

17 March 2017

Ms Luisa Ermacora
Native Vegetation Regulation Review Program Manager
Department of Environment, Land, Water and Planning
8 Nicholson Street
EAST MELBOURNE VIC 3002
Via email: nativevegetation.review@delwp.vic.gov.au

Dear Ms Ermacora

Re: Review of the Native Vegetation Clearing Regulations

Thank you for the opportunity to have input to the Review of the Native Vegetation Clearing Regulations. This submission should be considered alongside the VicWater submission in May 2016 on the same topic.

VicWater has been generally satisfied with the level of engagement from DELWP during this review. The joint water industry and DELWP workshop on 28 July 2015 to discuss how the Permitted Clearing Regulations affect water corporations was a highlight. As was the circulation of a comprehensive summary of water industry views following the workshop.

Water corporations' overall objective for the review is to ensure the approval processes, compliance activities and investments target the best overall environmental outcome and limit onerous processes that necessitate costly external consultants. With this in mind, water corporations support the broad intent of the proposed changes, noting the following:

- ◆ Water corporations support the policy change removing the requirement of an upfront approval from local government to clear vegetation for the purpose of conducting maintenance works on a water utility installation. Priority should be given to streamlining the process to clear vegetation for the purpose of conducting maintenance works, rather than transferring the approval process from local government to DELWP which will result in only a minor reduction in regulatory burden.
- ◆ Water corporations support the development of the water utility installation maintenance exemption 'procedure'. There is significant interest among water corporations regarding how this 'procedure' is drafted

- ◆ VicWater understands that a small group of water corporation officers met with DELWP on 3 March to discuss elements of the 'procedure'. However, most attendees at the previous workshop on 28 July 2015, including VicWater, were not invited to attend. VicWater has been contacted by several water corporations expressing disappointment that they were not invited to participate in this meeting and desire to be properly consulted prior to the finalisation of the 'procedure'.
- ◆ A best practice, risk-based approach to the development and implementation of the 'procedure' would: (1) include clear risk-based obligations on water corporations, (2) provide for the integration of the procedure into existing systems, (3) provide for outcomes to be audited, and (4) avoid upfront approvals.
- ◆ If an upfront approval is included in the 'procedure', it should be drafted in such a way that DELWP has a set period of notice to reject or amend application (for example two weeks), rather than an open-ended approval process (even if it includes a target timeframe). After that set period of notice has expired, approval will be deemed to be granted. This would help reduce water corporation costs associated with delays.
- ◆ One situation that should specifically be avoided is that Goulburn-Murray Water (the single water corporation that was able to negotiate and adopt a Code of Practice with councils in its region, under the outgoing Native Vegetation Clearing Regulations) experience an increase in regulatory burden under the proposed 'procedure', relative to the outgoing Code of Practice.
- ◆ As a part of this review, water corporations seek changes to improve consistency of definitions and differentiations between 'minor utility installations' and 'utility installations'. For example sewage treatment plant are treated differently to water tanks to water treatment plant. This apparent inconsistency should be resolved, or a risk-based justification provided.
- ◆ Water corporations note that some overlays include the requirement for a Planning Permit for vegetation removal for conducting maintenance works and that this requirement will over-ride the proposed 'procedure' in those areas. Although overlays typically include a list of standard exemptions from the requirement for a planning permit none are broadly applicable to the water industry's maintenance activities at utility installations. Water corporations request further assistance from DELWP to mitigate this source or regulatory burden, be it during this review or in a subsequent process.

VicWater looks forward to further involvement in this review. For further information, please contact James Cleaver (james.cleaver@vicwater.org.au).

Yours sincerely



Tony Wright
Chief Executive Officer