

ONLINE SUBMISSION DETAILS	
Date Received	07/03/2017
Name	[REDACTED]
Organisation	Strathbogie Shire Council
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Postcode	3666
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
	SRG
	Written submission to CP?
	Other? Describe
Will changes improve function of regs?	
Reasons	Please see the comprehensive submission from Strathbogie Shire Council attached.
Implementation issue with proposed changes?	Yes
Reasons	Please see the comprehensive submission from Strathbogie Shire Council attached.
Guidelines – guidance or clarification needed?	Yes
Details	Please see the comprehensive submission from Strathbogie Shire Council attached.
Terms to include in guidelines glossary?	
Details	
Subscribe to e-newsletter?	Yes. Please send information updates to my email address
Other comments	
Written submission provided?	Yes

STRATHBOGIE SHIRE COUNCIL

PROPOSED AMENDMENTS TO THE VICTORIA PLANNING PROVISIONS REVIEW OF THE NATIVE VEGETATION CLEARING REGULATIONS



SUBMISSION

March 2017

1. Summary

In 2016 the Victorian State Government Department of Environment, Land, Water and Planning (DELWP) released a Consultation Paper reviewing Victoria's Native Vegetation Permitted Clearing Regulations.

Strathbogie Shire Council welcomes the opportunity to respond to the proposed policy and provision changes. The Shire has participated in regional stakeholder forums regarding the Review, and had input to the submissions of the Municipal Association of Victoria, and Goulburn Broken Local Government Biodiversity Reference Group.

Local Government is the primary regulator for the removal of native vegetation in Victoria, administering clauses 52.16 and 52.17 contained in all planning schemes.

2. Context

Strathbogie Shire is located in north east Victoria approximately 150km north of Melbourne and has a population of nearly 10,000. The Hume Freeway runs through the middle of the municipality. The major towns are Euroa, Nagambie, Violet Town and Avenel. Most of the shire is rural in nature, containing a diverse mix of land use. The main industries are wool, grain, cattle production and viticulture. In addition, there are numerous horse studs.

Native vegetation covers 27% percent of the shire, mainly in the Strathbogie Ranges and areas of Box Ironbark forest west of the Goulburn River. The most extensive remnant vegetation within the Shire remains on soils too steep to farm, or in forests and parks set aside for timber production or conservation.

There is a great diversity of Ecological Vegetation Communities located in the Shire – a total of 52 EVC classes occur, with Dry forest, Plains Woodland and Riverine Grassy Woodland communities being the most dominant.

The Bioregional Conservation Status of nearly 50% of Strathbogie's EVC area is considered 'depleted', with 7% of 'Endangered' EVCs found scattered throughout the fragmented farming landscape and along riparian systems. The DEWHA Environment Protection and Biodiversity Conservation Act Protected Matters Search Tool indicates the potential for four threatened plant species, and two Nationally Threatened Ecological Communities existing within the Shire. In addition, 14 threatened species of fauna (five birds, one frog, one insect, three ray finned fish, two reptiles and two mammals) are also listed with the DEWHA Environment Protection and Biodiversity Conservation Act Protected Matters Search Tool.

Native vegetation and its associated biodiversity are critical to the future of Strathbogie Shire, its residents, industry, infrastructure, and agri production. The services provided by native vegetation include:

- Flood mitigation;
- Salinity management;
- Plant and crop pollination for continuing native diversity, and agricultural productivity;
- Prolonging asphalt life via shading in a warming climate, extending the life of country roads by 3-4 times;
- Natural, inexpensive shelter for farm animals;
- Inexpensive erosion control;
- Inexpensive storage repositories of carbon and H₂O (up to 10 tonnes CO₂ per tree);
- Environmental heritage highly valued by residents and visitors, and of high value to Strathbogie's tourism economy.

This current review follows previous governmental weakening of native vegetation clearing regulations in 2013, which altered a regional focus, to a state-wide approach, and also streamlined the clearing and permit process. Additionally, there was a shift from a 'Net Gain' to 'No Net Loss', which relied heavily upon offsets, as opposed to avoidance of impacts.

Additionally, the 2013 regulations moved away from valuing Large Old Trees and threatened vegetation communities. Since this time there has been heavy reliance on computer modelling, which has proven to be highly problematic for authorities working within the parameters of the legislation.

Strathbogie Shire outlines its response to the Proposed Improvements outlined in the Native Vegetation Clearing Summary in this document.

3. Response to Provisions and Guidelines

Chapter 1: Native Vegetation Clearing Policy			
Proposed Improvement	Description	DELWP Rationale	Strathbogie Shire Response
1. Clarify that the primary focus of the regulations is to ensure avoidance of native vegetation removal where possible.	<p>Clearly state that the regulations achieve the objective of no-net-loss in the following manner: Preventing the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity. Applying the three step approach:</p> <ul style="list-style-type: none"> • avoid the removal of native vegetation where possible • Minimise the impact on Victoria’s biodiversity from the removal of native vegetation, that cannot be avoided • For any native vegetation that is removed, provide an offset that makes an equivalent contribution to Victoria’s biodiversity. 	<p>Sets out a clear approach to achieving the objective of the regulations. Ensures that the regulations are focused around avoiding impacts on native vegetation as a first step.</p>	<p>As a Planning Authority dealing with native vegetation clearing requests on a daily basis, including a ‘where possible’ statement significantly detracts from the proposed improvement. The ‘where possible’ proviso creates ambiguity and lack of clarity for all those who seek an outcome through application of the Regulations.</p> <p>Strathbogie Shire recommends that for an efficient, clear and effective application of the ‘no net loss objective’, the Proposed Improvement should be stated in the following manner;</p> <p>Applying the three step approach:</p> <ul style="list-style-type: none"> • prevent the removal of native vegetation that makes a significant contribution • minimise the impact on Victoria’s biodiversity from the removal of native vegetation, that cannot be avoided • For any native vegetation that is removed, provide an appropriate offset that makes an equivalent contribution to Victoria’s biodiversity, taking into offset calculations localized impacts from climate change and localized impacts of removing mature vegetation. <p>Where no economic value is credited to native vegetation, which it clearly has as Strathbogie Shire has outlined, applications and decisions will tend towards the value to the landholder of removing it. Strathbogie Shire recommends a tool such as iTree Eco which is used by numerous major councils nationally to economically value green infrastructure, be utilized within the assessment pathway to identify the value of native vegetation earmarked for removal, risk of removal, true costs, avoid/minimize options, and decision-making.</p>

<p>2. Consolidate comprehensive policy guidance for native vegetation removal.</p>	<p>DELWP provides consolidated guidance to inform planning and decision making about native vegetation removal. This includes a reference to the importance of biodiversity and strategic planning, identifies priorities for protection of native vegetation, details how biodiversity and ‘other matters’ in Clause 52.17 are considered when deciding a permit, the intent of the exemptions and compliance and enforcement.</p>	<p>The Guidelines focus upon the biodiversity considerations in the permit assessment process and do not include broader policy guidance about the consideration of native vegetation removal across the planning system. This has led to inconsistencies and gaps in the application of the regulations. This guidance will equip decision makers with policy reference points to inform their work.</p>	<p>Land and water protection, as well as all of the other values of native vegetation are required to be considered as part of 52.17.</p> <p>Other areas of the planning scheme do not cover, or regulate the full range of values provided by remnant native vegetation.</p> <p>Strathbogie Shire strongly reiterates that many rural councils do not have resources to support research into applying consistent regional practices across native vegetation removal. Guidance material is an important asset, however resources are required to interpret and apply those assets.</p> <p>Strathbogie Shire recommend that guidance must be clear and enforceable, and include consideration of ‘other matters’ and items currently covered outside the P&E Act, e.g. EPBC Act, Wildlife Act, CaLP Act, FFG Act etc.</p> <p>Strathbogie Shire recommends additional funding for Ecologically Sustainable Development at the planning stage be allocated to rural/regional councils to assist their ability to reflect local biodiversity within their local policies in the context of a rapidly changing climate.</p>
<p>3. Develop guidance to support strategic planning relating to native vegetation protection and management</p>	<p>DELWP in partnership with councils, will develop guidance to support strategic planning, e.g. a planning practice note. This guidance would include information on when strategic planning should be undertaken, what tools can be used, what information is available to inform this and the roles and responsibilities of any parties involved.</p>	<p>This provides a framework to improve the quality and the consistency of strategic planning for biodiversity across the state, including for overlays, focused on planning to protect and conserve biodiversity and to avoid significant impacts.</p> <p>(The development of mechanisms to protect the highest value areas for biodiversity, which could include the use of critical habitat determinations, will be considered as part of the Government’s commitment to review the Flora and Fauna Guarantee Act, 1988).</p>	<p>Strathbogie supports the intent to partner with local government to develop a planning practice note to assist strategic planning for the purpose of protecting and conserving biodiversity.</p> <p>Strathbogie Shire is a recent member of the Council Alliance for a Sustainable Built Environment (CASBE), and as such is committed to partnerships that further the aims of ecologically sustainable development at the planning stage.</p> <p>The Shire recognises the positive aspect of this approach upon the conservation of native vegetation and biodiversity. However the implementation of levers and tools to further these aims are generally outside the reach of smaller regional local councils including Strathbogie Shire. Strathbogie Shire recommends additional funding for Ecologically Sustainable Development at the planning stage be allocated to rural/regional councils to assist their ability to reflect local biodiversity within their local policies in the context of a rapidly changing climate.</p>

<p>4. Improve monitoring to determine if the regulations are achieving their objective and make this information publicly available.</p>	<p>Improve monitoring and reporting on:</p> <ul style="list-style-type: none"> • Native vegetation removal that is being avoided • Permitted native vegetation clearing and offsets that are occurring (including linking clearing and offsets) • Clearing through exemptions • Levels of non-compliance with the regulations • Assessment of the improvements in native vegetation that are occurring at offset sites. 	<p>This increases transparency by making data about system performance publicly available. It also enables the government to assess the effectiveness of the regulations in achieving their stated objective of ‘no net loss’.</p>	<p>There are currently no available/adequate tools available to local government to undertake this task. Attempting to undertake this task with current mapping data will decrease public transparency, effectiveness and accountability.</p> <p>Strathbogie Shire strongly recommends that the development of any Proposed Improvement recognize that biodiversity is a highly complex sequence of events and that clearing and revegetation impacts upon Victoria’s native vegetation and biodiversity should be presented to the public, including the rural public, using methods that take into account the equitable access to, and consumption of complex scientific information about people’s natural and cultural heritage.</p>
<p>5. Reduce the low risk-based pathway threshold.</p>	<p>Reduce the threshold so that fewer applications are assessed in the low risk-based pathway. For example, instead of a hectare or 15 trees driving a higher level of assessment, this could be reduced to 0.5 hectares or 7 trees.</p>	<p>A hectare or 15 trees, if they are large and old, is considered a significant amount of clearing to receive a relatively low level of assessment. This issue will be addressed in part through changes to the decision guidelines for the low risk-based pathway.</p>	<p>Strathbogie Shire agrees that the current clearing threshold is too high to be considered ‘low risk’.</p> <p>Strathbogie Shire Council request further consultation on what is proposed for new low-risk based pathway thresholds. The diversity of EVCs and intensifying impact of climate change upon rural communities requires a dynamic approach to site assessment which will need to be regularly updated.</p> <p>Where no economic value is credited to native vegetation, which it clearly has as Strathbogie Shire has outlined, applications and decisions will tend towards the value to the landholder of removing it. Strathbogie Shire recommends a tool such as iTree Eco which is used by numerous major councils nationally to economically value green infrastructure, be utilized within the assessment pathway to identify the value of native vegetation earmarked for removal, risk of removal, true costs, avoid/minimize options, and decision-making.</p>

<p>6. Replace the native vegetation location risk map with an updated map of highly localized habitats.</p>	<p>Use an updated map of highly localized habitats to indicate where a small amount of clearing could still have a significant biodiversity impact. Clearing of any size at these locations should be considered in a higher assessment pathway.</p>	<p>Determining the assessment pathway cannot be based on area alone, as this does not pick up small amounts of clearing that could have a significant biodiversity impact. A map of areas where a small amount of clearing could still have a significant biodiversity impact is therefore needed. The current native vegetation location risk map is difficult to explain and is misunderstood. The map used for this purpose should represent tangible biodiversity values.</p>	<p>Further information is required, including information on what updates are envisaged, and how this translates into better protections for biodiversity.</p> <p>Strathbogie Shire recommends new mapping initiatives should reflect the type and regional significance of vegetation communities.</p> <p>Strathbogie Shire recommends that a local/bioregional context-based map of vegetation type and scarcity be included for use in local planning approvals and decision-making.</p> <p>Strathbogie Shire recommends that where high value vegetation is found in low risk mapped areas, a new map must be able to be updated using local expert evidence in partnership with local government. Such a partnership will ensure that mapping values increase in integrity over time.</p>
<p>7. Require an avoid and minimization statement for all applications, and consider this in decision making.</p>	<p>Include an application requirement to provide an avoid and minimization statement for all applications. Include the assessment of this statement as a decision guideline. A minimization statement is currently required for moderate and high risk-based pathway applications only.</p>	<p>So that opportunities to avoid and minimize impacts of clearing can be utilized for all applications. This requires proponents to explain why they cannot avoid removing native vegetation completely, and what steps they have taken to minimize their impacts on Victoria's biodiversity. This allows councils to work with proponents to avoid and minimize impacts.</p>	<p>Strathbogie Shire supports this Proposed Improvement.</p> <p>Where no economic value is credited to native vegetation, which it clearly has as Strathbogie Shire has outlined, applications and decisions will tend towards the value to the landholder of removing it. Strathbogie Shire recommends a tool such as iTree Eco which is used by numerous major councils nationally to economically value green infrastructure, be utilized within the assessment pathway to identify the value of native vegetation earmarked for removal, risk of removal, true costs, avoid/minimize options, and decision-making.</p>

<p>8. Require an offset strategy for all applications and consider this in decision making.</p>	<p>Require that all applicants state how they will offset their impacts should a permit be granted. Require that the correct offset be identified before a permit can be granted. An offset strategy is currently required for moderate and high risk-based applications only.</p>	<p>To ensure all applicants understand offset requirements and make provisions for these in the planning stage of their proposal.</p> <p>To ensure that permit applications are only approved if an offset is available and has been identified. This will also assist in improving compliance with offset requirements.</p>	<p>Strathbogie Shire generally supports this Proposed Improvement but points out that requiring fully calculated and secured offsets at the initial planning stage overlooks situations where permits are denied, or granted with variations.</p> <p>Strathbogie Shire recommends that the Offset Strategy requirement demonstrate the availability of an offset, and that a mechanism is created for placing offsets ‘on hold’ for 6 months by agreement with a third party supplier.</p> <p>Where no economic value is credited to native vegetation, which it clearly has as Strathbogie Shire has outlined, applications and decisions will tend towards the value to the landholder of removing it. Strathbogie Shire recommends a tool such as iTree Eco which is used by numerous major councils nationally to economically value green infrastructure, be utilised within the assessment pathway to identify the value of native vegetation earmarked for removal, risk of removal, true costs, avoid/minimise options, and decision-making.</p>
<p>9. Change to two pathways, a “lower assessment pathway” and a “higher assessment pathway”.</p>	<p>Reduce the number of assessment pathways and application requirements and decision guidelines to two. Consolidate decision guidelines for moderate and high risk-based pathway applications.</p>	<p>Remove the word ‘risk’ from the pathway to avoid confusion about its meaning and focus the pathway on the level of the assessment that is applied to the application. Ensures that more comprehensive decision guidelines can be applied to all applications in the higher assessment pathway (e.g. the high risk-based pathway decision guidelines apply to the higher assessment pathway).</p>	<p>Strathbogie Shire recommend that a minimum addition to this Proposed Improvement include “exclusion zones” pathway, where risk is too high to consider removal, and provide clear, unequivocal justification for same.</p> <p>Where no economic value is credited to native vegetation, which it clearly has as Strathbogie Shire has outlined, applications and decisions will tend towards the value to the landholder of removing it. Strathbogie Shire recommends a tool such as iTree Eco which is used by numerous major councils nationally to economically value green infrastructure, be utilized within the assessment pathway to identify the value of native vegetation earmarked for removal, risk of removal, true costs, avoid/minimize options, and decision-making.</p> <p>Strathbogie Shire recommend that the State Government provide a grant scheme or similar to be administered by local government for property owners wishing to apply for rate subsidies for land under “exclusion zones”.</p> <p>Strathbogie Shire recommends that an accredited native vegetation assessor must complete a Site Assessment Report for all higher assessment pathways, and that mapping/modelling data is considered insufficient for a Planning Authority to undertake a decision on a permit application alone.</p> <p>Strathbogie Shire Council request further consultation on what is proposed for new low-risk based pathway thresholds. The diversity of EVCs and intensifying impact of climate change upon rural communities requires a dynamic approach to site assessment which will need to be regularly updated.</p>

<p>10. Provide clearer guidance on when to refuse an application to remove native vegetation.</p>	<p>Provide clearer explanation of the criteria that should be used to assess whether a proposal will have a significant impact on Victoria's biodiversity, and whether a permit should be refused on these grounds.</p>	<p>This will ensure that the regulations are providing the required protection for biodiversity by not permitting the removal of native vegetation that would have a significant impact on Victoria's biodiversity. This will also assist proponents to plan to avoid native vegetation removal that would be unlikely to be approved and assist decision makers to make consistent and evidence based decisions.</p>	<p>Strathbogie Shire reiterates that the current guidance material is impractical, and justification to refuse native vegetation removal is often not available to local government, even when there are risks and impacts that should be considered.</p> <p>Strathbogie Shire recommend that a suite of guidance material be developed in consultation with local government, including mapping, and online content templates for council websites to benefit landowners and public land managers.</p> <p>Strathbogie Shire recommend that further consultation be undertaken with local government to develop evidence-based decision making information, which includes updated guidance criteria that references localized climate change impacts, and exclusion zones.</p>
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Chapter 2: Permit process and decision making

<p>11. Include a decision guideline that allows councils to consider locally important biodiversity when assessing applications.</p>	<p>Include in the 'other matters' section of Clause 52.17 a decision guideline relating to whether the native vegetation has been identified within the planning scheme to have local biodiversity importance.</p>	<p>Including this separate decision guideline in 'other matters' enables council to consider biodiversity values that are locally important but are not reflected in the statewide view of importance without needing to develop an overlay. These values need to be referenced in their planning scheme.</p>	<p>As mentioned, rural councils have little in the way of resources to make applications to review a Local Policy, a financially and organisationally intensive process, yet it is in these rural councils where the biggest impacts of native vegetation removal require greatest capacity.</p> <p>Additionally, these rural communities are at the frontline of climate change impacts, with rapidly altering ecological communities meaning Local Policies would require frequent reassessment.</p> <p>Strathbogie Shire envisages many smaller local councils would not have the resourcing to undertake this Proposed Improvement without additional resourcing from the State Government.</p> <p>Strathbogie Shire recommends additional funding for Ecologically Sustainable Development at the planning stage be allocated to rural/regional councils to assist their ability to reflect local biodiversity within their local policies in the context of a rapidly changing climate.</p>
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Chapter 3: Biodiversity information tools used in decision making and offset rules

<p>12. Allow habitat characteristic information collected at the site to be used to supplement the maps of a species habitat in the permit application process and for offset sites.</p>	<p>Describe the circumstances that would allow information collected at a site by a suitably qualified ecological consultant to be used to supplement the habitat importance maps. Detail for when site collected information can be incorporated into decision making and when, and the criteria on which decisions are based, would be developed.</p>	<p>To address issues with the maps' accuracy or coarseness of scale at the site level while managing the impact of bias and observability associated with site-collected data.</p>	<p>Strathbogie Shire believes that only allowing site-collected data to supplement the Habitat Importance Mapping is not adequate. More information is required on what situations allow for the provision of site-based characteristics.</p> <p>Strathbogie Shire recommends that the extent and condition of native vegetation be informed by a clearly articulated, approved range of site based data.</p>
<p>13. Increase the information available about the maps used in the regulations and improve their accessibility.</p>	<p>Provide clear information about the data and methodologies that were used to create the maps. Improve accessibility of the maps and ensure they are user-friendly.</p>	<p>Allows users to better understand the regulatory outcomes that the maps inform. Assists users to provide valuable feedback on the maps' accuracy and usefulness.</p>	<p>Strathbogie Shire request further information about this Proposed Improvement, specifically in the context of improved accuracy, and use of local expertise to ensure that mapping values increase/maintain integrity over time.</p> <p>Strathbogie Shire recommends the reintroduction of updated Bioregional EVCs, an initiative which was clearly understood and easily communicated when in use.</p> <p>Strathbogie Shire recommends date-stamped aerial imagery be extended to the site level, not street or suburb level as currently occurs.</p>
<p>14. Place greater emphasis on key areas of habitat for dispersed species in decision making and offset requirements.</p>	<p>Give greater consideration for impacts on areas of key habitat for dispersed species, such as breeding sites. This would consider the specific offset threshold.</p>	<p>To allow for greater differentiation within habitats for highly dispersed species. This would provide greater protection for important habitat sites for rare or threatened species with dispersed habitats.</p>	<p>Strathbogie Shire considers this an improvement from the information provided in the Proposed Improvement.</p> <p>Strathbogie Shire recommends clear decision-making and communications assets are developed in consultation with rural and regional councils and their stakeholders, so that decisions based on habitat differentiation are formalized as a recognized and accepted procedure.</p>

<p>15. Differentiate between the biodiversity value of scattered trees for use in decision making and offset requirement determination.</p>	<p>When a site assessment is undertaken collect information to differentiate between the biodiversity value of scattered trees.</p> <p>For example, information about the tree species, age, and/or location. Use this information on a permit application. Where a scattered tree has high biodiversity value and a permit is granted, require the offset be of equivalent value and include trees.</p>	<p>To better reflect the biodiversity value of scattered trees in decision making.</p> <p>So that the removal of high value scattered trees can be specifically compensated for.</p>	<p>Strathbogie Shire requests further information in order to adequately respond, including the manifestation of this Proposed Improvement e.g. guidance, a requirement, or case by case.</p> <p>Information on which variables and metrics will be used to determine tree value is required.</p> <p>Strathbogie Shire recommends utilizing former metrics of diameter at breast height (DBH) measured in accordance with the associated EVC/pre-1750 EVC Benchmarks. This decision making process worked well in the past.</p> <p>Strathbogie Shire recommends offsets represent the habitat value of the tree to the species it supports, and be in a local context.</p>
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Chapter 4: Offset Delivery

<p>16. Increase the use and functionality of the Credit Register.</p>	<p>Increase the information recorded in the Credit Register and make this available to councils, offset purchasers and government investment programs. This could include:</p> <ul style="list-style-type: none"> • Registering potential offset sites before they are reestablished so buyers can identify them, and offset providers do not incur the costs of setting up an offset site before they have a buyer. • Linking offset and permit information for greater transparency. • Recording first party offsets. 	<p>Improved information about offset availability, particularly potential offsets, will decrease barriers to entry to the offset market for potential offset providers and reduce costs for offset purchasers.</p> <p>Establishing a single system for tracking and reporting on offset delivery would provide greater transparency and confidence in the provision of offsets and a clearer link between clearing and offset sites.</p>	<p>Strathbogie Shire supports this Proposed Improvement.</p>
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<p>17. Support the development of the market for low availability offsets.</p>	<p>Work with conservation groups (including Trust for Nature) to develop programs to target information to potential offset providers about offset types or locations with low availability.</p> <p>Improve external access to species information to support identification of potential species specific offsets. Increase use of over the counter agreements.</p>	<p>This work will build the profile of offsetting in the community with an aim to increase market participation for low availability offset types or locations.</p>	<p>Strathbogie Shire requests further, detailed information in order to adequately respond, and recommend further details include:</p> <ul style="list-style-type: none"> • What will constitute a low availability offset; • How information already developed by various Authorities will be integrated into this system i.e. https://www.gbcma.vic.gov.au/revegetation/index.html • How the balance will be preserved between avoiding native vegetation removal, and building the profile of offsetting.
<p>18. Require that all third party offsets are registered on the Credit Register and meet its standards, including standards for securing the offset.</p>	<p>Require that all third party offsets are registered on the Credit Register. This means that trades and use of the credits will be tracked and that payment to the offset provider will be linked to the delivery of the offset management plan.</p>	<p>Provide greater confidence in offset outcomes being achieved for both purchasers, the community and the environment, through higher levels of transparency, monitoring and compliance. Encourage larger strategic offsets to be established and delivered by third parties. Increase likelihood that credits are available on credit register to meet offset obligations.</p>	<p>Strathbogie Shire supports this Proposed Improvement.</p>

<p>19. Redesign the revegetation standards to ensure desirable revegetation can occur.</p>	<p>Design more comprehensive revegetation standards so they encourage desirable revegetation. Potential changes could include:</p> <ul style="list-style-type: none"> • Modifications to gain scoring to encourage revegetation in sites with scattered trees. • Encourage revegetation to be in areas well connected to remnant vegetation. • Include specific revegetation offset site eligibility criteria to ensure the viability of the site. 	<p>Ensures that revegetation offsets are well connected and strategic and deliver biodiversity outcomes. Ensures revegetation is available as an offsetting option to help address local loss in biodiversity.</p>	<p>Strathbogie Shire supports the general premise of this Proposed Improvement.</p> <p>Strathbogie Shire recommends a regional approach to create regeneration/rehabilitation guides where local knowledge can be incorporated into regeneration solutions appropriate to EVCs.</p>
<p>20. Create a framework for offsetting on Crown Land.</p>	<p>Create a framework to ensure that Crown Land offsetting meets offsetting standards. Including that the site is eligible to be an offset, that the offset is transparent and secured in perpetuity, and that it provides 'additionality', that is, that the management actions undertaken at the site are in addition to the statutory requirements for the management of the land.</p>	<p>Current Crown land offsetting approaches are variable and there is not an agreed process to establish offsets on Crown Land. There are circumstances where Crown land offsets can create important benefits for biodiversity by compensating for clearing that is occurring.</p>	<p>Strathbogie Shire is generally supportive of this Proposed Improvement, with the proviso that it is used to 'value add' to existing statutory management requirements.</p>

Chapter 5: Exemptions

<p>21. Formalise a set of exemption purposes and principles.</p>	<p>The purposes and principles for exemptions include that exemptions are clear, consistent and evidence based. Require that the clearing that occurs under exemptions is minimized. Where significant new footprint permanent clearing occurs under exemptions that this is recorded, reported and its impact on biodiversity counterbalanced through native vegetation investment and management at a statewide level.</p>	<p>Provides for consistency in the development and application of the exemptions. Ensures environmental impacts resulting from exemptions including those that apply on public land, are minimized and counterbalanced, in order to meet overarching native vegetation objectives.</p>	<p>Strathbogie Shire requires further information as to what constitutes ‘evidence-based’ exemptions, and what guidelines will inform these judgements.</p> <p>As mentioned local councils in rural areas are in the unenviable position of possessing little or no ability to resource the monitoring/enforcement of native vegetation removals, therefore there is little to no understanding of the full extent of exemption based or illegal removals.</p> <p>Strathbogie Shire recommends that all exemption based native vegetation removals be subject to an application process with the appropriate Local Authority.</p> <p>Strathbogie Shire recommends that it be a requirement that all native vegetation removals falling under an exemption be registered with the Local Authority, and that this register be a publicly reportable document.</p> <p>Strathbogie Shire recommends that guidelines be developed in consultation with local government that work to integrate impacts of land use planning and the exemptions that land use planning decisions trigger.</p>
<p>22. Clarify wording of exemptions.</p>	<p>Make wording changes to some exemptions to clarify the removal of native vegetation that is allowed without a permit under these exemptions.</p>	<p>To ensure consistency of application of the exemptions, address common misinterpretations and enable better levels of compliance and enforcement.</p>	<p>Strathbogie Shire agrees that greater clarity is required on the wording of exemptions.</p> <p>Strathbogie Shire recommends a stakeholder working group is created to develop definitions, explanations, and rationales for Exemptions Table, including how Net Gain will be achieved.</p> <p>Strathbogie Shire recommends the Exemptions Table become an incorporated reference document, providing a binding reference point for applying the regulations.</p>

<p>23. Provide guidance on the intent and application of the exemptions.</p>	<p>Develop guidance material about the application and intent of the exemptions to assist councils and proponents. Provide an explanation of what the exemptions are intending to achieve.</p>	<p>Enables councils to apply exemptions consistently across the state and supports compliance.</p>	<p>Strathbogie Shire generally supports this Proposed Improvement.</p> <p>Strathbogie Shire strongly reiterates that many rural councils do not have resources to support native vegetation compliance. Guidance material is an important asset, however resources are required to interpret and apply those assets.</p> <p>Strathbogie Shire recommends additional funding for Ecologically Sustainable Development at the planning stage be allocated to rural/regional councils to assist their ability to apply biodiversity measures within their local regions in the context of a rapidly changing climate.</p>
<p>24. Adopt a consistent approach to agreements referenced in the exemptions.</p>	<p>Ensure that the approach to agreements in exemptions is consistent by:</p> <ul style="list-style-type: none"> • Developing principles for the intent and contents of agreements • Using consistent definitions and terms • Adopting a standard level of consultation in the development of an agreement • Ensuring agreements are publicly available • Recording and reporting clearing and offsetting that occurs under agreements. 	<p>Provide a clear, transparent and consistent approach to developing and implementing agreements referenced in the exemptions.</p>	<p>Local government is the focal point for much of the public response to native vegetation removal under agreement, over which it has had little to no input and transparency and consistency of Agreements is currently poorly applied for exemptions, including Public Authorities, within Clause 52.17.</p> <p>As mentioned local councils in rural areas are in the unenviable position of possessing little or no ability to resource the monitoring/enforcement of native vegetation removals, therefore there is little to no understanding of the full extent of exemption based or illegal removals.</p> <p>Strathbogie Shire recommends that all exemption based native vegetation removals be subject to an application process with the appropriate Local Authority.</p> <p>Strathbogie Shire recommends that it be a requirement that all native vegetation removals falling under an exemption be registered with the Local Authority, and that this register be a publicly reportable document.</p> <p>Strathbogie Shire recommends that guidelines be developed in consultation with local government that work to integrate impacts of land use planning and the exemptions that land use planning decisions trigger.</p>

Chapter 6: Compliance and Enforcement

<p>25. Develop a compliance and enforcement strategy.</p>	<p>Prepare a risk-based compliance and enforcement strategy that councils can use to inform their compliance activities, including the development of compliance plans. The strategy will address issues from education and cultural change to enforcement tools.</p>	<p>Provides a consistent statewide approach to ensuring compliance with the regulations that is focused on the activities that deliver the greatest benefit relative to impact.</p>	<p>As mentioned local councils in rural areas are in the unenviable position of possessing little or no ability to resource the monitoring/enforcement of native vegetation removals, therefore there is little to no understanding of the full extent of exemption based or illegal removals.</p> <p>Many rural councils at the frontline of native vegetation removal decisions, compliance and enforcement, do not have any resources for staff focused on native vegetation. Some councils have one staff member with multiple, interdisciplinary roles that would normally be covered by 6-10 staff in a metropolitan area. Low wages, distance from metro areas, rates capping related budget cuts are taking an annual toll on would be applicants to roles that are there.</p> <p>Strathbogie Shire recommends DELWP outline the State Government’s financial strategy for funding compliance and enforcement across the state, including the staffing and funding of education programs, enforcement tools, and projects to enable behavioural transformation.</p>
<p>26. Provide guidance and support materials for compliance and enforcement activities.</p>	<p>Provide guidance (including training) to assist councils and third parties to address non-compliance with the regulations. This includes how to best focus efforts based on risk, tools for different circumstances, information to assist in monitoring and acting on non-compliance, what are appropriate responses to illegal clearing, and when DELWP may be able to provide direct support for compliance activities.</p>	<p>Empowers councils and community groups to proactively address compliance in a systematic way and identify and take action in response to non-compliance.</p>	<p>As mentioned, many councils are critically resource constrained in the natural heritage sector. Resource materials are only useful when there are active authorities available to interpret and apply them.</p> <p>Strathbogie Shire recommends funding be made available to proactive partnerships between local government and Landcare that focus upon positive community compliance programs, compliance support, and enforcement training and strategies.</p>

<p>27. Improve information gathering for compliance and enforcement.</p>	<p>DELWP in conjunction with councils to gather and report on the level and drivers of illegal clearing and non-compliance with permit conditions (particularly the requirement to provide offsets).</p>	<p>Change the culture around compliance with regulations through collectively gathering and sharing information on non-compliance. This will enable more councils to understand the extent of compliance issues in their area, so that compliance efforts to be well directed and focused on areas of key concern.</p>	<p>As mentioned local councils in rural areas are in the unenviable position of possessing little or no ability to resource the monitoring/enforcement of native vegetation removals, therefore there is little to no understanding of the full extent of exemption based or illegal removals.</p> <p>Strathbogie Shire recommends DELWP outline to local government the State Government’s financial strategy for funding compliance and enforcement across the state, including the staffing and funding of education programs, enforcement tools, and projects to enable behavioural transformation.</p> <p>Strathbogie Shire recommends funding be made available to proactive partnerships between local government and Landcare.</p> <p>Strathbogie Shire recommends that all exemption based native vegetation removals be subject to an application process with the appropriate Local Authority.</p> <p>Strathbogie Shire recommends that it be a requirement that all native vegetation removals falling under an exemption be registered with the Local Authority, and that this register be a publicly reportable document.</p>
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28. Promote co-regulatory support.	DELWP to work with councils, the Commonwealth Government and other relevant agencies to address non-compliance, with a focus on activities that have significant impacts on Victoria's biodiversity.	Helps support those councils having greatest difficulty in addressing non-compliance.	<p>Strathbogie Shire would require further information on what activities DELWP has identified or would identify as having significant impacts upon Victoria's biodiversity.</p> <p>As previously recommended; Strathbogie Shire recommends DELWP outline to local government the State Government's financial strategy for funding compliance and enforcement across the state, including the staffing and funding of education programs, enforcement tools, and projects to enable behavioural transformation.</p> <p>Strathbogie Shire recommends funding be made available to proactive partnerships between local government and Landcare.</p> <p>Strathbogie Shire recommends that all exemption based native vegetation removals be subject to an application process with the appropriate Local Authority.</p> <p>Strathbogie Shire recommends that it be a requirement that all native vegetation removals falling under an exemption be registered with the Local Authority, and that this register be a publicly reportable document.</p>
29. Review the overarching compliance and enforcement framework.	Consider future assessment (beyond the scope of this review) of the legislative framework of the regulations and whether change is warranted to address compliance and enforcement issues.	Provides options to examine the regulations' compliance framework more broadly, to ensure it is efficient and effective. NB: this action is outside the scope of this review.	<p>Strathbogie Shire strongly supports this Proposed Improvement.</p> <p>Strathbogie Shire recommends that the Native Vegetation permitted clearing policy is integrated appropriately with related policies such as the Biodiversity Strategy and the Flora and Fauna Guarantee Act, amongst others.</p>

4. Conclusion

As mentioned throughout Strathbogie Shire's submission, resourcing is the greatest challenge to rural local authorities who are at the coalface of the challenge to protect Victoria's unique and amazing natural heritage. Strathbogie Shire and our community of dedicated volunteers are nonetheless involved in regenerating and protecting the heritage of our future.

Unfortunately many of the ecosystems on which our productivity depend are already beyond help. We therefore hope the priorities and recommendations made within this submission are sincerely considered and that the process of finalising the Review of the Native Vegetation Clearing Regulations is completed in a timely manner.

**SUSTAINABLE DEVELOPMENT REFERENCE GROUP
of the**

Strathbogie Shire Council

2nd March 2017