

Attachment B – UDIA (Vic) response to “Biodiversity is Everybody’s Business”

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Secretary
 Department of Sustainability and Environment
 PO Box 500
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re: *UDIA Response to “Biodiversity is Everybody’s Business”*

Dear Sir

Thank you for the opportunity to make a submission on the discussion paper “Biodiversity is Everybody’s Business”. As you are aware, the Urban Development Institute of Australia (Vic) is the peak body for the development industry in Victoria, representing around 350 developers and allied professions. I apologise for the lateness of this submission.

The development industry has three major issues with biodiversity policy as it is currently implemented in Victoria. These are:

- Practical management of flora and fauna reserves
- Contradictions between the net gain policy, native vegetation regime, the P&E Act and Commonwealth legislation
- Issues around the triple bottom line and a whole-of-government approach.

In making our remarks on the discussion paper, the UDIA position should not be misunderstood; we strongly believe planning for nature conservation is as important as planning for schools, hospitals, highways, houses, offices, factories, ports, railways and agriculture. Planners can and should plan for nature conservation areas, on advice from ecologists in an integrated, engaging and consistent manner.

We consider that any discussion on biodiversity cannot be undertaken in isolation. It must have regard to the challenges that Melbourne faces to accommodate its greater than expected population growth.

General

We are concerned at the reference to the use of the “precautionary principle”. We consider that the precautionary principle is not well understood and is currently quite vague. It does not appear in the Planning Scheme but is referred to in a number of documents that the Victorian Civil and Administrative Tribunal (VCAT) has recently had regard to in arriving at decisions on, for example,

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flood risk and fire risk and risk to open potable catchment areas. If it is to be introduced into the Biodiversity Strategy, there needs to be some clear parameters put around what it exactly means and how it should be applied.

Practical Management of Flora and Fauna Reserves

We welcomed the government's announcement that as part of the shift of the Urban Growth Boundary (UGB) that it would be reserving 15,000 hectares of volcanic plains grassland. We consider that the existence of a set place to offset to should mean that areas already zoned for urban development and within the Urban Growth Zone around Melbourne should be considered developable by default, and offsets should be made from within the UGB to the reserve.

The UDIA is particularly concerned about the preservation of patches of remnant vegetation in developments (which may include non-native vegetation). UDIA would welcome the ecological principle espoused in the discussion paper that "Central to the conservation of biodiversity is the need for a 'comprehensive, adequate and representative' system of ecologically viable protected areas, integrated with the sympathetic management of other areas, including urban, agricultural and industrial areas," although we consider that the emphasis should be on ecologically viable protected areas.

There are numerous examples among members where patches of native vegetation have had to be fenced off in order to satisfy DSE, but which are in the middle of a large development where all other native vegetation has either been offset and/or removed. We consider that it is very inefficient and unsustainable to preserve these patches of remnant native vegetation in most urban settings. We consider that for these remnant patches, there should be a presumption that native vegetation will be removed and offset.

City landscapes have experienced the most clearing. We consider that current priorities are directed to those things which are rare and threatened, resulting in a disproportionate amount of time and resources spent on isolated degraded postage stamp pieces of native vegetation surrounded by houses, industry or infrastructure; native vegetation which nobody has the interest or resources to manage in the long term. On the other hand UDIA is very concerned that insufficient resources and attention is being paid to those areas of native vegetation (on private land outside the UGB) which are large, sustainable and retain functional physical and biological processes; areas which if protected and managed will be universally applauded by future generations. We contend that any policy that regards cleared farmland which has been grazed for over 100 years or a handful of scattered trees in a paddock as native vegetation should be revisited. In essence we consider that the threshold or criteria for what is regarded as native vegetation is unjustifiably low, the like for like approach is practically unworkable and as an issue this needs to be a focus of any biodiversity policy review.

There are several references in the discussion paper to maintaining biodiversity in situ. UDIA is concerned that this is contrary to Victoria's *Native Vegetation Management – A Framework for*

Action (Department of Natural Resources and Environment 2002). This was referred to in the Planning Panel Report in Hume C120, which cited that the Framework includes principles:

1. d: that *"Large natural areas of remnant vegetation are of fundamental importance for nature conservation and are irreplaceable. All other things being equal, large remnants are inherently more valuable than small patches that total the same area"* (emphasis added by Panel).

and

4b: that *"The position of remnants in the landscape affects their conservation value."*

The Panel Members found that, although the DSE representative gave evidence in favour of maintaining a remnant 1.3 hectare parcel of mostly degraded land as a biodiversity reserve, the framework and associated Practice Notes for its implementation is "quite the contrary to such an approach." Hume Council gave evidence that the site would be difficult to manage, and did not want the site retained. The Panel supported "the broader approach of the Strategic Impact Assessment Report (SIAR) to offset grasslands in the investigation areas to larger parcels of grasslands where genuine conservation can be viably established."

Net Gain

The UDIA is concerned with the emphasis on the policies of avoid, minimize and offset. The discussion on this policy seems to be written in a vacuum to other strategic policy considerations relevant to a discussion on biodiversity issues.

We consider that the thresholds for triggering native vegetation removal approvals and net gain assessment are too low and should be looked at by government. We consider that the current system is extremely inefficient, and that higher thresholds would not detract from the policy intention.

UDIA recommends that the underlying principles of the Net Gain policy need to be reviewed and should shift to protecting and managing those things that are obviously important and warrant being part of the Victorian 'Conservation Estate'. Cities occupy around 1% of Australia. The priority of any compact sustainable modern city is to accommodate people and provide places to live, work and recreate. Applying an indiscriminate native vegetation policy objective of "cover" across the "entire landscape" does not reflect how land use priorities should play out. However flawed the policy principles might be UDIA remains very disappointed that no attention or serious assessment has been made by DSE to ascertain the real environmental benefits and costs to the government, industry and community.

We strongly disagree that the Net Gain approach should be extended to non-native vegetation. There appears to be an assertion that the Net Gain approach would better address impacts of biodiversity if it included other forms of habitat in addition to native vegetation. However, there is no justification for this approach, and we would see this as a way to merely stymie legitimate development.

A Whole of Government Approach Obtaining Triple-Bottom Line Outcomes

UDIA is pleased that the discussion paper raises adopting a whole of government approach to biodiversity management. We consider that biodiversity management is one of the inputs that should be taken into account in a system that seeks triple-bottom-line outcomes. A "whole of government" approach should not mean that any one department gets a veto over all other inputs into land use planning, but should ensure a balance between environmental, economic and social considerations. An approach to the triple bottom line would include ensuring that the principle of "Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations," is implemented. We would also welcome a system whereby the Sustainable Development Principle espoused in the discussion paper of "Decisions should recognise the need to develop a strong, growing, diversified and competitive economy" was more closely adhered to. Housing affordability should be a critical consideration for planning authorities in making land use planning decisions.

Locking up land for conservation is not a costless exercise. Land that is in private ownership, bought with the intention of developing for houses, can as part of the Net Gain policy be set aside for conservation at the developer's expense. A lower yield on the land for a developer generally means that the homes that can be built on the remaining land will be more expensive. As such, housing affordability is greatly affected by the current Net Gain approach. We consider that, if the flora or fauna is so valuable to the people of Victoria, then the government (DSE) should, out of their budget, purchase the land and maintain it as part of the conservation estate.

One of the principles mentioned in the discussion paper is to promote biodiversity best practice. In March 2010, UDIA (Vic) launched our EnviroDevelopment initiative (the standards have been attached). EnviroDevelopment is the only greenfields estate-based sustainability accreditation available in Australia. This initiative allows developers to go through a rigorous accreditation process so that they can promote their estate as an "EnviroDevelopment". The ecosystems element of EnviroDevelopment is particularly apt, as it gives credit to developers for protecting and enhancing the health and sustainability of natural ecosystems as well as native biodiversity and rehabilitation of degraded sites. We consider that the state government should be encouraging developers to meet EnviroDevelopment standards by allowing accredited developments to be fast-tracked. This would also mean that, in partnership, the UDIA and the government would be effecting cultural and behavioural change.

Yours sincerely

Tony De Domenico
Executive Director