Reforms to Victoria’s native vegetation permitted clearing regulations
Background

• The removal of native vegetation has been regulated in Victoria since 1989 through the planning system.

• A permit is required to remove, lop or destroy native vegetation unless a right or exemption exists.

• The reforms commenced following the gazettal of the amendment to all Victorian planning schemes on 20 December 2013.
What’s the same

• A planning permit is required to remove, destroy or lop native vegetation unless:
  • the removal is the result of a use that is not regulated by the planning scheme
  • the planning scheme provides for the removal of native vegetation without a permit.

• If a permit is granted, the impact must be offset.
What has changed?

• The new incorporated *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (the Guidelines) replaces the *Victoria’s Native Vegetation – A Framework for Action*.

• Risk-based pathway approach determines application requirements and decision guidelines.

• There are two new classes of offsets and offset delivery requirements.
Risk-based pathways

- The native vegetation permitted clearing regulations are designed to manage the risk to biodiversity associated with removing native vegetation, considering:
  - the extent of native vegetation that is proposed to be removed
  - the likelihood that removing a small amount of native vegetation in a location will have an impact on the persistence of a rare or threatened species, as determined by the *Native vegetation location risk map*.

- The combination of the two types of risk is used to determine the risk-based pathway for assessing a permit to remove native vegetation as one of the following: low, moderate or high.
Native vegetation location risk map
Risk-based pathways in practice

- The map is used to determine the location risk category A, B or C.

- This is combined with extent of the clearing to determined the risk-based pathway.

- Risk-based pathways enable landholders to get a clear indication upfront of their likely regulatory experience using basic information.
Use the NVIM online tool to determine the risk-based pathway

- Identify the native vegetation to be removed and the tool determines the the risk-based pathway.

- If it is a low risk-based pathway proposal the tool determines the offset requirements.

- NOTE: the tool does not determine whether or not native vegetation is in the location. By marking an area the tool assumes there is native vegetation there.
Biodiversity information tools used in regulation

- Landscape-scale information gives an understanding of how important the offset site is for Victoria’s biodiversity relative to other locations across the State:
  - **Strategic biodiversity score** measures the relative value of a location in the landscape with regard to its condition, extent, connectivity and the support function it plays for species.
  - **Habitat importance maps for rare and threatened species** indicate the importance of locations as suitable habitat for particular rare or threatened species.
Strategic biodiversity map

- NaturePrint spatial prioritisation used to rank locations for their importance for Victoria’s biodiversity.
- Maps give locations a score which is used to:
  - determine offset requirements
  - identify areas of strategic importance to be offset sites.
Habitat importance maps

- 1,778 rare or threatened species habitat importance maps
- Dispersed species habitat ranked for its importance
- Highly localised habitat is all considered high importance

Habitat importance map – Brush-tailed Phascogale
Low risk-based pathway

- Applicant:
  - determines what native vegetation they wish to removed from what is there on the ground
  - provides report from NVIM tool that includes the offset requirements.

- Decision maker does not object to permit on biodiversity grounds.

- Condition on permit that a compliant offset is secured.
Moderate and high risk-based pathway applications

- **Applicant:**
  - obtains a habitat hectare assessment of condition and extent of the native vegetation
  - includes an assessment of whether the impact on the habitat for rare or threatened species is significant
  - outlines what steps to avoid and minimise impacts have been taken
  - includes an offset strategy explaining how clearing will be offset.

- **Decision maker assesses the impact of the proposal on Victoria’s biodiversity, whether the applicant’s steps to minimise are adequate, and whether there is a suitable offset available.**

- **Should the clearing be approved, an offset must be provided.**
Offsets provide appropriate compensation to the environment

• There are two classes of offset:
  • **General offset**: For impacts deemed to be low or not significant on rare or threatened species habitat, offsets focused on securing high value biodiversity assets.
    • must be located in the same CMA as the clearing
    • no type matching requirements.
  
  • **Specific offset**: For significant proportional impact on remaining rare or threatened species habitat, offsets need to specifically compensate for that impact.
    • must be the same species habitat.
How to secure offsets

• Offset must be secured before clearing commences.
• Offset sites must meet eligibility requirements (see *Native vegetation gain scoring manual*).
• Permit holders can secure either:
  • **First party offsets:**
    • landholders who are removing native vegetation can secure a general offset on their own land if they have native vegetation that meets their offset requirements
    • must be secured with a legal agreement and a 10 year management plan.
  • **Third party offsets:**
    • credits registered on the native vegetation credit register.
    • BushBroker, Trust for Nature and offset brokers provide a service to assist third party offset sellers and buyers.
    • over-the-counter offsets programs allow permit holders to readily access offset at fixed prices.
Key documents

**Biodiversity assessment guidelines**
- Replaces Framework as incorporated document in the VPP.
- Outlines objective, application requirements, decision guidelines and offset obligations.

**Native vegetation gain scoring manual**
- Outlines offset standards, scoring system and arrangements for establishing offsets.

**Permitted clearing of native vegetation – Biodiversity assessment handbook**
- Provides biodiversity guidance for local government and DEPI staff when assessing applications.
Meeting the moderate and high risk-based pathway application requirement
• Assists applicants with proposals in the moderate or high risk-based pathway to prepare their application

Low risk-based pathway permit applicant’s kit
• Assists applicants with proposals in the low risk-based pathway to prepare their application
Further information about the maps used in the regulations can also be found on the DEPI website.

**Risk-based pathways factsheet**
- Provides further information on risk-based pathways

**Biodiversity information tools factsheet**
- Provides further information on the biodiversity information tools used in the native vegetation permitted clearing regulations