

LEGISLATIVE REQUIREMENTS THAT APPLY TO LAND MANAGERS TO ENSURE SUSTAINABLE DEVELOPMENT

1. Native vegetation clearing controls

Introduction

Native Vegetation Management: A Framework for action (the Framework) was released in 2002. 'The framework' is the State Government's strategy to protect, enhance and revegetate Victoria's native vegetation. It:

- provides a strong focus on **protection and improvement** of higher conservation significance vegetation; and
- provides a **flexible but accountable** approach for lower conservation significance vegetation, enabling landholders to move towards **more sustainable land use options**.

The Main Goal: Net Gain

The Framework's main goal is ***to achieve a reversal, across the entire landscape of the long-term decline in the extent and quality of native vegetation, leading to a net gain.***

Net gain is where overall gains in native vegetation are greater than overall losses and where individual losses are avoided where possible. This recognises that although it's better to retain existing native vegetation, it is possible to partially recover both amount and quality by active work and therefore improve the result as a whole. Net gain will be achieved as a result of landholder and government-assisted efforts to **protect and improve native vegetation**. In addition, **permitted clearing must be offset** in a way that adequately addresses the future impacts of such clearing.

Guiding Principles

The framework has four guiding principles:

1. **Retention and management of remnant native vegetation** is the best way to conserve biodiversity
2. Conservation of native vegetation and habitat depends on the **maintenance of catchment processes**.
3. **Costs should be equitably shared** according to benefits that the landholder, community and region get
4. **A landscape approach** to planning native vegetation management is required and priorities should be based on [bioregions](#) within [Catchment Management Authority](#) regions.

The Three Step Approach - Avoid, minimise and offset

In applying the policy, there are **three key steps** for land managers and owners to address when considering vegetation clearing:

1. **Avoid** adverse impacts, particularly through vegetation clearance;
2. If impacts cannot be avoided, **minimise** impacts by careful planning, design and management; and
3. If clearing must occur, the clearing must be **offset***

A planning permit is required to remove native vegetation and the three-step approach is an integral part of the decision making process relating to such permits.

Quality vs Quantity

Most concern for native vegetation is focused on clearing, but maintaining **good quality native vegetation is just as important** for conserving plants and animals and for maintaining our land in good condition.

DSE has developed a **standard approach for estimating the quality** of an area of vegetation. Known as [habitat hectares](#), it measures a site's condition and landscape context.

Site condition measures how much the site has changed from a 'benchmark' that describes the average characteristics of the vegetation if it were mature and undisturbed for some time, by looking at:

- presence of **large old trees** (for woodlands and forests)
- amount of **tree canopy cover** (for woodlands and forests)
- the amount of **logs** (for woodland forests)
- the cover and diversity of the **understorey**
- presence of appropriate **regeneration**
- how **weedy** the site is
- how much **leaf litter** there is

Landscape context considers how well the patch of vegetation can cope with natural fluctuations and disturbances events, such as old trees dying, bushfires and floods. It is measured by:
how big the area of vegetation is that the site is within; and
links to, and amount of, neighbouring patches of vegetation

2. Guidelines For Approval To Carry Out Works On A Waterway

The Goulburn Broken Catchment Management Authority (CMA) is the Authority responsible for the issuing of permits to a person, company or Authority to carry out works on a waterway.

The objective of this by-law is to make provision for:

- a) the control, management and authorisation of works and activities in, on or over designated waterways and designated land or works;
 - b) the protection and care of designated waterways and designated land or works;
 - c) conservation and preservation of flora and fauna and habitat in designated waterways and designated land and works.
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3. Cultural Heritage Management Plans

Cultural Heritage Management Plans are mandatory for listed high impact activities proposed for listed areas of cultural heritage sensitivity, as defined in the Aboriginal Heritage Regulations 2007.

High impact activities are prescribed in the Aboriginal Heritage Regulations 2007. High impact activities include developments with the potential to cause significant changes in land use.

Areas of cultural heritage sensitivity are landforms and land categories that are generally regarded as more likely to contain Aboriginal cultural heritage. An area of cultural heritage sensitivity (other than a cave) is no longer regarded as sensitive if all of it has been subject to past significant ground disturbance .

Significant ground disturbance is defined as disturbance of the ground or waterway by machinery in the course of grading, excavating, digging, dredging or deep ripping (to a depth of 60cm or more). Ploughing, other than deep ripping, is not considered significant ground disturbance for the purposes of the Regulations.

The Regulations also lists activities that are exempt from requiring the preparation of a Cultural Heritage Management Plan.

4. Catchment And Land Protection Act 1994

Responsibility for the control of listed weed species is delegated on the basis of four classifications –

- **State Prohibited Weeds**
These weeds either do not occur in Victoria, but pose a significant threat if they invade, or are present, pose a serious threat and can reasonably be expected to be eradicated. If present, infestations of a State Prohibited Weed are relatively small. They are to be eradicated if possible from Victoria or excluded from the State. The Victorian Government is responsible for their eradication, but may direct land owners to prevent their growth and spread.
 - **Regionally Prohibited Weeds**
Regionally Prohibited weeds are not widely distributed in a Region but are capable of spreading further. It is reasonable to expect that they can be eradicated from a Region and they must be managed with that goal. Land owners, including public authorities responsible for Crown land management, must take all reasonable steps to eradicate Regionally Prohibited weeds on their land.
 - **Regionally Controlled Weeds**
These weeds are usually widespread and are considered important in a particular Region. To prevent their spread, continuing control measures are required. Land owners have the responsibility to take all reasonable steps to prevent the growth and spread of Regionally Controlled weeds on their land.
 - **Restricted Weeds**
This category includes plants that pose an unacceptable risk of spreading in this State or to other parts of Australia if they were to be sold or traded in Victoria, and are a serious threat to another State or Territory of Australia. Trade in these weeds is prohibited.
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5. Greater Shepparton City Council Community Living Local Law No. 1

Relevant local laws that PV officers can use:

In any public place it is an offence for a person to light and maintain any campfire or barbeque using solid fuel unless:

- (i) the fire is contained in an approved fireplace or trench of at least 30 centimetres deep;
- (ii) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of all potentially flammable material;
- (iii) the fire does not occupy an area exceeding 1 square metre

A person must not use an unregistered motor powered or motor assisted recreational vehicle on any public land within the municipality.

A person who camps or who occupies a campsite in a public place must at all times maintain the campsite in a clean and tidy condition.

A person must not fail to state his full name and address of his usual place of residence to an authorised officer when required under this Local Law to do so.

6. Parks Victoria officer authorisation.

PV officers are also authorised under:

- Fisheries Act
- Wildlife Act
- National Parks Act
- Land Act
- Land Conservation (Vehicle Control) Act
- EPA Act