

POST/EMAIL SUBMISSION DETAILS		
Date Received	08/03/2017	
Name	[REDACTED]	
Organisation	Hindmarsh Shire Council	
Email	[REDACTED]	
Postcode	3418	
Privacy Options	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		
Implementation issue with proposed changes?		
Reasons		
Guidelines – guidance or clarification needed?		
Details		
Terms to include in guidelines glossary?		
Details		
Subscribe to e-newsletter?	Yes. Please send information updates to my email address	
Other comments	<ol style="list-style-type: none"> 1. The roadway / clear zone needs to be defined 2. Council agrees that road authorities should (a) avoid, (b) minimise, however, if tree removal is the only option available to maintain a safe roadway, trees should be able to be trimmed by more than a third, or removed, without the requirement to provide offsets. 3. DELWP should provide a register of available offsets. 	
Written submission provided?	Yes – attached	

8 March 2017



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Dear Sir / Madam,

**RE: REVIEW OF NATIVE VEGETATION CLEARING REGULATIONS -
SUBMISSION**

Thank you for the opportunity to provide feed-back following the department's review of the native vegetation clearing regulations.

We submit the following comments and ask that consideration be given to Council's concerns prior to adoption of the amendments.

1. DEFINITION OF ROADWAY / CLEAR ZONE

As a road authority, Council has a legal responsibility to maintain the safe and efficient functioning of roads under its control.

The Native Vegetation Clearing Regulations however, do not seem to give a clear definition for the roadway footprint.

While the VicRoads standard for clear zones can assist in this definition, the standards are dependent on speed zones and traffic volumes. As an example, the guide for lower traffic volumes on 100km/hr roads specifies that the clear zone should be 6m from the each edge of the traffic lane. In the instance of a 4m road pavement this would result in a 16m wide roadway.

Council understands that the Native Vegetation Clearing Regulations apply to a variety of road settings and that one definition is required. Therefore, Council suggests for your consideration the following definition -

"A roadway is defined as "drain to drain and in the event of no clear drains, a minimum width of 12m defines the roadway."
This would provide a reasonable degree of safety.

2. EXEMPTION FOR MAINTENANCE AND SAFETY

While pleased there is an exemption in obtaining a planning permit for road maintenance and safety works, the exemption should go further. As you are aware the three step approach in the Assessment Guidelines is:

1. Avoid the removal, destruction or lopping of native vegetation.

2. Minimize impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Identify and purchase suitable offsets.

Recognizing a road authority's responsibility in providing a safe and efficient roadway, Council supports the first two steps of the process but does not support the third step and asks that for maintenance and safety works it be exempt from the regulations.

Ratepayers should not bear the cost burden of Council purchasing offsets if trimming by more than a third or as a last resort removal, are the only options available by Council to provide a safe and efficient roadway.

In addition, without a register of available offsets, it is extremely difficult to find suitable offsets to purchase.

3. LGA / DELWP MEMORANDUM OF AGREEMENT

Council understands that the existing LGA/DELWP MOA is being revised as part of the current review.

Council therefore requests the following:

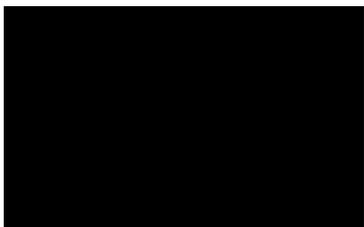
- 3.1 PROCESS – That a simple and consistent process for implementing written agreements between Councils is developed.
- 3.2 GUIDELINE – That the 2009 guidelines be revised to assist Councils in understanding their responsibilities under the amended regulations and assist in implementing the MOA.
- 3.3 CHECKLIST – That the guidelines or MOA include a check-list that can be used by Local Government Authorities that would clearly indicate when further assessment by a suitably qualified person is required eg: a DELWP representative.

4. THE PROVISION OF ELECTRONIC MAPPING

The provision of state based electronic mapping that would 'flag' threatened, endangered, or vulnerable species on Council's roadways and roadsides would be of enormous benefit to Council.

Council understands that they play an important role in the protection of native vegetation however this is a very complex area and beyond the resources of a small rural Council to employ environmental officers. It is therefore vital that the Department works with Local Government authorities by providing helpful tools and ensuring that the Native Vegetation Regulations and Guidelines are clear, consistent and workable.

Council trusts that you will give our concerns and requests your genuine consideration.



Chief Executive Officer