

**POST/EMAIL SUBMISSION DETAILS**

<b>Date Received</b>	14/03/2017	
<b>Name</b>	[REDACTED] [REDACTED] [REDACTED]	
<b>Organisation</b>	Towong Shire Council	
<b>Email</b>	[REDACTED]	
<b>Postcode</b>	3700	
<b>Privacy Options</b>	I am making this submission on behalf of an <b>organisation</b> , and understand that it may be published and will include the name of the organisation unless otherwise requested	
<b>Privacy Statement Correct?</b>	Yes	
<b>Privacy Collection Notice Read?</b>	Yes	
<b>Submission Type</b>	Local Government	
<b>Previous engagement in review?</b>	<b>Info session 2015</b>	Yes
	<b>Workshop 2015/16</b>	Yes
	<b>Targetted consultation</b>	
	<b>SRG</b>	
	<b>Written submission to CP?</b>	
	<b>Other? Describe</b>	
<b>Will changes improve function of regs?</b>		
<b>Reasons</b>	Refer to attached submission	
<b>Implementation issue with proposed changes?</b>	Yes	
<b>Reasons</b>	The extremely limited resources available to small rural Councils to administer clearing controls (and the lack of State government support to small rural Councils) is a significant factor that will impact on implementation.	
<b>Guidelines – guidance or clarification needed?</b>	No	
<b>Details</b>		
<b>Terms to include in guidelines glossary?</b>	No	
<b>Details</b>		
<b>Subscribe to e-newsletter?</b>	Yes. Please send information updates to my email address	
<b>Other comments</b>		
<b>Written submission provided?</b>	Yes –attached	

Reference: 03/01/004

8 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,

### **Towong Shire Council Submission to the Review of Native Vegetation Clearing Regulations**

Thank you for providing an opportunity to comment on the review of the native vegetation clearing regulations.

Towong Shire Council is located in North East Victoria. Whilst we are one of the State's smallest Councils we cover the ninth largest geographic area and have extensive areas of remnant native vegetation. There is also a large Crown-private land interface. Whilst Towong Shire Council receives few planning applications for native vegetation removal, we have in recent years seen cases of native vegetation destruction, particularly by aerial spraying for blackberries. Given the extremely limited resources and expertise that Council has and the lack of support from State Government, undertaking enforcement in relation to these cases has proven to be very difficult.

#### General Operational Comments

Because local government has largely been responsible for administering the clearing controls, there appears to be a lack of consistency in the administration of the controls between local government areas. The lack of consistency is largely a function of variations between Councils in terms of financial resources, technical expertise and overall appetite for native vegetation destruction enforcement. The result is an inconsistent application of the regulations across regions and the State as a whole. The reduction in the status of the Department of Environment Land Water and Planning (DELWP) from a 'determining' referral authority to a 'recommending' referral authority has enabled DELWP to further retreat from supporting Councils in matters relating to native vegetation. Greater consistency and better overall outcomes would be achieved through greater DELWP involvement in the operation and enforcement of the controls.

The highly technical nature of quantifying vegetation losses and the subsequent calculation and implementation of offsets is problematic. Many Councils do not have the in-house technical expertise to do this and this aspect of the clearing regulations could be further simplified.

Towong Shire Council also considers that the lack of evaluation measures makes it difficult to make a statewide or regional assessment about whether the policy objectives are being achieved, though the burden of collecting and providing this performance data should not be imposed on Councils.

### Comments on Proposed Changes

In relation to the proposed changes to the native vegetation clearing regulations, Towong Shire Council offers the following comments:

- The shift in emphasis within Clause 12.01 of State Planning Policy to consider native vegetation when undertaking strategic planning has merit;
- The simplification around the '3 step process' in particular the principles of 'avoiding' and 'minimising' vegetation removal is supported;
- The removal of ambiguity around the amount of permitted clearing associated with the 'fence line' exemption is welcomed;
- The addition of an exemption for 'conservation work' is welcomed by Council, though there does not appear to be guidance around what might constitute 'conservation work'. Council would like to seek clarification that property weed management activities would be considered to fall within this within this exemption.

### Greater Ability to Tailor the Schedule to Clause 52.17

In addition to the proposed changes, Council feels that there should be greater flexibility to modify the Schedule to Clause 52.17 to meet local needs, including the ability to specify the amount of native vegetation that can be removed when undertaking weed control activities in relation to a nominated weed, such as blackberry.

### Raising Community Awareness

Towong Shire Council feels that a critical component of achieving compliance with the regulations is improved community awareness and education with a far greater emphasis on prevention of native vegetation losses. This could assist in preventing costly and time consuming enforcement action. The review has recognised the need for improved information to the community, however provision of this information should be the responsibility of the State Government, not Councils.

### Regulatory Responsibilities

Enforcement and compliance is a challenge and most Councils have limited resources for these activities. We feel that we have not been adequately supported in the past by the State in relation to native vegetation compliance or enforcement matters and that we have essentially been left to 'carry the load'. For a small rural Council like Towong, pursuing several native vegetation enforcement cases simultaneously can have a significant impact on our overall financial position.

The issue of regulatory responsibility is critical to deploying the new clearing regulations effectively. Towong Shire Council feels that at the very least, and as a starting point, it should be possible for:

- DELWP staff to be authorised officers under the *Planning and Environment Act* and responsible for undertaking compliance and enforcement on high value sites of State significance; and/or
- The Flora and Fauna Guarantee Act to empower DELWP to undertake enforcement and compliance on private land with high value sites of State significance; and
- DELWP to provide greater support and assistance for Councils at VCAT or the Magistrates Court.

Whilst the review has suggested that a co-regulatory approach where the State Government assumes greater responsibility, Towong Shire Council strongly believes that this should go further and that all native vegetation enforcement and compliance should be undertaken by DELWP. This would achieve greater consistency in enforcement outcomes across the State and would ultimately be more likely to lead to the types of outcomes sought by the clearing controls.

Thank you for the opportunity to make this submission.

We would appreciate the opportunity to meet with you to discuss our concerns and proposed solutions.

If I can assist with any further information please do not hesitate to contact me on [REDACTED] or alternatively [REDACTED]

Yours sincerely,

A large black rectangular redaction box covering the signature of the Chief Executive Officer.

Chief Executive Officer

Reference: 03/01/0004

13 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,

**Towong Shire Council Submission to the Review of Native Vegetation Clearing Regulations**

Towong Shire Council recently provided a submission to the review of the native vegetation clearing regulations. Council would like to make this addition to its submission in relation to the fence line clearing exemption within proposed Clause 52.17:

Whilst Council welcomes the improved clarity in relation to the amount of native vegetation that can be removed under this exemption, it believes that the total amount of clearing that this exemption allows should be increased to from 4 metres to 8 metres.

Towong Shire contains large areas of steep and heavy forested land with a large freehold-Crown interface. The practicalities of constructing and maintaining fences in this environment can be difficult and an eight (8) metre fence line exemption would better cater for such circumstances. Accordingly, we would like to encourage the adoption of an eight (8) metre total fence line clearing exemption rather than the proposed four (4) metre exemption.

Should any further information be required I can be contacted on [REDACTED] or alternatively

[REDACTED]  
Yours sincerely,

[REDACTED]  
Chief Executive Officer