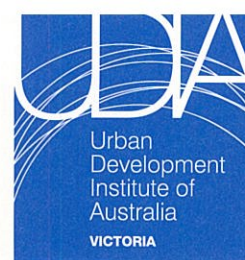


e info@udiavic.com.au
t 1300 834 284
f 1300 552 887
w www.udiavic.com.au

Urban Development Institute of Australia
(Victoria)
Suite 411, Level 4, 434 St Kilda Road
MELBOURNE VICTORIA 3004



6 October 2008

The Hon. Justin Madden MLC
Minister for Planning
Level 17
8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Minister,

Justin

Re: Environment Protection and Biodiversity Conservation Act (EPBC Act)

I write in relation to the ambiguous process between State and Federal Government in managing the protection of native vegetation.

In Victoria, various overlays and Clause 52.16 of the Victoria Planning Provisions govern when a planning permit is required for the removal of native vegetation and when a Native Vegetation Precinct Plan is required. The preparation of a Native Vegetation Precinct Plan requires extensive expert research at high costs and can take several months to complete. When a Precinct Plan is signed off by the Department of Sustainability and Environment (DSE) and Council, it then becomes an incorporated document in the relevant planning scheme, (through a Planning Scheme Amendment). Regardless of whether a Precinct Plan exists, a planning permit to remove native vegetation may still be required through an overlay. This seems an unnecessary imposition when the issue of managing native vegetation has been resolved.

The Institute was surprised to see a new package of native vegetation practice notes and an amended Clause 52.16 released on 15 September 2008 without any prior mention of the proposed changes in our recent meetings over this issue. Formal consultation on the planning tools took place two years ago and an update to stakeholders prior to official release would have been appreciated given the ongoing concerns the development industry has with the management of native vegetation. The above issue of duplication could have been resolved with further consultation.

The above mentioned Victorian statutory requirements are rigorous and onerous and should be sufficient for an optimum outcome. However, the EPBC Act also requires referral to the Federal Department of the Environment, Water, Heritage and the Arts (DEWHA) for listed threatened species and ecological communities. To streamline processes, the UDIA strongly urges that DSE becomes the one stop shop for managing native vegetation and refers matters to the DEWHA on behalf of Council and landowners as part of the process for finalising a Native Vegetation Precinct Plan. The EPBC Act process also allows 3rd parties to become involved in the process which further adds to the problem if DSE and Council have signed off on native vegetation removal without it being referred or assessed by

the Federal Department. I would like to request that this proposal for DSE acting as a one stop shop be given consideration to alleviate costs, time delays and assist with affordable and timely delivery of the final product to the market.

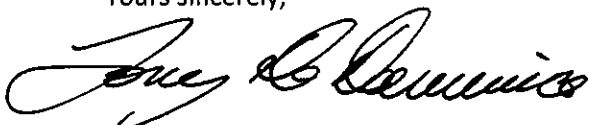
Another option for streamlining the management of biodiversity issues between the three tiers of government is for the State Government to develop an intergovernmental agreement on the biodiversity planning process which would remove the need to consult with the Federal Government. The EPBC Act includes a mechanism to ensure that duplication does not occur. Under this mechanism, the Federal Government may enter into an agreement with a State Government, where the State may approve actions that may impact on matters of national environmental significance. These are matters that the Federal Environment Minister would otherwise have responsibility for under the EPBC Act.

It is imperative that one of the options mentioned above or something similar be considered immediately as the issue of native vegetation management has increased exponentially since the Western Plains Grassland was listed as an endangered vegetation community under the EPBC Act (the western part of Melbourne's growth areas have large amounts of this species of grassland, which would severely limit the development of land, affecting the 15 year land supply).

I have also written to the Minister for Environment, Climate Change and Innovation on these issues. I write to you on this matter as your Department would have to amend the statutory processes and possibly the practice notes to allow for this change to happen. I would be pleased to meet with you and the Minister for Environment, Climate Change and Innovation to discuss this further.

Please contact me by phone on 9832 9602 or by email at tony@udiavic.com.au if you have any queries or wish to meet.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tony De Domenico', written in a cursive style.

Tony De Domenico
Executive Director