

The native vegetation provisions



Presentation to green wedge
community panel

1 September 2018



Environment,
Land, Water
and Planning

Native vegetation removal regulations

Guidelines for the removal, destruction or lopping of native vegetation



December 2017

VC138 updated:

- Clause 12.01 *Biodiversity*
- Clause 52.16 *Native vegetation precinct plan*
- Clause 52.17 *Native vegetation*
- Clause 66.02 *Use and development referrals*
- Clause 81.01 *Table of documents incorporated in this scheme*
- Incorporated document *Guidelines for the removal, destruction or lopping of native vegetation*

State objective for protection of biodiversity (Clause 12.01-1S)

- To assist the protection and conservation of Victoria's biodiversity.

State objective for native vegetation management (Clause 12.01-2S)

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

This is achieved by ensuring that decisions that involve the removal, destruction or lopping of native vegetation apply the three step approach:

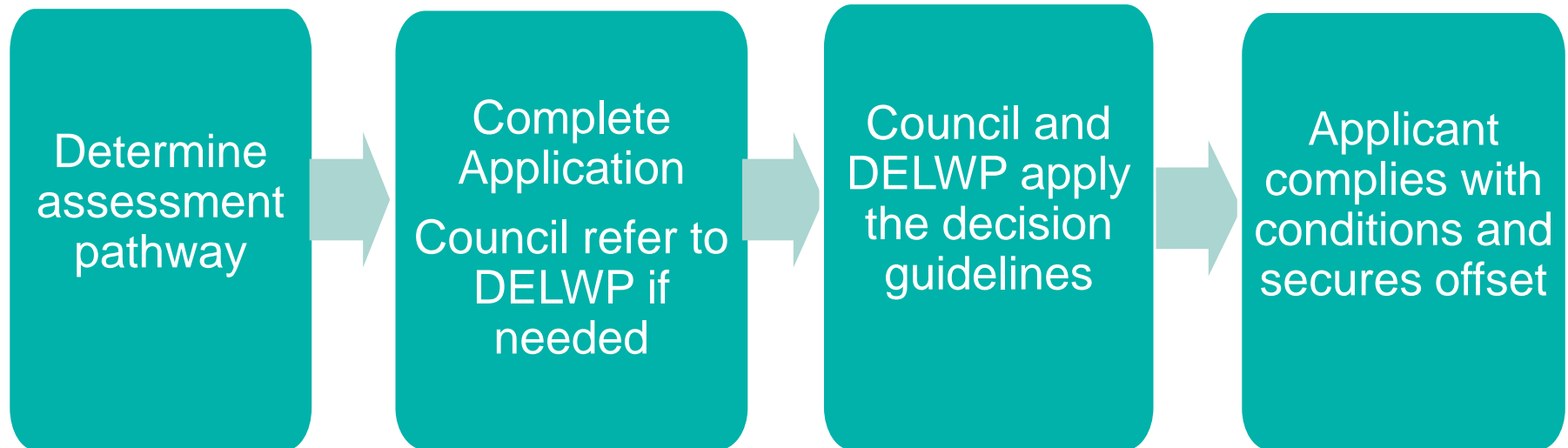
- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

Clause 52.16 and 52.17 are Particular Provisions that apply to all locations and set out the need for a planning permit:

- A permit is required to remove, destroy or lop native vegetation, including dead native vegetation unless
 - it is specified in the schedule to the clause
 - it is exempt.

Roles and responsibilities

Applicant	Responsible authority	DELWP
Prepares an application with specialist input as required	Confirms need for the permit, and ensures application is complete.	Sets policy and prepares guidance materials for applicants and council
Responds to requests for further information as requested	Requests further information as needed	Develops and maintains biodiversity information products and systems used to support the Guidelines
Complies with decision and permit conditions	Refers complete application to DELWP if required	Completes application assessment, makes recommendation including permit conditions if the proposal is supported (DELWP is recommending referral authority for native vegetation)
Secures appropriate offset and provides evidence to responsible authority	Completes application assessment, decides the application and sets permit conditions if permit is granted	
	Ensures compliance with permit conditions	



NVIM and EnSym tools help applicants get the biodiversity information needed

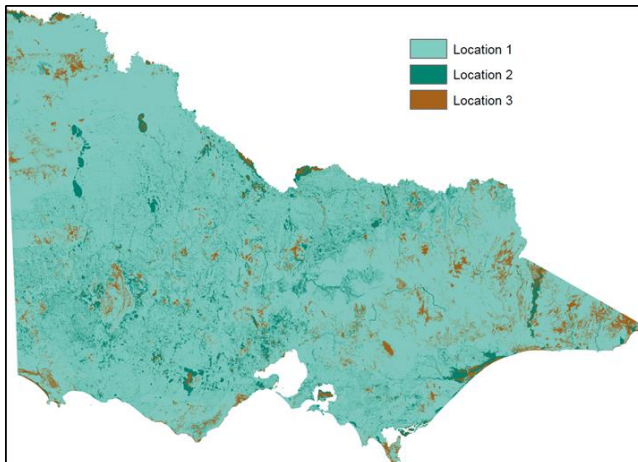
Guidance and support provided in Applicant's guide & Assessor's handbook

The assessment pathway

Assessment pathway is determined by the **amount** of native vegetation to be removed and the **location** it is being removed from and the presence of **large trees**

Three location categories based on potential impact to biodiversity values

- Location 3 – species
- Location 2 – endangered EVCs, or important wetlands and coasts)
- Location 1 – all other locations



Basic is a streamlined, low cost application pathway, predetermined to have an acceptable biodiversity impact (removing less than 0.5 ha, no large trees, no endangered vegetation or important wetlands and coasts, no impact on species)

Intermediate is a streamlined, low cost application pathway but allows consideration of biodiversity impacts (removing less than 0.5 ha, may include some large trees, endangered vegetation or important wetlands and coasts, but no impact on species)

Detailed requires specialist input because can have an impact on species (because of location or because removing 0.5 ha or more)

Application requirements

No.	Description	Met by
1.	Information about the native vegetation being removed	NVR report and/or Site assessment
2.	Topographical and land information	Applicant and NVR report
3.	Recent photographs of vegetation	Applicant
4.	Details of past removal of native vegetation	Applicant *
5.	An avoid and minimise statement	Applicant *
6.	Copy of Property Vegetation Plan if one applies	Applicant
7.	Statement if removal is for defensible space	Applicant *
8.	Statement about implications for NVPP if a Clause 52.16 application	Applicant
9.	An offset statement	Applicant *
10.	Site assessment report	Applicant
11.	Information about impacts to rare or threatened species	NVR report

No.	Description
1.	Efforts to avoid the removal of, and minimise impacts on native vegetation. Focussing effort on areas with most values
2.	The role of the native vegetation in protecting land and water quality
3.	The need to manage the vegetation to preserve identified landscape values
4.	Whether the native vegetation is protected under the <i>Aboriginal Heritage Act 2006</i>
5.	The need to remove the native vegetation to create defensible space
6.	Whether the removal is in accordance with any Property Vegetation Plan
7.	Whether an offset has been identified and can be secured
8.	Consider implications for NVPP if a Clause 52.16 application (nil in LGA)
9.	Consider impacts on biodiversity values (excluding impacts to rare or threatened species) does not apply to Basic Assessment Pathway
10.	Consider impacts on habitat for rare or threatened species (Detailed Assessment Pathway only)

Permit conditions

- Include a condition that specifies the offset requirements
- Include a requirement to provide the responsible authority with evidence of the secured offset
- The offset must be secured before the native vegetation is removed
- May be a requirement for mitigation measures during and after construction
- May be a requirement for measures to protect retained vegetation during construction

Securing the offset delivers the no net loss objective

- When native vegetation is permitted to be removed, it has an impact on biodiversity
- An offset delivers a benefit (or gain) to biodiversity that negates this impact

Protecting Victoria's Environment – Biodiversity 2037 is Victoria's plan to stop the decline of our native plants and animals and improve our natural environment so it is healthy, valued and actively cared for.

GOAL: Victorians value nature

Targets

By 2037:

- All Victorians connecting with nature.
- Five million Victorians acting to protect the natural environment.
- All Victorian Government organisations that manage environmental assets contribute to environmental-economic accounting.

GOAL: Victoria's natural environment is healthy

Targets

A net improvement in the outlook across all species by 2037, so that:

- No vulnerable or near-threatened species will have become endangered.
- All critically endangered and endangered species will have at least one option available for being conserved *ex situ* or re-established in the wild (where feasible under climate change) should they need it.
- We achieve a net gain of the overall extent and condition of habitats across terrestrial, waterway and marine environments.

Thank you

