the biodiversity information required for an application in the Detailed Assessment Pathway. It is also used to generate a *Native vegetation offset report* when a gain scoring assessment has been done.

The EnSym tool also includes a species intersection tool that helps identify locations in Victoria that are habitat for a specified list of rare or threatened species. Consultants and other stakeholders can request a licence for this system and install it on their computer to use for scenario testing.

NatureKit is an online mapping tool that can be used to view biodiversity information if you don't have a Geographic Information System. It displays information on Victoria's:

- flora and fauna distribution
- native vegetation
- investment prospects
- marine bathymetry and habitat
- disturbance
- land administration and classification.



2 Requirement for a planning permit to remove native vegetation

This section helps to determine if a permit¹ is required to remove native vegetation under Clause 52.16 or 52.17. A permit may also be required under an environmental overlay.

Native vegetation is defined in Clause 73-01 of the Victoria Planning Provisions (VPP) as *Plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses.*

A permit may be required to remove native vegetation under Clause 52.16 or 52.17. This includes the removal of dead native vegetation.

A permit is not required to remove native vegetation under Clause 52.16 or 52.17 if:

- the removal of native vegetation has been provided for in a Native Vegetation Precinct Plan (NVPP) listed in the schedule to Clause 52.16 (see section 2.3)
- the table of exemptions in Clause 52.16 or 52.17 specifically states that a permit is not required (see section 2.4)
- it is specified in the schedule to Clause 52.17 (see section 2.5).

Note that there are further exemptions from requiring a permit to remove native vegetation in Clause 52.12 *Bushfire Protection: Exemptions* and Clause 52.14 *2009 Bushfire – replacement buildings*.

2.1 Is native vegetation removal proposed?

Consider the proposal and all buildings and works that could impact on existing native vegetation, including mapped wetlands.

Consider any ancillary uses, utilities, access and earthworks associated with the use or development and any defendable space requirements. The full extent of native vegetation removal must be considered.

Consider assumed losses and consequential removal of native vegetation as described in Section 2.3.3 of the Guidelines. Assumed losses account for indirect loss of native vegetation for example, encroachment into tree protection zones, losses from changed water flows and shading.

Consequential loss includes native vegetation that can be removed without obtaining a permit as a result of a decision made on an application, for example approving a subdivision with lots less than 0.4 hectares. Appendix 2 explains these concepts in more detail.

If native vegetation is assumed lost or can be removed as a consequence of the decision, a permit may be required under Clause 52.16 or 52.17.

2.2 Does Clause 52.16 or 52.17 apply?

Clause 52.16 applies to land if an NVPP corresponding to that land is incorporated into the planning scheme, otherwise Clause 52.17 applies. There is an additional application requirement and decision guideline applicable for a Clause 52.16 permit application.

Decision Point – Responsible authority

- There is an incorporated NVPP corresponding to the land, Clause 52.16 applies.
→ Proceed to section 2.3.
- There is no NVPP corresponding to the land, Clause 52.17 applies.
→ Proceed to section 2.4.

2.3 Clause 52.16 applies

The removal, destruction or lopping of native vegetation does not require a planning permit if it is in accordance with an incorporated NVPP. In accordance with means:

- only the native vegetation which is identified for removal in the NVPP may be removed, destroyed or lopped
- native vegetation which is identified for removal in this NVPP can only be removed if the purpose of its removal is consistent with the purpose of the NVPP
- the offset specified in the NVPP is secured
- any other NVPP condition is complied with.

If the proposed removal of native vegetation is not in accordance with the NVPP, a permit to remove native vegetation is required under Clause 52.16 of the relevant planning scheme.

¹ The term permit in this document refers to a planning permit as required under Clause 52.16 or Clause 52.17 of all planning schemes in Victoria.

Decision Point – Responsible authority

- The native vegetation removal is not in accordance with the NVPP.
→ *Proceed to section 2.4.*
- The native vegetation removal is in accordance with the NVPP and the proposal complies with all conditions in the NVPP.
→ *A permit is not required under Clause 52.16 or Clause 52.17, ensure offset is secured.*

2.4 Is the removal of native vegetation exempt?

Clauses 52.16 and 52.17 contain tables of exemptions that list activities and circumstances where native vegetation can be removed without a permit. These exemptions require that native vegetation removal is to the minimum extent necessary. Some exemptions include limits on the amount of native vegetation that can be removed. The *Exemptions from requiring a planning permit to remove, destroy or lop native vegetation – Guidance* will help determine if an exemption can be relied on.

Additional *Bushfire protection exemptions* listed in Clause 52.12 may also apply. A permit is not required under Clause 52.16 or 52.17 if the native vegetation removal is covered by an exemption under Clause 52.12.

Decision Point – Responsible authority

- The native vegetation removal is not exempt, and Clause 52.17 applies.
→ *Proceed to section 2.5.*
- The native vegetation removal is not exempt, and Clause 52.16 applies.
→ *a permit is required, proceed to section 2.6.*
- The native vegetation is exempt.
→ *A permit is not required under Clause 52.16 or Clause 52.17.*

2.5 Is native vegetation specified in the schedule to Clause 52.17?

Responsible authorities can describe native vegetation in the schedule to Clause 52.17.

Native vegetation described in the schedule's Table 1.0 *Scheduled area* does not require a permit under Clause 52.17. The native vegetation described may include native plants that are not indigenous to the local area and have become environmental weeds or native vegetation that has been assessed and approved under alternative approval processes.

If a weed is listed in the schedule's Table 2.0 *Scheduled weeds*, the *Weeds* exemption at Clause 52.17-7 can be relied on. This allows for limited native vegetation removal while removing and destroying listed weeds.

Decision Point – Responsible authority

- The native vegetation is not specified in the schedule to Clause 52.17.
→ *A permit is required, proceed to section 2.6.*
- The native vegetation is specified in the schedule to Clause 52.17, and all applicable schedule requirements are met.
→ *A permit is not required under Clause 52.17.*

2.6 Other considerations

Removal of native vegetation may be covered by an existing use right

In some cases, established existing use rights may mean that a permit is not required for the proposed removal of native vegetation. The responsible authority is responsible for providing advice to landowners and for confirming established existing use of land in specific cases.

A permit to remove native vegetation may be required under another clause

A planning permit to remove native vegetation may be required under another clause in the planning scheme, for example by an Environmental Significance Overlay. This still applies when the removal of native vegetation is exempt under Clauses 52.16 or 52.17.

When other clauses apply, the decision guidelines of **all** the relevant clauses must be applied. If a permit is required under Clause 52.16 or 52.17 and an overlay, apply the decision guidelines in 52.16 or 52.17 as well as those in the other relevant clauses.

3 Application referral and verification

The Guidelines set out three assessment pathways with corresponding application requirements and decision guidelines: Basic, Intermediate and Detailed.

Responsible authorities should check that an application is complete before accepting it to ensure assessment processes and timeframes are streamlined.

Before assessing an application to remove native vegetation it must be checked to ensure all relevant application requirements have been satisfactorily met. Section 3.1 to 3.11 explains how to complete this application verification. Table 1 shows which application requirements are met by the *Native vegetation removal report* (NVR report) generated by DELWP systems and tools i.e. the NVIM native vegetation removal tool and the EnSym tool, and which must be completed by the applicant.

The *Planning and Environment Act 1987* and regulations set out the timing and procedure for referral. The responsible authority must provide the application to the referral authority without delay, and the referral authority must request any additional information within 21 days of receiving the application.

Clause 66.02-2 of the Victoria Planning Provisions specifies when an application for a permit to remove native vegetation must be referred to the Secretary to DELWP as a recommending referral authority.

This includes applications to remove, destroy or lop native vegetation:

- in the Detailed Assessment Pathway
- if a property vegetation plan applies to the site
- on Crown land that is occupied or managed by the responsible authority.

Action – Responsible authority

Check whether the application must be referred to DELWP.

- The application triggers a referral to DELWP under Clause 62.02-2.
→ *Refer the application to DELWP. Proceed with the assessment.*
- The application does not trigger a referral to DELWP.
→ *Proceed with the assessment. If comment or support is required from DELWP, refer for comment with details that specify why the proposal has been referred and what information is sought.*

When an application is referred to DELWP, DELWP will:

- ensure that all required information is included
- request additional information within 21 days if required
- complete the assessment and provide a response to the responsible authority within 28 days of receiving all required information.

Table 1. Meeting the application requirements for a permit to remove native vegetation

No.	Summary of application requirements	Assessment Pathway		Not a patch or a scattered tree
		Basic and Intermediate	Detailed	
1.	Information about the native vegetation to be removed, including: <ul style="list-style-type: none"> • the assessment pathway and reason for the assessment pathway. This includes the location category of the native vegetation to be removed • a description of the native vegetation to be removed • maps showing the native vegetation and property in context • the offset requirement, determined in accordance with section 5 of the Guidelines, that will apply if the native vegetation is approved to be removed. 	NVR report	NVR report and the site assessment report	Applicant only provides description of vegetation. An NVR report is not required for these cases and no offsets are required
2.	Topographic and land information relating to the native vegetation to be removed, showing ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate.	Applicant describes this in the NVR report	Applicant*	Applicant

No.	Summary of application requirements	Assessment Pathway		Not a patch or a scattered tree
		Basic and Intermediate	Detailed	
3.	Recent, dated photographs of the native vegetation to be removed.	Applicant	Applicant*	Applicant
4.	Details of any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five year period before the application for a permit is lodged.	Applicant adds this in the NVR report	Applicant*	N/A
5.	An avoid and minimise statement. The statement describes any efforts to avoid the removal of, and minimise the impacts on the biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value.	Applicant describes this in the NVR report	Applicant*	N/A
6.	A copy of any Property Vegetation Plan contained within an agreement made pursuant to section 69 of the <i>Conservation, Forests and Lands Act 1987</i> that applies to the native vegetation to be removed.	Applicant	Applicant*	Applicant
7.	Where the removal of native vegetation is to create defensible space, a written statement explaining why the removal of native vegetation is necessary. This is not required when the creation of defensible space is in conjunction with an application under the Bushfire Management Overlay.	Applicant describes this in the NVR report	Applicant*	N/A
8.	If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations at decision guideline 6.	Applicant	Applicant*	Applicant
9.	An offset statement explaining that an offset that meets the offset requirements for the native vegetation to be removed has been identified and how it will be secured.	Applicant describes this in the NVR report	Applicant*	N/A
10.	A site assessment report of the native vegetation to be removed, completed by an accredited native vegetation assessor.	N/A	Site assessment report	N/A
11.	Information about impacts on rare or threatened species habitat.	N/A	NVR report	N/A

Note: * Required information may be included in the site assessment report.

At the end of each section below it may be determined that more information is required. It is important to check the whole application before requesting further information.

3.1 Application requirement 1: Information about the native vegetation to be removed

The NVR report contains information required to address this application requirement. This report must be included in the application and is generated by the NVIM native vegetation removal tool or the EnSym tool using information from the applicant and landscape scale maps.

The responsible authority must check that past removal of native vegetation has been considered if relevant, and that the native vegetation identified in the NVR report has been mapped in the correct location and includes the correct extent.

The assessment pathway and offset requirements shown in the NVR report are calculated from the mapped native vegetation. If the native vegetation has not been correctly mapped the offset requirements will be wrong.

3.1.1 Check if past removal is relevant

The extent used to determine the assessment pathway of an application must include the full extent as described in 3.1.3 below as well as any past removal. Past removal is any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five year period before the application is lodged. The five year period begins when the permit for the past removal of native vegetation was issued. Past removal does not include native vegetation that was removed under an exemption.

The responsible authority must check permit records to determine if past removal of native vegetation is relevant. If it is, past removal must be included when determining the assessment pathway and when applying the species-general offset test

Appendix 3 describes how past removal should be accounted for. Appendix 2E describes how this principle applies to projects that may be staged, cross a number of properties or occur on Crown land.

Action – Responsible authority

Check permit records and check if past removal is included in the NVR report as applicable.

- Past removal should be considered and is included in the NVR report.

→ Proceed to section 3.1.2.

- Past removal should be considered and is not included in the NVR report.

→ Complete the application verification and request outstanding information from the applicant.

3.1.2 Check the category of native vegetation

Section 3.1 of the Guidelines classifies native vegetation as a patch or a scattered tree. Appendix 1 includes detailed descriptions and helps applicants and assessors determine if the native vegetation is a patch or scattered tree.

The application must include the size of all scattered trees to be removed, this includes the circumference in centimetres measured at 1.3 metres above ground level. The application must also include how many large trees will be removed in any patch of native vegetation. These will be mapped in the NVR report generated by the NVIM native vegetation removal tool. Refer to section 3.10 for applications that include a site assessment.

Action – Responsible and referral authority

Check the category of native vegetation using aerial photography, site photographs and inspections.

- The vegetation to be removed is native, is classified as a patch of native vegetation or a scattered tree and all large canopy trees in patches have been accounted for.

→ Proceed to section 3.1.3.

- The vegetation to be removed is native but is neither a patch of native vegetation nor a scattered tree.
→ An offset as determined by the Guidelines is probably not required. A permit is required, and the application requirements and relevant decision guidelines of the Basic Assessment Pathway must be applied.

- The vegetation to be removed is not native.

→ A permit is not required under Clause 52.16 or 52.17.

3.1.3 Check the mapped extent and location

The NVR report includes maps and plans showing the extent and location of the native vegetation to be removed. The mapped extent of native vegetation to be removed must be carefully checked against the plan of the proposed use or development. Appendix 2A explains how extent of native vegetation is determined for a patch, a large scattered tree and a small scattered tree.

Ensure the extent of the native vegetation proposed to be removed matches the footprint of the proposed use or development, this includes:

- installation of services and utilities
- vehicle access for, and impacts of, construction activities
- ongoing access to the use or development
- the need for fire breaks and native vegetation management to reduce bushfire risk. If a development requires defensible space and this is not exempt from requiring a permit, ensure that all the native vegetation that will be removed is included.

The mapped extent and location of native vegetation determines what biodiversity values will be impacted and is used to calculate offset requirements.

Circumstances of severe temporary change

In circumstances of severe temporary change including during a declared drought, following fire, flooding, slashing or unusually intense grazing, it may not be possible to identify, categorise or assess native vegetation.

In these circumstances, the *Native vegetation extent map* is used to determine if vegetation is native and the *Native vegetation condition map* is used to determine the condition score.

The *Native vegetation extent map* is not used to identify native vegetation when applying the Guidelines, this is done using site observations. The map may be used when compliance action is taken when the extent of native vegetation can no longer be determined.

Assumed loss

Ensure that all areas of assumed loss as a result of impacts are accounted for (Appendix 2B), for example:

- encroachment into the Tree Protection Zone or Structural Root Zone (as specified in AS4970-2009)
- native vegetation around dwellings

- indirect impacts of the development that destroy native vegetation and wetlands, such as:
 - shading or other microclimate changes
 - changes to hydrology
 - effluent discharge
 - stormwater runoff
 - compaction
 - excavation.

Consequential removal

Ensure that any consequential removal of native vegetation due to exemptions that would apply following approval of a permit or plan (Appendix 2C) has been included. This includes for example, loss of native vegetation:

- along proposed property boundaries for fence lines
- within proposed lots that are less than 0.4 hectares
- for defensible space and fire breaks
- for new single lot dwelling in the Bushfire Management Overlay (BMO).

Mapped wetlands

Mapped wetlands are regarded as a patch of native vegetation. Areas of mapped wetlands that will be removed are to be included in the native vegetation identified to be removed.

Partial removal

Proposed use or development may require only partial removal of native vegetation. Check that all areas to be partially removed have been mapped correctly as detailed in Appendix 3B. This appendix describes situations when removal of some of the understory or some canopy trees or a combination of both are required. This may arise when native vegetation has to be managed for defensible space. The NVR report generated by the NVIM native vegetation removal tool requires manual adjustments. NVR reports generated by the EnSym tool will show areas of partial removal and no adjustments are required to the offset amount, the calculations have already been adjusted.

Seagrass

Some local council areas extend over lakes, estuaries or the sea. When works are undertaken in areas covered by the council's planning scheme that

involve the removal of seagrass, the seagrass removal is treated as the removal of a patch of native vegetation, using a standard condition score of 0.8. If the *Strategic biodiversity value map* does not extend over the area, a strategic biodiversity value score of 0.80 is applied.

Action – Responsible and referral authority

Check that the extent and location of native vegetation to be removed is consistent with the proposed use or development plan.

- The extent and location of native vegetation to be removed is correct.
→ *Proceed to section 3.2.*
- The extent is different to the expected extent of the native vegetation removal or the identifies vegetation is in the wrong location.
→ *Complete the application verification to check for other errors. Request outstanding information from the applicant.*

3.1.4 Manual edits to NVR reports

The NVR report generated by the NVIM native vegetation removal tool uses modelled condition scores detailed in the *Native vegetation condition map*. It also assumes that all the areas mapped will be completely removed. The cases when this report can be manually amended include when:

- partial removal is proposed (see Appendix 3B)
- an accredited native vegetation assessor has completed a site assessment and site assessed information (condition, EVC conservation status, and large tree determination) is used in place of mapped information (see section 6.5.1 of the Guidelines and Appendix 4)
- only scattered trees are being removed, a competent ecologist confirms that the trees being removed are scattered trees and the standard condition score of 0.2 is applied (Appendix 4).

In these cases, offset requirements detailed in the NVIM native vegetation removal tool generated NVR report are manually adjusted and should be supported with appropriate evidence. Check that it has been amended correctly.

Action – Responsible and referral authority

- The NVR report has been amended correctly.
→ *Proceed to section 3.2.*
- The NVR report has been incorrectly amended.
→ *Complete the application verification and request outstanding information from the applicant.*

3.2 Application requirement 2: Topographic and land information

Topographic and land information should be described in a statement or may be represented in a separate map or plan. In some cases, maps included in the NVR report may be sufficient to meet this application requirement. Responsible authorities can complete a desktop assessment of the property using the NVIM native vegetation removal tool and spatial layers available in the Victorian resources online website². A site inspection may also assist.

Action – Responsible and referral authority

- The application has sufficient information that describes the topographical and land information.
→ *Proceed to section 3.3.*
- The application does not include a sufficient description of the topographical and land information.
→ *Complete the application verification and request outstanding information from the applicant.*

3.3 Application requirement 3: Recent, dated photographs

Applications must include recent photographs, taken within the last two to three years. They should clearly show that the vegetation is a patch or scattered trees and include any large trees to be removed. Close up photographs of flowers, leaves, bark, fruit and seed can assist when determining if the native vegetation is native or not, but these are not mandatory requirements.

If the area of native vegetation to be removed is large, representative photographs of the native vegetation are acceptable.

Action – Responsible and referral authority

- The application includes photographs that represent the native vegetation proposed to be removed.
→ *Proceed to section 3.4.*
- The application does not include photographs that represent the native vegetation proposed to be removed.
→ *Complete the application verification and request outstanding information from the applicant.*

² <http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/vrohome>

3.4 Application requirement 4: Past removal of native vegetation

The application must include information on any past native vegetation removal. The NVR report will show if past removal has been included or not and should have been checked in section 3.1.1.

Action – Responsible authority

This has been checked in 3.1.1 above.
→ *Proceed to section 3.5.*

3.5 Application requirement 5: Avoid and minimise statement

All applications must include an avoid and minimise statement that describes any efforts to avoid the removal of and minimise the impacts on the biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value.

The statement should describe:

- any strategic level planning over the site
- what site level planning has been done
- that no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.

Avoid and minimise statements should refer to all three points. For example:

- the site was subject to the [name of strategic planning process] that avoided or minimised impacts on native vegetation, no further avoidance and minimisation is possible without compromising the proposal because [describe why]
- the site was not subject to any strategic planning process and my proposal has been sited and designed [description of steps taken] to avoid and minimise impacts on native vegetation with higher values and there are no opportunities to further avoid or minimise impacts without undermining the key objective of my proposal because [describe why].

3.5.1 Strategic level planning

The site may have been subject to a strategic level planning process that avoided and minimised impacts on native vegetation. This includes planning scheme amendments, precinct planning, regional growth plans and strategic environmental assessments. These processes need to have been supported by DELWP and incorporated into the relevant planning scheme.

3.5.2 Site level planning

The statement describes how the proposed use or development has been sited or designed, or will be managed to avoid and minimise impacts on native vegetation.

3.5.3 Feasible opportunities to further avoid and minimise impacts

The statement states that no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.

Action – Responsible and referral authority

- The application includes an avoid and minimise statement that describes what has been done to avoid and minimise impacts and that nothing more can be done.
→ *Proceed to section 3.6.*
- The application does not include an avoid and minimise statement that describes what has been done to avoid and minimise impacts and that nothing more can be done.
→ *Complete the application verification and request outstanding information from the applicant.*

3.6 Application requirement 6: Property Vegetation Plan

This only applies if a Property Vegetation Plan (PVP) exists for the property. A PVP sets out the native vegetation that is going to be removed and retained on a property over a 10 year, or longer period. A PVP is an agreement under section 69 of the *Conservation, Forests and Lands Act 1987* between the landowner and the Secretary of DELWP. If a PVP is included in an application, it means that DELWP has reviewed and approved the contents of the PVP. Timber harvesting applications on private land can include a PVP developed in accordance with the *PVP template for native forest timber harvesting* (DELWP). Permits granted when a PVP applies must be valid for 10 years.

Action – Responsible and referral authority

- The application includes a PVP, check that it includes an endorsed section 69 agreement.
→ *The PVP should include all required information to assess the proposal.*
- The application does not include a PVP.
→ *Proceed to section 3.7.*

3.7 Application requirement 7: Defendable space

An application that includes native vegetation removal to create defendable space must include a statement that describes how other bushfire risk mitigation measures were applied to reduce the amount of native vegetation proposed to be removed or reduce the impacts on biodiversity and other values of native vegetation. It is acceptable for these measures to also be described in the avoid and minimise statement required for application requirement 5.

If the application is being made under the Bushfire Management Overlay (BMO), this information must be supplied as part of the BMO application and does not have to be included twice.

Action – Responsible and referral authority

The application includes native vegetation removal for defendable space.

- There is no BMO application and a statement describing how impacts have been minimised is included.
→ *Proceed to section 3.8.*
- There is no BMO application and a statement describing how impacts have been minimised is not included.
→ *Complete the application verification and request outstanding information from the applicant.*
- There is a BMO application, statement is not required under Clause 52.17.
→ *Proceed to section 3.8. Information required is included as required by the BMO.*

3.8 Application requirement 8: Native Vegetation Precinct Plan

This only applies if a permit to remove native vegetation is required under Clause 52.16 - Native Vegetation Precinct Plan (NVPP).

These permit applications must include a statement that explains how the proposal responds to the NVPP considerations included in decision guideline 8 in Table 6 of the Guidelines. These are:

- the purpose and objectives of the NVPP
- the effect on native vegetation identified for retention in the NVPP
- the potential for the effectiveness of the NVPP to be undermined

- the potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for retention in the NVPP
- offset requirements in the NVPP.

Action – Responsible and referral authority

- The application includes a statement detailing how the NVPP considerations are affected.
→ *Proceed to section 3.9.*
- The application does not include a statement detailing how the NVPP considerations are affected.
→ *Complete the application verification and request outstanding information from the applicant.*

3.9 Application requirement 9: Offset statement

All applications must include an offset statement that details that the required offset has been identified and states how it will be secured. This statement gives the permit assessor confidence that the biodiversity impact can be compensated and ensures that the applicant is aware of this obligation and potential costs.

The offset requirements for the proposed native vegetation removal are specified in the NVR report. The proposed offset(s) must meet all the offset requirements detailed in the NVR report:

- offset type (general or species)
- offset amount (measured in general or species habitat units)
- offset attributes (vicinity, minimum strategic biodiversity value score, habitat for rare or threatened species and large trees).

Note that at the permit application stage the offset does not need to be secured. This is only required once a permit is granted and the removal is to take place.

Rules for general offsets

If native vegetation removal crosses two or more CMAs or municipal areas the offset can be provided in any of the CMAs or municipal areas where removal takes place.

If the minimum strategic biodiversity value score cannot be met, it can be reduced by a further 10 percent (to no less than 70 per cent of the strategic biodiversity value score of the native vegetation removal) if the number of general habitat units secured is increased by 10 per cent and/or the number of large trees protected is doubled.

Rules for species offsets

If multiple species offsets are detailed in the NVR report, each species offset must be secured. In these cases, multiple species offsets can be met with a single offset site provided the offset site is habitat for all the species and has sufficient habitat units for each species.

Large trees

Large trees are an attribute of removal and offset sites. Large trees cannot be sold or secured separately from habitat units. The required number of large trees can be secured within the general offset, species offset(s) or combination of both. For example, if 15 large trees need to be protected, 5 can be protected in the general habitat units secured and 10 can be protected in the species habitat units

secured (or any other combination that adds up to the requirement of 15 large trees). If an offset meets all other offset requirements but does not protect sufficient large trees, additional habitat units that contain large trees must be secured.

Security

Offsets can be purchased from a third party as native vegetation credits. This can be from an existing site, or a proposed new third party offset site. The offset can also be met by establishing a first party offset site.

The offset statement

Suitable offset statements and evidence for these three methods are explained in Table 2.

Table 2. Suitable offset statement and evidence for the three options

	A. Offset is available to purchase from a third party	B. Offset will be purchased from a proposed new third party offset site	C. Offset can be met by a first party offset
Example offset statement (words in <i>italics</i> must be replaced with the relevant response)	"I am going to purchase the offset I need from an existing native vegetation credit site. I have attached <i><insert type of evidence></i> to this application, which shows that the offset is available. I have checked and understand the likely cost of the offset."	"I am going to purchase a new offset that will be established by <i><insert name of third party></i> . I have attached <i><insert type of evidence></i> to this application, along with the written agreement of the owner of the site. I have checked and understand the likely cost of the offset."	"I will meet the offset requirement by protecting native vegetation on my own property. I have attached the <i>Native vegetation offset report</i> . <i><Insert statutory body></i> has agreed to secure the site via a <i><insert agreement></i> . I have checked and understand the costs and requirements to secure the offset site."
Suitable evidence to support an offset statement	<ul style="list-style-type: none"> • Suitable evidence (not more than six months old) from the NVCR or NVCR accredited broker that the required offset is available to purchase. This could be an email stating that the credits are available and may or may not include a cost estimate. • Confirm an understanding of the potential cost of the offset. Provide confirmation that the table of past trades has been used to gain an understanding of costs if a cost estimate is not included. 	<ul style="list-style-type: none"> • A <i>Native vegetation offset report</i> (either final or preliminary estimate by an NVCR service provider – site assessor) that shows the offset site meets the offset requirements, AND • Confirmation from the NVCR site assessor that the site would be eligible to become an offset site, AND • Written agreement from the third party (i.e. the offset provider or owner of the offset site) to establish the offset site and sell the credits to the permit holder. The agreement should note an understanding of the required management actions, security agreement and NVCR requirements, including costs. 	<ul style="list-style-type: none"> • A <i>Native vegetation offset report</i> that shows the offset site meets the offset requirements, AND • A letter or an email from a statutory body stating they will sign a security agreement, AND • Confirmation that the site is eligible to be an offset site.

Action – Responsible and referral authority

- The application includes an offset statement showing that the required offset is available and describes how it will be secured. Suitable evidence is included.
→ *Proceed to section 3.10.*
- The application does not include an offset statement showing that the required offset is available or fails to state how it will be secured.
→ *Complete the application verification and request outstanding information from the applicant.*

3.10 Application requirement 10: Site assessment report

All applications in the Detailed Assessment Pathway must include a site assessment report. The site assessment report must be completed by an accredited native vegetation assessor and include:

- a habitat hectare assessment of any patches of native vegetation, including the condition, extent (in hectares), EVC and bioregional conservation status
- the location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of large trees within patches
- the location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any scattered trees, and whether each tree is small or large.

Circumstances of severe temporary change

- In circumstances of severe temporary change including during a declared drought, following fire, flooding, slashing or unusually intense grazing it may not be possible to complete a site assessment.
- In these circumstances, the *Native vegetation extent map* is used to determine if vegetation is native and the *Native vegetation condition map* is used to determine the condition score.

Proposal also requires EPBC Act and/or FFG Act approval

- If the proposed native vegetation removal requires additional information to support an application under the FFG Act or the EPBC Act, this can be included in the site assessment report so that one report is prepared that meets all regulatory requirements.

The site assessment report must be current.

This generally means the site assessment must have been completed within the last three years for grassy, heathland, shrubland ecosystems including grassy woodlands, and five years for forest ecosystems. If the assessment is older than this, an accredited native vegetation assessor must verify the condition, and if the score is no longer accurate complete a new assessment.

3.10.1 Habitat hectare assessment

A habitat hectare assessment must be completed by an accredited native vegetation assessor and the 10 VQA component scores for each zone must be included in the site assessment report. The assessment must be in accordance with the habitat hectare method described in the *Vegetation Quality Assessment Manual*, version 1.3, 2004 (VQAM), but with the update for habitat zone description detailed in Appendix 6A as follows:

- a Vegetation Quality Assessment (VQA) must be constrained to a single EVC
- *a habitat zone is a single continuous patch of vegetation of the same EVC*
- *changes in habitat condition should generally not influence how a habitat zone is defined.*

In general, a habitat zone should only be split based on the presence of a different EVC, not based on a change in the vegetation condition. However, a habitat zone must be split when it cannot be reasonably represented by a single VQA because:

- the site condition score (out of 75) varies by at least 15 points, and
- the extent of the continuous patch of vegetation to be removed is greater than 1 hectare.

No other vegetation assessment methodology, is acceptable when determining the condition of native vegetation when the Guidelines apply.

3.10.2 Large trees within patch

Applications that include a site assessment completed by an accredited assessor meet the application requirement for large trees within patches as follows:

- spatial data analysed by the EnSym tool includes a large tree count per zone
- site assessment report includes a description of large trees per zone as follows:
 - Zone ID that meets the tree location requirement
 - large tree count that meets the tree number requirement and determines the number of trees present in the zone that are greater than or equal to the large tree benchmark DBH
 - breakdown of DBH³ size ranges – the tree circumference requirement is met by providing the number of trees present summarised into 20cm DBH size classes. For example, how many are between 60-79cm DBH, 80-99cm DBH, 100-119cm DBH etc.
 - large tree species – the species requirement is met by providing a list of large trees species present in each zone, for example:

ZoneID	No	Size range	Species
HZ1a	6	4 from 220-281	<i>Eucalyptus polyanthemos</i>
		2 from 282-344	<i>Eucalyptus tricarpa</i>

The requirement to provide large tree size ranges and species names does not apply to an offset site. The large tree count per habitat zone is required and this count should be broken down into Large Old Trees and Very Large Old Trees when Framework aligned native vegetation credits are proposed as detailed in relevant data standards.

There are limited cases when the large tree count can be estimated following stratified, random sampling at the site. See Appendix 2D for more information.

3.10.3 Scattered trees

Applications that include a site assessment completed by an accredited assessor meet the application requirement for scattered trees as follows:

- spatial data analysed by the EnSym tool includes all scattered trees mapped with appropriate circle sizes
- site assessment report includes details of each scattered tree, including the Zone ID, actual and benchmark DBH⁴, whether the tree is large or small and the species, for example:

Zone ID	Circ. cm	Bench-mark	Tree size	Species
ST1	225.0	219.9	Large	<i>Eucalyptus macrorhyncha</i>
ST2	183.5	219.9	Small	<i>Eucalyptus tricarpa</i>

Consider the following when reviewing the site assessment report:

- Is the native vegetation assessor accredited? This means they are registered on the DELWP Vegetation Quality Assessment Competency Register available on the DELWP website.
- Has the habitat hectare assessment been done in accordance with the habitat hectare method described in the Vegetation Quality Assessment Manual, with updated specification for habitat zone delineation?
- Is the assessment current (not older than three or five years)?
- Have tables showing the VQA component scores been included?
- Has information about large trees in patches and all scattered trees been provided?

Action – Responsible and referral authority Detailed Assessment Pathway only

- The application includes a site assessment that meets all specifications.
→ Proceed to section 3.11.
- The application does not include a site assessment, or it does not meet all specifications.
→ Complete the application verification and request outstanding information from the applicant.

³ DBH must be converted to a circumference cm using circumference = π D

⁴ DBH must be converted to a circumference cm using circumference = π D

3.11 Application requirement 11: Rare or threatened species

All applications in the Detailed Assessment Pathway must include information about impacts on Victoria's rare or threatened species. This information will be included in the NVR report from the EnSym tool. Some Detailed Assessment Pathway applications may not impact rare or threatened species. This will be stated on the NVR report. The responsible authority must check that the correct NVR report has been included. It must state that it is for the Detailed Assessment Pathway and include offset requirements.

Action – Responsible and referral authority Detailed Assessment Pathway only

- The application includes the correct NVR report for the Detailed Assessment Pathway.
→ *Proceed to section 3.12.*
- The application does not include the correct NVR report for the Detailed Assessment Pathway.
→ *The application verification is complete. Request all outstanding information.*

3.12 Request outstanding information

Any outstanding information must be requested by the responsible authority within 28 of receiving the application in accordance with Section 54 of the *Planning and Environment Act 1987*. The referral authority must tell the responsible authority if they need additional information within 21 days of receiving an application.

Most of the biodiversity information required for an application is included in the NVR report and the site assessment report completed by an accredited native vegetation assessor.

Action – Responsible authority requests outstanding information if required

- The application is complete, and all information needed to make a decision is included.
→ *Proceed to section 4.*
- The application is missing data or information, or the information is not to the required standard.
→ *Request outstanding information from the applicant.*



4 Consider the application

This section provides guidance on how to apply the decision guidelines specified in the Guidelines and included in Table 3. It is broken up in the following steps:

- Step 1: Consider decision guideline 6 (PVP) and 8 (NVPP) relating to strategic plans, when a strategic plan applies to the land.
- Step 2: Consider decision guidelines 5 (defendable space), 1 (avoid and minimise) and 7 (offset) that address the three-step approach of avoid, minimise and offset.
- Step 3: Consider decision guidelines 2 (land and water protection), 3 (identified landscape values) and 4 (Aboriginal Heritage) relating to the other values of native vegetation.
- Step 4: Consider decision guidelines 9 (biodiversity impact) and 10 (impact on rare or threatened species habitat) relating to the biodiversity values of native vegetation.

If the native vegetation to be removed does not meet the definition of a patch or a scattered tree outlined in the Guidelines, the application is considered in the Basic Assessment Pathway but an offset is not required, and decision guideline 7 is not applied.

Assessment pathway and biodiversity value

The assessment pathway of an application is determined based on the potential impacts to biodiversity values:

- Basic Assessment Pathway applications have a low biodiversity impact that is compensated by the required offset. These applications require a low level of assessment that should be streamlined. Step 4 is not applied.
- Intermediate Assessment Pathway applications impact one or more biodiversity values described in the Guidelines. Assessment of the impact on biodiversity is required. Decision guideline 9 applies but decision guideline 10 does not.
- Detailed Assessment Pathway applications impact one or more biodiversity values described in the Guidelines, including habitat for rare or threatened species. These applications require a detailed assessment of the impact on biodiversity. Decision guideline 9 and 10 both apply.

Table 3. Decision guidelines to be considered

Number	Decision guidelines to be considered
1	<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:</p> <ul style="list-style-type: none"> • the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation • the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation • feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.
2	<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> • Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the <i>Catchment and Land Protection Act 1994</i>. • Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly: <ul style="list-style-type: none"> – where ground slopes are more than 20 per cent – on land which is subject to soil erosion or slippage – in harsh environments, such as coastal or alpine areas. • Preventing adverse effects on groundwater quality, particularly on land: <ul style="list-style-type: none"> – where groundwater recharge to saline water tables occurs – that is in proximity to a discharge area – that is a known recharge area.

Number	Decision guidelines to be considered
3	The need to manage native vegetation to preserve identified landscape values.
4	Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the <i>Aboriginal Heritage Act 2006</i> .
5	The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.
6	Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.
7	Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
8	For Clause 52.16 applications, consider in relation to the native vegetation to be removed: <ul style="list-style-type: none"> • The purpose and objectives of the Native Vegetation Precinct Plan. • The effect on any native vegetation identified for retention in the Native Vegetation Precinct Plan. • The potential for the effectiveness of the Native Vegetation Precinct Plan to be undermined. • The potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for retention in the Native Vegetation Precinct Plan. • Offset requirements in the Native Vegetation Precinct Plan.
9	For applications in both the Intermediate and Detailed Assessment Pathway only – consider the impacts on biodiversity based on the following values of the native vegetation to be removed: <ul style="list-style-type: none"> • The extent. • The condition score. • The strategic biodiversity value score. • The number and circumference of any large trees. • Whether it includes an endangered Ecological Vegetation Class. • Whether it includes sensitive wetlands or coastal areas.
10	For applications in the Detailed Assessment Pathway only – consider the impacts on habitat for rare or threatened species. Where native vegetation to be removed is habitat for rare or threatened species according to the <i>Habitat importance maps</i> , consider the following: <ul style="list-style-type: none"> • The total number of species' habitats. • The species habitat(s) that require a species offset(s). • The proportional impact of the native vegetation removal on the total habitat for each species, as calculated in section 5.3.1 of the Guidelines. • The conservation status of the species (per the Advisory Lists maintained by DELWP). • Whether the habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat.

4.1 Step 1: Consider decision guidelines related to strategic plans

These decision guidelines only apply in some cases. Decision guideline 6 applies to an application that includes a Property Vegetation Plan (PVP).

Decision guideline 8 applies to an application made under Clause 52.16 of the local planning scheme. These applications are for removing native vegetation that is not in accordance with an incorporated Native Vegetation Precinct Plan (NVPP) that applies to the site.

If none of these decision guidelines apply, proceed to section 4.2.

4.1.1 Decision guideline 6 (Property Vegetation Plan)

A PVP relates to a single property and shows all native vegetation to be removed and retained. A PVP is only approved by DELWP if it has been developed in accordance with the Guidelines. The native vegetation to be removed and the corresponding offsets are identified in the PVP.

Responsible and referral authority

- If the native vegetation removal is in accordance with a PVP no assessment of the biodiversity impact and offset requirement is required, and the permit is granted for a 10 year period.
- If the native vegetation removal is not in accordance with the PVP:
 - the removal is assessed in accordance with the Guidelines, and
 - consideration is given to the implications of the proposed removal of native vegetation for the implementation of the PVP.

4.1.2 Decision guideline 8 (NVPP)

This decision guideline only applies for Clause 52.16 applications to remove native vegetation.

NVPPs are usually incorporated into planning schemes after the completion of strategic planning and usually involves consultation with a variety of stakeholders. Proposals to remove areas of native vegetation identified for retention in a NVPP need careful consideration.

Responsible and referral authority

- Consider what impact the proposed removal of native vegetation will have on:
 - the purpose and objectives of the NVPP
 - the effectiveness of the NVPP
 - the rest of the native vegetation identified for retention in the NVPP
 - what vegetation is being lost and will this result in fragmentation of native vegetation identified for retention in the NVPP
 - offset requirements in the NVPP.

4.2 Step 2: Consider decision guidelines about avoiding, minimising and offsets

Decision guideline 5 is about bushfire risk mitigation measures to reduce native vegetation removal for defensible space. Decision guideline 1 is about the effort to avoid the removal of and minimise impacts on native vegetation. Decision guideline 7 is about ensuring offset requirements are met if a permit is granted.

4.2.1 Decision guideline 5 (defendable space)

If native vegetation removal is not for defensible space, proceed to section 4.2.2. When native vegetation is being removed to create defensible

space, consider if other available bushfire risk mitigation measures could be applied to reduce the amount of vegetation that must be removed. If an application is also being made under the Bushfire Management Overlay (BMO), the required information may be included in that part of the application.

Responsible and referral authority

- Consider if there are other reasonable mitigation measures available.
 - Can the dwelling reasonably be constructed to a different Bushfire Attack Level? This includes materials used for floors, walls, roofs, windows etc.
 - Can the vegetation be managed differently to reduce the bushfire risk?
 - Can the dwelling be sited in a location that requires less vegetation to be removed? This may be addressed in the avoid and minimise statement

4.2.2 Decision guideline 1 (efforts to avoid and minimise impacts)

This decision guideline applies to all applications and is about the steps taken to avoid and minimise the removal of native vegetation, as part of the three-step approach described in section 4 of the Guidelines.

All applications must demonstrate or provide evidence to show that no options exist to further avoid or minimise native vegetation removal without undermining the objectives of the proposal.

The avoid and minimise statement should include if the site is part of a strategic plan that avoided and minimised impacts, what has been done at the site to avoid and minimise impacts and that nothing more can be done without undermining the proposal.

The effort to avoid the removal of, and minimise impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation and should focus on areas of native vegetation that have the most value. The biodiversity and other values considered in each assessment pathway are described in Appendix 1D.

Tables 4, 5 and 6 in Section 5 may help when considering this decision guideline.

Responsible and referral authority

- Consider the values of the native vegetation to be removed (compared to the values of any native vegetation that may be retained). For example:
 - Are there other locations on the property that could accommodate the proposed use or development that would avoid native vegetation removal?
 - > Could this be implemented without undermining the key objectives of the proposal?
 - Have impacts been restricted to areas of native vegetation that have the least biodiversity or other values?
 - Will the retained native vegetation continue to provide the biodiversity and other values it currently provides?
 - > If approval of the use or development is likely to lead to a decline in the viability of retained native vegetation, then consider if this native vegetation should be considered retained or assumed lost
 - Can the use or development be reasonably amended to reduce impacts on native vegetation?

4.2.3 Decision guideline 7 (offset requirements)

This decision guideline ensures that an offset can be secured to compensate for impacts on biodiversity if approval is granted to remove the native vegetation. Section 3.9 details how general offset amounts and minimum SBV scores may be adjusted in some circumstances.

Note that an offset does not need to be secured until the permit has been granted and the removal is about to take place.

An offset can be secured by establishing a new offset site on the applicant's land or by purchasing a native vegetation credit listed in the Native Vegetation Credit Register.

Responsible and referral authority

- Consider the offset statement and decide whether an offset that meets the offset requirements has been identified and can be secured.
- If the offset will be purchased from a third party listed in the Native Vegetation Credit Register, check:
 - The proposed offset meets the offset amount and attribute requirements.
 - The evidence provided is current. If concerned, check the with the relevant broker or the Offset Register at:
nativevegetation.offsetregister@delwp.vic.gov.au
- If the offset will be secured by establishing a new

offset site (first or third party), check:

- The proposed offset meets the offset amount and attribute requirements.
- It meets eligibility criteria specified in section 9 of the Guidelines.
- There is confidence that the offset will be secured
- The offset provider agrees to the security and management arrangements.
- The offset provider understands the set-up and ongoing costs of an offset site.
- The statutory body agrees to sign the security agreement.

4.3 Step 3: Consider decision guidelines about other values

Decision guideline 2 is about the role of native vegetation in protecting land and water. Decision guideline 3 is about managing native vegetation to preserve landscape values. Decision guideline 4 is about vegetation protected under the *Aboriginal Heritage Act 2006*.

An understanding of the other values of native vegetation is helpful when applying these decision guidelines. This section describes where to find information about the other values and how to consider the role or importance that the native vegetation plays. Appendix 1D may also assist.

4.3.1 Decision guideline 2 (land and water protection)

The NVR report or site assessment report should contain this information, supplied by the applicant (refer to section 3.2). An NVIM NVR report also has figures that show the aerial photograph, water courses and wetlands. The NVIM native vegetation removal tool can be used by responsible and referral authorities to view these features and contours. The *State Environmental Protection Policy (Waters of Victoria)* or its successor may also be helpful.

The Victorian resources online website is a useful tool to view a number of land and water values across Victoria. It can be accessed here: <http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/vrohome>

The State Environmental Protection Policy includes a goal for municipal councils to ensure that land use planning decisions and approvals consider the capability of land to sustain the use, that stormwater and domestic wastewater management is improved and, where relevant, that sediment runoff from unsealed roads is reduced.

Responsible and referral authority

- Consider the role that the native vegetation to be removed plays in:
 - protecting water quality and waterway and riparian ecosystems
 - preventing land degradation
 - preventing adverse effects on groundwater quality. For example:
 - > Will the removal result in erosion of topsoil?
 - > Will silt or pollution carrying runoff enter nearby waterways?
 - > Will the natural flow of water be affected, and will this impact natural features?
 - > Is groundwater likely to be affected negatively?

4.3.2 Decision guideline 3 (identified landscape values)

The responsible authority should be familiar with local policies, strategies and objectives included in the Planning Policy Framework, including the local planning policy framework in their scheme. This will detail when native vegetation may be important for preserving landscape values.

Responsible authority

- Consider the need to manage native vegetation to preserve identified landscape values
 - consider the impact if the native vegetation is removed. For example:
 - > Can the landscape value be preserved or retained if the vegetation is removed?
 - > What other vegetation remains that can preserve the identified landscape value? Is this other vegetation protected?

4.3.3 Decision guideline 4 (Aboriginal Heritage Act 2006)

If any part of the native vegetation to be removed, destroyed or lopped is protected under the *Aboriginal Heritage Act 2006*, approval must be granted under that act. If a Cultural Heritage Management Plan (CHMP) is required, this must be approved by the relevant department prior to granting approval to removal native vegetation. The *Aboriginal Heritage Act 2006* applies when the land has cultural heritage sensitivity and the activity will, or is likely to, harm Aboriginal cultural heritage⁵.

⁵ As described by Aboriginal Victoria at: <http://www.vic.gov.au/aboriginalvictoria/heritage/planning-and->

Areas of cultural heritage sensitivity are registered Aboriginal cultural heritage places, as well as landforms and land categories that are regarded as more likely to contain Aboriginal cultural heritage. These areas can be viewed on an online map maintained by Aboriginal Victoria: <https://www.vic.gov.au/aboriginalvictoria/heritage/heritage-tools-and-publications/heritage-tools.html>

A Cultural heritage permit is needed if the activity will or is likely to harm Aboriginal cultural heritage. A CHMP may be required for the proposed use or development. This website provides useful information <http://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes/planning-and-development-of-land.html>

Local Government planning staff can access the Victorian Aboriginal Heritage Register⁶ under section 146(1)(n) of the *Local Government Act 1989*. Planning maps online includes areas of Aboriginal cultural heritage sensitivity.

If there are no registered Aboriginal sites on or near the land it is possible the land has not been surveyed. In this case, the relevant Registered Aboriginal Party⁷ will be able to provide advice. If no Registered Aboriginal Party is in place for the land, contact Aboriginal Victoria for further information.

Responsible authority

- If the native vegetation is protected under the *Aboriginal Heritage Act 2006* The applicant may require a cultural heritage permit, or a CHMP
→. Ensure they are aware of this requirement and refer to Aboriginal Victoria. A permit to remove native vegetation must not be granted until any required CHMP is approved and included in the application.

[heritage-management-processes/planning-and-development-of-land.html](http://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes/planning-and-development-of-land.html)

⁶ The application form and procedure is available at: <http://www.vic.gov.au/aboriginalvictoria/heritage/heritage-tools-and-publications/victorian-aboriginal-heritage-register.html>

⁷ A map of RAPs can be accessed through Aboriginal Victoria: <http://www.vic.gov.au/aboriginalvictoria/heritage/registered-aboriginal-parties.html>

4.4 Step 4: Consider decision guidelines about biodiversity impacts

Decision guidelines 9 and 10 are about the impacts on the biodiversity value of native vegetation.

The NVR report and the site assessment includes information about the biodiversity value of native vegetation (refer sections 3.1, 3.3, 3.10 and 3.11).

Appendix 1D lists the biodiversity values of native vegetation and may help you decide if the vegetation has higher or lower value.

4.4.1 Decision guideline 9 (biodiversity impacts excluding species habitat)

This decision guideline applies to applications in the Intermediate and Detailed Assessment Pathways. It can, however, apply to an application in the Basic Assessment Pathway (see Appendix 4B) if an accredited native vegetation assessor confirms that:

- the native vegetation proposed to be removed is determined to be an endangered EVC, or
- the trees being removed are determined to be large as a result of a change to the mapped EVC.

The accredited native vegetation assessor can be the Responsible Authority.

Review the information included in the NVR report and the site assessment (if applicable) and consider the impacts on biodiversity values excluding species habitat.

Responsible and referral authority

- Consider the biodiversity values across the property and the impact on biodiversity if the vegetation is removed. For example:
 - What is the extent of vegetation to be removed?
 - Does the vegetation form part of a larger patch or is it isolated? Will this removal lead to increased fragmentation?
 - What is the condition score of the native vegetation being removed and any native vegetation that remains on site?
 - What is the strategic biodiversity value score of the native vegetation being removed and any native vegetation that remains on site?
 - Does the removal include large trees? How many? How much bigger than the benchmark are they?
 - Does the removal include an endangered EVC? Are there other areas in the region that protect this EVC?

- Does the native vegetation removal impact a sensitive wetland or coast? Remember, these areas have been listed for their national or international value and represent a high biodiversity value.

4.4.2 Decision guideline 10 (impact on rare or threatened species habitat)

This decision guideline only applies to applications in the Detailed Assessment Pathway. It can, however, apply to applications in the Basic and Intermediate Assessment Pathway in certain circumstances. See Appendix 5A.

Review the information in the NVR report and the site assessment report and consider the impacts on habitat for rare or threatened species.

Responsible and referral authority

- Consider the species habitat values across the property and the impact on species habitat if the vegetation is removed. For example:
 - How many species are mapped at the site?
 - How many species require a species offset, how many units for each species?
 - What is the proportional impact of the native vegetation removal on the remaining habitat for the species?
 - What is the conservation status of the species?
 - Are the habitats highly localised or dispersed? If dispersed is it an important area of the dispersed habitat?
 - Is it a special site i.e. includes a large population or a roosting site?

5 Decision making guidance for each pathway

The application is complete, and all decision guidelines have been considered. The referral and responsible authority must now make a decision to:

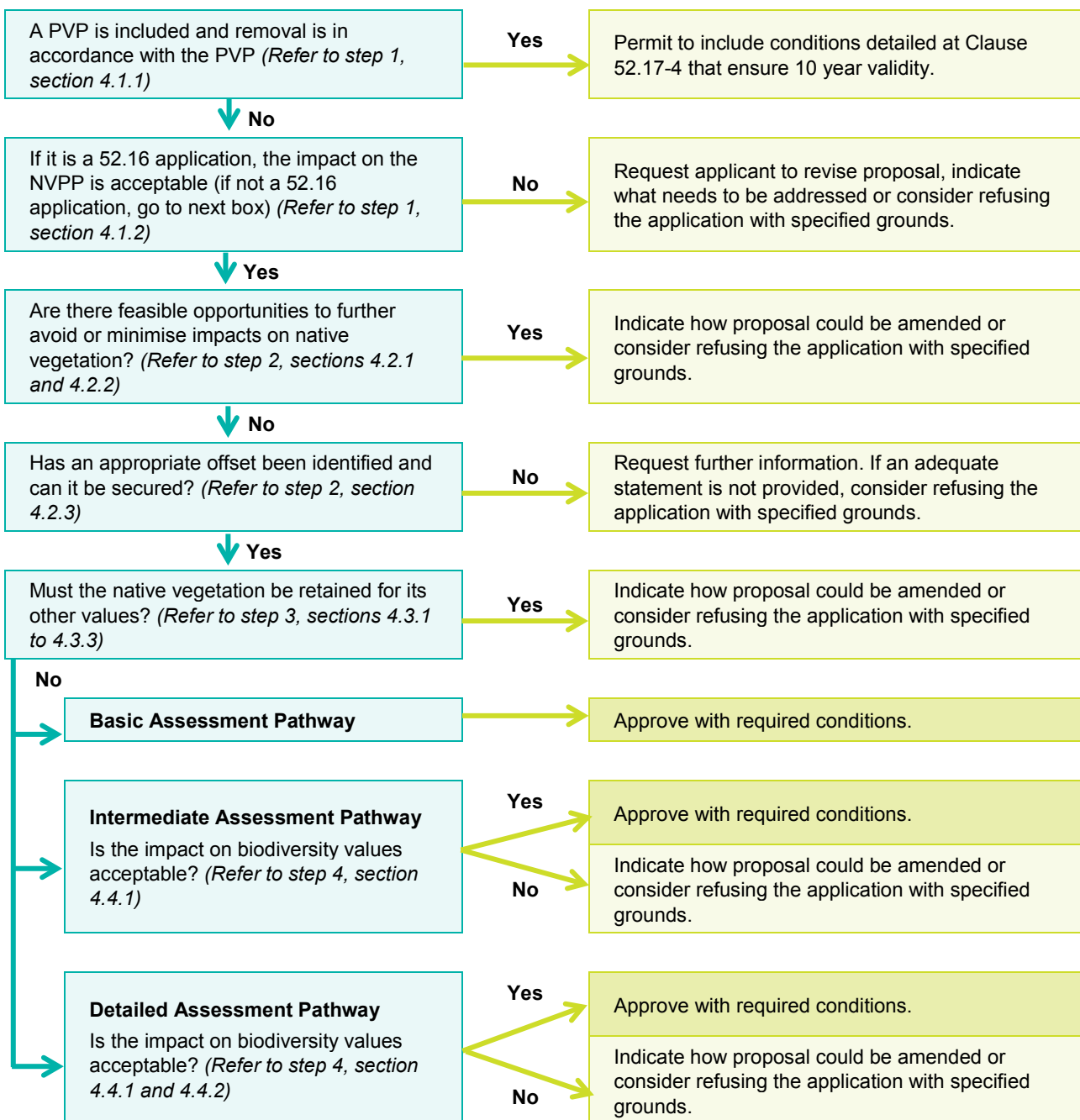
- object to or refuse to grant a permit
- not object to or grant a permit with required conditions.

In addition to the decision guidelines in section 7 of the Guidelines and included at Table 3, the responsible authority must consider the decision guidelines at Clause 65 of all planning schemes.

There may also be other relevant clauses that apply, particularly environmental overlays that require consideration of additional decision guidelines. All relevant decision guidelines must be applied when deciding on an application.

Figure 1 provides a decision-making framework that may be helpful, noting that it does not include the decision guidelines about strategic plans. Tables that follow in section 5.1, 5.2 and 5.3 provide more details.

Figure 1. Decision making framework



5.1 Decisions in the Basic Assessment Pathway

Apply the decision guidelines appropriately for the Basic Assessment Pathway as set out in Table 4.

Table 4. Checklist for decision guidelines for applications in the Basic Assessment Pathway

No.	Description	Decision		
Step 1: Strategic planning related				
6	A property vegetation plan applies, and removal is according to the plan. <ul style="list-style-type: none"> If yes, assessment was completed when PVP was approved, prepare response. If the removal is not in accordance with the plan that applies, continue assessment. 	Yes	No	N/A
8	This is a Clause 52.16 application and the impact on the NVPP is acceptable. <ul style="list-style-type: none"> If no consider refusing the application. If yes, complete rest of assessment. 	Yes	No	N/A
Step 2: Avoiding and minimising impacts, and identifying offsets				
5	Removal is for defensible space and other available mitigation measures have been considered as appropriate. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to avoid and/or minimise or consider refusing the application. 	Yes	No	N/A
1	Feasible opportunities to avoid native vegetation removal and minimise impacts on native vegetation have been considered. Effort to avoid and minimise is commensurate with and focussed on areas of native vegetation with the most value. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to avoid and/or minimise or consider refusing the application. 	Yes	No	
7	An offset has been identified and can be secured. <ul style="list-style-type: none"> If no, either request further information so the offset statement is acceptable or consider refusing the application. 	Yes	No	
Step 3: Consider impacts on other values, Appendix 1D may help when making these decisions				
2	Impacts on land or water protection from the removal of native vegetation are acceptable <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing to the application. 	Yes	No	
3	Impacts on identified landscape values from the removal of native vegetation are acceptable <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing the application. 	Yes	No	N/A
4	The native vegetation is protected under the <i>Aboriginal Heritage Act</i> and a Cultural Heritage Management Plan has been approved. <ul style="list-style-type: none"> If a Cultural Heritage Management Plan is required a permit must not be granted until this has been approved. 	Yes	No	N/A
Final decision				
<p>The impact on the biodiversity value of native vegetation in the Basic Assessment Pathway is considered to be low. Relevant biodiversity values (extent, condition and strategic biodiversity value) are used to calculate the required offset to mitigate this impact.</p> <ul style="list-style-type: none"> If you answered yes or n/a to all shaded boxes, grant a permit with required conditions as detailed in Appendix 9. If you answered no to any of the shaded boxes, indicate how the application could be amended and/or further information provided in order to make it acceptable. Decide if impacts can be minimised by the way the proposal is implemented, or weigh up these 'no' and consider refusing the application. Detail the grounds for refusal. Along with offset requirements you may also include other permit conditions that mitigate or reduce impacts of the native vegetation removal. 				

5.1.1 Use of site-based information to supplement mapped information

The Guidelines provide the ability for a responsible authority to consider information it has or receives during the comment period for the application.

Decision guideline 9 (as relates to impacts on endangered EVCs and large trees) can apply to an application in the Basic Assessment Pathway (see Appendix 4) if an accredited native vegetation assessor confirms that:

- the native vegetation proposed to be removed is determined to be an endangered EVC, or
- the trees being removed are determined to be large as a result of a change to the mapped EVC.

Decision guideline 10 (rare or threatened species) can apply to an application in the Basic Assessment Pathway in certain circumstances. See Appendix 5A.

The responsible authority can be the accredited native vegetation assessor that determines the EVC or confirms a species but cannot require applicants to undertake a site assessment or species survey.

5.1.2 Considering any native vegetation to be retained on site and the avoid and minimise statement

First consider whether there are feasible opportunities to further avoid or minimise impacts on native vegetation:

- Consider whether the use or development can be sited or designed to avoid native vegetation removal.
- When this is not possible, consider whether areas of native vegetation with the highest values have been avoided, or impacts on these areas have been minimised.

When assessing whether avoiding and minimising native vegetation removal has focussed on areas of native vegetation that have the most value, consider the following. Note that some of these values may not be present or may have the same value across the site:

- role of native vegetation in land and water protection
- any landscape value that the native vegetation has
- the cultural heritage value of the native vegetation
- the condition score of the native vegetation to be removed and any to be retained
- the extent of native vegetation removal and any native vegetation being retained
- the strategic biodiversity value score of the native vegetation to be removed and any to be retained.

When deciding if the effort described in the avoid and minimise statement is sufficient remember that the impact on the biodiversity value of native vegetation in the Basic Assessment Pathway is considered to be low.

If the impact on other values is low and some effort has been made the statement is likely to be acceptable. If the impact on other values is high, it may be that more avoiding and/or minimising is required. If this is not possible without undermining the key objective of the proposal, you may consider refusing to grant a permit.

It may be that the values present on site are not aligned with each other. Some native vegetation may have high cultural value and other native vegetation may have high land and water protection values. Appendix 1D can be used to help decide what values should receive more attention than others if this is the case. Any local planning policies and strategies should also assist.

If the application is for subdivision, native vegetation to be retained should be included in its own lot and zoned public open space or similar. It should not be included within lots to be developed. This ensures retention and ongoing management of the native vegetation.

If approval of the use or development is likely to lead to a decline in the retained native vegetation, consider if mitigation measures are needed to protect this native vegetation or if it should be assumed lost.

5.2 Decision in the Intermediate Assessment Pathway

Apply the decision guidelines appropriately for the Intermediate Assessment Pathway as set out in Table 5.

Table 5. Checklist for decision guidelines for applications in the Intermediate Assessment Pathway

No.	Description	Decision		
Step 1: Strategic planning related				
6	A property vegetation plan applies, and removal is according to the plan. <ul style="list-style-type: none"> If yes, assessment was completed when PVP was approved, prepare response. If no, continue assessment. 	Yes	No	N/A
8	This is a Clause 52.16 application and the impact on the NVPP is acceptable. <ul style="list-style-type: none"> If yes, complete rest of assessment. If no, consider refusing the application. 	Yes	No	N/A
Step 2: Avoiding and minimising impacts, and identifying offset				
5	Removal is for defensible space and other available mitigation measures have been considered as appropriate. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to avoid and/or minimise or consider refusing the application. 	Yes	No	N/A
1	Feasible opportunities to avoid native vegetation removal and minimise impacts on native vegetation have been considered. Effort to avoid and minimise is commensurate with and focussed on areas of native vegetation with the most value. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to avoid and/or minimise or consider refusing the application. 	Yes	No	
7	An offset has been identified and can be secured. <ul style="list-style-type: none"> If no, either request further information so the offset statement is acceptable or consider refusing the application. 	Yes	No	
Step 3: Consider impacts on other values, Appendix 1D may help when making these decisions				
2	Impacts on land or water protection from the removal of native vegetation are acceptable. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing to the application. 	Yes	No	
3	Impacts on identified landscape values from the removal of native vegetation are acceptable. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing the application. 	Yes	No	N/A
4	The native vegetation is protected under the <i>Aboriginal Heritage Act</i> and a Cultural Heritage Management Plan has been approved. <ul style="list-style-type: none"> If a Cultural Heritage Management Plan is required a permit must not be granted until this has been approved. 	Yes	No	N/A
Step 4: Consider impacts on biodiversity values, Appendix 1D may help when making these decisions				
9	The native vegetation can be removed after considering the biodiversity impact based on the biodiversity values. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing the application. 	Yes	No	

Final decision

The overall impact on the biodiversity value of native vegetation in the Intermediate Assessment Pathway is determined after considering each individual biodiversity value listed in Table 8. Extent, condition and strategic biodiversity value are used to calculate the required offset to mitigate this impact if the removal is approved.

- If you answered yes or n/a to all shaded boxes, grant a permit with required conditions as detailed in Appendix 9.
 - If you answered no to any of the shaded boxes, either indicate how the application could be amended and/or further information provided in order to make it acceptable. Decide if impacts can be minimised by the way the proposal is implemented, or weigh up these 'no' and consider refusing the application. Detail the grounds for refusal.
 - If you decide to grant approval, along with offset requirements you may also include other permit conditions that mitigate or reduce impacts of the native vegetation removal.
-

5.2.1 Use of site-based information to supplement mapped information

The Guidelines provide the ability for a responsible authority to consider information it has, or receives during the comment period for the application. Decision guideline 9 (as relates to impacts on endangered EVCs and large trees) should not be applied to an application in the Intermediate Assessment Pathway if an accredited native vegetation assessor confirms that:

- the native vegetation proposed to be removed is determined not to be an endangered EVC, or
- the trees being removed are determined not to be large as a result of a change to the mapped EVC.

The responsible authority can be the accredited native vegetation assessor that makes this determination but cannot require applicants to undertake a site assessment or species surveys.

If these are the only reason the application is in the Intermediate Assessment Pathway, decision guideline 9 is not applied, and the application is assessed in accordance with an application in the Basic Assessment Pathway. See Appendix 4.

Decision guideline 10 (rare or threatened species) can apply to an application in the Intermediate Assessment Pathway in certain circumstances. See Appendix 5A.

5.2.2 Considering any native vegetation to be retained on site and the avoid and minimise statement

First consider whether there are feasible opportunities to further avoid or minimise impacts on native vegetation:

- Consider whether the use or development can be sited or designed to avoid native vegetation removal.

- When this is not possible, consider whether areas of native vegetation with the highest values have been avoided, or impacts on these areas have been minimised.

When assessing whether avoiding and minimising native vegetation removal has focussed on areas of native vegetation that have the most value, consider the following. Note that some of these values may not be present or may have the same value across the site:

- role of native vegetation in land and water protection
- any landscape value that the native vegetation has
- the cultural heritage value of the native vegetation
- the condition score of the native vegetation to be removed and any to be retained
- the extent of native vegetation removal and any native vegetation being retained
- the strategic biodiversity value score of the native vegetation to be removed and any to be retained
- how many large trees are to be removed and if any are to be retained
- whether the vegetation is an endangered Ecological Vegetation Class
- whether the vegetation is a sensitive wetland or coastal area.

When deciding if the effort described in the avoid and minimise statement is sufficient it may help to think about the impact if the vegetation were to be removed. If the impact on biodiversity and/or other values is low and some effort has been made the statement is likely to be acceptable. If the impact on biodiversity and/or other values is high, it may be that more avoiding and/or minimising is required. If this is not possible without undermining the key objective of the proposal, you may consider refusing to grant a permit.

5.3 Decisions in the Detailed Assessment Pathway

Apply the decision guidelines appropriately for the Detailed Assessment Pathway as set out in Table 6.

Table 6. Checklist for decision guidelines for applications in the Detailed Assessment Pathway

No.	Description	Decision		
Step 1: Strategic planning related				
6	A property vegetation plan applies, and removal is according to the plan. <ul style="list-style-type: none"> If yes, assessment was completed when PVP was approved, prepare response. If no, continue assessment. 	Yes	No	N/A
8	This is a Clause 52.16 application and the impact on the NVPP is acceptable. <ul style="list-style-type: none"> If yes, complete rest of assessment. If no, consider refusing the application. 	Yes	No	N/A
Step 2: Avoiding and minimising impacts, and identifying offset				
5	Removal is for defensible space and other available mitigation measures have been considered as appropriate. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to avoid and/or minimise or consider refusing the application. 	Yes	No	N/A
1	Feasible opportunities to avoid native vegetation removal and minimise impacts on native vegetation have been considered. Effort to avoid and minimise is commensurate with and focussed on areas of native vegetation with the most value. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to avoid and/or minimise or consider refusing the application. 	Yes	No	
7	An offset has been identified and can be secured. <ul style="list-style-type: none"> If no, either request further information so the offset statement is acceptable or consider refusing the application. 	Yes	No	
Step 3: Consider impacts on other values, Appendix 1D may help when making these decisions				
2	Impacts on land or water protection from the removal of native vegetation are acceptable. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing to the application. 	Yes	No	
3	Impacts on identified landscape values from the removal of native vegetation are acceptable. <ul style="list-style-type: none"> If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing the application. 	Yes	No	N/A
4	The native vegetation is protected under the <i>Aboriginal Heritage Act</i> and a Cultural Heritage Management Plan has been approved. <ul style="list-style-type: none"> If a Cultural Heritage Management Plan is required a permit must not be granted until this has been approved. 	Yes	No	N/A

Step 4: Consider impacts on biodiversity values, Appendix 1D may help when making these decisions

9	<p>The native vegetation can be removed after considering the biodiversity impact based on the biodiversity values.</p> <ul style="list-style-type: none"> • If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing the application. 	Yes	No
10	<p>The native vegetation can be removed after considering the impacts on habitat for rare or threatened species. Section 5.3.3 may help answer this question.</p> <ul style="list-style-type: none"> • If no, either indicate how the proposal could be amended to make the impact acceptable or consider refusing the application. 	Yes	No

Final decision

The overall impact on the biodiversity value of native vegetation in the Detailed Assessment Pathway is determined after considering each individual biodiversity value described in Tables 8, 9 and 10. Extent, condition and strategic biodiversity value are used to calculate the required offset to mitigate this impact if the removal is approved.

- If you answered yes or n/a to all shaded boxes, grant a permit with required conditions as detailed in Appendix 9.
- If you answered no to any of the shaded boxes, either indicate how the application could be amended and/or further information provided in order to make it acceptable. Decide if impacts can be minimised by the way the proposal is implemented, or weigh up these 'no' and consider refusing the application. Detail the grounds for refusal.
- If you decide to grant approval, along with offset requirements you may also include other permit conditions that mitigate or reduce impacts of the native vegetation removal.

5.3.1 Use of site-based information to supplement mapped information

Refer to Appendix 5A that explains when site information about rare or threatened species observations can be considered when making a decision.

5.3.2 Considering any native vegetation to be retained on site and avoid and minimise statement

First consider whether there are feasible opportunities to further avoid or minimise impacts on native vegetation:

- Consider whether the use or development can be sited or designed to avoid native vegetation removal.
- When this is not possible, consider whether areas of native vegetation with the highest values have been avoided, or impacts on these areas have been minimised.

When assessing whether avoiding and minimising native vegetation removal has focussed on areas of native vegetation that have the most value, consider the following. Note that some of these values may not be present or may have the same value across the site:

- role of native vegetation in land and water protection
- any landscape value that the native vegetation has
- the cultural heritage value of the native vegetation
- the condition score of the native vegetation to be removed and any to be retained
- the extent of native vegetation removal and any native vegetation being retained
- the strategic biodiversity value score of the native vegetation to be removed and any to be retained
- how many large trees are to be removed and if any are to be retained
- whether the vegetation is an endangered Ecological Vegetation Class
- whether the vegetation is a sensitive wetland or coastal area
- whether the vegetation is habitat for rare or threatened species.

When deciding if the effort described in the avoid and minimise statement is sufficient it may help to think about the impact if the vegetation were to be removed. If the impact on biodiversity and/or other values is low and some effort has been made the statement is likely to be acceptable. If the impact on

6 Responsible and referral authority roles

The *Planning and Environment Act 1987* describes the roles and responsibilities of responsible and referral authorities.

6.1 Responsible authority

The responsible authority is responsible for:

- assessing all applications in accordance with the Guidelines, this Assessor's handbook and any relevant local policy or procedure
- referring the application to DELWP, and any other referral authority, as required by Clause 66
- considering recommendations received from a recommending referral authority (DELWP will comment in accordance with the Guidelines and this Assessor's handbook)
- deciding an application and if approved, drafting conditions including for securing the required offset prior to vegetation removal.

A referral authority should not be used as a substitute for the responsible authority's own assessment of the application.

6.1.1 Additional considerations

In addition to applying the Guidelines, the responsible authority must consider a number of decision guidelines from the local planning scheme when determining whether a permit that includes native vegetation removal should be granted. These may include:

- decision guidelines at the relevant zone (these may include environmental issues)
- decision guidelines at any applicable overlay
- decision guidelines at Clause 65
- any other relevant matters in the planning scheme.

6.1.2 Non-compliance with previous permits issued

The responsible authority can consider whether the owner or occupier of the land or the applicant has been able to meet conditions of previous permits issued in relation to the removal of native vegetation.

The responsible authority should decide whether it is likely that the conditions on a new permit to remove native vegetation would be complied with, for example the requirement to secure an appropriate offset. In particular, the responsible authority should consider whether failure to comply with permit conditions would compromise the no net loss objective.

6.1.3 Decision and permit conditions

If the application was referred to DELWP, the responsible authority considers DELWP's recommendations. The responsible authority is not bound to apply DELWP's recommendation and conditions. However, DELWP's response and conditions will be in accordance with the Guidelines, and the responsible authority must make a decision in accordance with the Guidelines.

After considering all the relevant decision guidelines and taking account of all considerations the responsible authority must decide whether to approve or refuse an application, and must be able to support their decision.

If approved, conditions in accordance with section 8 of the Guidelines must be included. These set the offset requirements, require evidence to be provided to the responsible authority, require the offset to be secured before native vegetation is removed, and that the offset is secured to the responsible authority's satisfaction. Appendix 9 contains standard conditions that should be used.

If the application is not approved, the grounds for refusal must be given and should link back to the relevant decision guideline – these may be within Clause 52.17 or elsewhere in the planning scheme e.g. zone, overlay or Clause 65.

Decision – Responsible authority

- Approved, permit is granted after considering the Guidelines and relevant local planning scheme requirements.
→ *Draft permit conditions, including those for offsets. Appendix 9 contains standard conditions.*
- Not approved, refuse to grant a permit after considering the Guidelines and relevant local planning scheme requirements.
→ *Describe grounds for refusal. It is important that the grounds are explained in sufficient detail and that they specifically refer to the relevant decision guideline or scheme control.*

6.2 Referral authority

DELWP as the recommending authority is responsible for:

- assessing all applications to remove native vegetation in accordance with the Guidelines and this Assessor's handbook
- providing recommendations, including permit conditions to the responsible authority within specified timeframes.

6.2.1 DELWP scope for comment

DELWP comments will primarily relate to the impacts on the biodiversity value of the native vegetation to be removed in accordance with the Guidelines. DELWP may provide comment on impacts to the other values of the native vegetation, but the responsible authority is primarily responsible for assessing this impact. If the responsible authority has specifically requested comment on a particular aspect of a proposal this should also be responded to.

6.2.2 DELWP responsibility

DELWP must consider any matter that is referred by the responsible authority and should provide comment relevant to the Guidelines to support the responsible authority. Referrals include, but are not limited to:

- a referral under Section 55 of the *Planning and Environment Act 1987* (the P&E Act)
- a notice under Section 52(1)(c) of the P&E Act
- a request for comment or more information provided under Section 54 of the P&E Act.

A referral authority may tell the responsible authority in writing that:

- it does not object to the granting of the permit; or
- it does not object to the granting of a permit if the permit is subject to specified conditions, or
- it objects to the granting of the permit on any specified ground.

If DELWP does not respond in writing to the responsible authority within the specified time period, they will assume that DELWP does not object to the granting of the permit.

Decision – Referral authority

- No objection on basis of considerations in the Guidelines and other relevant clauses of the planning scheme.
→ *Provide response in writing to the responsible authority, including recommended permit conditions.*
- Objection on basis of considerations in the Guidelines or other relevant clause of the planning scheme.
→ *Describe grounds for objection. It is important that the grounds are explained in sufficient detail and that they specifically refer to the decision guidelines or scheme controls.*

7 Compliance with permit conditions

All approvals to remove native vegetation will include conditions to secure an offset that meets the offset requirements before the native vegetation is removed. Compliance with these conditions is essential to achieve the no net loss objective of the native vegetation removal regulations, it completes the three-step approach.

7.1 Verifying evidence of a compliant offset

Evidence that an offset has been secured must be provided to the responsible authority before native vegetation is removed. This evidence is either (or both) a credit extract(s) allocated to the permit, or an established first party offset including a signed security agreement and management plan, as specified in section 9 of the Guidelines and detailed below.

7.1.1 Allocated credit extract

Allocated credit extract(s) from the Native Vegetation Credit Register administered by DELWP must be in the correct form that details the credits and specifies the approval that the credits are allocated to. Check that:

- it is an allocated credit extract issued from the Native Vegetation Credit Register
- the credits are allocated to the correct permit, planning scheme amendment or other approval number
- the offset type, amount, and attributes of the native vegetation credit(s) meet the offset requirements specified in the permit.

7.1.2 New first party offset site established

The security agreement and management plan for a new first party offset site must be signed by both parties (that is the statutory body and the offset site owner). The responsible authority should check (in consultation with DELWP as required) that:

- the proposed offset site meets the eligibility requirements set out in the *Native vegetation gain scoring manual Version 2*
- the security agreement contains legally enforceable provisions and has no termination date
- the management plan states the landowner commitments and has a 10 year schedule of actions that are appropriate and achievable, and provides for ongoing management in perpetuity

- the calculation of gain aligns with the *Native vegetation gain scoring manual Version 2*
- the gain at the offset site specified in offset type, amount and attributes meet the offset requirements in the permit.

The statutory body signing the security agreement is responsible for monitoring the implementation of the offset management plan. Monitoring reports should be required and reviewed to determine if the management actions are being done. Implementing the management plan will deliver the gains at the offset site. Implementation is critical to ensure the no net loss objective is achieved.

Decision – Responsible authority

- Evidence of a compliant offset has been provided
→ *Monitor development to ensure compliance with all other permit conditions.*
- Evidence of a compliant offset has not been provided and it is expected that the development is underway
→ *Contact the permit holder and complete a site inspection to check if native vegetation removal has begun. If removal of native vegetation has taken place, the permit holder is in breach of their permit conditions and compliance or enforcement measures should be considered.*

7.2 If non-compliance is identified

Non-compliance with the Guidelines includes:

- removal of native vegetation without the appropriate approval
- not complying with a permit condition, including not securing the correct offset
- not complying with an offset agreement.

DELWP has developed *Native vegetation removal regulations – compliance and enforcement strategy* to guide risk-based responses to non-compliance with the regulations.

The *Planning and Environment Act 1987* includes general compliance and enforcement provisions that can be applied as required.

When native vegetation has been removed without the required approvals DELWP biodiversity information can be used to assess the biodiversity impacts from this removal and determine offset requirements that would have applied. This includes the *Native vegetation extent map*, *Native vegetation condition map*, *Strategic biodiversity values map*, and the *Habitat importance maps*.

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Appendix 1 – Definition and value of native vegetation

The planning scheme defines native vegetation as plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses.

Clause 52.16 and 52.17, and the Guidelines do not apply to plants that are only indigenous in other states or overseas.

The Guidelines classify native vegetation into two categories, patch and scattered tree. Figure 2 may help determine if the vegetation is a patch or scattered tree.

A. Patch of native vegetation

A patch of native vegetation is either:

- an area of vegetation where at least 25 per cent of the total perennial understorey plant cover is native, or
- any area with three or more native canopy trees where the drip line of each tree touches the drip line of at least one other tree, forming a continuous canopy, or
- any mapped wetland included in the current wetlands layer available in NVIM and other DELWP systems.

Perennial plants normally live for more than two years. Perennials include species that are always visible such as shrubs and trees, but also include species that are not always visible above the ground.

Annual plants die after releasing seeds that will germinate and grow the next season. They may not be visible at all times.

Areas that include only **non-vascular vegetation** (such as mosses and lichens) and otherwise support no native vascular vegetation, are not considered a patch for the purposes of the Guidelines

Understorey does not include *mature* canopy trees. Understorey refers to the lower layers of vegetation, including immature canopy trees, the shrub layer, grass layer, ground layer and non-vascular plants. It may include native and non-native species. These lifeforms all contribute when determining the percentage perennial understorey plant cover

Plant cover is the proportion of the ground that is shaded by vegetation foliage when lit from directly above.

Native canopy tree is a mature tree (able to flower) that is greater than three metres in height and is normally found in the upper layer of the relevant vegetation type (EVC). EVC descriptions provide a

list of typical canopy species but a native vegetation assessor should determine (using site-based information, EVC descriptions and other published scientific papers and information) whether a particular species is a native canopy tree in a particular location. If there is doubt, assume the tree is a native canopy tree.

Three or more native canopy trees form a patch when their canopies are continuous, they do not require a native understorey. A patch comprising three native canopy trees cannot have a condition score of less than 0.2, but may be higher if logs and other organic matter is present, or there is a native understorey.

Drip line is the outermost boundary of a tree canopy (leaves and/or branches) where the water drips onto the ground.

Mapped wetlands are treated as a patch of native vegetation, unless they are covered by a hardened, man-made surface, for example, a roadway. If covered by vegetation, or bare soil, treat a mapped wetland as a patch of native vegetation. Appendix 4D details situations when the boundary of a mapped wetland may be amended following site-based investigations.

Seagrass removal is treated as the removal of a patch of native vegetation, using a standard condition score of 0.8. If the strategic biodiversity values map does not extend over the area, a strategic biodiversity value score of 0.80 is applied. This applies when a local council's planning scheme extends over lakes, estuaries or the sea, and works that involve the removal of seagrass are undertaken.

Determining perennial understorey plant cover

The steps to determine if vegetation is a patch because at least 25 per cent of the perennial understorey plant cover is native are as follows:

- a. identify any annual plants and exclude them from the vegetation being assessed
- b. exclude mature canopy trees
- c. determine what percentage of the remaining vegetation (i.e. perennial understorey plants) cover is native.
- d. if at least 25 per cent of the total perennial understorey plant cover is made up of native species, it is a patch of native vegetation.

Examples of when the total perennial plant cover of plants could be less than 25 per cent native include:

- fallow crop lands and other areas that have been significantly modified
- native vegetation that has been exposed to high levels of fertilisers and pasture improvement methods and is now dominated by non-native species
- sites of severe weed infestation.

Determining if vegetation is a patch – example:

An area is covered with 80% weedy annual grasses, 15% native perennial plants and 5% weedy perennial plants

- ignore the annual weed cover (80%)
- 20% of the plant cover comprises perennial plants
- 75% (15/20) of this perennial plant cover is native, the vegetation is a patch

B. Scattered tree

A scattered tree is a native canopy tree that does not form part of a patch.

Scattered trees have two sizes, small and large:

- a small scattered tree is less than the large tree benchmark for the species in the relevant EVC
- a large tree is equal to or greater than the large tree benchmark for the species in the relevant EVC.



C. Dead Trees

C.1 When is a permit required to remove a dead tree?

A permit is required to remove a standing dead tree if it has a DBH⁸ of 40 centimetres or more (circumference of at least 125.7cm).

This applies to both scattered trees and trees within patches.

C.2 When is a dead tree considered in calculations for offsets?

A dead tree – whether it is scattered or in a patch – is considered in the same manner as a living tree if it has a DBH of 40 centimetres or more (circumference of at least 125.7cm) and it is taller than 3 metres.

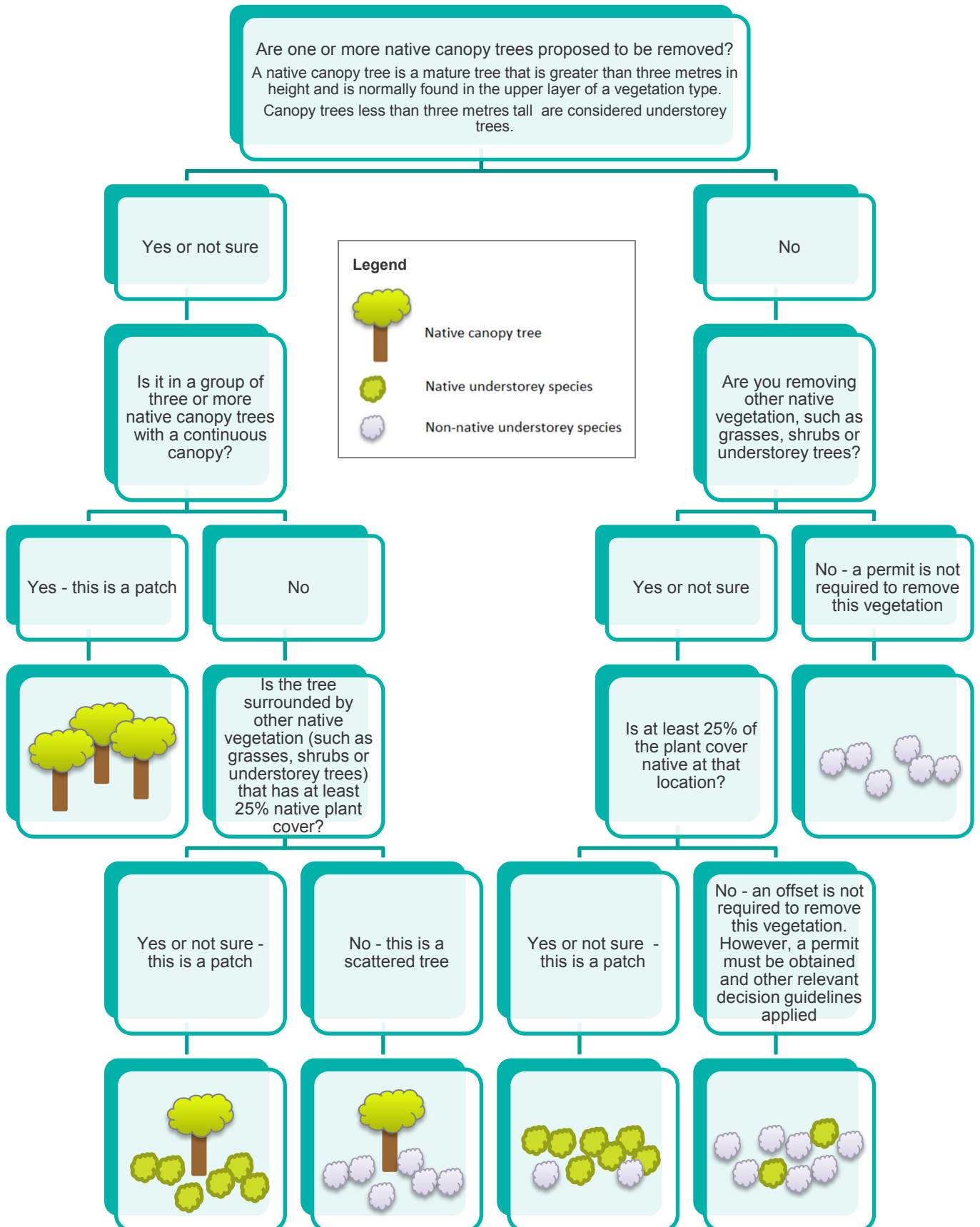
C.3 When is a dead tree considered a large tree?

A dead tree is large if it has a DBH of 40 centimetres or more (circumference of at least 125.7cm) and it is taller than 3 metres, unless the species of the standing dead tree is known. When the species is known, apply the large tree DBH benchmark for the local bioregional EVC to decide if it is large.



⁸ Diameter at Breast Height (DBH) – The diameter of the main trunk of a tree measured over bark at 1.3 metres above ground level.

Figure 2. How to decide if native vegetation is a patch or a scattered tree



D. Native vegetation value

Native vegetation has many values. For the purposes of the Guidelines these values are grouped into other values and biodiversity values (Section 2 Guidelines).

Understanding the value of native vegetation to be removed is important when assessing the avoid and minimise statement and when deciding if proposed removal should be approved. When determining the value of native vegetation consider its value for biodiversity and its other values described in the following tables.

Table 7 sets out the other values of native vegetation considered in the Guidelines, and indicates when the vegetation may be considered to have lower or higher value.

Tables 8, 9 and 10 set out the biodiversity values of native vegetation considered in the Guidelines and indicate when the vegetation may be considered to have lower or higher value.

Different and competing values

Efforts to avoid and minimise impacts should focus on the native vegetation with the most value. It can be that areas of native vegetation present on a site have many biodiversity and other values. In some cases, the values will be located in the same location, but in other cases, different values may be present in different locations. In these cases, it may be more difficult to determine which locations are more valuable and hence where to focus efforts to avoid and minimise impacts.

Understanding the impact on each value and considering the local and regional context of the native vegetation may help. Consider what areas of native vegetation have the most values, what areas are in best condition and have greatest connectivity to other areas of native vegetation, what areas are more likely to maintain their values in the future given surrounding and proposed use and development.

General island biogeographic principles may be helpful. These principles are that bigger is better than smaller, well connected is better than isolated. However, consider if the vegetation is a linking corridor from one patch to another.

Table 7. Other values of native vegetation

Value	Lower value	Higher value
Land and water protection	<ul style="list-style-type: none"> The native vegetation is not close to a wetland, waterway or riparian ecosystem and not in a special water supply catchment area listed in the <i>Catchment and Land Protection Act 1994</i>. The native vegetation is on flat land that is not subject to soil erosion or slippage. The land is not within a coastal or alpine area. The native vegetation is not on land that is close to a groundwater recharge or discharge area or on land where groundwater recharges saline water tables. 	<ul style="list-style-type: none"> The native vegetation is close (within 30 metres) to a wetland, waterway or riparian ecosystem, or in a special water supply catchment area listed in the <i>Catchment and Land Protection Act 1994</i>. The native vegetation plays an important role in preventing land degradation because the land is unstable, steep (slopes are more than 20 per cent), subject to soil erosion or slippage, or the land is located in a coastal or alpine area. The native vegetation is on land that is close to a groundwater recharge or discharge area, or on land where groundwater recharges saline water tables.
Landscape values	<ul style="list-style-type: none"> The native vegetation or land where the native vegetation is to be removed does not have to be managed to preserve identified landscape values. 	<ul style="list-style-type: none"> The native vegetation or land where the native vegetation is to be removed has to be managed to preserve identified landscape values.

Protection under the Aboriginal Heritage Act 2006	<ul style="list-style-type: none"> • The native vegetation is not listed on the Victorian Aboriginal Heritage Register⁹. • The native vegetation has not been identified as important by the relevant Registered Aboriginal Party. • The native vegetation has not been identified as important by Aboriginal Victoria. 	<ul style="list-style-type: none"> • The native vegetation is listed on the Victorian Aboriginal Heritage Register. • The native vegetation has been identified as important by the relevant Registered Aboriginal Party. • The native vegetation has been identified as important by Aboriginal Victoria.
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Table 8. Biodiversity values of native vegetation considered in all assessment pathways

Value	Lower value	Higher value
<p>Extent</p> <p>The amount of native vegetation to be removed and the context it is being removed from</p>	<ul style="list-style-type: none"> • Small extent (less than 0.5 hectares) with no long- term viability (it may be isolated or degraded by surrounding land uses). • Removal does not impact on viability of remaining vegetation (it does not result in fragmentation). • Removal does not include large trees. 	<ul style="list-style-type: none"> • Larger extent (more than 1 hectare). • Smaller extent (less than 1 hectare) but with good viability in an otherwise cleared landscape. • Smaller extent but from within a larger patch and the removal leads to fragmentation of the patch. • Removal includes large trees.
<p>Condition</p> <p>The condition score of the vegetation to be removed. Scores range from 0.2 to 1.</p>	<ul style="list-style-type: none"> • Condition scores are in the low range when they are less than 0.3. <p><i>Lower scores indicate the vegetation has experienced a fair amount of disturbance and as a result is in poor condition. Poorer conditions generally support a lower diversity of plants and animals.</i></p>	<ul style="list-style-type: none"> • Condition scores are in the high range, when they are above 0.6, noting 1 means pristine, pre-settlement condition. <p><i>Higher scores indicate that the vegetation has not experienced significant disturbance and is in fairly good condition. Good condition vegetation usually supports a higher diversity of plants and animals.</i></p>
<p>Strategic biodiversity value (SBV)</p> <p>The SBV score of the vegetation to be removed. Scores range from 0.1 to 1</p>	<ul style="list-style-type: none"> • SBV scores are in the low range when they are less than 0.3. <p><i>Lower scores indicate locations where either only a few values are found together, or areas where there are many other locations with the same values (and the other locations have better condition and connectivity).</i></p>	<ul style="list-style-type: none"> • SBV scores are in the high range, when that are above 0.8. <p><i>A higher score indicates a location where many values, that are not widespread or common, are found together.</i></p>
<ul style="list-style-type: none"> • Larger areas of native vegetation with higher condition score and higher strategic biodiversity value score are usually more valuable than smaller areas of native vegetation with lower condition score and lower strategic biodiversity value score. • These three biodiversity values are used when determining general habitat units required as detailed in section 5 of the Guidelines. 		

⁹ The Victorian Aboriginal Heritage Register contains information relating to the location and nature of Aboriginal cultural heritage in Victoria, including maps and other information about the area of interest. Local Government planning staff may access the Victorian Aboriginal Heritage Register. Information and the relevant access application form and procedure is available at <http://www.vic.gov.au/aboriginalvictoria/heritage/heritage-tools-and-publications/victorian-aboriginal-heritage-register.html>.

Table 9. Additional biodiversity values considered in the Intermediate and Detailed Assessment Pathways

Value	Lower value	Higher value
<p>Large trees</p> <p>Large trees are usually old and difficult to replace in the short term</p>	<ul style="list-style-type: none"> No large trees are being removed. If large trees removal cannot be avoided, a large tree is likely to have lower biodiversity value if: <ul style="list-style-type: none"> it is isolated from other vegetation and has little opportunity to contribute to landscape connectivity. it is unviable in the long term in the absence of active management and considering surrounding existing land uses. it does not include special features such as shelter hollows or an important food source. 	<ul style="list-style-type: none"> Large trees are being removed. If large tree removal cannot be avoided, a large tree may have higher biodiversity value if: <ul style="list-style-type: none"> it facilitates landscape connectivity (e.g. green corridor or 'stepping stone') and its removal could result in further habitat fragmentation. the local area has experienced a decline in the number of large trees and they are infrequent in the landscape. it has long term viability. it has special features such as shelter hollows or an important food source.
<p>Ecological Vegetation Class (EVC)</p> <p>The Bioregional Conservation Status</p>	<ul style="list-style-type: none"> it is not an endangered EVC. the EVC is well represented in existing protected areas. 	<ul style="list-style-type: none"> it is an endangered EVC (location category 2) in the <i>Location map</i>. the EVC is not well represented in existing protected areas.
<p>Sensitive wetland and coastal areas</p> <p>The land is nationally or internationally listed for its value</p>	<ul style="list-style-type: none"> it is not mapped as a sensitive wetland or coastal area (location category 2) in the <i>Location map</i>. 	<ul style="list-style-type: none"> it is mapped as a sensitive wetland or coastal area (location category 2) in the <i>Location map</i>.
<ul style="list-style-type: none"> The presence of one or more of these values will add to the value of the native vegetation for biodiversity already determined based on extent, condition and strategic biodiversity value. 		

Table 10. Additional biodiversity value of native vegetation considered in the Detailed Assessment Pathway

Value	Lower value	Higher value
<p>Habitat for rare or threatened species</p> <p>This includes those listed as critically endangered, endangered, vulnerable or rare</p>	<ul style="list-style-type: none"> Few species' habitats are impacted. Low proportional impact (less than 0.005%). No or few species offsets. Species have lower conservation status (rare or vulnerable). The species' habitats are dispersed and not an important area of habitat within a dispersed species. 	<ul style="list-style-type: none"> Numerous species' habitats are impacted. With few to many species offsets. Proportional impact is relatively higher than the species threshold (proportional impact represents the percentage of the habitat affected). Species have higher conservation status (endangered or critically endangered). The species' habitats are highly localised or an important area of habitat within a dispersed species or selected VBA records.
<ul style="list-style-type: none"> When species are impacted, the native vegetation has higher biodiversity value than when species are not impacted, this section helps rank the values within this already higher value native vegetation. Site observations may also be considered when determining the value of the native vegetation for species habitat. The table of rare or threatened species considered in the native vegetation removal regulations available on the DELWP website includes information that should be used (threat status and information about the species map) when considering site observations. Refer to Appendix 5A2 for more information. 		

Appendix 2 – Calculating extent of native vegetation

A. Calculating extent of native vegetation

The extent of native vegetation to be removed is calculated by adding together the extent of any patches of native vegetation and the extent of any scattered trees.

- the extent of a patch is the area of the patch (including mapped wetland) being impacted (removed or destroyed) in hectares
- the extent of a small scattered tree is the area of a circle with a 10 metre radius (with the trunk at the centre of the circle) in hectares
- the extent of a large scattered tree (dead or alive) is the area of a circle with a 15 metre radius (with the trunk at the centre of the circle) in hectares

Multi-stemmed trees, and trees with multi-stemmed coppice regrowth, are mapped and assessed as single trees. Their size is determined from the stem with the largest circumference at 1.3 metres above the ground.

A.1 How do NVIM and EnSym treat overlap areas

When the mapped extent of scattered trees overlap

If the extent of a scattered tree overlaps with the extent of another scattered tree, the overlapping area is only counted once to ensure no native vegetation removal is offset twice. This is done by the NVIM native vegetation tools and the EnSym tool when analysing spatial data provided by applicants.

Within the EnSym tool, when trees of the same size class overlap, the area is apportioned equally to each tree. When the extent of a large tree overlaps with the extent of a smaller tree, the extent of the large tree remains intact and the smaller tree extent is clipped by the large tree extent.

When the mapped extent of a scattered tree overlaps a patch

If the extent of a scattered tree overlaps with the extent of a patch, the extent of the scattered tree is clipped by EnSym to fit around the extent of the patch to ensure the patch extent remains intact. The NVIM native vegetation removal tool ignores the overlap area so that no native vegetation removal is offset twice.

Any scattered tree mapped with its trunk (the centre point of the circle) within a patch is not considered a

scattered tree. It is a canopy tree within the patch, and the patch boundary must follow the canopy drip line of the tree.

When the past removal extent overlaps with proposed extent

Areas of proposed native vegetation are clipped by the EnSym tool so that areas of past removal that have already been considered and offset remain intact. See Appendix 3A for past removal.

B. Assumed loss of native vegetation

Section 3.2.1 of the Guidelines and Section 3.1.3 of this Assessor's handbook describes how areas of assumed loss are accounted for. Assumed loss arises from:

- excessive lopping and proximity of the use or development to trees
- native vegetation around dwellings
- indirect impacts.

B.1 Excessive lopping and proximity to trees

Lopping of canopy trees in excess of what is provided for in the 'lopping and pruning for maintenance exemption in Clause 52.17' is treated as assumed loss of the tree, unless an arborist report concludes that the tree will survive.

Use and development can cause indirect losses of native vegetation due to encroachment, especially compaction and excavation in close proximity to tree roots. The *Australian standard AS 4970-2009 Protection of trees on development sites* is helpful. This standard specifies Tree Protection Zones¹⁰ (TPZ) and Structural Root Zones¹¹ (SRZ) that should be protected.

The radius of the TPZ is the DBH × 12. For this standard, the DBH is the trunk diameter measured at 1.4 m above ground. A TPZ should not be less than 2m or greater than 15m.

Unless an arborist report indicates otherwise, a tree, or trees will be deemed lost if the encroachment (of compaction and excavation) into the TPZ is greater than 10 per cent, or is inside the SRZ.

¹⁰ A Tree Protection Zone is an area around the trunk of the tree which has a radius of 12 × the diameter at breast height to a maximum of 15 metres but no less than 2 metres. Dead trees should be protected with a radius of 15 metres from the base.

¹¹ The Structural Root Zone is the area required for tree stability. A larger area is required to maintain a viable tree.

A development or use must account for the loss of canopy trees that are deemed lost because of encroachment into the TPZ or SRZ or excessive lopping:

- if the tree is part of a patch the tree is included within the patch extent and the tree canopy dripline forms the patch boundary
- if it is a scattered tree the extent of the tree is determined by a circle with either a 15 metre radius or a 10 metre radius (depending on if it is large or small).

There are limited circumstances where it is difficult to accurately map along the canopy dripline – refer to Appendix 6C for more guidance.

B.2 Native vegetation around dwellings

As a result of native vegetation modifications required for ancillary works and uses around a new dwelling assume that 100 per cent loss of native vegetation will occur within 10 metres from a building. Vegetation within this area is also modified to mitigate bushfire so that flammable objects (such as plants, mulches and fences) are not located within 10 metres of vulnerable parts of the building (such as windows, decks and eaves).

B.3 Indirect impacts

Indirect impacts of the development may destroy native vegetation and wetlands, this includes:

- shading
- changes to hydrology
- effluent discharge
- stormwater runoff
- compaction
- excavation.

If only a part of the wetland is within the development footprint, ensure that areas of the mapped wetland that are not included in the extent of native vegetation to be removed will still support wetland values. They need to be protected from the use or development and not be degraded over time as a result of the use or development.

Note the extent of the mapped wetland that could be affected may cross parcel boundaries.

C. Consequential removal of native vegetation

Section 2.3.3 of the Guidelines provides for the consideration of consequential loss of native vegetation as follows.

Where the responsible authority considers that a proposed use and/or development is likely to involve, or lead to, the consequential removal of native vegetation as a result of issuing a permit or approving a plan, the responsible authority should consider whether there is a need for a permit application to be lodged in accordance with Clause 52.17. This ensures consideration and integration of all issues as part of the original decision making.

This can include, but is not limited to, the consideration of an application for a permit to subdivide land that will enable native vegetation to be removed in the future without requiring a permit under Clause 52.16 or 52.17.

C.1 Loss of native vegetation due to consequential access to exemptions

The responsible authority should consider any native vegetation that is likely to be removed under an exemption in Clause 52.16 or 52.17 as a consequence of a permit approval. This loss must be included in the extent of the permit being considered, for example:

- The approval of a subdivision would allow the ‘Fences’ exemption to be relied on for future construction of boundary fences between properties in different ownerships. An area of four metres wide along the proposed property boundary must be included in the total native vegetation to be removed.
- The approval of a subdivision that creates lots smaller than 0.4 hectares would allow the ‘Site area’ exemption to be relied on. Any native vegetation within these subdivided lots is considered lost.
- The approval of the construction of an internal fence would allow (once constructed) the ‘Fences’ exemption for existing fences to be relied on. An area of four metres wide along the proposed fence must be included in the total native vegetation to be removed.

Vegetation that can be removed under exemption once a decision is made must be considered while making the decision. Ensure that all consequential native vegetation removal is included in the mapped extent of native vegetation to be removed.

The 2005 Villawood VCAT decision (*Villawood Properties v Greater Bendigo CC VCAT 2703* (20 December 2005). concludes that when dealing with subdivisions, native vegetation (within a lot with a development zone) should not be regarded as being retained. Significant native vegetation on the site that should or can be retained should be reflected in the design of the subdivision. Such vegetation should be included in public open space or other types of landholdings where its retention and ongoing management is assured.

Native vegetation within lots less than 0.4 hectares is regarded lost when calculating the area of native vegetation to be removed, and offset requirements.

C.2 Loss of native vegetation required to address bushfire hazard

The responsible authority should consider any native vegetation that could be removed under a bushfire protection exemption as a consequence of a permit approval. This applies for subdivisions in a Bushfire Management Overlay.

The Victorian Planning Provisions seek to ensure that subdivision design and layout addresses bushfire hazard. Lots in residential and rural-residential subdivisions approved after 31 July 2014 must have bushfire protection measures specified at the subdivision stage.

Native vegetation removal required to create defensible space for lots in new subdivisions should be assessed and offsets determined at the time of the subdivisional approval.

D. Estimating the large tree count

When a site includes more than 2 hectares of forest, woodland or mallee, with a very high density of large trees the number of large trees can be estimated using the method below once the responsible authority has agreed.

This may be applicable when the bioregional EVC large tree count benchmark is 20 or higher and the large tree numbers appear to be close to or higher than this density

D.1 Who grants approval?

When native vegetation is to be removed approval must be granted by the responsible authority i.e. local Council and for any application that requires referral, the DELWP region must also agree.

When native vegetation is to be protected as an offset site the land owner must seek agreement from

the statutory body that will sign the security agreement. For a first party offset this could be:

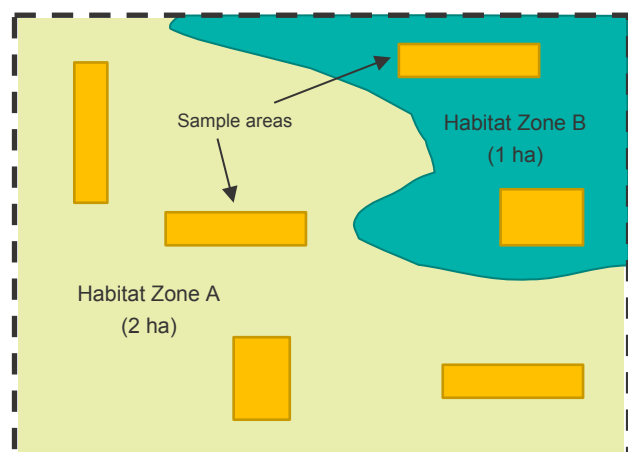
- local Council for an agreement under section 173 of the *Planning and Environment Act 1987*
- the DELWP native vegetation offset team for an agreement under section 69 of the *Conservation Forest and Lands Act 1987*
- Trust for Nature for an agreement under the *Victorian Conservation Trust Act 1972*.

For a third party site (native vegetation credit site) this will be the DELWP native vegetation offset team. They can be contacted at nativevegetation.offsetmanagement@delwp.vic.gov.au.

D.2 Large tree estimation method

The method to estimate the number of large trees in a patch with a very high density of large trees is applied as follows:

- At least two sample areas are required for each hectare of high tree density area.
- Sample areas must be 1000 square metres. (e.g. 10m x 100m or 20m x 50m or equivalent) so that at least 20 percent of the high tree density area is sampled.
- Sample areas must be stratified and random (i.e. must be a sound representation of the high tree density area).
- If there are multiple habitat zones each habitat zone must be adequately sampled i.e. 20 percent of each zone.
- Large trees must be assessed and counted using the standard method in each sample area.
- The number of large trees for the sample areas can then be extrapolated to determine the number of large trees in each habitat zone.



E. Account for the full project extent

Large and linear projects may remove native vegetation in stages and cross multiple properties or parcels. In addition, Crown land is not regarded as a property, but full project impacts must be accounted.

To correctly account for the biodiversity impacts of the project, the offset requirements need to be determined for the whole project, not separately for each individual stage of a project, or property or parcel.

The location and extent of all the native vegetation removal for the project must be considered when determining the assessment pathway of the application and when the offset requirements are calculated.

Offset requirements can then be split across each stage, property or parcel if offsets will be secured in stages or by multiple parties. Offset requirements for a Native Vegetation Precinct Plan (NVPP) can be split to determine the individual requirements for each parcel or property being created.

Are the works a single project or multiple projects?

Determining if works are part of one project is easier for new projects but can be more complex when old projects or existing assets are being upgraded, added to or changed. For example a number of improvement works along an existing road or pipeline.

A set of criteria have been developed to help determine if the proposed works should be considered as a single project or multiple projects. These questions may also help decide if past works should be considered as past removal when new works are proposed. These criteria are included in Table 11 and Table 12.

If it is not clear that the works are a single project or multiple projects, further discussion between the applicant and approval authority should occur.

Table 11. Criteria to decide if works are for a single project or multiple projects

Large or linear project criteria	Yes (single)	No (multiple)
Is the entire project planned by one applicant, agency or authority?		
Will the project receive a single approval ¹² ?		
Has the project been funded to meet a single objective?		
Were all components or stages of the project planned together?		
Are all components or stages of the project reliant on each other?		
Are the individual components or stages of the project in close proximity ¹³ ?		

Table 12. Criteria to decide if works on Crown land are a single project or multiple projects

Crown land criteria	Yes (single)	No (multiple)
Is the entire project planned by one land manager, occupier or public authority?		
Will the project receive a single approval?		
Has the project been funded to meet a single objective?		
Were all components or stages of the project planned together?		
Are all components or stages of the project reliant on each other?		
Are the components or stages of the project in the same zone of the reserve? E.g. Tidal river recreation zone of Wilsons Promontory National Park?		

¹² This may not be relevant for projects that cross municipal boundaries and seek more than one planning permit as a result, refer section C.

¹³ Close may be a few hundred metres for some projects but may be kilometres apart for others, especially long linear proposals.

Appendix 3 – Accounting for past and partial removal

Past removal of native vegetation is considered when:

- determining the assessment pathway of an application to remove native vegetation
- determining the proportional impact on habitat for rare or threatened species.

Past removal is not included when calculating the number of habitat units required for a proposed removal.

Partial removal is when only some of the native vegetation present at a location is removed. This may be any of the following and requires that offset amounts are calculated differently:

- removal of understorey only
- removal of some canopy trees from a patch
- a combination of these.

A. Past removal

The Guidelines define past removal as other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five year period before the application for a permit is lodged.

Rationale for considering past removal

Past removal is considered when determining the assessment pathway of an application to ensure cumulative impacts are considered if permits are split. Permit splitting is submitting a number of applications to remove small amounts of native vegetation that fall in the Basic or Intermediate Assessment Pathway that together should have been assessed in the Detailed Assessment Pathway when impacts on rare or threatened species can be considered.

What is included as past removal?

Past native vegetation removal includes:

- native vegetation that has been removed or can still be removed under the approval, and
- native vegetation that was removed without the required approval.

Provided:

- the vegetation is on the same property or on contiguous land in the same ownership as the applicant, and

- the approval was granted in the five years before the application was lodged, or
- the removal that took place without the required approval, took place in the five years before the application was lodged.

Native vegetation that was approved to be removed more than five years before the application was lodged is not included even if the vegetation was removed within the five years.

Native vegetation that was removed in accordance with and under a relevant exemption is not included as past removal.

What happens if the application moves to a higher assessment pathway?

When the combined extent of past and proposed removal places the application in a higher assessment pathway, the applicant must meet the application requirements of the higher assessment pathway.

When the application is in the Detailed Assessment Pathway the species-general offset test is done using the combined extent.

In all cases the offset requirements (habitat units and attributes) are determined using only the proposed removal.

What is a property?

A property is defined as land under common occupation particularly for the purpose of rating, billing or habitation. A property is typically described by a street address or a rate assessment number. A property can consist of one parcel, many parcels, or part of a parcel. A parcel is the smallest unit of land able to be transferred within Victoria's cadastral system. Land title is an official record of who owns a piece of land. It can also include information about mortgages, covenants, caveats and easements affecting the land. Property types are explained further here <http://www.land.vic.gov.au>.

What is contiguous land?

Contiguous land is land which abuts (touches) each other, i.e. land that shares a boundary.

Road reserves and waterways are generally Council or Crown land. If there is a road reserve or waterway through the land and the land ownership changes, the land is not contiguous.

An easement does not change the underlying land ownership, and therefore does not affect whether land is considered contiguous.

What about projects that cross many properties or occur on Crown land?

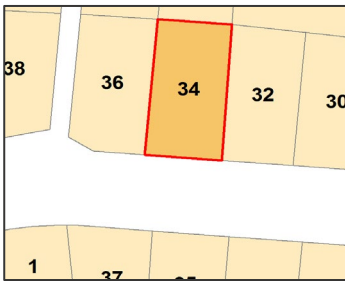
Large and linear projects often cross many properties, owned by others. Crown land does not fit the definition of a property within the Guidelines. The intent of the past removal rules should, however, be applied to ensure consistency and equality.

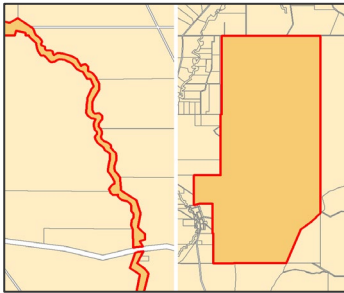
Works done by others are not considered as past removal by a proposed project. For example, if a pipeline is proposed through a number of properties, any past removal of native vegetation on the properties by the land owner or other agencies is not included. Likewise, future native vegetation removal by the landowner does not account for native vegetation removed to construct the pipeline.

Crown land leases should be considered as a property when considering past removal. However, within alpine areas, native vegetation removed by the ski company is not considered when other developers propose to remove native vegetation from the same lease area, unless it is all part of a single project.

Table 11 shows different property types and how past removal is considered for each one. Appendix 2E explains how this principle is applied to projects that are staged, cross many properties or are located on Crown land.

Table 13. Property types and past removal consideration

	<p>A single property, comprising a single parcel and a single address</p> <p>Any past native vegetation removal by the same owner in the last five years on the parcel is added to the proposed removal when determining the assessment pathway for the application.</p> <p>The combined extent is used when applying the species-general offset test, if applicable.</p>
	<p>A multi-lot property comprising many parcels</p> <p>Could be applicable to farm land, where a person owns a large property comprised of a number of land parcels.</p> <p>When ownership of parcels is different (as per the land title), the past removal from one parcel is not added to the proposed removal from a second parcel.</p> <p>When the parcels are in the same ownership, past removal in the last five years on any parcel in the property must be added to the proposed removal when determining the assessment pathway for the application.</p> <p>The combined extent is used when applying the species-general offset test, if applicable.</p>
	<p>A single parcel comprising many properties</p> <p>Normally applicable to developed areas, such as a shop in a shopping centre.</p> <p>Not likely to be relevant in terms of native vegetation removal.</p>
	<p>Contiguous land</p> <p>Contiguous land is land which abuts (touches) each other, i.e. land that shares a boundary. This land has a waterway running through it and the land ownership changes, the land is not contiguous</p>

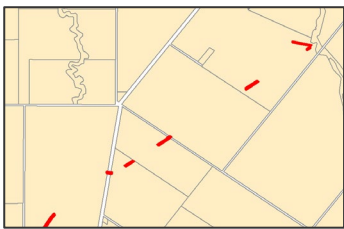


Crown land

Crown land can be very large or linear in extent.

Lease areas on crown land are treated as a property for the purposes of considering for past removal.

Past removal outside of lease areas should be considered when done by the same agency/group (e.g a toilet block is built by a Friends Group and 2 years later this facility is expanded).



Linear or larger projects crossing many properties

The full extent of a linear or large project must be assessed as a single application. Refer to Appendix 2E for more guidance.

Removal associated with these projects is not considered as past removal if one of the landholders applies for a permit to remove native vegetation on their property.

B. Partial removal

Partial removal means only some of the native vegetation is removed. This may be some or all of the understorey, leaving the canopy intact, or some of the canopy trees leaving the understorey intact or a combination of both canopy trees and understorey. The impact of partial removal is less than the impact from full removal.

If the EnSym tool is used, the input GIS data is adjusted as required and the NVR report will show the areas of native vegetation that were treated as partial removal.

If the NVIM native vegetation removal tool is used, the NVR report that is generated will have to be adjusted as described in the sections that follow and in Figure 3.

B.1 Removal of understorey plants from a patch of native vegetation (canopy trees not removed)

When only some or all of the understorey vegetation is removed from a treed EVC, for example to modify native vegetation for defensible space:

- the full area where understorey will be removed is mapped, and
- the condition score of the patch is halved.

Halving the condition score will adjust the habitat hectares, the habitat score and the habitat units (amount of offset) required.

Changes must be made to the NVR report downloaded from the NVIM native vegetation removal tool as follows:

1. The full extent of the native vegetation proposed to be removed and condition score is shown in the download NVR report.
2. In Appendix 1 of the NVR report, use a red pen to cross out the 'condition score of all marked native vegetation' and write in the halved score.
3. Write in the amended habitat hectares, general habitat score and offset amount.
4. Amend the offset requirements (General habitat units) on the front page of the report.

B.2 Removal of canopy trees from a patch of native vegetation

When some of the canopy trees are removed, each tree is mapped with the extent of a scattered tree. If the extent of the canopy trees cover the entire patch then the offset requirements will be the same as full vegetation removal:

- Each large canopy tree to be removed must be mapped as a large scattered tree (i.e. a circle with a radius of 15 metres)
- Each small canopy tree to be removed must be mapped as a small scattered tree (i.e. a circle with a radius of 10 metres).
- The identified canopy trees receive the condition score of the patch of native vegetation they are located in. The lowest possible condition score is 0.2.

The NVR report downloaded from the NVIM native vegetation removal tool does not get adjusted as the condition score is not halved for this situation.

B.3 Removal of understorey plants and some canopy trees from the same patch of native vegetation

When removing some or all understorey plants and some canopy trees from a patch of native vegetation:

- The full extent of the understorey removal is mapped, and the NVR report (report 1) is downloaded and adjusted as described in B.1.
- Each canopy tree to be removed is mapped as described in B.2 and a second NVR report (report 2) is downloaded.
- The offset amount for the native vegetation removal is the sum of the offset requirements of the adjusted report 1 plus report 2. The minimum SBV requirement is taken from report 1

The maximum offset amount for this native vegetation removal is the offset amount for complete removal of the patch of native vegetation i.e. the unadjusted offset in report 1.

B.4 Proposal includes partial removal in some locations and complete removal in another location

If the proposed removal includes some partial removal and some complete removal, three reports can be generated in the NVIM native vegetation removal tool as follows:

- Report 1: showing extent of partial and complete removal. This report has the assessment pathway for the application. If the proposal is in the Basic or Intermediate Assessment Pathway, two more reports are needed.
- Report 2: showing the extent of complete removal. This report provides the offset requirements for areas of complete removal.
- Report 3: showing the extent of partial removal. This report is adjusted as described in B.1.

Permit offset conditions are:

- offset amount is report 2 plus adjusted report 3
- minimum SBV and location attributes are taken from report 1
- large tree count is taken from report 2 plus report 3.

Figure 3. How to manually halve the condition score and amend the habitat hectares, general habitat score and offset amount in Appendix 1 of the NVR report

Appendix 1 - Details of offset requirements		
Native vegetation to be removed		
Extent of all mapped native vegetation (for calculating habitat hectares)	0.070	The area of land covered by a patch of native vegetation. Where the mapped native vegetation includes scattered trees, the area is converted to hectares. A small scattered tree with a 10 metre radius (approximately 0.0314 hectares) is equivalent to 0.0707 hectares.
Condition score*	0.774 0.386	The condition score of native vegetation is a measure of the health of the native vegetation. The condition score is calculated using the <i>Native Vegetation Condition Score</i> (NVCS) methodology.
Habitat hectares	0.054 0.027	Habitat hectares is a site-based measure that is calculated by multiplying the extent of native vegetation by the condition score. <i>Habitat hectares = extent x condition score</i>
Strategic biodiversity value score	0.580	The strategic biodiversity value score represents the relative value of the native vegetation, relative to other locations across the landscape.
General landscape factor	0.790	The general landscape factor is an adjusted measure of the influence of landscape scale information.
General habitat score	0.043 0.021	The general habitat score combines site-based measures of the biodiversity value of the native vegetation and the general landscape factor. <i>General habitat score = habitat hectares x general landscape factor</i>
* Offset requirements for partial clearing: If your proposal is to remove parts of the native vegetation, the condition score must be adjusted. This will require manual editing of the condition score and an update to the habitat hectares, general habitat score and offset amount.		
Offset requirements		
Offset type	General offset	A general offset is required when the removal of native vegetation is not fully compensated by the creation of new native vegetation. All proposals require a general offset.
Offset multiplier	1.5	This multiplier is used to address the risk that the offset will not adequately compensate the removal of native vegetation.
Offset amount (general habitat units)	0.065 0.032	The general habitat units are the amount of offset required to compensate for the removal of native vegetation. <i>General habitat units required = general habitat score x offset multiplier</i>
Minimum strategic biodiversity value score	0.464	The strategic biodiversity value score of the native vegetation to be removed must be greater than or equal to the minimum strategic biodiversity value score.
Vicinity	North Central CMA	The offset site must be located within the same catchment area as the native vegetation to be removed.
Large trees	1 large trees	A large tree is a native canopy tree with a Diameter at Breast Height (DBH) of 100mm or greater. To ensure the protection of large trees, a large tree offset is required for every large tree removed.

Appendix 4 – Using site assessed data with NVIM

Site-assessed data can replace the following mapped information used in NVIM:

- native vegetation condition
- bioregional EVC determination (including its conservation status) and associated large tree benchmark
- large tree determination when the species is identified, and multiple benchmarks apply in the relevant EVC
- wetland delineation.

The responsible authority cannot require an applicant with a proposal in the Basic or Intermediate Assessment Pathway to submit a site assessment report.

An applicant may choose to appoint an accredited native vegetation assessor to complete a site assessment report for an application in the Basic or Intermediate Assessment Pathway. When this is done the site assessed information is used in place of the mapped biodiversity information.

A. Site assessed condition score replaces *Native vegetation condition map*

When a site assessment report has been completed by an accredited native vegetation assessor, the condition score determined by that assessment can be used in place of the modelled condition score. Changing the condition score will change the habitat hectares, the general biodiversity score and the amount of offset required. The report is adjusted in the same way as shown in Figure 3 of Appendix 3.

This can apply to either patches of native vegetation or scattered trees. The condition score cannot be adjusted in the NVIM NVR report if the removal includes both scattered trees and patches. In these cases, the accredited native vegetation assessor must prepare spatial data and obtain an NVR report from DELWP who will use the EnSym tool.

B. Site assessed EVC replaces mapped EVC

An accredited native vegetation assessor (which can be the responsible authority) can determine the EVC on site. A change to the EVC determination does not change the assessment pathway of an application or the offset amount required.

A change to the EVC may mean that:

- the native vegetation being removed is an endangered EVC even though the location map does not identify this (or visa versa)
- the large tree benchmark is different to that included in the NVIM native vegetation removal tool.

The responsible authority can consider information from an accredited native vegetation assessor that has determined that the bioregional EVC on site is different to the EVC depicted in the *Location map* and NVR report, as follows:

- Decision guideline 9 (regarding impacts on endangered EVCs and/or large trees) can apply to any application if:
 - the native vegetation proposed to be removed is determined to be an endangered EVC
 - the trees being removed are determined to be large as a result of a change to the mapped EVC (i.e. the determined EVC has a different large tree benchmark to the mapped EVC).
- Decision guideline 9 (regarding impacts on endangered EVCs and/or large trees) should not be applied to an application if:
 - the native vegetation proposed to be removed is determined not to be an endangered EVC
 - the trees being removed are determined not to be large as a result of a change to the mapped EVC (i.e. the determined EVC has a different large tree benchmark to the mapped EVC).
 - If this is the only reason the application is in the Intermediate Assessment Pathway, decision guideline 9 is not applied, and the application is assessed in accordance with an application in the Basic Assessment Pathway.

C. Large tree determination

Some EVCs have multiple or no large tree diameter at breast height (DBH) benchmarks. The way large tree DBH benchmarks are applied in NVIM is detailed in section 3.2.1 of the Guidelines. This differs from the way large tree DBH benchmarks are applied when an accredited native vegetation assessor completes a site assessment.

The number of large trees identified by the NVIM native vegetation removal tool and shown in the NVR report may be adjusted by an accredited native vegetation assessor if:

- the tree species is determined and the species specific large tree DBH benchmark differs from that in NVIM
- the large tree DBH benchmark from a related EVC within the bioregion is used.

In these cases the application must include a statement from the accredited native vegetation assessor that provides details of the EVC and species determined on site. The NVIM NVR report can be manually adjusted with a red pen, or spatial data can be provided to DELWP and the NVR report generated using the site assessed information.

D. Modify a mapped wetland shown in the *Current wetlands map*

The boundary of a wetland in the *Current wetlands map* (used in NVIM and in EnSym) can be amended in some cases. This can be to modify the boundary of the wetland using site assessed or more accurate mapped information, or to remove the wetland completely when it is no longer regarded as a wetland.

D.1 Modify the wetland boundary

A wetland is present and visible on site, but the accuracy of the wetland boundary in the *Current wetlands map* is questioned.

The wetland boundary represents the maximum extent of inundation and can be corrected using better or finer scale information. This is a topographical or hydrological assessment (for example, high resolution and accurate LiDAR data) that indicates a different and more accurate maximum extent of inundation to that depicted in the *Current wetlands map*. In some cases, further information may be required, for example an Index of Wetland Condition assessment.

D.2 Remove all or part of a wetland from the assessment process

Mapped wetland is covered by a hardened, man-made surface

A mapped wetland (or part thereof) may be excluded from the assessment process if it is covered by a hardened, man-made surface, such as a roadway.

Mapped wetland does not support wetland values

A mapped wetland (or part thereof) may be excluded from the assessment process when:

- part or all of the wetland does not currently support any wetland values at the location

- it is highly unlikely to support wetland values in the future (given ongoing approved uses on and around the land in question), and
- DELWP Native Vegetation Regulation provides written agreement.

Impacts from illegal actions that may have destroyed the wetland will not be considered.

For a mapped wetland, or part of a mapped wetland to be considered for removal from the assessment, emailed both of the following to nativevegetation.support@delwp.vic.gov.au:

- An Index of Wetland Condition assessment that clearly demonstrates part of, or all of the mapped wetland does not support any wetland values. This includes an assessment of the current hydrology, vegetation and other values that wetlands support.
- Evidence that part or all of wetland is very unlikely to support any wetland values in the future because:
 - it is not technically possible or feasible e.g. the water source for the wetland has been cut off
 - existing approved uses will continue such that the management of the wetland will not change e.g. water cannot be returned to the wetland, water extraction will not stop etc.

Mapped wetland is permanent, deep water

A deep waterbody may be impacted by activities on the bottom, on top of the water, or in the water. A wetland that is a permanent, deep waterbody can be removed from the assessment when:

- the waterbody does not support any native vegetation
- it is highly unlikely to support native vegetation in the future, and
- DELWP Native Vegetation Regulation provides written agreement.

For a permanent, deep water mapped wetland, or part thereof to be considered for removal from the assessment, email the following to nativevegetation.support@delwp.vic.gov.au:

- evidence that clearly demonstrates part of, or all of the waterbody does not currently support any native vegetation, and
- evidence that part of, or all of the waterbody is highly unlikely to support native vegetation in the future. This includes information about the permanency of the water, seasonality and longer term wetting and drying.

Appendix 5 – Using site-based information to supplement species habitat importance maps

Site-based information may be used instead of the *Habitat importance map* for a rare or threatened species as described in section 11 of the Guidelines. This appendix explains when this may be applicable, what the proposal must include, and the process to follow when written approval is required from the Secretary to DELWP.

Site based information can be considered when native vegetation is proposed to be removed and when native vegetation is proposed to be protected at an offset site.

A. Native vegetation removal

A.1 Species habitat mapped at the site

Section 11.1.1 of the Guidelines states:

A rare or threatened species habitat, as shown in a Habitat importance map, can be removed from consideration in the assessment of an application for a permit to remove native vegetation, in the following circumstances:

- a competent ecologist confirms that the native vegetation to be removed has habitat characteristics¹⁴ that are clearly inconsistent with the habitat requirements of that particular species, and
- written approval is provided by the Secretary to DELWP.

Removing a rare or threatened species from consideration in the assessment process:

- removes the species offset requirement for that particular species
- removes the consideration of the impact on habitat for that particular species.

Habitat characteristics of the native vegetation at the site must be clearly inconsistent with the habitat requirements of the particular species. If habitat suitability can be debated, it will be considered habitat as depicted in the *Habitat importance map*.

In circumstances of severe temporary change in native vegetation condition (for example during a declared drought, following fire, flooding) the habitat characteristics of the native vegetation may be

temporarily inconsistent with the habitat requirements of the species. If the native vegetation is likely to recover within the next 10 years such that habitat characteristics could return to being consistent with the habitat requirements of the species, the species cannot be removed from the assessment process.

Targeted species surveys demonstrating the absence of a species will generally not be accepted as evidence. This is because species may be present or absent at any given time for several reasons. Species absence when a survey is undertaken does not mean that the location is not suitable habitat for it.

A species cannot be removed from the assessment process if the habitat characteristics of the native vegetation to be removed are altered due to non-approved or unlawful land uses.

Examples of when a rare or threatened species habitat may be considered for removal from the assessment process:

A specialist grassland species such as Golden Sun Moth, Arching-flax lily or Fat-tailed Dunnart is mapped in an area that is solely forest. These species are unable to live in a forest ecosystem.

A scattered tree is proposed to be removed from a completely modified site where the understory is cropland rather than degraded native vegetation, or devoid of any vegetation. This proposal requires an offset for either another tree species or an understory species.

Examples of when removal of the species would not be appropriate include:

A specialist grassland species is mapped in a grassland or grassy woodland in a poor or degraded state and the species has not been observed on the site. The species could use this sub-optimal habitat if other more suitable habitat becomes restricted or lost.

A species could occupy a variety of habitat types, the habitat would not be clearly inconsistent with the species habitat requirements. This may apply if the species rests or breeds in one habitat type (forest) but feeds in other habitat types (grassland or open woodland).

¹⁴ Information gathered during a habitat hectare assessment is sufficient to confirm habitat characteristics, targeted species surveys are not required.

Process to propose the removal of a rare or threatened species from the assessment

The applicant receives a NVR report including species offset requirements and considers that the native vegetation to be removed has habitat characteristics that are clearly inconsistent with the habitat requirements of a species requiring an offset.

The applicant consults with a competent ecologist (this may also be the accredited assessor that completed the site assessment) to prepare the proposal. The completed site assessment should provide sufficient information to confirm habitat characteristics of the site. Additional species survey is not required.

A proposal to remove a rare or threatened species from the assessment process that includes the information specified in the box below is compiled and emailed with the subject 'species habitat review – removal site' to nativevegetation.support@delwp.vic.gov.au.

Native vegetation support team will review the proposal and consult with relevant DELWP experts including regional officers. The outcome will be provided within 20 working days. If the proposal is not supported, the native vegetation will be considered habitat as depicted in the *Habitat importance map*.

If the proposal is supported, an amended NVR report excluding the relevant species from the assessment will be provided and must be included in the final application.

A proposal to remove a rare or threatened species from the assessment process must include:

1. The NVR report for the proposed removal of native vegetation, identifying which species offset is proposed to be removed from the assessment process.
2. Photographs of the native vegetation to be removed, specifically the habitat zones under consideration.
3. Justification, confirmed by a competent ecologist, that the habitat characteristics of the native vegetation to be removed are clearly inconsistent with the habitat requirements of the species. The native vegetation should not meet any of the habitat requirements for the species. Habitat requirements may include (but are not limited to) areas suitable for propagation, breeding, foraging, movement, landscape permeability or habitat connectivity. Include:
 - a. a brief description of the habitat requirements of the species, with references from credible sources

- b. a brief description of the habitat characteristics of the native vegetation proposed to be removed, specifically for the habitat zone under consideration.
4. The credentials of the competent ecologist.

A.2 Species habitat not mapped at the site

Section 11.1.1 of the Guidelines states:

A rare or threatened species can be considered in the assessment of an application when the species' Habitat importance map does not show the native vegetation to be removed as its habitat, in the following circumstances:

- *there is recent evidence of the species using the native vegetation to be removed as habitat, and*
- *the native vegetation to be removed has habitat characteristics that are clearly consistent with the habitat requirements of that species.*

This arrangement allows for consideration of rare or threatened species habitat as described at decision guideline 10, as relevant. It does not provide for authorities to require applicants to conduct species surveys or secure additional species offsets.

Considering a rare or threatened species in the assessment of an application:

- does not increase offset requirements
- allows consideration of the impact on the species when the application is assessed.

For a species to be considered the responsible authority must verify the evidence and confirm that the habitat characteristics are clearly consistent with habitat requirements. The responsible authority may request assistance from DELWP or a competent ecologist. When a reported observation cannot be verified it should not influence the assessment process or decision.

Example of when a species observation may be considered:

A species has been observed in the native vegetation to be removed. The native vegetation provides habitat with characteristics that are consistent with the requirements of the species. The observation has been recently (within the last 12 months) verified either on site or by provided photographic evidence.

Examples of when this may not be applicable

An objection letter or comment has been received that includes unverified observation such as “I saw species x when I drove past the site”. There is no evidence provided and the responsible authority is not able to verify the observation.

B. Native vegetation protection

B.1 Species habitat mapped at the site

Section 11.1.2 of the Guidelines states:

When species habitat is mapped in a Habitat importance map at a proposed offset site, species habitat units cannot be created, in accordance with section 9.4.2, if a competent ecologist confirms that the species' habitat requirements are clearly inconsistent with habitat characteristics¹⁵ of the site

If a gain scoring assessment (described in section 9.4.4 of the Guidelines) finds habitat characteristics that are clearly inconsistent with the requirements of a species that is mapped at a proposed offset site, species habitat units cannot be created for that species. For example:

- species habitat units cannot be created if the species' habitat requirements are solely grassland and the habitat characteristics of the native vegetation to be protected are exclusively forest
- species habitat units can be created for the same grassland species if the characteristics of the native vegetation to be protected are grassy, including grassy habitat that is sub-optimal.

The accredited native vegetation assessor preparing the package of information needed to establish an offset site should include confirmation that the vegetation to be protected is not clearly inconsistent with the habitat requirements for the species that generate species habitat units. The assessor should request DELWP to produce an offset report that excludes any species for which species habitat units must not be created.

The statutory body signing the security agreement should check that the gain scoring assessment has been completed in accordance with section 9.4.4 of the Guidelines.

¹⁵ Information gathered during a habitat hectare assessment is sufficient to confirm habitat characteristics, targeted species surveys are not required.

B.2 Species habitat not mapped at the site

Section 11.1.2 of the Guidelines states:

Species habitat units can be created at a proposed offset site for a rare or threatened species where its habitat is not mapped at the site in a Habitat importance map, with the approval of the Secretary to DELWP. For this to apply a competent ecologist must confirm that:

- *there is recent evidence of the species using the site as habitat, and*
- *the habitat characteristics of the site are clearly consistent with the habitat requirements of that species.*

Recent evidence is when a species is observed by the accredited native vegetation assessor or competent ecologist and this is verified on site or with photographic evidence (dated within the last 12 months). The observation may be in the native vegetation or in vegetation that is contiguous to the vegetation protected at the offset site.

Any site survey completed must be to an acceptable standard and observations must be verified. New records should also be provided to the Victorian Biodiversity Atlas.

Process to propose the addition of a rare or threatened species at an offset site

A landowner receives a *Native vegetation offset report* that includes species habitat units available at the offset site. The landowner can commission a competent ecologist to compile evidence that the species has been observed on site and the native vegetation has habitat characteristics that are clearly consistent with the habitat requirements of a species whose habitat has not been mapped at the site. If existing evidence is insufficient, this may include completing a targeted species survey to the recognised standard.

A proposal including the information detailed in the box below is compiled, and submitted to DELWP by email with a subject 'Species habitat review – offset site' to nativevegetation.support@delwp.vic.gov.au.

Native vegetation support team will review the proposal and consult with relevant DELWP experts including regional officers. The outcome will be provided within 20 working days. If the proposal is not supported, additional species habitat units cannot be created.

If the proposal is supported an updated *Native vegetation offset report* including the relevant species habitat units will be provided.

A proposal to add a rare or threatened species to an offset site must include:

1. The *Native vegetation offset report* for the offset site.
2. Photographs of the native vegetation, specifically for the habitat zones under consideration.
3. Recent (within the last 12 months) evidence of the species using the site as habitat. This must include observations of the species:
 - a. within the protected native vegetation, or
 - b. in habitat that is contiguous with the protected native vegetation.
4. Justification, confirmed by a competent ecologist, that the habitat characteristics of the native vegetation to be protected are clearly consistent with the habitat requirements of the species. Include:
 - a. A brief description of the habitat requirements of the species, including references from credible sources.
 - b. A brief description of the habitat characteristics of the native vegetation.
5. The credentials of the competent ecologist.

C. Code of conduct

The Secretary to DELWP reserves the right to reject information from any ecologist or assessor that is found to have:

- falsified information
- provided misleading information
- omitted or delayed submission of information considered unfavourable to an application.

Appendix 6 – How to map native vegetation

This appendix details the revised advice regarding habitat zone (patch) delineation, and how native vegetation should be mapped at a site.

A. Revised advice for habitat zone (patch) delineation

The habitat hectare method described in the *Vegetation Quality Assessment Manual*, version 1.3, 2004 (VQAM) relating to “Estimating the required number and size of habitat zones” detailed in Chapter 5: Site Inspection, has been updated for the purpose of assessing native vegetation for removal or offsetting in accordance with the Guidelines. The revised advice is:

- A Vegetation Quality Assessment (VQA) must be constrained to a single EVC.
- A habitat zone is a single continuous patch of vegetation of the same EVC.
- Changes in habitat condition should generally not influence how a habitat zone is defined.

This prevents habitat zones from being split up into numerous small habitat zones when mapping native vegetation to be removed or protected. Habitat zone splitting causes variability in VQA’s between assessors that results in variability in offset requirements and available gain.

Native vegetation removal sites

In general, a habitat zone should only be split based on the presence of a different EVC, not based on a change in the vegetation condition. However, a habitat zone must be split when it cannot be reasonably represented by a single VQA because:

- the site condition score (out of 75) varies by at least 15 points, and
- the extent of the continuous patch of vegetation is greater than 1 hectare.

To guide *site design and impact minimisation*, it may be reasonable to identify areas on a site where condition scores are lower. This may be achieved at site meetings but clients may require a map that means habitat zones are split.

Once the impact area has been finalised, any *adjoining* habitat zones of the same EVC must be merged and considered as a single zone before the data is provided to DELWP. The VQA for the single zone must be based on the average percentage cover of lifeforms, weeds, canopy and organic litter across the entire zone. The VQA should reflect the average vegetation condition across the merged

zone. If multiple VQAs were completed, the VQA for the single (merged) habitat zone should not simply be the averages of the site condition scores. Rather, the raw data and scoring matrices should be revisited.

Offset sites

In general, a habitat zone should only be split based on the presence of a different EVC, not based on a change in the vegetation condition. However, a habitat zone must be split:

- when it cannot be reasonably represented by a single VQA because:
 - the site condition score (out of 75) varies by at least 15 points, and
 - the extent of the continuous patch of vegetation is greater than 1 hectare; or
- to exclude areas of the habitat zone that do not meet the eligibility criteria detailed in section 9.1.3 of the Guidelines. That is a minimum ‘site condition score’¹⁶ of 30 out of 75 and any treeless EVC must also have a minimum ‘lack of weeds score’¹⁷ of 7 out of 15.

Note: Native canopy trees within a patch of native vegetation with a site condition score below 30 out of 75, and that are greater than or equal to 75% of the large tree DBH benchmark for the relevant bioregional EVC, can be protected as scattered trees.

Sample mapping of habitat zones

Figure 4 shows split habitat zones. Native vegetation should not be mapped this way, unless:

- the condition score varies by more than 15 points, and
- the extent of the continuous patch of vegetation is greater than 1 hectare.

The correct way to map native vegetation in accordance with the revised advice for habitat zone (patch) delineation is shown in Figure 5.

¹⁶ This is the site condition score determined in accordance with the *Vegetation Quality Assessment Manual*.

¹⁷ This is the lack of weeds score determined in accordance with the *Vegetation Quality Assessment Manual*.

Figure 4. Habitat zones must not be split unless the patch of continuous native vegetation is more than 1 hectare and the site condition score varies by at least 15 points. In this example the VQA site condition scores differ by 12 points.

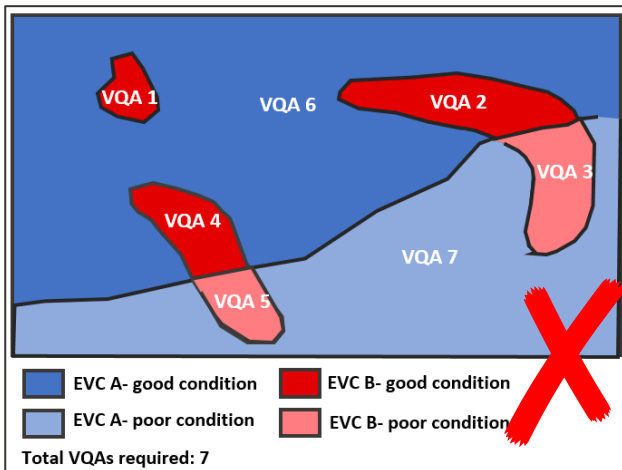
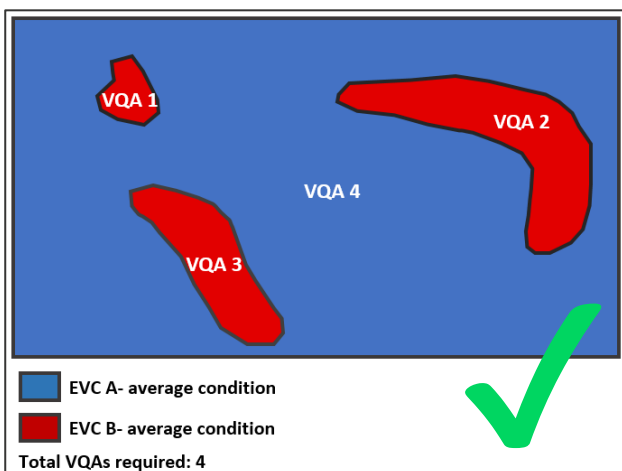


Figure 5. Correct habitat zone delineation under 2017 regulations – the difference of 12 points in site condition is not sufficient to split the habitat zone.



Where a habitat zone of an EVC is discrete (i.e. it is not continuous with another habitat zone of the same EVC), one VQA should be completed for each discrete habitat zone (VQA1, 2 and 3 in Figure 5)

B. Spatial data standards

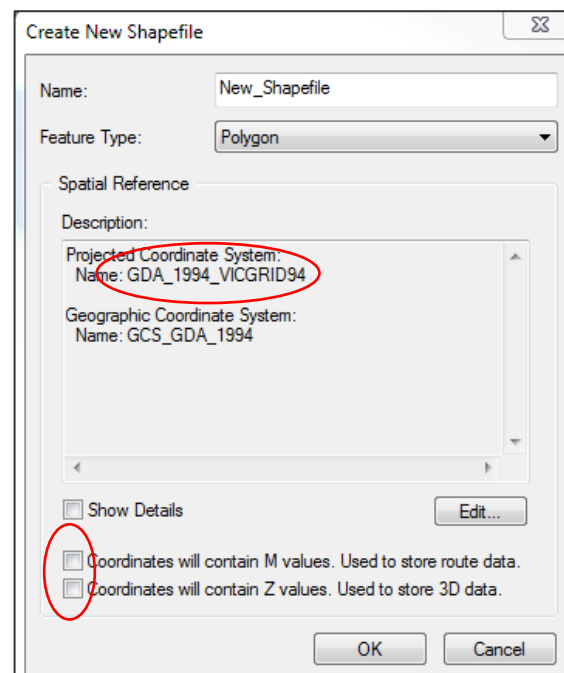
Spatial data can be imported into the NVIM tools and the EnSym tool. These systems generate *Native vegetation removal reports* to support an application to removal native vegetation and *Native vegetation offset reports* for a proposal to protect native vegetation.

B.1 NVIM native vegetation removal tool data standard

Spatial data can be imported into the NVIM native vegetation removal tool when it complies with the following data standards.

Shapefile data standard:

- Vicgrid94 projection
- shapefile must not contain M or Z values



- all patches must be mapped as polygons, and all trees must be mapped as points
- tree points must be attributed with a numeric field labelled 'tree_cir', which records the trunk circumference in centimetres (eg. 86.2), 1.3m above ground level (provided in the corresponding .dbf file)
- each shapefile (.shp) must be accompanied by three files with the same name (.shx, .dbf, .prj)
- polygons and points are provided in separate shapefiles, but zipped and provided as a single ZIP archive (.zip) with no folders inside the zipped folder.

Figure 6 shows the zipped folder that includes polygons and points with all required files.

Keyhole Mark-up Language standard:

- all patches must be mapped as polygons (trees are not currently supported)
- the data must be provided as a KML file (.kml), KMZ file (.kmz) or a ZIP archive (.zip) containing multiple KML or KMZ files.

B.2 NVIM native vegetation offset tool data standard

Shapefiles can be imported into the NVIM native vegetation offset tool when they comply with the following data standard.

Shapefile data requirements:

- Vicgrid94 projection
- all patches must be mapped as polygons, and all trees must be mapped as points
- any point must be attributed with a numeric field labelled 'tree_cir', which records the tree trunk circumference in centimetres (e.g. 86.2), 1.3m above ground level (provided in the corresponding .dbf file)
- any polygon must be attributed with a text field labelled 'patch_ty'. If the polygon is a patch of native vegetation the attribute must read 'Patch'. If the polygon is an area of proposed revegetation, the attribute must read 'Revegetation'
- each shapefile (.shp) must be accompanied by three files with the same name (.shx, .dbf, .prj)
- polygons and points are provided in separate shapefiles, but zipped and provided as a single ZIP archive (.zip) with no folders inside the zipped folder.

Figure 6 shows the zipped folder that includes polygons and points with all required files.

B.3 EnSym GIS data standard

Spatial data can be uploaded into the EnSym tool when it complies with the following standard:

- a single set of files for all areas of native vegetation to be removed or a single set of files for all areas of native vegetation to be protected. Native vegetation removal data must include all patches and scattered trees to be removed. Native vegetation to be protected must include all patches, scattered trees and revegetation areas as appropriate
- ESRI shapefile format, including the following suite of files *.shp, *.prj, *.dbf, and *.shx
- data is in VICGRID94 projection (Datum: Geocentric Datum of Australia 1994)
- shapefile must not contain M or Z values
- polygons must not be multi-part or contain self-intersects
- patch polygons must not overlap and there must be no unintended gaps between polygons
- scattered trees can overlap with each other and can overlap portions of patches, but the centre point of a scattered tree cannot be contained within a patch.

The *EnSym native vegetation regulation tool spatial data standard* information sheet available on the DELWP website contains detailed specifications.

Some common mapping errors and how to address them are shown in Figure 7.

Figure 6. Example of Shapefile.zip standard for NVIM

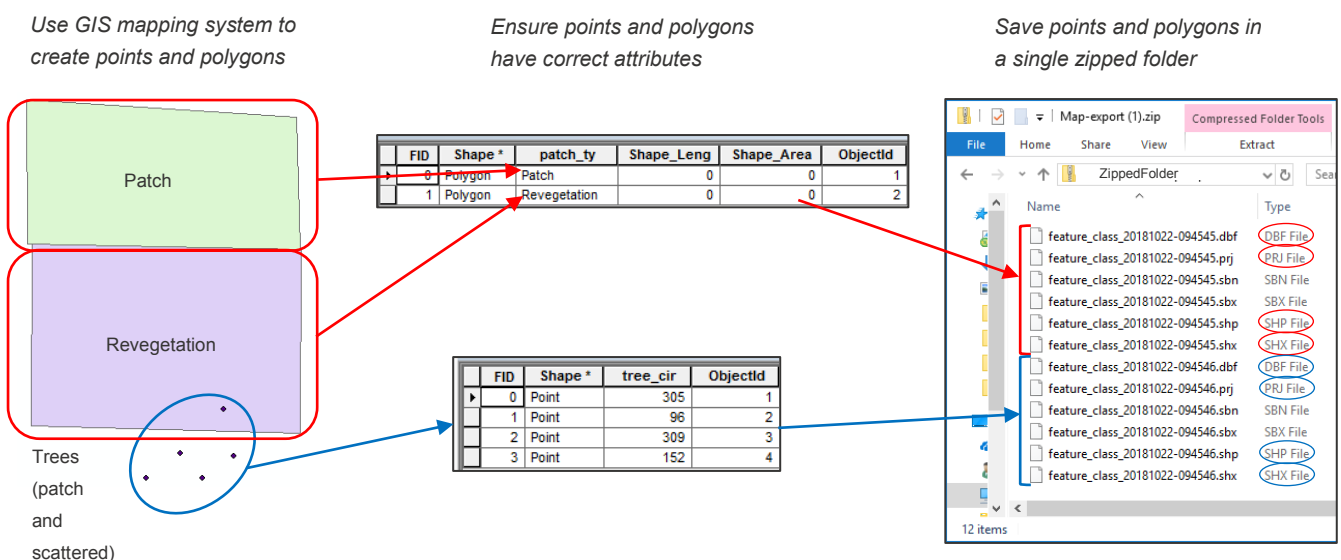
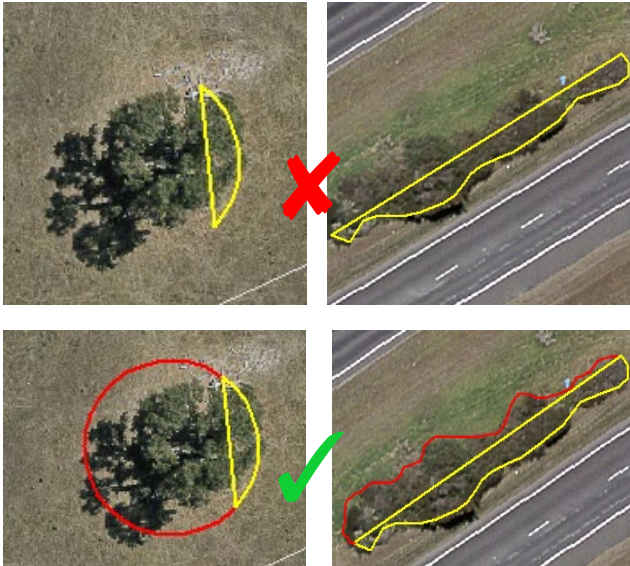


Figure 7. Common mapping mistakes and how to fix them

Example 1. If the native vegetation to be removed includes scattered or canopy trees, do not clip the polygon to the project footprint. Remember tree protection standards as well. See part C of this Appendix for more guidance.



This is how two scattered trees (deemed lost due to encroachment into the TPZ) and two patches (one containing a tree) are mapped.



This is how to map four scattered trees (2 large and 2 small) that will be impacted by a project.



Example 2. Areas of the site with no native vegetation must not be mapped (unless it is past removal)



Example 3. If a tree is within a patch of native vegetation, don't map it as a scattered tree within the patch (unless the patch has partial removal)



Example 4. Don't map scattered trees with freehand polygons around the canopy or with the wrong circle size.



Scattered and canopy trees have set circles based on their size, a polygon with a radius of 15 metres or 10 metres.



C. How do I map the vegetation to be removed when there are lots of trees?

When trees are on the edge of a project footprint, the trees ca being impacted must not be cut in half. This includes trees ‘deemed lost’ due to impacts to the Tree Protection Zone (TPZ).

If the trunk of the tree is *inside* the project footprint, the whole tree will be removed and the footprint is mapped along the canopy dripline of that tree. If the trunk of the tree is *outside* the project footprint, check the TPZ. If 10 per cent or more of the TPZ will be impacted, the tree is deemed lost and included as native vegetation to be removed, and the canopy dripline of that tree is mapped.

Accurate mapping: Whenever possible, map around the edge of the tree canopy of all trees to be removed as shown in Figure 8.

Figure 8. Mapping native vegetation to be removed



When this is not possible or extremely difficult to do there are two alternative acceptable options Mapping as shown in Figure 9 is not acceptable.

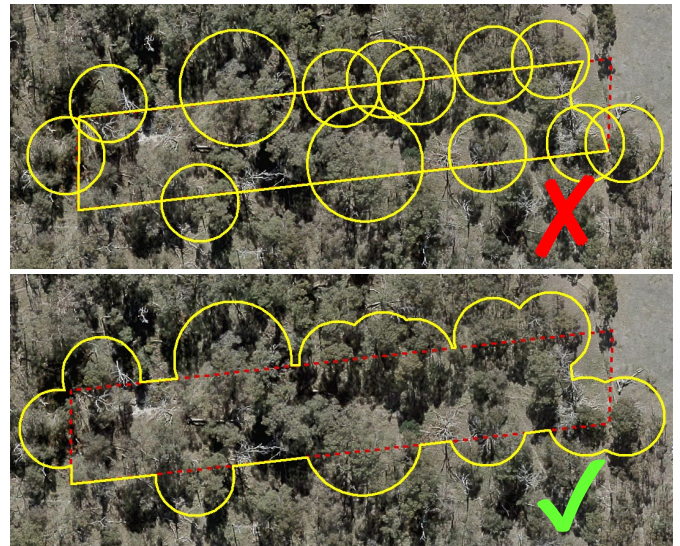
Figure 9. Incorrect mapping of native vegetation to be removed



Option 1: When it is impractical to trace around all tree canopies, it may be easier to map all large trees to be removed as a circle with 15m radius and any small tree to be removed as a circle with a 10m radius. Then merge the circles with the rest of the patch to create a single polygon for the habitat zone as shown in Figure 10.

The whole polygon uses the condition score for the habitat zone.

Figure 10. Map each tree then merge polygons

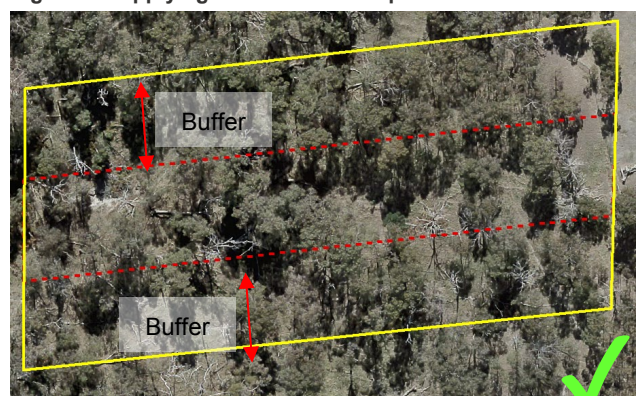


Option 2: The project footprint is buffered to ensure native vegetation removal is not underestimated. All native vegetation within the footprint and buffer is mapped as shown in Figure 11, and the whole polygon receives the condition score for the habitat zone.

The buffer distance will vary depending on the size of trees within the buffer area. Assess the large tree ‘density’ within 25 metres of the project footprint. If less than 10 per cent of the trees in the buffer area are large trees, the buffer should be 17 metres. For each 10 per cent increase in the density of large trees the buffer should increase by 1 metre. If more than 90 per cent of trees in the buffer are large trees, the buffer should be 25 metres.

This method may be more appropriate for the early stages of planning for long, linear projects through an area with a dense tree canopy.

Figure 11. Applying a buffer to the impact area



Appendix 7 – Calculate offset requirements

If a permit is granted to remove native vegetation an offset is required to compensate for the loss in biodiversity value from the removal of native vegetation. The offset must be secured in accordance with section 9 of the Guidelines and the *Native vegetation gain scoring manual* (version 2) or its successor.

A. Basic and Intermediate Assessment Pathway applications

The NVIM native vegetation removal tool uses the extent of native vegetation mapped by an applicant to determine the offset requirements for Basic and Intermediate Assessment Pathway applications as detailed below. The mapped native vegetation and offset requirements are included in the NVR report.

Step 1: Calculate the extent of native vegetation

Tree size is determined from the circumference of the tree provided by the applicant and the large tree benchmark that applies in the location where the tree is mapped (refer section 3.2.1 of the Guidelines). Any overlap shown on the map is ignored when calculating the extent of native vegetation to be removed.

Step 2: Calculate the habitat hectares

The loss in habitat hectares of the native vegetation to be removed is calculated by multiplying the extent by the weighted average condition score (taken from the *Native vegetation condition map*). The lowest condition score on the map is 0.2.

$$\text{Habitat hectares} = \text{extent (in hectares)} \times \text{modelled condition score}$$

Step 3: Calculate the general landscape factor

The general landscape factor is an adjusted weighted average strategic biodiversity value score. The score is adjusted to reduce the influence of the landscape scores. The general landscape factor is:

$$\text{General landscape factor} = 0.5 + (\text{strategic biodiversity value score} / 2)$$

The *Strategic biodiversity value map* shows the strategic biodiversity value score. The lowest strategic biodiversity value score on the map is 0.1.

Step 4: Calculate the habitat score

The general habitat score of the proposed removal is:

$$\text{General habitat score} = \text{habitat hectares} \times \text{general landscape factor}$$

Step 5: Apply the multiplier to the habitat score to determine the offset amount

A multiplier of 1.5 is applied to the habitat score. The amount of offset required is:

$$\text{General habitat units} = \text{general habitat score} \times 1.5$$

Results of this equation are rounded to three decimal places and if the rounded answer is 0.000, no offset is required.

Step 6: Determine the required attributes of the offset

General offsets have the following attributes:

- be located in the same Catchment Management Authority boundary or municipal district as the native vegetation to be removed
- have a strategic biodiversity value score of at least 80 per cent the strategic biodiversity value score at the removal site
- include protection of at least one large tree for every large tree to be removed.

B. Detailed Assessment Pathway applications

The NVIM tool does not determine offset requirements for applications in the Detailed Assessment Pathway. They are determined by the EnSym tool using spatial GIS data provided by applicants. The EnSym tool does a number of checks on the supplied data and ignores any overlap areas to determine the extent used in the calculations. A map of the spatial data and the offset requirements are included in the NVR report.

Step 1: Calculate the extent of native vegetation

Areas of overlap are treated as follows:

- past native vegetation removal takes precedence over proposed removal
- patches of native vegetation take precedence over scattered trees
- large scattered trees take precedence over small scattered trees
- areas of overlap between scattered trees of the same size are shared equally to each tree.

Step 2: Determine if the native vegetation to be removed is habitat for rare or threatened species

Each rare or threatened species considered in the regulations has a *Habitat importance map* that

indicates where habitat is located. The EnSym tool will determine if the area of native vegetation to be removed is habitat for rare or threatened species using these maps. Species with dispersed habitat have a second map showing the top ranked habitat for that species as detailed in section 3.2.2 of the Guidelines.

Step 3: Determine if any species' habitats require a species offset

This is done using the total extent of native vegetation to be removed, including past removal, but ignoring all overlaps. The species-general offset test is applied to all habitat importance maps within the native vegetation to be removed. A species offset is required when the proportion of habitat value to be removed is greater than 0.0050 percent of the habitat value in the *Habitat importance map* for that species. Any species below this threshold are reported in the NVR report but species offsets are not required for them.

$$\frac{\text{value of mapped habitat to be removed}}{\text{total value of the species habitat included in the statewide maps}} > \text{species offset threshold}$$

Step 4: Calculate landscape factors for each zone

A zone can be a patch of native vegetation or a scattered tree. Landscape factors are the adjusted landscape scores used to reduce the influence of landscape information when calculating offset amounts so that site assessed information plays a greater role.

A general landscape factor is determined by adjusting the strategic biodiversity value score for the zone as follows:

$$\text{General landscape factor} = 0.5 + (\text{strategic biodiversity value score} / 2)$$

A species landscape factor(s) for each species in each zone is determined by adjusting the habitat importance score for each rare or threatened species mapped in the zone.

$$\text{Species landscape factor} = 0.5 + (\text{habitat importance score} / 2)$$

Step 5: Calculate the habitat unit(s) for each zone

If the zone contains habitat for one or more rare or threatened species that passed the threshold test,

species habitat units are calculated for each species as follows:

$$\text{Species habitat unit} = \text{extent of zone} \times \text{condition score} \times \text{species landscape factor} \times 2$$

If the zone is not habitat for a rare or threatened species, general habitat unit(s) are calculated as follows:

$$\text{General habitat unit} = \text{extent of zone} \times \text{condition score} \times \text{general landscape factor} \times 1.5$$

Step 6: Determine the total offset amount and relevant offset attributes

The species and general habitat units for each zone are then aggregated to determine the offset requirements for the proposal

Species offsets have the following attributes:

- be suitable habitat for the rare or threatened species that has been impacted, as determined by the *Habitat importance map* for that species
- include protection of at least one large tree for every large tree to be removed.

General offsets have the following attributes:

- be located in the same Catchment Management Authority boundary or municipal district as the native vegetation to be removed
- have a strategic biodiversity value score of at least 80 per cent the strategic biodiversity value score at the removal site
- include protection of at least one large tree for every large tree to be removed.

Note:

- a general offset is not required when species offset(s) apply to all zones.
- a general offset is required for any zone that does not require a species offset.
- multiple species offsets will be required when multiple species are impacted in step 3. These can be met by a single offset site that provides suitable habitat for all the species impacted or multiple offset sites that together provide suitable habitat for all the species impacted. Each species offset requirement must be fully met.
- the large tree attribute for general and species offsets can be met in any of the offset(s) secured as described in section 3.9 of this Assessor's handbook.

Appendix 8 – Offset estimation, staging and reconciliation

This appendix explains how offsets can be estimated during project planning, how offsets can be secured in stages and how offsets can be reconciled when approved removal and actual removal differ. These may be applicable for any project but usually only apply to larger projects that investigate a number of scenarios and are implemented in stages.

A. Estimating offset requirements

Many projects investigate a number of alternative options before deciding on the final location, preparing final design and determining actual extent of native vegetation removal.

New roads may have a number of corridors investigated within an EES assessment. In these cases, it may be appropriate to estimate the extent of native vegetation removal and associated offset requirements. This can then be refined once the preferred corridor is identified and final designs prepared.

Aerial photography and the *Native vegetation condition map* can be used with the large tree estimation method described in Appendix 2D in place of a detailed site assessment. It is, however, advisable that an accredited native vegetation assessor completes a preliminary assessment of the sites with the aim of identifying where native vegetation is located, determining whether the modelled condition score is a true reflection of site condition and to estimate the number of large trees to be removed.

It is critical that this estimated impact be updated once the preferred alignment is finalised and the required site assessment is completed. Actual offset requirements must be determined following the site assessment.

The EnSym tool can be used by consultants and applicants to assess options and refine proposals. The report can be produced using modelled condition scores, but if the modelled site condition is significantly different from the site assessed condition score, the results will not be a true reflection of the actual impact. The more accurate the input data the more accurate the report.

Some projects gain approval for the 'worst case scenario' native vegetation removal, with a lower amount actually removed during construction following final design. The 'worst case scenario' approval will include offset conditions that require the offsets to be secured prior to the removal of any

native vegetation. If less native vegetation is removed than was included in the approval, offset reconciliation can take place as detailed in Section C below.

B. Securing offsets in stages

Appendix 2E explains that offset requirements should be determined for the full project. This includes staged projects and projects that may require multiple permits because they cross local government authority boundaries.

When a multi-staged proposal is assessed, a single NVR report is prepared, but offset requirements can be split into stages of development. Offsets can then be secured in stages, before the corresponding removal of native vegetation occurs. The same can be done for projects removing native vegetation from different council areas that require more than one permit.

For these cases, the accredited native vegetation assessor must include the staging or local government areas in the spatial data provided to DELWP. The NVR report will include the full offset requirements for the project and break these up into stages or council area as required.

Staged offset delivery adds risk as if required offsets are not available when later stages of the project need to remove native vegetation, the project will be stalled until the required offset is found and secured.

It may be preferable to purchase all the required offsets and retain or bank them as available credits within the Native Vegetation Credit Register until needed. The credits can then be allocated to each stage as native vegetation is removed. This ensures all required offsets will be available when needed and enables offsets to be reconciled as the project is delivered.

C. Offset reconciliation when the approved and actual native vegetation removal differs

Some projects identify all native vegetation that may potentially be removed when the project is delivered. Offset requirements included in permit conditions would then be for this 'worst case' scenario. During construction, the actual amount of native vegetation removed may be less than originally approved and offset.

This section provides a process to reconcile offset requirements to ensure incentives remain for on-site minimisation efforts after approval is granted and offsets are secured.

Offsets can be reconciled at the end of a project so that any excess credits can be unallocated and banked or sold on. An accredited native vegetation assessor must provide suitable evidence to DELWP and the responsible authority showing the difference in approved and actual native vegetation removal.

Administrative steps:

- project has been approved and native vegetation credits have been allocated to it
- extent of native vegetation removed during construction is reduced, and it is decided there are benefits of reconciling the offset requirements
- accredited native vegetation assessor confirms the actual extent of native vegetation that was removed and maps this in a GIS shapefile and sends to DELWP's native vegetation regulation team for processing and a new report via EnSymNVRtool.support@delwp.vic.gov.au
- applicant compares the approved NVR report with the NVR report for the actual removal and confirms whether they want to proceed with the reconciliation
- applicant approaches the approval authority and requests an amendment to the offset conditions included in the original approval. The new offset requirements are detailed in the new NVR report
- if agreed, responsible authority amends the offset condition and/or issues a new approval (if required) or provided a secondary approval
- applicant provides evidence of new offset condition to DELWP's Native Vegetation Credit Register requesting excess credits be unallocated nativevegetation.offsetregister@delwp.vic.gov.au
- Native Vegetation Credit Register un-allocates excess native vegetation credits from the project and registers them as available credits owned by the applicant. Native Vegetation Credit Register reissues an allocated credit extract for the project and issues a credit statement to the applicant listing the available credits
- the applicant has available native vegetation credits registered to their name which can be allocated to a future project or sold.

Appendix 9 – Standard permit conditions

These standard conditions should be used when preparing a response to an application for a permit to remove, destroy or lop native vegetation submitted under Clause 52.16 or 52.17. These conditions will ensure that the biodiversity impacts are appropriately addressed. Additional conditions may be required to address impacts from the removal of native vegetation on other values.

Determine if the offset requirement will be to the satisfaction of the responsible authority or DELWP and insert where applicable.

Where text is in [brackets and is red] insert required details. Text in italics is descriptive and not meant to be included in any permit condition.

D. Notification of permit conditions

Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

E. Construction management

Use this condition when an endorsed plan for the removal of native vegetation is required – particularly relevant where plans submitted do not have sufficient detail to enable compliance auditing.

Before any native vegetation removal begins, [amended] plans to the satisfaction of the responsible authority must be submitted to and approved by the [insert]. When approved, the plans will be endorsed and will form part of this permit. The plans must include [Delete or amend the following as required]:

- e. a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the [insert], including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 *Protection of Trees on Development Sites*, to the satisfaction of the [insert].
- f. an amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:

- i. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land
- ii. the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit
- iii. [any other information required to ensure provision of a plan that can be endorsed]

F. Protection of vegetation to be retained

Select one of the following conditions based on the site condition and proposed works:

- C.1 used when a plan must be prepared
- C.2 specifies requirements for patches of native vegetation
- C.3 specifies requirements for scattered trees
- C.4 specifies requirements for a combination of patches of native vegetation and scattered trees

F.1 Protection of vegetation to be retained

Before works start, a plan to the satisfaction of the [insert] identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

or

F.2 Protection of patches of native vegetation to be retained

Before works start, a native vegetation protection fence must be erected around all patches of native vegetation of native vegetation to be retained on site. This fence must be erected around the patch of native vegetation at a distance of [number] metres from retained native vegetation. The protection fence must be constructed of [star pickets/ chain mesh/or similar] to the satisfaction of the [insert]. The protection fence must remain in place until all works are completed to the satisfaction of the [insert].

Except with the written consent of the [insert], within the area of native vegetation to be retained and any associated tree protection zone, the following are prohibited:

- a. vehicular or pedestrian access
- b. trenching or soil excavation
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- d. entry and exit pits for underground services
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

or

F.3 Protection of scattered trees to be retained

Before works start, a native vegetation protection fence must be erected around all scattered trees to be retained on site. This fence will protect the tree by demarcating the tree protection zone and must be erected at a radius of 12 × the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree. The fence must be constructed of [star pickets/ chain mesh/ or similar] to the satisfaction of the [insert]. The fence must remain in place until all works are completed to the satisfaction of the [insert].

Except with the written consent of the [insert], within the tree protection zone, the following are prohibited:

- a. vehicular or pedestrian access
- b. trenching or soil excavation
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- d. entry and exit pits for underground services
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

or

F.4 Protection of patches of native vegetation and scattered trees

Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. This fence must be erected around the patch of native vegetation at a minimum distance of [number] metres from retained native vegetation and/or at a radius of 12 × the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree. The fence must be constructed of [star pickets/chain mesh/or similar] to the satisfaction of the [insert]. The fence

must remain in place until all works are completed to the satisfaction of the [insert].

Except with the written consent of the [insert], within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a. vehicular or pedestrian access
- b. trenching or soil excavation
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- d. entry and exit pits for underground services
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

G. Native vegetation offsets

Any approval to remove native vegetation must contain conditions specifying the offset requirements. Permit conditions must include a requirement for evidence of the secured offset to be provided to the responsible authority and that the offset be secured prior to native vegetation removal and to the satisfaction of the responsible authority (refer section 8 of the Guidelines).

Offset requirements are determined by the NVIM native vegetation removal tool or the EnSym tool, and included in the NVR report. Select from the conditions below as relevant. The extent of native vegetation removal authorised must be defined in a permit condition. It may be agreed for some projects that offsets are secured in stages to allow for offset reconciliation – if this occurs the permit condition will have to be amended at completion of project and offset reconciliation, or a condition can be drafted to allow for this to be done.

G.1 Offset requirement

To offset the removal of [number] hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

Select General offset, Species offset or both as detailed in the NVR report. Large tree requirement can be met across any offset type

General offset

A general offset of [XXX] general habitat units:

- located within the [insert name of Catchment Management Authority] boundary or [insert name of municipality] municipal district
- with a minimum strategic biodiversity score of at least [insert amount from NVR report]

Species offset

[add/delete depending on number of species impacted]

A species offset(s) of [XXX] species habitat units for [ID, common name, genus species A], and [XXX] species habitat units for [ID, common name, genus species B] insert all required species offsets.

If the NVR report specifies a requirement to protect large trees, add this to the offset requirement.

The offset(s) secured must provide protection of at least [insert number from NVR report] large trees.

G.2 Offset evidence and timing

The Guidelines require that a compliant offset be secured, to the satisfaction of the responsible or referral authority, before the native vegetation is removed. This can be a signed security agreement for an offset site that includes an onsite management plan OR evidence of a third party offset. Security agreement requirements are specified in the Native vegetation gain scoring manual, version 2 (DELWP, 2017). It may be agreed for some projects that offsets are secured in stages to enable offset reconciliation – this can be provided for in this condition Include the following condition:

[Before any native vegetation is removed/ Prior to the issue of the Statement of Compliance], evidence that the required offset [for the project/for each stage] has been secured must be provided to the satisfaction of [insert]. This evidence is one or both of the following:

- an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
- credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

Optional text: At the conclusion of the project, offset requirements can be reconciled with agreement by the [responsible authority and referral authority].

G.3 Monitoring and reporting for onsite offset implementation

In the event that a security agreement is entered into as per condition [insert relevant #], the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

H. Offset requirements for timber harvesting

Alternative offset arrangements for native forest timber harvesting are specified in section 11.4 of the Guidelines. Include the following conditions on any permit for native forest timber harvesting

The timber harvesting operation must comply fully with the requirements and specifications of the Property Vegetation Plan: Native Forest Timber Harvesting [add any sub title here].

I. Conditions for removing native vegetation in accordance with an approved property vegetation plan

This permit will expire if one of the following circumstances applies:

- the removal, destruction or lopping of native vegetation does not start within two years of the date of this permit
- the removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.

