

Native Vegetation Regulations Newsletter 1

Update on the 2017 native vegetation removal regulations and
*Guidelines for the removal, destruction or lopping of native
vegetation – March 2018*



On 12 December 2017 the Victorian State Government introduced Amendment VC138 to the Victoria Planning Provisions and all Planning Schemes in Victoria. This included changes to Clause 12, Clause 52.16, Clause 52.17, Clause 66 and a new incorporated document, *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines).

This newsletter addresses some of the most frequently asked questions about the implementation of the 2017 native vegetation removal regulations.

Email tracking

To optimise response time and email tracking, please ensure emails are sent to the correct email address:

- Requests to generate a report in EnSym: EnSymNVRtool.Support@delwp.vic.gov.au
- Queries and support (including the NVIM removal tool): NativeVegetation.Support@delwp.vic.gov.au
- Native vegetation credit register: NativeVegetation.CreditRegister@delwp.vic.gov.au

Transitional provisions

The 2017 regulations apply to any permit application lodged after 12 December 2017, unless the proposal qualifies for *Transitional provisions* specified at Clauses 52.16-7 and 52.17-6 of planning schemes.

The transitional provisions are designed so that applicants who have substantially prepared their applications in accordance with the 2013 regulations

will not be disadvantaged, now that the 2017 regulations have taken effect.

The transitional provisions are explained in the document *Native vegetation removal regulations Transitional provisions guidance (February 2018)*. This describes the evidence required and the process to follow to obtain agreement from the Secretary to DELWP. If you need this document, contact NativeVegetation.Support@delwp.vic.gov.au.

Can I still use the 2013 regulations?

Permit applications that qualify for the transitional provisions can be assessed under the 2013 regulations.

I'm amending an existing permit. Which system do I use?

An amendment to a permit should use the same system as the original permit.

Can the transitional provisions be accessed for a NVPP?

The principles of the transitional provisions for permit applications can apply to Native Vegetation Precinct Plans (NVPPs) when the NVPP was substantially prepared before 12 December 2017. This arrangement must be to the satisfaction of the responsible authority and the planning scheme amendment must take place before 12 December 2018.

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Native vegetation credit register

The re-development of the native vegetation credit register is nearing completion and trading of habitat units as required by the 2017 regulations will be available soon. High priority credit site owners have been provided with information to help them set a price for the new habitat units and respond to enquiries for offset availability.

NVIM native vegetation removal tool

Can I import spatial data?

Yes, KMZ and shapefiles can be imported into the online NVIM removal tool when they comply with the data standards detailed in NVIM and listed in section 2.5 of *Applicant's guide - Applications to remove, destroy or lop native vegetation*.

Remember that:

- Scattered trees must be mapped as points (not polygons). Large trees in patches must also be mapped as points. The circumference must be included as an attribute.
- The shapefile must not contain M or Z values.
- The zipped file must not contain any folders and must include all files associated with the shapefile.

Where did my download go?

The NVIM removal tool allows you to download the NVR report and map to your computer. If you can't find the download, open your internet browser and press Ctrl and J to view your recent downloads and their location in your computer.

You also need to unblock popups. In Chrome, go to Settings → Show advanced settings → Privacy → Content settings → Pop-ups → "Allow all sites to show pop-ups." Use Google to find out how to do this in other browsers.

NVIM native vegetation offset tool

The NVIM native vegetation offset tool is in the final stages of development. The tool will allow you to map patches of native vegetation, scattered trees or revegetation that you propose to protect and manage on your property as a first party general offset. It will calculate the amount of potential gain available, and generate a *Native vegetation offset report*.

A standard management plan, Section 173 agreement and user guide will also be available to support setting up a first party general offset site.

EnSym

Why do I keep getting errors when I use EnSym?

Refer to the GIS data standard available here https://www.environment.vic.gov.au/data/assets/pdf_file/0014/91121/EnSym-spatial-data-standards.pdf
Below are some of the most common errors:

- Fields missing from the attribute table.
- Empty fields in the attribute table.
- Invalid EVC and BCS codes (use HSF_0022 not HSF-22; V not Vu). Correct codes can be found under the EnSym NVR tool menu at <https://www.environment.vic.gov.au/native-vegetation/native-vegetation/biodiversity-information-tools>
- Incomplete EVC and BCS fields – these are needed for all polygons, scattered trees and patches.
- All polygons are marked as past removal. There must be some current removal polygons.
- LT_CNT incorrectly completed for scattered trees. If the scattered tree is large (circle with 15m radius) then LT_CNT=1. If the scattered tree is small (circle with 10m radius) then LT_CNT=0.
- Numeric fields are not properly set: e.g. HH_H_S with precision and scale attributes missing.
- An error will appear if the centrepoint of a tree is mapped within 0.5m of the centrepoint of another tree as this is likely to be a patch.

Dead trees

When is a permit required to remove a dead tree?

Clauses 52.16-8 and 52.17-7 include an exemption for dead native vegetation. This exemption does not apply to a standing dead tree with a DBH of 40cm or more. A permit is therefore required to remove any standing dead native tree with a DBH of 40cm or more.

When does a dead tree need to be offset?

A dead tree must be assessed and offset in the same manner as a living tree if it has a DBH of 40cm or more (i.e. it is not exempt) and it is taller than 3 metres.

When is a dead tree considered a large tree?

If the species of the standing dead tree is known, apply the large tree benchmark for the local bioregional EVC to decide if it is large. If the species is not known, it is large if it has a DBH of 40cm or more.

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Habitat zone (patch) delineation

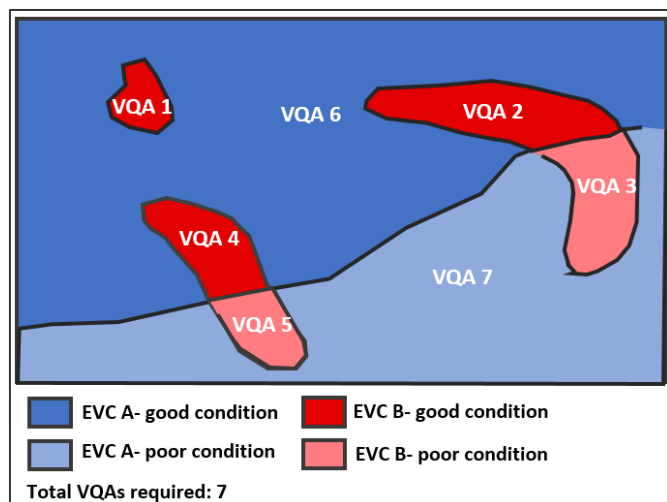
Appendix 5A of the Assessor's handbook provides revised advice for habitat zone (patch) delineation as part of a Vegetation Quality Assessment (VQA). In short, any continuous areas of the same EVC must be treated as a single habitat zone. In general, a habitat zone should not be split based on a change in the vegetation condition. It should only be split based on a change in the EVC.

This change prevents habitat zones from being split up into numerous small habitat zones when mapping native vegetation removal and offset sites. Habitat zone splitting causes variability in VQA's between assessors, and consequently causes variability in offset requirements and available gain. Figure 7 shows split habitat zones.

To guide site design and impact minimisation, it may be reasonable to identify areas on a site where condition scores are lower. This may be achieved at site meetings but clients may require a map that means habitat zones are split. Once the impact area has been finalised, any *adjoining* habitat zones of the same EVC must be merged and considered as a single zone before the data is provided to DELWP.

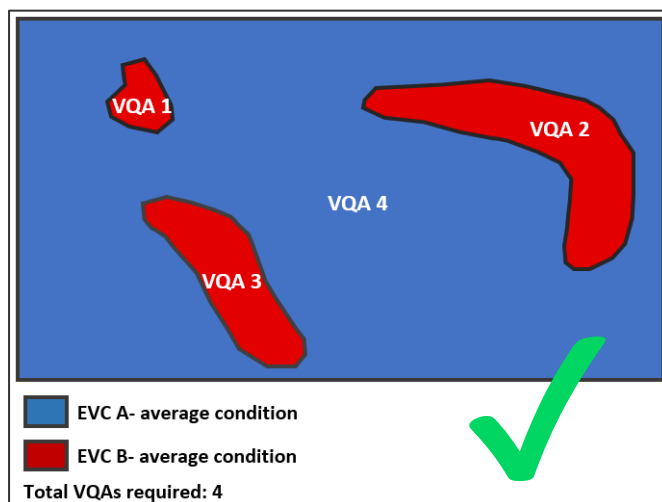
The VQA for the single zone must be based on the average percentage cover of lifeforms, weeds, canopy and organic litter across the entire zone. The VQA should reflect the average vegetation condition across the zone. Where a habitat zone was split based on differing condition (in the same EVC) in the original assessment and multiple VQAs were completed, the VQA for the single (merged) habitat zone should not simply be the averages of the site condition scores. Rather, the raw data and scoring matrices should be revisited.

Figure 7. Habitat zone delineation under 2013 regulations



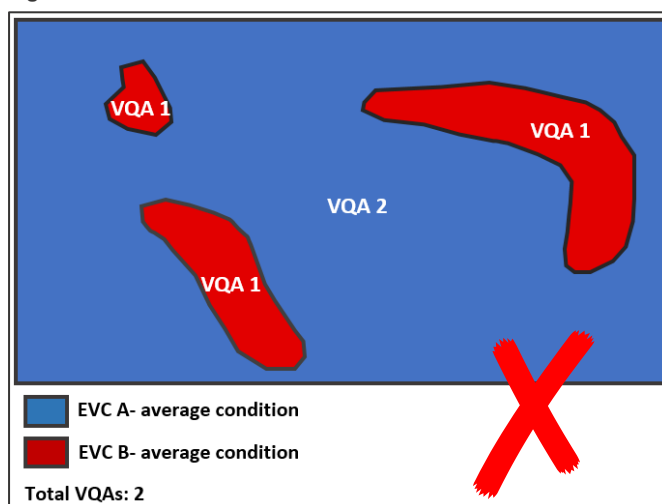
The correct way to map native vegetation in accordance with the revised advice for habitat zone (patch) delineation is shown in Figure 8. Where a habitat zone of an EVC is discrete (i.e. it is not continuous with another habitat zone of the same EVC), one VQA should be completed for each discrete habitat zone.

Figure 8. Correct habitat zone delineation under 2017 regulations



Do not treat all areas of the same EVC on a site as the same habitat zone with only one VQA per EVC (Figure 9).

Figure 9. Incorrect habitat zone delineation under 2017 regulations



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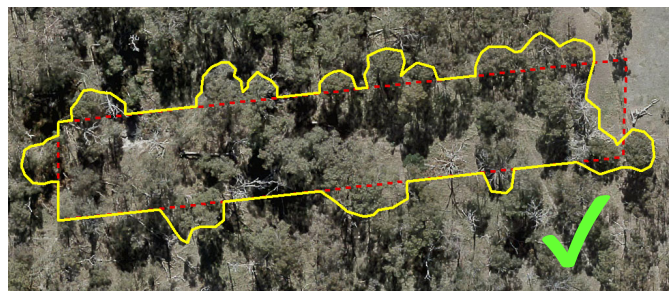
How do I map the vegetation to be removed when there are lots of trees?

When trees are on the edge of a project footprint, the native vegetation to be removed is often incorrectly mapped. Trees cannot be cut in half, and trees 'deemed lost' due to impacts to the Tree Protection Zone (TPZ) must be mapped as part of the native vegetation to be removed.

If the trunk of the tree is *inside* the project footprint, the whole tree will be removed and the footprint is mapped along the canopy dripline. If the trunk of the tree is *outside* the project footprint, check the TPZ. If 10 per cent or more of the TPZ will be impacted, the tree is deemed lost and included as native vegetation to be removed.

Accurate mapping: Whenever possible, map around the edge of the tree canopy for any tree to be removed as shown in Figure 1, 5 and 6.

Figure 1. Mapping native vegetation to be removed



It can sometimes be difficult and impractical to map around tree canopies. Other acceptable options are described below. Mapping as shown in Figure 2 is not acceptable.

Figure 2. Incorrect mapping of native vegetation to be removed



Option 1: For large projects impacting many trees, it may be impractical to trace all tree canopies. In this case you can map any large tree to be removed as a circle with 15m radius and any small tree to be removed as a circle with a 10m radius. Then merge the circles with the rest of the patch to create a single polygon for the habitat zone as shown in Figure 3.

The whole polygon uses the condition score for the habitat zone.

Figure 3. Mapping native vegetation to be removed – Option 1



Option 2: This method may be more appropriate for the early stages of planning for very long, linear projects through an area with a dense tree canopy. It allows the project's footprint to be buffered but ensures native vegetation removal is not underestimated. All native vegetation within the footprint and buffer is mapped as shown in Figure 4, and the whole polygon receives the condition score for the habitat zone.

The buffer distance will vary depending on the size of trees within the buffer area. Assess the large tree 'density' within 25 metres of the project footprint. If less than 10 per cent of the trees in the buffer area are large trees, the buffer should be 17 metres. For each 10 per cent increase in the density of large trees the buffer should increase by 1 metre. If more than 90 per cent of trees in the buffer are large trees, the buffer should be 25 metres.

Figure 4. Mapping native vegetation to be removed – Option 2



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Below are two examples of how to map native vegetation to be removed where only a few trees are impacted.

Figure 5 shows a project footprint that impacts two scattered trees (deemed lost due to encroachment into the TPZ) and a patch containing one tree.

Figure 6 shows a project footprint that impacts four scattered trees, either directly or because of encroachment into the TPZ.

Figure 5. Mapping trees – scattered trees and a patch containing trees



Figure 6. Mapping trees – scattered trees only



Large trees in a patch

Appendix 3.10.2 of the Assessor's handbook states that a site assessment report must include a breakdown of large tree circumference ranges. This ensures the large tree size can be considered when assessing a proposal to remove native vegetation.

Do I have to provide tree size ranges for an offset site?

The requirement to provide large tree size ranges does not apply to an offset site as this information is not assessed when establishing an offset site. The large tree count per habitat zone is required.

When can I estimate the number of large trees in a patch?

The 2017 regulations require the number of large trees within a patch of native vegetation to be recorded. These are mapped when NVIM is used and are counted and included as an attribute of the shapefile when EnSym is used to generate the NVR report.

When a site includes more than 2 hectares of forest, woodland or mallee, with a very high density of large trees (e.g. bioregional EVC large tree count benchmark of 20 or higher and the large tree numbers appear to be close to or higher than this density), the number of large trees in a patch can be estimated using the method below.

This method can only be applied following agreement from DELWP native vegetation regulation team. Submit requests with "tree estimate proposal" in the title of an email to NativeVegetation.Support@delwp.vic.gov.au.

Retrospective estimation of the number of large trees in a patch

I did the habitat hectares assessment under the old regulations. Do I have to go back and count the trees?

Under the 2013 regulations applicants were not required to count the number of large trees in a patch. Where a habitat hectare assessment was completed under the 2013 regulations but it is to be assessed under the 2017 regulations, and it is not feasible to re-assess the site to obtain the large tree numbers, the number of large trees in a patch can be estimated by using the Large Tree score of a habitat zone, determined as part of the original Vegetation Quality Assessment (VQA).

This method can only be applied following agreement from the DELWP native vegetation regulation team (NativeVegetation.Support@delwp.vic.gov.au).

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ISSN 2653-021X – Online (pdf)

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