

Native vegetation clearing regulations update

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Timeline of Regulations involving Native Vegetation

2002 – December 2013

**A decade of Net Gain
*the “Framework”***

2013 – Now

**Permitted Clearance of Native Vegetation
Biodiversity Assessment Guidelines
*the “BAG”***

Later this year - ?

**Native Vegetation Clearing Assessment
Guidelines
*the “NVCAG” ??***

Implementation of Changes

29 proposed changes

- Changes to the VPP
 - Native vegetation clearing policy: 1 & 2
 - Permit and decision making: 5-11
 - Biodiversity information tools: 12, 14, 15
 - Exemptions: 22
- Ongoing improvements to be implemented through non-incorporated documents (handbook, practice notes, further consultation)
 - Native vegetation clearing policy: 2-4, 10, 13
 - Offset delivery: 16-20
 - Exemptions: 21, 23, 24
 - Compliance and enforcement: 25-29



Changes Proposed to the VPP

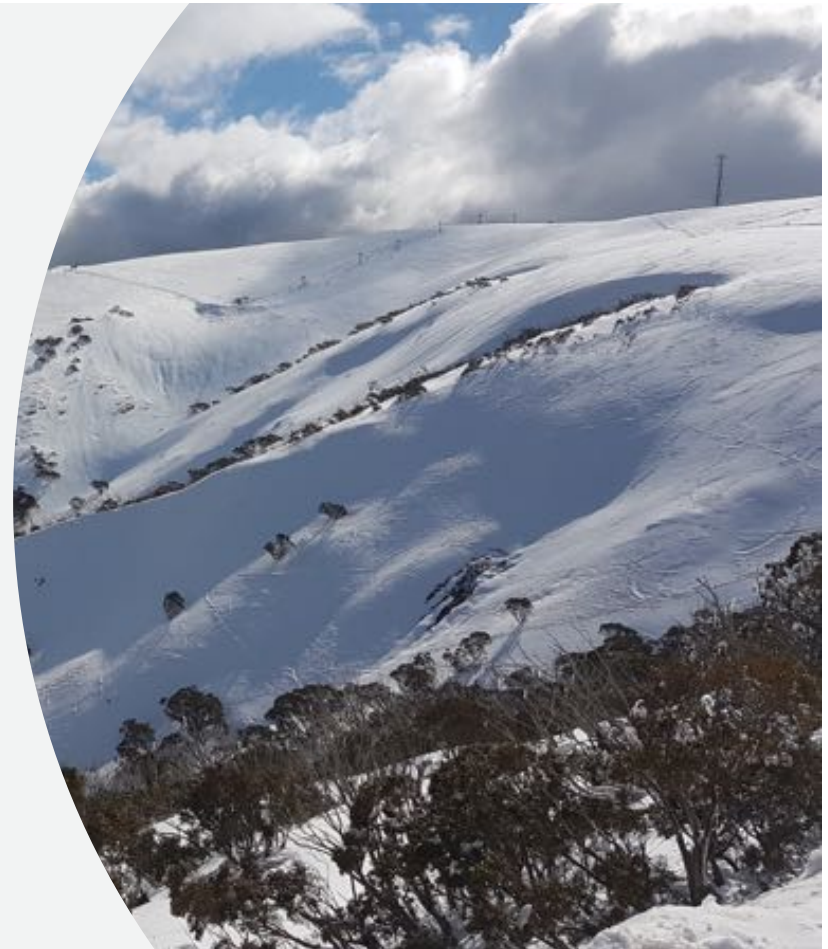
- *Clause 12.01* - Biodiversity (State Planning Policy Framework – SPPF)
- *Clause 52.16* - Native Vegetation Precinct Plan (Particular Provision - PP)
- ***Clause 52.17* - Native Vegetation (PP)**
- *Clause 66.02-2* - Use and Development Referrals – Native Vegetation
- Native vegetation clearing – Assessment guidelines (Incorporated Document)



Clause 12.01-2 – Native vegetation management

New objectives

- To ensure appropriate consideration of impacts from removal, destruction or lopping of native vegetation
- To ensure permitted clearing of native vegetation results in no net loss to biodiversity.

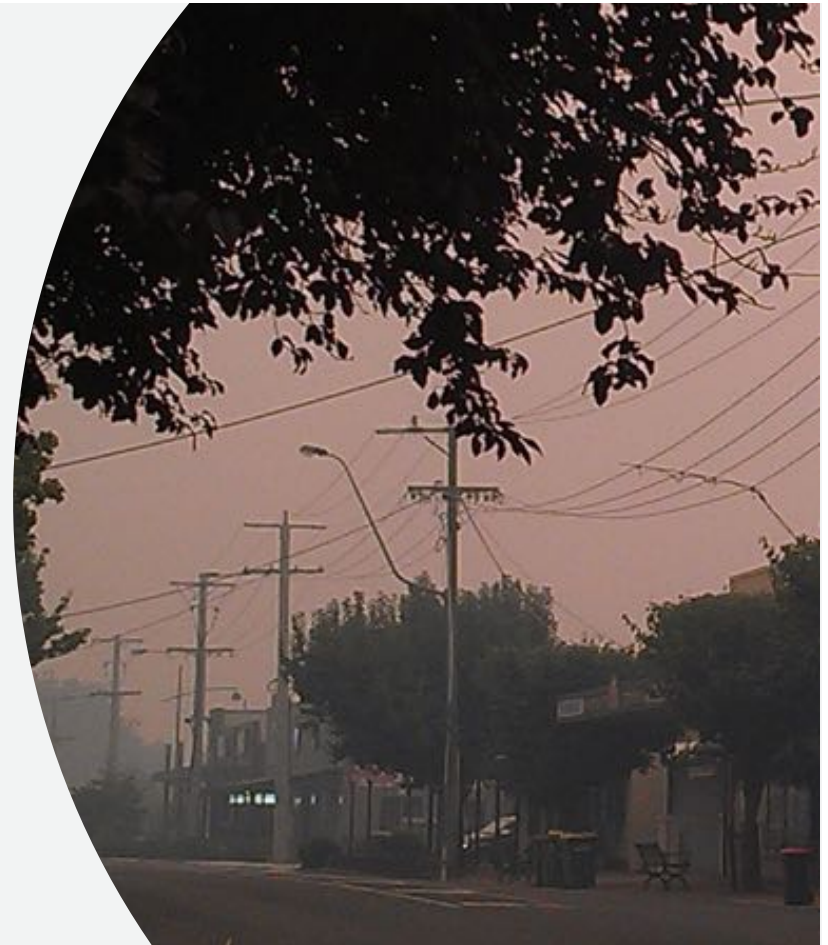


Clause 52.17 – Native vegetation

New purpose

- To ensure permitted clearing results on no net loss to biodiversity
- Avoid (removal), Minimise (impacts if vegetation cannot be avoided) and Offset
- Removes the reference to managing native vegetation to reduce bushfire threat.

New application requirements for all application and those on the Intermediate and Detailed assessment pathways



Clause 52.17 Cont

Transitional arrangements

- These will apply to enable application submitted under the BAG, prior to the changes occurring, to continue to be assessed.

Exemptions

- Conservation work a new exemption, must demonstrate no net loss, be in accordance with a conservation management plan and be approved by the Secretary of DELWP
- Dead vegetation will be clarified to not apply to unlawful removal or destruction
- Direction notices under the CaLP Act have been added



Clause 52.17 Cont

Exemptions

- Emergency works will be clarified, only that part of the vegetation that presents the immediate risk may be removed under this exemption
- Fences will allow clearing on public land up to 1m with the consent of the public land manager
- Fire protection will be amended to clarify when it applies and defines roadside, public road and responsible road authority as having the same meaning at section 3 of the Road Management Act
- Grazing will specify grazing on freehold. Or on Crown land in accordance with a licence or lease agreement



Clause 52.17 Cont

Exemptions

- Mineral exploration and extraction will be combined
- Personal use native vegetation must be only removed by cutting or chopping
- Planted vegetation clarified to not apply to if native vegetation is planted or managed as part of a planning permit condition or if public funding was used for the purpose of land protection or enhancing biodiversity unless the removal is in accordance with the written permission of the public funding body
- Surveying clarified to include the definition of a licensed surveyor as per section 3 of the Surveying Act
- A number of exemption will have “to the minimum extent possible” added



Definition of Native Vegetation

(minor wording changes only)

Clause 72 of the VPPs defines native vegetation as:

- *Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.*

The draft guidelines specify two categories of native vegetation:

- **Patch**
- **Scattered tree**



Definition of Native Vegetation

(minor wording changes only)

Patch

- An area of vegetation where at least 25% of the total perennial understory plant cover is native
- Any area with three or more native canopy trees where the canopy foliage cover is at least 20%
- Any mapped wetland included in the current wetlands layer in BIM

Scattered tree

- A native canopy tree that does not form part of a patch
- A canopy tree is a mature tree that is greater than 3 m in height and is normally found in the upper layer of the relevant vegetation type
- Non-vascular plants can contribute to cover only when other native vascular plants are present



Changes to Site Assessments

- Two classes of scattered tree:
 - Small scattered tree (10 m radius)
 - Large scattered tree (15 m radius)
 - Size determined in EVC benchmark (or default of 40 cm)
 - In the field: **All scattered trees to be measured, and EVC determined**
- To avoid incorrect mapping of native vegetation extent, assessors must be able to:
 - Identify EVCs
 - Distinguish between:
 - Indigenous canopy species (as per EVC benchmark)
 - Victorian native species that may have been planted
 - Species introduced to Victoria
- Native non-vascular plants can contribute to patch cover if other vascular native plants are present.



Changes to Application Process

Location map

Three classes:

- **3** – Locations where removal of < 0.5 ha of veg could have a significant impact on habitat for a rare or threatened species
- **2** – Endangered EVCs, sensitive wetlands and coastal areas
- **1** – all remaining areas



Changes to application process



Assessment pathways

- Three classes: **Basic**, **Intermediate**, **Detailed**
- Determined by location class (1,2,3), extent of clearing and clearing of large trees

Extent of native vegetation	Location 1	Location 2	Location 3
< 0.5 ha and no large trees	Basic	Intermediate	Detailed
< 0.5 ha and \geq one large tree	Intermediate	Intermediate	Detailed
\geq 0.5 hectares	Detailed	Detailed	Detailed

- If a site assessment by an accredited assessor determines that an endangered EVC is present, a “Basic” application may change to “Intermediate”

Changes to Application Process

Application classes

Basic and Intermediate

- Does not require a site assessment by an accredited assessor
- Condition score determined from the native vegetation condition map
- Condition scores from a site assessor may be used

Detailed

- Requires a site assessment by an accredited assessor



Information Requirements

All applications

- Description of native vegetation to be removed
 - Extent of patches
 - Number and circumference of scattered trees
 - Number and circumference of LOTs within patches
- Avoid and minimise statement (not for bio-values in basic pathway)
- Offset statement

Detailed applications

- Site assessment by an accredited assessor
 - Habitat hectare assessment of patches
 - Number, circumference and species of scattered trees
 - Number, circumference and species of large trees within patches
- Assessment of impacts on rare or threatened species habitat



Decision guidelines

All applications

- Impacts to 'other' values of the native vegetation to be removed
- Have reasonable steps been taken to avoid and minimise removal of vegetation for 'other values'
- Have bushfire risk mitigation measures been used
- Has a securable offset been identified



Decision guidelines cont...

Intermediate Assessment Pathway

Impacts on the biodiversity value of the native vegetation to be removed

- Extent
- Number and size of large trees
- Condition
- Strategic biodiversity score
- EVC status (endangered?)
- Wetland or coastal?



Decision guidelines cont...

Detailed Assessment Pathway

Impacts on habitat for rare or threatened species

- Number and status of species requiring specific offsets
- Proportional impact on habitat of species requiring specific offsets
- Number and proportional impact on species **not** requiring specific offsets



Offsets

General offset attributes

- Vicinity (CMA or LGA)
- Minimum strategic biodiversity score (SBS 80%)
- Large trees
 - 1 for 1 in addition to general requirements
 - Can be from the same site or a different site (same vicinity rules, minimum SBS does not apply)
- Offset attribute exchange
 - 10% reduction in required SBS if allowable if:
 - 2 LTs for every LT impacted and/or
 - 10% more GBEUs than required



Offsets cont..

Specific offsets

- Location must include modeled habitat
- No restriction on SBS or vicinity
- Same area may provide offsets for multiple species (from the same permit)





Questions?