

POST/EMAIL SUBMISSION DETAILS		
Date Received	23/02/2017	
Name	[REDACTED]	
Organisation	Baw Baw Shire Council	
Email	[REDACTED]	
Postcode	3818	
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	
	Workshop 2015/16	
	Targetted consultation	Yes
	SRG	
	Written submission to CP?	Yes
	Other? Describe	
Will changes improve function of regs?		
Reasons	Overall, Baw Baw Shire Council considers that the proposed changes to the VPP and Assessment guidelines addresses most of the key issues identified within the 29 proposed improvement areas listed in the Consultation Paper. Council also supports the proposed changes to the Assessment guidelines in relation to native forest timber harvesting applications. Almost no native forest timber harvesting has occurred in our municipality since the last revision of the native vegetation removal provisions in December 2013 due to most timber harvesting applications being in the high risk-based pathway and requiring specific offsets.	
Implementation issue with proposed changes?	Yes	
Reasons	Although Council is generally supportive of the proposed changes to the VPP and Assessment guidelines, there remains concern over the resources that Council requires to implement the native vegetation removal provisions, particularly for a relatively small population-rated council such as ours within the new rate-capped environment. Council believes that implementation of the provisions should be an equally shared partnership between councils and DELWP (co-regulatory) and that DELWP should be resourcing its regional offices to take on a greater responsibility. There has been a clear intent by DELWP in recent years to reduce the requirement for skilled DELWP staff and replace them with Melbourne-based assessment staff using threatened species models and established threshold algorithms. The responsibility for implementing the native vegetation removal provisions has also been increasingly handed over to local government over the past decade. Council understands that DELWP is currently reviewing the Flora and Fauna Guarantee Act 1988 (FFG Act) and that consideration is being given for illegal native vegetation removal to be the responsibility of the FFG Act rather than the Planning and Environment Act 1987. Such a change would greatly assist council.	
Guidelines – guidance or clarification needed?	Yes	
Details	In relation to the Clause 52.16 and 52.17 native vegetation removal exemptions, the VPP and/or Assessment guidelines would benefit developers/residents by providing information on how to use/interpret such exemptions. Baw Baw Shire considers that most native vegetation is	

	<p>lost within the municipality due to illegal removal, allowable uses (land zoning) and misuse of the exemptions. Although this review aims to clarify the definition/interpretation of some of the exemptions, developers and/or residents are often confused about the process through which one can claim or use an exemption. A standard process for landowners to claim the use of such exemptions would benefit council and provide accountability for their use. DELWP has indicated that they intend to improve the monitoring of native vegetation removal to measure the effectiveness of the regulations. This would have to include some sort of measure of native vegetation removed permanently under the exemptions (e.g., stock grazing).</p> <p>Council supports the reintroduce of large, old trees in the assessment of native vegetation removal in permit applications. Council assumes that remaining large, old tree credits identified within our existing BushBroker offset sites would again be eligible for credit trading together with general and specific biodiversity equivalence units?</p> <p>The Assessment guidelines/VPP would further enhanced by providing a more prescriptive approach to identifying when native vegetation is deemed 'lost' or 'retained' on or adjacent to a development site. Council continues to be subjected to cases where there are uncertainties around when native vegetation should be deemed as 'retained' or 'lost' by a developer or council. This is particularly relevant to the use of existing exemptions for native vegetation removal post-development (e.g., safety).</p> <p>Council would like to see improved accessibility to the threatened species models with information provided about their ability to predict the occurrence of a species (model fit).</p> <p>DELWP has proposed to introduce the capacity for councils/developers to also use site specific information in addition to location and threatened species/communities models to better inform the risk pathway in which a particular permit application sits. Council supports this proposal, but would like to see guidelines/criteria established that establishes the standard to which this additional information needs to be provided and when an application would be considered to be in a different risk-based pathway to that identified by NVIM. It is understood that DELWP would facilitate this process.</p> <p>Baw Baw Shire Council supports the inclusion of EVC conservation status into the risk-based assessment of an application which previously focused mostly on the value of the vegetation for its contribution to support biodiversity. However, patch size and connectivity should remain as an important consideration where a small patch (e.g., < 10 m2) of vegetation that has an endangered bioregional conservation status is not automatically allocated to a high (detailed) risk-based pathway nor attract specific offsets. A patch-size threshold could apply here for different EVC groups.</p> <p>If DELWP is to be re-instated as a 'determining' referral authority for native vegetation removal, DELWP should allocate sufficient resources to place qualified staff to act in this role, particularly in regional/rural areas.</p>
Terms to include in guidelines glossary?	Yes
Details	The glossary would benefit from the inclusion of a definition for native vegetation that is deemed 'lost' or 'retained' from and adjacent to development sites.
Subscribe to e-newsletter?	Yes. Please send information updates to my email address
Other comments	Council would like to congratulate DELWP on the review process through which it has consulted and objectively identified areas of concern regarding revision of the native vegetation removal regulations.
Written submission provided?	No