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Date: 28 February 2017  
Our Ref: Native Vegetation Review  
Your Ref:  
Enquiries: [REDACTED]

Review of the native vegetation clearing regulations  
Regulatory Strategy and Design  
Department of Environment, Land, Water and Planning  
PO Box 500  
EAST MELBOURNE VIC 8002

Dear Sir/Madam,

**RE: Submission for Native Vegetation Review**

Thank you for the opportunity to provide a submission regarding the Native Vegetation Review. City of Ballarat Council Officers have reviewed the proposed changes to the Native Vegetation Framework contained within the Ballarat Planning Scheme, notably changes to Clauses 12.01, 52.16, 52.17, as well as the changes to the assessment process, notably the introduction of the new Assessment Guidelines.

Council Officers are supportive of the majority of the changes proposed. In particular, Council officers strongly support the introduction of the Transitional Arrangements at Clause 52.17-6 which provides certainty for all existing applications currently being assessed by Council.

However, there are a number of changes to the wording which Council Officers would like clarified and/or modified, as follows:

- The wording 'as appropriate' should be added back into the application requirement sections at Clause 52.16-4 and Clause 52.17-2, to enable Council Officers to have discretion as to what information is required for specific applications. Information requirements will vary depending on the extent and location of vegetation removal proposed. Without this wording, the application requirements might be more than necessarily onerous for applicants seeking minimal vegetation removal.
- The introduction of the wording 'to the minimum extent necessary' into the Table of Exemptions at Clauses 52.17-7 and 52.16-8 is a concern. The proposed wording is very ambiguous and will make permit triggers for native vegetation removal unclear. The onus for determining the 'minimum extent necessary' falls on Council officers who do not necessarily have the skills/training or resources required. We understand that 'Guidelines for Assessors' will be provided by DELWP to Responsible Authorities prior to the gazettal of the Native Vegetation Review; however, given the timeframes proposed there seems to be inadequate time to consult on the guidelines or roll out

training. Clear guidelines as to what would be considered 'necessary' with relation to residential development (i.e. swimming pool, tennis court, shedding, landscaping) in order to ascertain when the wording 'to the minimum extent necessary' would apply is required.

- The exemption for site area under 0.4ha contained within Clause 52.17-7 has been diluted by adding the wording 'to the minimum extent necessary'. As discussed above, this introduces a layer of ambiguity to permit triggers and will be difficult to enforce, particularly as most properties this size are residentially zoned. It is our understanding that current DELWP policy requires the total offsetting for vegetation removal on lots under 0.4ha as it is considered unlikely that native vegetation will be retained long term on small residential parcels of land. As discussed above, clarification as to what is considered the minimum extent necessary will be critical to ensure the appropriate administration of the revised native vegetation framework and to avoid confusion for all parties involved.
- Clarification as to whether the exemption for existing buildings applies to only that part of the vegetation within 10m of the dwelling or the whole tree/plant.
- Clarification as to whether 4m clearance is reasonably required to construct and/or maintain a fence on a residential property, or whether a lesser clearance width might be more appropriate if the adjoining land is already clear of vegetation.
- The Assessment Guidelines are generally satisfactory, but will need to be supplemented with user friendly software enabling permit applicants to step-through the process online and print of their completed documentation for submission. A more succinct user guide for basic and intermediate pathway applications would also be highly beneficial to assist permit applicants in preparing their submissions.
- The requirement to obtain the services of an accredited native vegetation assessor for detailed assessment pathways is supported. It is assumed a list of accredited native vegetation assessors will be made readily available on DELWP's website prior to the gazettal of the Native Vegetation Review. Details of how to gain accreditation should also be made available for native vegetation assessors.
- The continuation of the automatic generation of offset requirements using DELWP software after inputting all relevant data is supported, noting the reduced referral of applications to DELWP and the lack of expert knowledge of Council Officers.

In general, it is considered that subject to the matters listed above being addressed and/or clarified, the proposed changes to the Native Vegetation Framework will improve the protection of native vegetation in Victoria and streamline the assessment of applications for native vegetation removal.

Should you have any questions in relation to this matter, please contact [REDACTED] on Ph: [REDACTED] or email [leannwilson@ballarat.vic.gov.au](mailto:leannwilson@ballarat.vic.gov.au).

Yours faithfully,

[REDACTED]  
Manager Statutory Planning