# *Conservation work* exemption

Application guidance - June 2021

## The *Conservation work* exemption can be relied on for native vegetation removal that has a primary purpose of providing an overall improvement for Victoria's biodiversity.

**This document replaces the previous guidance published in May 2018 (*Conservation work exemption – application process*).**

### Native vegetation regulations

Native vegetation is defined in the Victoria Planning Provisions (VPP) as all plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses. Victoria's biodiversity is directly related to the variety and abundance of native vegetation across the state, as it provides habitat for wildlife and delivers a range of ecosystem services.

Victoria has adopted a precautionary approach in regulating the removal, destruction or lopping (herein removal) of native vegetation by incorporating the principles of avoid, minimise, and offset into native vegetation removal regulations. These regulations are embedded within Clauses 52.16 and 52.17 of all local planning schemes, which require a planning permit to remove native vegetation, including dead vegetation, unless a relevant exemption to that requirement applies. This approach ensures that no net loss to biodiversity occurs as a result of approved native vegetation removal.

### The *Conservation work* exemption

Clauses 52.16 and 52.17 of all planning schemes contain the *Conservation work* exemption. This exemption allows for the removal of native vegetation for the purpose of achieving conservation outcomes without the requirement to obtain a planning permit or secure native vegetation offsets. Works relying on the *Conservation work* exemption must demonstrate that associated losses to biodiversity from the removal of native vegetation are outweighed by the expected gains or improvements to biodiversity. This overall improvement furthers Victoria towards its goal of achieving a net gain in the extent and condition of native habitats across the state.

### Biodiversity improvement

Improving Victoria's biodiversity not only hinges upon slowing the rate of native vegetation removal, but also on mitigating the negative impacts of other threats. Weeds and disrupted ecological processes act in fostering the fragmentation and degradation of the state's biodiversity values. Conservation work under the exemption provides an opportunity to halt these impacts and improve biodiversity values.

Such improvements may be demonstrated by the following measurable or observable targets:

- Increased extent and connectivity of native vegetation in order to:
  - promote basic ecosystem functioning (i.e. hydrological cycles) and resilience

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  - facilitate dispersal and recolonisation of populations
  - maintain genetic diversity of species and/or communities
- Restored vegetative community structure and composition to a natural state based on Ecological Vegetation Class (EVC) benchmarks
- Reversal of land degradation in terms of fertility, salinity, and/or water quality
- Increased habitat quality to support species dependent upon native vegetation
- Reversal of population declines.

A variety of works involving the removal of limited amounts of native vegetation may result in any, or all, of the above conservation outcomes. Examples include:

- Management of environmental weeds
- Ecological thinning (see Appendix A)
- Creation of wildlife corridors
- Cavity works for hollow dependent species
- Restoration of wildlife habitat or populations.

## Application criteria

Written agreement from the Secretary to the Department of Environment, Land, Water and Planning (DELWP) is required to rely on the *Conservation work* exemption. Applications are assessed based on the following criteria:

1. The primary objective of the removal of native vegetation must be for an overall improvement to biodiversity.
2. Native vegetation removal must be to the minimum extent necessary to achieve the proposed conservation objective(s). All feasible steps must be taken to avoid and minimise impacts to non-target vegetation when executing works.
3. A clear overall improvement in biodiversity must be demonstrated through a ***comparison assessment*** (see below).
4. A work plan must be provided which clearly outlines the proposed methodologies for removing native vegetation, which are based on sound ecological principles and/or standard treatment prescriptions. The work plan must cover the initial proposed action and any follow-up treatments required to maintain the conservation objective(s).
5. If relevant, post treatment works must be described, including any monitoring activities aimed at evaluating project objectives and identifying any unintentional impacts on biodiversity values. Where required, a post-treatment plan must outline the triggers and scope of any follow-up actions involving native vegetation removal.

## Comparison assessment

A comparison assessment must clearly describe the impacts of the proposed native vegetation removal and the predicted benefits to biodiversity values.

Applicants must, as a minimum, consider the following factors when describing impacts:

- *Size (ha) of area treated.*
- *Vegetation layer(s)*. The strata (understorey, canopy, or combination) within which the removal is proposed to occur.
- *Vegetation species and status*. Species of native vegetation that will be impacted as well as their conservation status or classification as an environmental weed.
- *Extent of native vegetation removal*. Removal may include all native vegetation from an area or only certain species from a vegetation layer. Detail the amount of native vegetation to be removed from the area in % cover of a species or stems per hectare of a species.
- *Habitat trees*. Total number of large, or hollow bearing trees that are lost.
- *Wildlife*. Describe any negative impacts to animals which may rely on vegetation proposed for removal.

Applicants must, as a minimum, consider the following factors when describing improvements:

- *Size (ha) of area to benefit.*
- *Vegetation condition in terms of alignment with EVC benchmarks.*
- *Environmental weed cover.*
- *Species diversity (e.g. expected increase in number of plants or their ground coverage).*
- *Habitat and other biodiversity values.*
- *Ecosystem function.*
- *Wildlife*. Describe and benefits to animals that may inhabit or make use of the subject site.

## Application template

A template, which addresses all application criteria, is available to be used for small scale property-based applications. If the template is not used, the application must clearly address all criteria.

The template is provided to support property owners or managers wanting to undertake improvements to biodiversity values on a small scale within properties they own or manage. It is not designed for large scale proposals.

For large scale or complex proposals please contact DELWP's Native Vegetation Regulation team to discuss the project's objectives and process for obtaining approval including information to be included within the application.

## Application steps

### *Step 1*

The applicant consults with representatives of the regional DELWP Natural Environment Program (NEP) team who may discuss the proposed work with the Native Vegetation Regulation team. The regional NEP team will respond to the applicant with the decision to proceed or not.

### *Step 2*

An application to access the *Conservation work* exemption is prepared and emailed to nativevegetation.support@delwp.vic.gov.au. The email must include:

- *The subject heading "Conservation work exemption".*
- *A statement that the applicant is applying for access to the Conservation work exemption and how the criteria are met.*

The Native Vegetation Regulation team will review the application, and if supported, prepare a brief for the Secretary's approval.

### *Step 3*

The Secretary to DELWP will determine if the gain in biodiversity improvement exceeds that of the proposed losses incurred from removing native vegetation. If approved, written agreement will be provided to the applicant, allowing them to rely on the Conservation work exemption.

A copy of the written agreement will be provided to the relevant DELWP regional team and the local Council.

It should be noted that this exemption only applies to Clauses 52.16 and 52.17 of local planning schemes. The following may still apply:

- Permit requirements under planning scheme overlays.
- Obligations under other pieces of legislation e.g. the *Flora and Fauna Guarantee Act 1988.*



**ISBN** 978-1-76105-554-6 (**pdf/online/MS word**)



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# Appendix – Example Overall Improvement

## The following is just one example of an activity which may lead to an overall improvement to biodiversity if undertaken in accord with sound ecological principles

### Ecological thinning in Victorian Eucalypt forests: A close-up view and guiding principles

Land-use legacies have resulted in forest and woodland communities throughout Victoria occurring as even-aged, high-stem density stands. These modified communities have reduced ecological quality as they lack mature, hollow-bearing trees as well as structural complexity and species diversity within the understorey strata.

Ecological thinning (ecothinning) is an effective management tool used to reduce the density of a specific species and/or age class of native vegetation that has become over-represented in the landscape. By selectively removing target trees or stems, community characteristics and structure can be restored to align with EVC benchmarks. Additionally, ecothinning can also provide other biodiversity improvements, including:

- *Accelerated growth rate and increased size at maturity of large trees*
- *Higher abundance of tree hollows*
- *Improved health and resiliency of canopy*
- *Improved understorey cover and diversity*
- *Increased nutrient cycling and soil moisture retention*
- *Increased cover of logs and woody debris*
- *Improved habitat quality for local wildlife species.*

Ecothinning prescriptions should be designed on a case-by-case basis in consultation with DELWP. Currently there are no established guidelines which regulate ecothinning operations, however, a number of standard principles for thinning Eucalypt forests have been developed and should underpin any ecothinning prescription:

- *Avoid unnecessary impacts to retained native vegetation*
- *No large trees, as defined by the EVC benchmark, should be removed*
- *Any thinned trees >20 cm DBH should be cut >1.5m above ground to produce tall stumps*
- *Retain all standing dead and hollow bearing trees*
- *Thin from below (i.e. remove smallest and youngest trees from a group)*
- *The number of trees/ha to be retained should be greater than 3x benchmark levels but less than 6x benchmark levels*
- *Retain at least 5 trees of each species occurring in any given hectare, independent of tree size*
- *Retain a heterogeneous distribution of unthinned patches equalling 10 - 25% of the treatment area to create a mosaic of habitat types*
- *All felled timber should be retained on-site and placed along contours to provide ground habitat*
- *Targeted control of weeds and regenerating stems for the period following thinning operations.*

Source: https://trustfornature.org.au/project/protecting-and-recording-the-bush-stone-curlew/