

Native Vegetation Regulations Newsletter 3

Update on the implementation of the 2017 native vegetation removal regulations and *Guidelines for the removal, destruction or lopping of native vegetation* – November 2019



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 contains recent updates from the Native Vegetation Regulation (NVR) team and 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, ensure emails are sent to the correct email address:

- Requests to generate a report in EnSym: EnSymNVRtool.Support@delwp.vic.gov.au
- Queries about the native vegetation removal regulations, the implementation of the Guidelines, and the NVIM native vegetation removal and offset tools: NativeVegetation.Support@delwp.vic.gov.au
- Queries about native vegetation credits, registering an offset site or the Native Vegetation Offset Register (replaces the Credit Register email): NativeVegetation.OffsetRegister@delwp.vic.gov.au
- Queries about Vegetation Quality Assessment (VQA) methodology and competency checks: Habitat.hectares@delwp.vic.gov.au

- Queries about the assessment, management and establishment of offset sites: NativeVegetation.OffsetManagement@delwp.vic.gov.au
- Queries about payments and invoices relating to offset sites: Nativevegetation.Offsetpayments@delwp.vic.gov.au

What's new

Native Vegetation Credit Register online search tool

A new search tool that enables brokers, purchasers and public to search the Native Vegetation Credit Register is available at: <https://nvcr.delwp.vic.gov.au>

The search tool helps permit applicants address the requirements of the native vegetation removal regulations detailed in the Guidelines. The tool can be used to search for offset requirements to see if they are available in existing or proposed native vegetation offset sites listed on the Native Vegetation Credit Register.

The search tool generates a downloadable report with the results of the search (Figure 1). The report provides evidence that the required offset is available to purchase from an existing or proposed new offset site. The report also lists relevant brokers who can arrange for trades to secure offsets with the NVCR Registrar.

A user guide, *Search the Native Vegetation Credit Register – user guide*, has been developed to help people use the search tool and is available on the Department of Environment, Land, Water and Planning

Native Vegetation Regulations Newsletter 3

website: <https://www.environment.vic.gov.au/native-vegetation/native-vegetation/offsets-for-the-removal-of-native-vegetation>.

Figure 1: Example NVCR search report

Report of available native vegetation credits

This report lists native vegetation credits available to purchase through the Native Vegetation Credit Register. This report is **not evidence** that an offset has been secured. An offset is only secured when the units have been purchased and allocated to a permit or other approval and an allocated credit extract is provided by the Native Vegetation Credit Register.

Date and time: 30/08/2019 01:59 Report ID: 1117

What was searched for?

General offset

General habitat units	Strategic biodiversity value	Large trees	Vicinity (Catchment Management Authority or Municipal district)	
0.412	0.567	3	CMA	East Gippsland
			or LGA	East Gippsland Shire

Details of available native vegetation credits on 30 August 2019 01:59

These sites meet your requirements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
BBA-1035	14.825	563	North East	East Gippsland Shire	Yes	Yes	No	Ethos, VegLink
BBA-2323	15.124	90	East Gippsland	East Gippsland Shire	Yes	Yes	No	Bio Offsets, Ethos, VegLink
BBA-2843	15.168	938	East Gippsland	East Gippsland Shire	Yes	Yes	No	Bio Offsets
TFN-C0698	10.482	166	West Gippsland	East Gippsland Shire	Yes	Yes	No	Ecogenic, Ethos, VegLink

These sites meet your requirements using alternative arrangements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
There are no sites listed in the Native Vegetation Credit Register that meet your offset requirements when applying the alternative arrangements as listed in section 11.2 of the Guidelines for the removal, destruction or topping of native vegetation.								

These potential sites are not yet available, land owners may finalise them once a buyer is confirmed.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
There are no potential sites listed in the Native Vegetation Credit Register that meet your offset requirements.								

LT - Large Trees CMA - Catchment Management Authority LGA - Municipal District or Local Government Authority

Native vegetation removal regulations online training

An online training course which provides an overview of the native vegetation removal regulations is now available online. This course is targeted at responsible and referral authorities who decide applications to remove native vegetation under:

- Clause 52.16 or Clause 52.17
- planning scheme amendments or
- other approval mechanisms

It may be useful for consultants who prepare planning permits and other applications to remove, destroy or lop native vegetation.

The course describes what native vegetation is, its values and the maps used in the regulations; the permit process including the assessment pathways and application requirements; offset eligibility and security requirements.

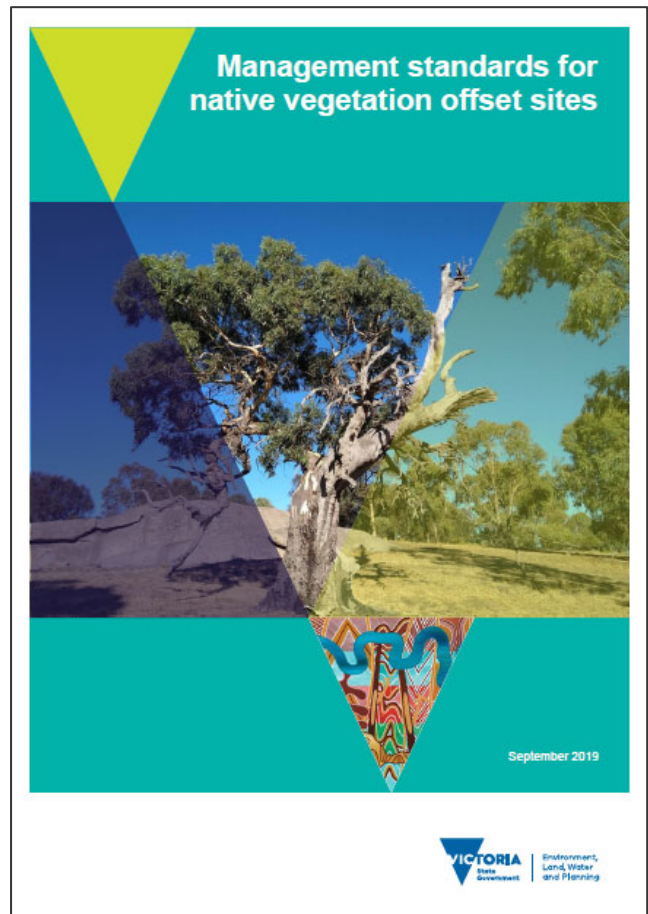
To access the training contact us at Nativevegetation.support@delwp.vic.gov.au

Management standards for native vegetation offset sites

A *Management standards for native vegetation offset sites* document and *First party general offset management plan and annual report template* are now available online at the DELWP website.

The *Management standards for native vegetation offset sites* sets out the management standards for native vegetation offset sites. It replaces the applicable 2013 BushBroker management standards information sheets and apply to all offset sites in Victoria.

The *First party general offset management plan and annual report template* helps people develop a first party general offset management plan when they use the NVIM Native vegetation offset tool.



Native vegetation information management tools – Aerial imagery update

The aerial imagery within all the tools in NVIM has been updated so that it is displayed at all zoom levels.

Victorian Biodiversity Atlas goes mobile

VBA Go is a mobile tool for general observations and available to anyone with a VBA account and a device (phone, tablet, computer) that has location services. The tool links to the VBA and enables you to see records and add your own sightings while in the field. This helps ensure that the VBA is continually updated with records of plants and animals.

For more information visit the VBA pages at <https://www.environment.vic.gov.au/biodiversity/victorian-biodiversity-atlas/vba-go>.

Assessing impacts to native vegetation where a long and linear action is proposed through an area with lots of trees

In accordance with the Guidelines, a site assessment must be completed for any native vegetation proposed to be removed, destroyed or lopped. An accredited native vegetation assessor is required for proposals in the Detailed assessment pathway. This includes determining whether there will be any assumed loss adjacent, or close to the proposed action.

In accordance with Australian standard AS 4970-2009 Protection of trees on development sites, a tree is 'deemed lost' if more than 10 per cent of the Tree Protection Zone (TPZ) is impacted, unless an arborist assessment report confirms the tree is likely to persist.

Any native trees deemed lost, together with any other native vegetation to be removed must be mapped and accounted for in accordance with the Guidelines. The final *Native vegetation removal report* must show any patches of native vegetation removal, including all trees that are deemed lost as a result of the proposal.

Appendix 6C of the Assessor's handbook describes the options for mapping native vegetation where a long and linear action is proposed through an area with lots of trees.

Approach for arborist assessment for TPZ impacts

Where a long and linear development (e.g. mountain bike path or walking trail) is proposed through an area with lots of trees it may be impractical for an arborist to individually assess every tree where more than 10 per cent of the TPZ is impacted. In these cases, an arborist can assess the proposal (rather than assessing each tree) and its likely impact on trees to determine whether they will persist or should be deemed lost based on impacts in the TPZ.

This assessment must consider the likely impact from the proposed construction including consideration of:

- current state of study area (e.g. Is the track proposed an existing compacted surface or?)
- extent and depth of proposed excavation and likely impacts on trees considering the species of trees
- level of proposed compaction/permeability after construction
- ongoing use and expected future consequential losses to address safety issues (e.g. need to adjust corners).

This approach can only be undertaken when:

- the vegetation type is forest, woodland or mallee, with a very high density of trees (for example, the bioregional EVC large tree count benchmark is 20 or higher) and is generally consistent along the route.
- the proposed impact is generally consistent along the route.
- an arborist agrees that the approach is appropriate considering site-specific conditions.

When the vegetation type or the impact varies along the length of the proposal, a more targeted assessment of individual trees will be required.

Native Vegetation Regulations Newsletter 3

How to exclude a mapped wetland shown in the *Current wetlands map* from the assessment process

The following guidance supersedes information in Appendix 4D of the Assessor's handbook (version 1.1) about excluding a mapped wetland from consideration. The Assessor's handbook will be updated with the below advice.

Wetlands can be difficult to identify and accurately assess at the site level as they respond quickly to changes in environmental condition, especially rainfall. After a period of no or low rainfall they may appear degraded or not be evident. As such, mapped wetlands in the *Current wetlands map* are treated as a patch of native vegetation, using the modelled condition score (from the *Native vegetation condition map*).

The site-assessed condition score can be used for the mapped wetland if a site assessment (in accordance with section 6.5 of the Guidelines) is carried out soon after inundation, when native vegetation associated with the wetland is present and can be accurately assessed.

The native vegetation removal regulations provide for mapped wetlands (or part thereof) shown in the *Current wetlands map* to be excluded from the assessment process when considering planning applications to remove native vegetation.

The table below describes the situations when a mapped wetland (or part thereof) in the *Current wetlands map* may be excluded from the assessment process, what evidence is required to demonstrate that a mapped wetland cannot support native vegetation and who must assess and approve the proposal.

If a mapped wetland (or part thereof) is excluded from the assessment process, any native vegetation present on-ground, within the mapped wetland area, must be assessed in accordance with the Guidelines.

If an impact is proposed to a wetland, consider how the wetland as as-a-whole might be affected (consider consequential loss, not just the direct impact area).

Table 1. How to exclude a mapped wetland shown in the *Current wetlands map* from the assessment process

Mapped wetland (or part thereof) may be excluded from the assessment process if:	Evidence required from applicant	Approval authority
<p>1. Hardened, man-made surface Mapped wetland is covered by a hardened, man-made surface, for example, a roadway.</p>	Aerial photography, on-ground photographs.	N/A
<p>2. Mapped wetland is geospatially misaligned Due to geospatial projections, the mapped wetland is misaligned with its on-ground location.</p>	<p>Aerial photography.</p> <p>It must be obvious that the <i>Current wetlands map</i> is spatially misaligned and not due to seasonal variations in wetland extent.</p>	<p>Written agreement from Secretary to DELWP.</p> <p>Submit evidence to nativevegetation.support@delwp.vic.gov.au.</p>
<p>3. Current wetlands map incorrect The <i>Current wetlands map</i> has incorrectly identified a wetland.</p>	<p>Aerial photography, contours, on-ground photographs.</p> <p>It must be obvious that the modelling for the <i>Current wetlands map</i> has incorrectly identified a wetland (e.g. the contours show that the location is a hill rather than a depression and cannot hold water). Explain the circumstances.</p>	<p>Written agreement from Secretary to DELWP.</p> <p>Submit evidence to nativevegetation.support@delwp.vic.gov.au.</p>

Mapped wetland (or part thereof) may be excluded from the assessment process if:

4. **Mapped wetland cannot support native vegetation**

Part or all of the mapped wetland cannot support native vegetation.

Impacts from illegal actions that may have destroyed the wetland will not be considered.

Evidence required from applicant

Aerial photography, on-ground photographs, hydrological assessment, description of vegetation present.

The hydrological assessment:

- must explain why wetland-associated native vegetation cannot grow in the mapped wetland. For example: Has the water source been cut off? Is the water level too deep, too turbid or too salty? Do existing approved land uses prevent wetland-associated native vegetation growth?
- must be completed by a suitably qualified person with experience in assessing the values of waterbodies and wetlands. A description of that experience must be included with assessment.

Approval authority

Written agreement from Secretary to DELWP.

Submit evidence to nativevegetation.support@delwp.vic.gov.au.



© The State of Victoria Department of Environment, Land, Water and Planning 2021



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>

ISSN 2653-021X – Online (pdf)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility - If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677 www.relayservice.com.au.