

# Dismantling Native Vegetation Clearing (and similar) Regulations

adversely impacting upon private landholdings  
outside the Urban Growth Boundary

## A How To Guide

Poor Community Engagement *equals* Bad Policy *equals* Flawed Regulation

**Nillumbik Pro Active Landowners (PALs)** has successfully advocated and lobbied for a number of changes to Local Environment/Planning rules due primarily to the flawed nature of their design and implementation.

The proposed raft of new environmental regulations are significantly flawed and as a result they are likely to deliver adverse social, economic, environmental and public safety outcomes for rural Victorian communities.

PALs is of the view that proposed changes to Victorian Native Vegetation Clearing (and similar) Regulations should be discarded and a new engagement process commenced. We have formed this view via **3 principal themes**.

Poor Community Engagement	Bad Policy	Flawed Regulation
<ul style="list-style-type: none"> <li>• Select green groups engaged</li> <li>• Excludes affected landowners</li> <li>• Closed Shop Approach</li> <li>• Failure to engage effectively with public safety authorities (CFA/SES/EMV and others)</li> <li>• Inadequate assessment of social and economic impacts of proposed changes</li> <li>• Process conducted with deliberate end goals in mind</li> <li>• Process driven by “Urban” based green activists (versus affected rural communities)</li> </ul>	<ul style="list-style-type: none"> <li>• Limits scope to environment ideology</li> <li>• Penalises landowners and increases “Green Tape”</li> <li>• Flawed “Net Gain” Principle</li> <li>• Offset Scheme incentivises corruption</li> <li>• Bushfire Management not adequately considered</li> <li>• Highly Complex Habitat Offset Processes</li> <li>• No consideration of public safety imperatives</li> <li>• Lack of focus and understanding of social and economic impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Fails to recognise legislative hierarchies: <ul style="list-style-type: none"> <li>- Human Rights</li> <li>- Bushfire Mitigation</li> </ul> </li> <li>• Punitive Measures negatively affect landowners whilst having no impact on urban people who developed them – not equitable</li> <li>• Competing, Conflicting and Confusing Legislation between Environmental/Public Safety imperatives</li> <li>• Delivers perverse incentives that will impact liveability, amenity, family and financial security in rural areas</li> <li>• Could lead to population drain in some rural areas</li> </ul>

There is enough evidence to demonstrate the flawed nature of the proposed regime to adopt the clean slate approach and start again. The following approach would achieve this aim.

## Repeal and Replace Program

1. **Stall the current process** – it is bad policy leading to flawed regulation and adverse outcomes for rural communities and the environment.
2. **Launch a formal investigation** into the habitat offset scheme on the basis that it is not transparent, is highly complex, may incentivise corrupt practice, and is being used as a blunt tool by “green groups” to inhibit development and to punish rural landowners.
3. **Launch a formal review** into the conflicting and overlapping range of State legislation impacting rural communities (Public Safety/ Environmental/Planning) with a view to:
  - a. Clarifying legislative hierarchies
  - b. Removing duplication
  - c. Reducing Red/Green Tape
  - d. Prioritising the role of law being to prioritise Public Safety (Primacy of Human Life) as a fundamental role of law makers (government)
4. **Adopt a Re-engagement Strategy**, led by an independent authoritative international Consulting firm, with a broad range of impacted Stakeholders, being Landowners and other key community groups to workshop future policy design adopting the following principles:
  - i. Reviewing the No Net Loss vs Net Gain Principle – is it necessary, is it achievable, what are rural implications of this policy?;
  - ii. Reassess Offset scheme calculations/applications – is it necessary, should cash contributions apply at all for residential applications, is vegetation replacement on site more reasonable and fair, should vegetation be used as the currency for offsets replacing cash?;
  - iii. Addressing Bushfire Mitigation - The primacy of human life should be the overarching and guiding principle of all laws;
  - iv. Acknowledging the legitimate role of rural landowners’ contributions to fire risk mitigation through appropriate property maintenance;
  - v. Aligning with Human Rights Principles; and
  - vi. Simplifying the process.
5. **Draft new vegetation management regulations** for further consultation. These should include the listing of all relevant legislation.
6. **Review and Re-structure the relevant agencies** with carriage of legislative and regulatory responsibilities for rural Victoria to “enable” the new legislation to deliver desired aims. This will also necessitate further consultation with affected communities.
7. **Introduce new regulations into State Planning Framework.**