

New native vegetation provisions in planning schemes

Advisory note

March 2006

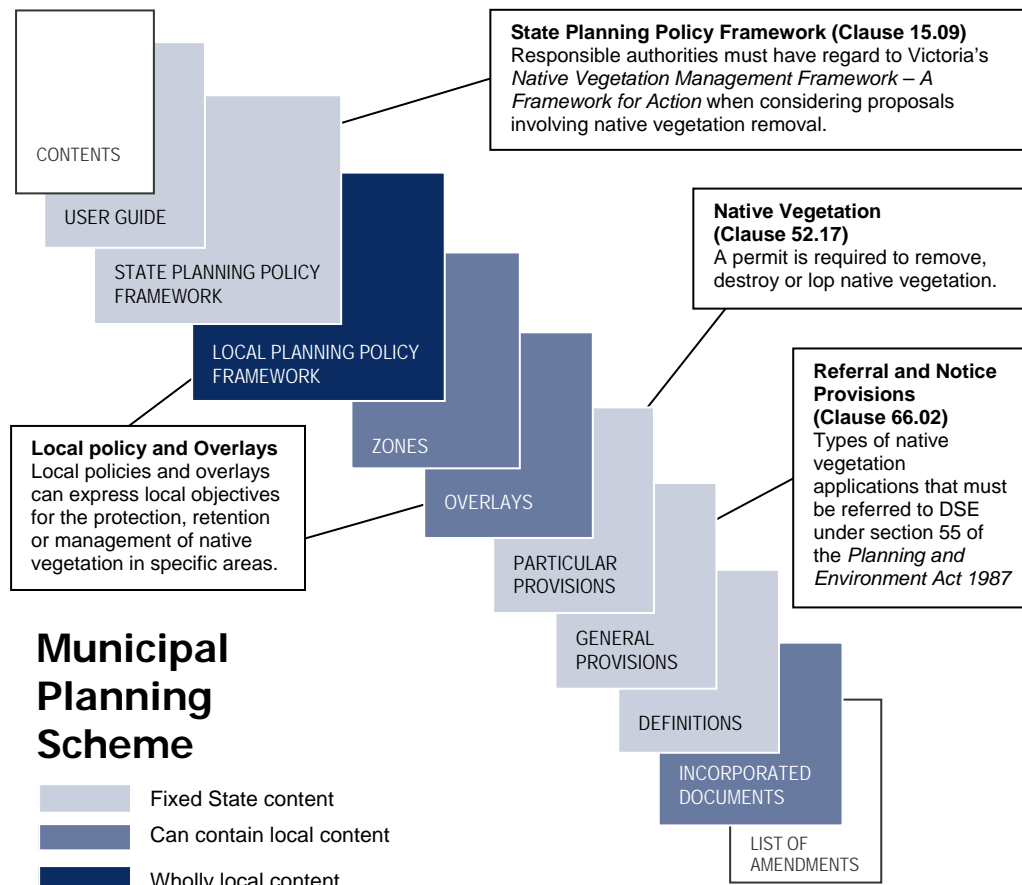
This advisory note provides information about recent changes to the native vegetation provisions in the Victoria Planning Provisions (VPPs) and planning schemes including:

- Changes to clarify the native vegetation provisions in the planning scheme (Clauses 15.09 and 52.17)
- Changes to the referral provisions so more complex native vegetation planning permit applications are referred to DSE (Clause 66.02)
- Providing a set of planning tools that allow native vegetation to be strategically managed (Clause 52.17) - Native Vegetation Precinct Plans and Property Vegetation Plans.

The Government's approach to managing native vegetation seeks to maintain ecological security and minimise economic costs.

A strategic approach to native vegetation management and the three steps of **avoid**, **minimise** and **offset** is encouraged. A strategic approach enables significant native vegetation to be identified and planned for early in strategic and regional planning processes. Structure plans, native vegetation precinct plans and property vegetation plans are key tools for managing native vegetation at a strategic level.

The planning scheme provisions that apply to proposals involving the removal of native vegetation are:



Clauses 11 and 15.09 in the State Planning Policy Framework provide the framework for considering native vegetation issues in the planning system. These clauses require planning and responsible authorities to have regard to *Victoria's Native Vegetation Management – A Framework for Action* (the 'Framework'), which establishes the strategic direction for the protection, enhancement and revegetation of native vegetation across Victoria.

All planning schemes contain native vegetation provisions at Clause 52.17. A planning permit is required to remove, destroy or lop native vegetation, unless:

- The application is exempt under the schedule to Clause 52.17
- A Native Vegetation Precinct Plan applies.

Planning schemes may contain other provisions in relation to the removal of native vegetation. These new native vegetation provisions do not affect the operation of these other provisions.

Clause 66 of the planning scheme sets out the types of applications that must be referred under section 55 of the *Planning and Environment Act 1987*. Clause 66.02-3 lists the native vegetation applications that require referral to the Secretary to the Department of Sustainability and Environment (DSE).

What are the new provisions?

- Referral to DSE is now required for all applications to remove native vegetation where:

SCATTERED TREES

- more than 15 trees with a diameter less than 40 cm at 1.3 metres above ground
- more than 5 trees with a diameter more than 40 cm at 1.3 metres above ground

AREAS OF VEGETATION (may include trees)

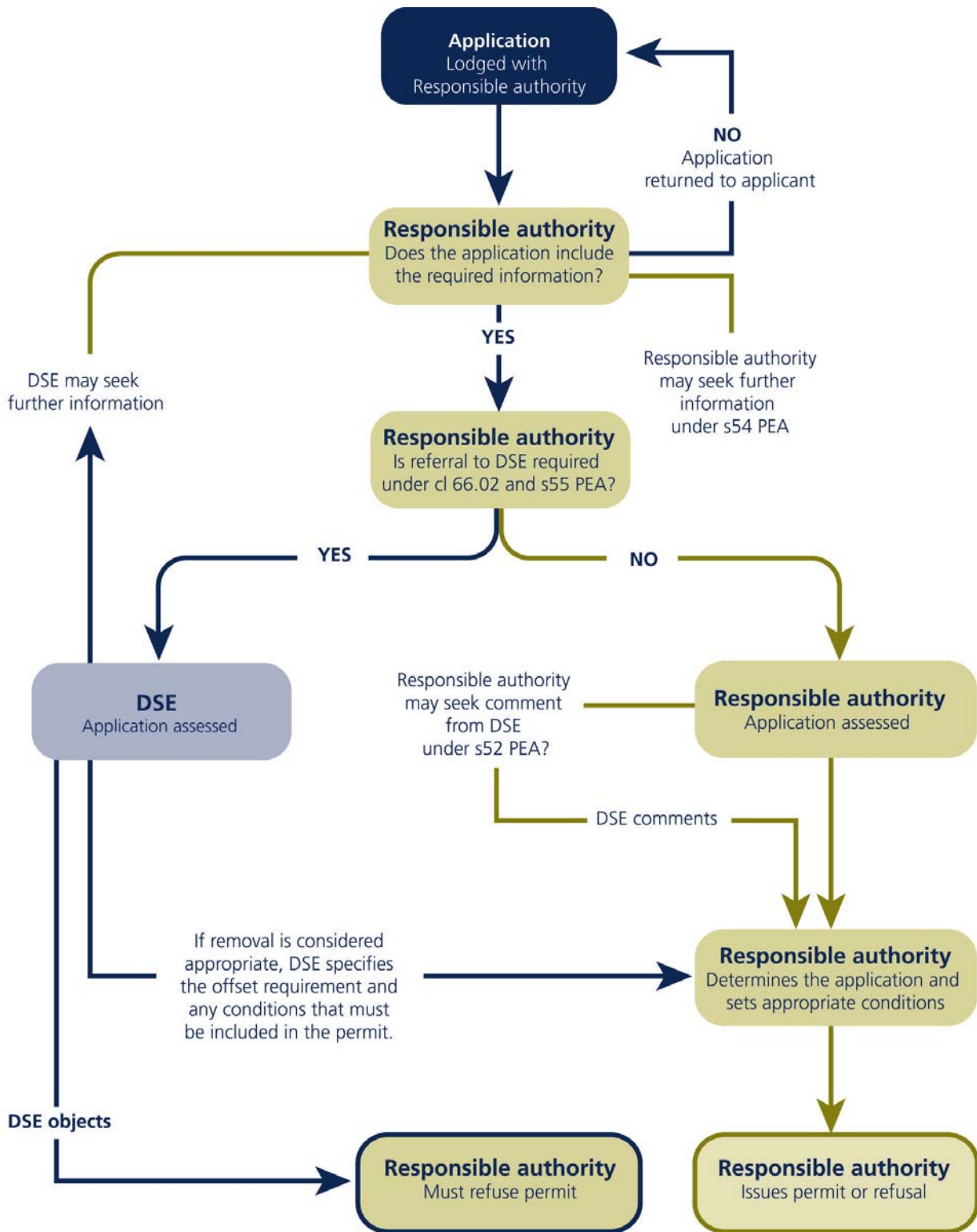
- more than 0.5 ha of vegetation in an Ecological Vegetation Class with Bioregional Conservation Status of Endangered, Vulnerable or Rare
- more than 1 ha of vegetation in an Ecological Vegetation Class with Bioregional Conservation Status of Depleted or Least Concern

OTHER CIRCUMSTANCES

- on Crown land managed by the responsible authority
- where a property vegetation plan applies to the site

- Native Vegetation Precinct Plans are now available as a tool to strategically manage native vegetation within a precinct, including protecting and removing native vegetation in accordance with broader strategic plans such as structure plans in growth areas.
- Property Vegetation Plans can be used to manage native vegetation on a property, including protecting and removing native vegetation.

Process for a permit application to remove native vegetation



Summary of changes

<p>State Planning Policy Framework (Clause 15.09)</p> <ul style="list-style-type: none"> ▪ Councils must have regard to <i>Victoria's Native Vegetation Management – A Framework for Action</i>. ▪ Clarifies the three-step approach. ▪ Includes reference to property vegetation plans. 	<p>Particular Provision - Native Vegetation (Clause 52.17)</p> <ul style="list-style-type: none"> ▪ Enables a plan to be prepared for an area, precinct or development. No permit required if the vegetation removal is in accordance with the plan. The plan is incorporated in the planning scheme. ▪ Clarifies application requirements. ▪ Clarifies decision guidelines and includes relevant subheadings. ▪ Specifies conditions that are required for permits granted in accordance with property vegetation plans. ▪ Table specifies - State standard exemptions. ▪ Schedule 1 specifies exempt areas or where a Native Vegetation Precinct Plan applies. 	<p>Referral and Notice Provisions (Clause 66.02)</p> <p>Requires referral where:</p> <ul style="list-style-type: none"> ▪ more than 15 trees with a diameter less than 40 cm at 1.3 metres above ground ▪ more than 5 trees more than 40cm at 1.3 metres above ground ▪ more than 0.5 ha area of vegetation in an Ecological Vegetation Class with Bioregional Conservation Status of Endangered, Vulnerable or Rare ▪ more than 1 ha area of vegetation in an Ecological Vegetation Class with Bioregional Conservation Status of Depleted or Least Concern ▪ on Crown land managed by the responsible authority ▪ a property vegetation plan applies to the site.
<p>Definitions- General Terms (Clause 72)</p> <ul style="list-style-type: none"> ▪ Defines property vegetation plan. 		

New practice notes provide more advice

New practice notes explain the new provisions. The practice notes are available at www.dse.vic.gov.au/planning:

- *Managing native vegetation in the planning system* - how to plan for the protection and removal of native vegetation using native vegetation precinct plans and property vegetation plans.
- *Preparing a native vegetation precinct plan* – when a precinct plan can be used and how to prepare a precinct plan to manage native vegetation.
- *Assessing applications involving native vegetation removal* - how to assess a planning permit application for native vegetation removal.
- *Native vegetation offsets* - how to determine and provide offsets.

ISBN 1 74152 469 5

© State of Victoria, Department of Sustainability and Environment 2006. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968.

Authorised by the Victorian Government, 8 Nicholson Street, East Melbourne.

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Enquiries: Planning Information Centre Telephone: (03) 9637 8610 e-mail: planning.info@dse.vic.gov.au

Find more information about the Department on the Internet at www.dse.vic.gov.au

For general information about DSE please contact:

Customer Service Centre

Phone: 136 186

(Local call cost - mobile and payphones excluded)