

POST/EMAIL SUBMISSION DETAILS		
Date Received	08/03/2017	
Name	██████████	
Organisation	Maroondah City Council	
Email	██	
Postcode	3134	
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	Yes
	Targetted consultation	
	SRG	
	Written submission to CP?	Yes
Other? Describe		
Will changes improve function of regs?	Yes	
Reasons	<ul style="list-style-type: none"> • Improved guidance with regards to strategic planning and biodiversity protection and management, given proposed changes to Clause 12.01. • Reinstatement of the three-step approach. • Recognising the importance of highly localised habitats, rare or threatened species habitat, endangered Ecological Vegetation Classes and large old trees. • Having regard for habitat characteristic information being collected at the site and its use in the application process. • The modifications to the exemptions. 	
Implementation issue with proposed changes?	No	
Reasons		
Guidelines – guidance or clarification needed?	Unsure	
Details		
Terms to include in guidelines glossary?	Unsure	
Details		
Subscribe to e-newsletter?	Yes. Please send information updates to my email address	
Other comments		
Written submission provided?	Yes – attached	

Your Reference: DELWP Review of the Native Vegetation Clearing Regulations

6 March 2017

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

Review of the native vegetation clearing regulations

Thank you for the opportunity to make a submission upon the review of the native vegetation clearing.

The proposed changes are welcomed and the review provides for a more responsive approach to biodiversity protection and management, especially through:

- Improved guidance with regards to strategic planning and biodiversity protection and management, given proposed changes to Clause 12.01.
- Reinstatement of the three-step approach.
- Recognising the importance of highly localised habitats, rare or threatened species habitat, endangered Ecological Vegetation Classes and large old trees.
- Having regard for habitat characteristic information being collected at the site and its use in the application process.
- The modifications to the exemptions.

Maroondah City Council is generally supportive of the submissions of the Municipal Association of Victoria and the Biodiversity Planners Network submission, the latter of which Maroondah City Council is a participatory member. Aside from the issues raised in these submissions Council would like to emphasise and reiterate some concerns with regards to the proposed changes as follows.

- The Application requirements are duplicated within Clause 52.17 and the Assessment Guidelines with a greater level of detail in the Assessment Guidelines. Respecting the legislative weight carried by explicitly including application requirements under Clause 52.17, Maroondah City Council sees opportunity to simplify the clause by deferring application requirements to those prescribed in the Assessment Guidelines. At the least, a clear parallel should exist between the two documents which ensures consistency between both.

In particular Council notes that under application requirements of Clause 52.17 there is a requirement to provide the following:

“An avoid and minimisation statement explaining why the native vegetation removal, destruction or lopping cannot be avoided and how impacts on biodiversity and other values of native vegetation have been minimised as set out in the Assessment Guidelines”

Under the Assessment Guidelines this statement is not required where a 'Basic' pathway is followed. The Clause, and not the reference document should recognise any opportunity for exception.

- Further to the point above, Maroondah City Council would encourage 'basic' applications to meet the '*avoid and minimisation statement*' requirement. The majority of native vegetation in Maroondah is assigned a conservation status of vulnerable or endangered, yet, due to the pattern of land subdivision and the extent of vegetation loss where clause 52.17 is triggered, the overwhelming majority of cases attract a 'basic' pathway assessment. Under this scenario Maroondah's local biodiversity values are degraded without consideration to alternatives which allow avoidance and minimisation approaches. These impacts can be very significant especially where large old trees are involved.
- Maroondah City Council believes that stronger emphasis in the 'Assessment Guidelines', if not within Clause 52.17 itself, be given to the relevance of the Local Planning Policies and the Municipal Strategic Statement so that applicants and the Responsible Authority give appropriate consideration to Local Policy, Zones and Overlays, especially when where alternative offset arrangements may provide better outcomes in light of other relevant provisions of the State Planning Policy Framework and Local Planning Policy Framework (eg revegetation requirements etc). Council recommends this be addressed through clarification in section 2 of the 'Assessment Guidelines' (2.1 under Strategic Planning) and in section 3 where a shaded text box references "*An offset... is not required if the native vegetation is not a patch or a scattered tree...*"; and in first statement of section 4.1.
- Regarding the second dot point of section 6.1 of the 'Assessment Guidelines', Maroondah City Council welcomes opportunity for consideration of rare or threatened species that have not been incorporated into a habitat importance model. However, we are concerned that, where this information is available it "*...cannot be used to impose additional requirements on applicants.*" We request that this statement be clarified to ensure that such considerations are still permissible under any other planning scheme provisions which may apply and allow such consideration (such as a VPO or ESO). From a biodiversity perspective, especially at a local scale, the inability to address such impacts can be significant. In this regard a more controlled response is required that allows for the ability to address issues raised by the presence of rare or threatened species.
- With regards to achieving vegetation offsets, Maroondah City Council believes that offsetting should occur as close as possible to the location of removal, preferably within the municipality, in order to contribute to: the sustainability of local vegetation communities (recognising their unique characteristics and biodiversity); and supporting local consolidation of endangered and vulnerable communities (particularly in areas subject to substantial urbanisation) where opportunity exists. Council considers the CMA regional boundaries as too broad when considering the priority location for offsets and should instead be an ultimate limit on the geographic range of offsets as opposed to the first/only consideration, especially given the vast geographic/ecological differences across the Port Philip and Westernport catchment.

Should you have any enquiries regarding this submission please contact [REDACTED] Coordinator Environmental Planning on [REDACTED].

Yours sincerely

[REDACTED]
**Director
Planning and Community**