

POST/EMAIL SUBMISSION DETAILS

Date Received	23/02/2017	
Name	██████████	
Organisation	Brimbank City Council	
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Privacy Options	I am making this submission on behalf of an organisation , and understand that it may be published and will include the name of the organisation unless otherwise requested	
Privacy Statement Correct?	Yes	
Privacy Collection Notice Read?	Yes	
Submission Type	Local Government	
Previous engagement in review?	Info session 2015	Yes
	Workshop 2015/16	Yes
	Targetted consultation	Yes
	SRG	
	Written submission to CP?	Yes
	Other? Describe	
Will changes improve function of regs?	Yes	
Reasons		
Implementation issue with proposed changes?	Yes	
Reasons	State government and possibly local government resourcing.	
Guidelines – guidance or clarification needed?	Yes	
Details	The ongoing consultation and updates of biodiversity information tools	
Terms to include in guidelines glossary?	No	
Details		
Subscribe to e-newsletter?	Yes. Please send information updates to my email address	
Other comments		
Written submission provided?	Yes – attached	

Submission to the Review of the Victorian Native Vegetation Clearing Regulations

February 2017



i. Introduction

Brimbank City Council ("Council") welcomes the opportunity to provide the Department of Environment, Land, Water and Planning (DELWP) with a submission in response to the review of the Victorian Native Vegetation Clearing Regulations ('the Review').

Council is supportive of the Review, which proposes policy and guidelines which we see as a clear improvement of the current system.

Council appreciates the consultation and communication from the regulatory team that has been a critical part of this review. We are keen to work closely with DELWP into the future to ensure policy and implementation of the state planning provisions align with Brimbank's local planning policy and strategies to protect biodiversity.

ii. Native Vegetation Clearing Policy

The changes to the Victorian Planning Provisions are generally supported, including the incorporated document, *The Native Vegetation Clearing Assessment Guidelines* (The Guidelines). In comparison with current regulations, the proposed changes decrease the gap between state policy and the objectives of Council's *Biodiversity Strategy 2012-2022* ("the Strategy"), which guides Council's approach to conserving and managing biodiversity within the municipality. The Strategy has been developed to reflect Brimbank's ongoing commitment to protecting and enhancing its valuable natural assets, including an emphasis to increase protection of biodiversity and improve biodiversity connectivity through good planning.

A significant issue for Brimbank is the incremental loss of habitat for local flora and fauna. This habitat is not always classified as patches of high value vegetation due to the species composition or quality, however, has high biodiversity value. These patches are either lost altogether or significantly fragmented, which restricts the ability for species to adapt and survive in the landscape long term. We encourage state policy that allows us to recognise and protect all indigenous biodiversity values, including localised habitat and species of local significance.

iii. Permit and decision making

Council welcomes the broadening of the values that will be assessed on sites where an application is submitted to remove native vegetation. Alongside Council, we would see great benefit in DELWP officers being resourced and encouraged to assess and protect broader biodiversity values through planning.

Council is supportive of improvements that allow local government to accurately assess biodiversity values at a local level, and consider these values in the assessment of permits. In particular, the recognition of threatened Ecological Vegetation Classes, landscape features and rare and threatened species as additional considerations for assessing applications. We are confident this will allow increased protection to the majority of Brimbank's remnant indigenous vegetation, being predominantly grassland

ecosystems. Other welcome additions are sensitive wetlands and the role of vegetation in protecting land and water.

We recommend that the Guidelines use accurate wording throughout, so that biodiversity is clearly delineated from 'native vegetation'. Section 2.3 of The Guidelines states that 'a use or development has successfully avoided the removal, destruction or lopping of native vegetation when there are no impacts on biodiversity or other values. This is achieved by locating or designing a development so that native vegetation is not removed'. This type of wording implies that avoiding removal of native vegetation will holistically avoid impacts on biodiversity; this is not accurate as biodiversity values are beyond the State's definition of native vegetation.

A recommendation is for further, continuous interaction between federal, state, and local government to align environmental planning policy. This should include environmental planning staff from councils, both regional and regulatory staff from DELWP and assessment officers from the Commonwealth Department of Environment and Energy. This would provide clarity for both planners and applicants about the requirements and assessment of permit applications.

iv. Biodiversity information tools used in decision making

Council is supportive of the proposed changes to the management and use of data and models used to assist decision making. To further the improvements that have been undertaken and that are proposed, we recommend the following be prioritised:

- The modelling used for mapping values have increased transparency, including what data is being used to update current models or prepare new models
- Clarify and formalise the process, including timeframes, for requesting amendments to biodiversity information tools if they are inaccurate
- Undertake regular updates of data used for decision making via input to the Victorian Biodiversity Atlas or future systems
- Undertake peer reviews of the results of the models to ensure they accurately reflect habitat and species
- Allow supplementation of information about habitat and species at the site with accurate and up to date records, regardless of their presence in state databases; clarify the sources of information that will be accepted and will withstand challenges such as VCAT

v. Offset rules and delivery

Rules for offsetting impact on the extent of vegetation within the City of Brimbank, as the vast majority of clearance in the municipality is offset through a credit register as 'general' offsets. These offsets mean vegetation is lost in Brimbank and offset anywhere in the Port Phillip Catchment Management region, which is large and diverse. As mentioned in point iii, Council is supportive of the increased acknowledgement of many of our local biodiversity assets, including specific ecosystems and landscape features. To complement the changes to assessment, we recommend that further improvements to offsetting include:

- specific offsets for all vegetation removal within endangered EVCs

- specific offsets for all vegetation removal within the intermediate and detailed pathways
- requirements for offsets to be secured within the municipality where the vegetation is removed
- Where specific offsets are not available, removal of vegetation should not be permitted, and there should be no opportunity for negotiation by applicants. Negotiating these offsets will lead to complete extinction of particular species and habitats
- Encouraging offset sites to be established in urban areas to maintain the range of native vegetation and habitat connectivity potential across the landscape

Further to our recommendations on offset rules, state-wide offset delivery is an ongoing concern for Brimbank. Concerns that should be addressed as a priority are:

- The lack of ready access to available offsets. A transparent register should be available online and updated frequently to allow councils and applicants to search for available offsets
- Information about potential offset sites. A register should be created or a function added to the credit register to highlight sites that have potential as offset sites but have not yet been formalised. Formalising these sites can be costly and landholders are unlikely to pursue the process without any certainty of income
- Tracking of overall net gain or loss across the state and within individual LGAs. The gain from offset sites should be analysed against the losses due to permitted removal of native vegetation at least annually and reported on by DELWP; this should extend over time to unpermitted and exempt clearing

Attending councils were advised at the local government briefing session on 25 January 2017 that the First Party Offset Kit will be simplified and made more accessible to landholders. The proposed improvements include an easy online system with a management plan approval process that is signed off by DELWP. We are supportive of a more streamlined process, as first party offsets are often the only way to secure local for losses within a local area and have previously been costly and time consuming for landholder. We welcome the proposal to involve local government representatives in development and testing of the new kit.

vi. Ongoing improvements to compliance and enforcement

Council supports improved co-regulatory support and guidance for compliance as proposed in the Review. The focus of this support should be on providing resources for compliance and enforcement activities. In recent times, DELWP has not provided practical support to councils to deal with unpermitted clearing for native vegetation. Councils need a regional contact who can assist with individual compliance cases.

Additionally, DELWP should be in a position to undertake compliance and enforcement independently where necessary.