

Review of the native vegetation clearing regulations
Regulatory Strategy and Design
Department of Environment, Land, Water and Planning
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EAST MELBOURNE VIC 8002

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Submission on Review of Native Vegetation Clearing Regulations

On behalf of the Peri Urban Group of Rural Councils, I would like to thank you for the opportunity to provide comment on the native vegetation clearing regulations.

Background:

The PUGRC comprises the Shires of Bass Coast, Baw Baw, Golden Plains, Macedon Ranges, Moorabool, Murrindindi and Surf Coast and was established in 2007 to work collaboratively on shared issues and challenges for this fast growing region.

The peri urban region is growing rapidly, relative to their existing resident base and at higher rates of growth than the Regional Cities. To 2031, the population across the peri urban region will grow by an average of 45% in comparison to the Regional Cities at an average of 26% growth. The Peri Urban Councils share common characteristics and impediments to managing the rapid population growth.

The peri-urban municipalities contain 633,400 ha of native vegetation, 44% of which is on private land. The region also contains state significant tracts of native vegetation and national parks including Hanging Rock, Kinglake National Park, Lerderderg State Forest, Wombat Forest and Wahalla State Forest.

The amenity and natural beauty of the region attracts 4.255 million visitors each year who stay 12.8 million nights and support 5,152 jobs. Tourism to the region injects \$1.5 billion into the economy

The native vegetation is not only important for its amenity, but it contributes to the health of Melbourne's water supplies. The Peri Urban region contains significant areas of water catchment for Melbourne and the region. For example, 75% of Moorabool Shire is covered by water catchment. The retention of management of native vegetation is important for these catchments.

Comments on the review

The Peri Urban Group of Rural Councils is supportive of initiatives to simplify regulations and to protect natural assets and amenity. Our shared experience reveals that for too long it has been simpler for land owners to clear native vegetation and pay the fine rather than working with Councils and Government to do the right thing. We hope that

this review will make it simpler for land owners to do the right thing and protect native vegetation or adequately replace the native vegetation where clearing is approved.

We believe that the best approach to managing native vegetation clearing is to consider the issue in a holistic way and to reference the Bushfire Management Overlays (BMO) and clearing provisions. We have concerns that the BMO is being used to clear native vegetation and significant trees near to homes. The two documents should be read and applied in conjunction with each other.

In addition, biodiversity impacts on private land are primarily governed by clauses 52.16 and 52.17 of planning schemes under the *Planning and Environment Act 1987*.

In reality, councils have become the predominant regulator of biodiversity impacts on private land via its powers and duties under the *Planning and Environment Act*. This leads to a range of issues, including:

- An unrealistic expectation that councils can and should be the primary protectors of biodiversity on private land via the planning scheme. The native vegetation provisions are complex to administer and often the areas of land with the most valuable biodiversity assets fall under the jurisdiction of the most resource-constrained councils that have limited capacity to undertake complex assessments and to defend decisions.
- While decisions are guided by statewide modelling, implementation at the council level can be inconsistent and therefore impair adherence to a statewide strategy.
- Faunal habitats that are not considered to be native vegetation essentially go unregulated on private land.
- There is little scope to include site-based observations of threatened species into the decision making process.

For these reasons we consider it critical that DELWP take a more prominent role outside of the land use planning framework to regulate impacts to biodiversity, regardless of tenure of land via the Flora and Fauna Guarantee Act 1988 and Wildlife Act 1975.

Specific comments on the review

We have reviewed the review material and submit the following comments:

Clause	PUGRC Position	Comment
12.01-1	Agree	<p>We agree with the changes to this clause and the splitting of strategies into one that identifies areas of high biodiversity value and a second strategy to consider the impacts of land use.</p> <p>PUGRC agrees on the intent of the change to consider all impacts of land use and development on biodiversity.</p>



12.0.1-2	Agree	We agree with the changes to this clause and the emphasis on the “no net loss of biodiversity rather than the previous clause which stated: ”no net loss in the contribution made by native vegetation to Victoria’s biodiversity”.
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52.16 52.17	Agree	<p>We agree with the changes to this clause to move to a three step approach of avoid, minimise and offset.</p> <p>We support precinct planning for native vegetation rather than site by site analysis.</p> <p>We believe however that the offset revegetation provisions should be increased to 1 to 3, up from 1 to 1. Due to climatic variations and the high levels of infestation from deer, goats and other feral animals, the survival rates of revegetation projects in many areas is only 40%. This is down from the industry expected 80% survival. To ensure that in reality there is one tree replaced for each tree cut down this attrition rate needs to be taken into consideration. Otherwise the gross effect will be a stark reduction in biodiversity across the state.</p> <p>The Native Vegetation Clearing Assessment guidelines clause 5.1.4 for large trees should also be increased to 3 large trees for every large tree removed. PUGRC agrees with the changes to delete the last purpose that focuses on bushfire threat in this clause.</p>
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2.1.1	Support	We support the inclusion of transitional arrangements to support the introduction of the new provisions.
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Conclusion

The review of the Native Vegetation Clearing regulations is timely and we congratulate DELWP for progressing this important piece of work.

Should you require further information, please contact [REDACTED], Executive Officer on [REDACTED] or via plawrence@moorabool.vic.gov.au

Yours sincerely,

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Chair
Peri Urban Group of Rural Councils