



Preparing a native vegetation precinct plan

This practice note provides guidance for planning authorities preparing a native vegetation precinct plan about:

- ▶ when to use a native vegetation precinct plan
- ▶ the content of a native vegetation precinct plan
- ▶ how to implement a native vegetation precinct plan.

Native vegetation means plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses as defined in Clause 72 of planning schemes.

There are other practice notes about native vegetation:

- ▶ [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.
- ▶ [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.

All practice notes are available at www.dpcd.vic.gov.au/planning

Victoria's Native Vegetation Management – A Framework for Action (the Framework) establishes the strategic direction for the protection,

enhancement and revegetation of native vegetation across Victoria. Its goal is: *A reversal, across the entire landscape, of the long term decline in the extent and quality of native vegetation, leading to a net gain.*

The Framework is available at www.dse.vic.gov.au/nativevegetation

Net gain is the outcome for native vegetation and habitat where overall gains are greater than overall losses and individual losses are avoided where possible.

In applying net gain, the Framework sets out a three step approach. The three steps are:

1. **Avoid** adverse impact, particularly through native vegetation removal.
2. If impacts cannot be avoided, **minimise** impacts through appropriate planning and design.
3. Identify appropriate **offset** options.

Planning and responsible authorities must have regard to the Framework when considering proposals involving native vegetation.

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.



What is a native vegetation precinct plan?

A native vegetation precinct plan sets out requirements for the protection and removal of native vegetation for a defined area or precinct. A plan:

- ▶ allows all the native vegetation issues in a precinct to be considered when planning ahead for new development
- ▶ helps guide the form of future development in a precinct by identifying the native vegetation to be protected and removed in the context of development constraints and opportunities
- ▶ streamlines the approval of appropriate native vegetation removal
- ▶ can form a component of a precinct structure plan together with other development requirements.

A native vegetation precinct plan is approved when it is incorporated in the planning scheme.

It can only be changed by a planning scheme amendment. There is no need to obtain planning permits to remove native vegetation under Clause 52.16 of the planning scheme, if the removal is in accordance with an incorporated native vegetation precinct plan. However it will still be necessary to obtain a planning permit if one is required by another provision of the scheme.

How do native vegetation precinct plans work?

Clause 52.16 of the planning scheme applies to land where a native vegetation precinct plan applies. This clause requires a planning permit to remove, destroy or lop native vegetation unless the native vegetation removal is in accordance with a native vegetation precinct plan or is exempted under Clause 52.16-4.

Clause 52.17 of the planning scheme does not apply to land where a native vegetation precinct plan applies.

Table: Key features of a native vegetation precinct plan

Feature	Native Vegetation Precinct Plan
What is it?	A plan relating to native vegetation within a defined area or precinct. Within the Urban Growth Zone, the plan should be prepared in conjunction with a precinct structure plan.
Who can prepare one?	Any person can prepare a plan, however the endorsement of the planning authority and the authorisation of the Minister for Planning to prepare a planning scheme amendment to introduce or change the plan are required.
Is a planning scheme amendment needed to approve the plan?	Yes. The plan is incorporated into the planning scheme. A new or changed plan will normally be exhibited. The Minister for Planning finally approves the plan.
Can the plan be changed?	Only by a planning scheme amendment.
Is a planning permit required under Clause 52.16?	Not if the proposal is “in accordance” with a native vegetation precinct plan. If the proposal is not “in accordance” with a native vegetation precinct plan, a planning permit is required.
Is the content prescribed?	Yes. Clause 52.16-2 requires the plan to include certain matters.
What timeframe should be covered?	At least 10 years.
Can offset requirements be included?	Yes



What does a native vegetation precinct plan do?

A native vegetation precinct plan manages native vegetation in a precinct, rather than on a site-by-site basis. It identifies the native vegetation that can be removed and the vegetation to be protected, based on the conservation significance and land protection role of the vegetation and the broader strategic planning objectives for the precinct.

Within a precinct, the plan can:

- ▶ regulate the removal of native vegetation
- ▶ specify works, payments or other actions or arrangements necessary to offset the removal of native vegetation
- ▶ help to implement a landscape approach to native vegetation management
- ▶ inform the form of future development in a precinct
- ▶ secure significant native vegetation as part of regional open space networks and conservation areas
- ▶ provide an essential justification for works and financial measures to offset future native vegetation losses.

A native vegetation precinct plan provides an opportunity to identify significant native vegetation on a broader scale and to inform how it will be managed.

The purpose of a native vegetation precinct plan is to identify the native vegetation to be removed or protected and to define any offsets. The content of the plan should be confined to this purpose.

Why prepare a native vegetation precinct plan?

Planning ahead is essential to creating well-planned places, particularly in areas that will experience significant change, such as Melbourne's growth areas.

Native vegetation precinct plans are a way of defining how native vegetation in a precinct will be managed into the future. They provide the opportunity to make up-front decisions about where native vegetation is to be retained or removed so that:

- ▶ developers, councils and communities have certainty about the future
- ▶ development in areas with high conservation value is avoided or minimised
- ▶ development can proceed with certainty in areas where native vegetation is not required to be retained
- ▶ arrangements for the protection and management of native vegetation can be coordinated
- ▶ practical and cost-effective measures to offset native vegetation removal can be implemented
- ▶ delays in the development process are avoided.

Planning ahead is also critical to securing the long-term protection of significant native vegetation. Native vegetation precinct plans provide an opportunity for decisions to be made about how native vegetation should be integrated into the overall plan for an area, whether the land containing the vegetation should be in public ownership or not, how the vegetation should be managed and by whom, and how development in proximity to the vegetation should occur.

The plan response to these issues could include:

- ▶ integrating the native vegetation into a public open space area or public conservation area. This approach is widely recognised as good practice
- ▶ making special arrangements for the management of the native vegetation
- ▶ applying specific development controls (such as an overlay) to land containing or in the vicinity of the native vegetation.

Who can prepare a native vegetation precinct plan?

A planning authority, land owner or group of landowners can initiate a native vegetation precinct plan. If the planning authority supports the plan and decides to prepare a planning scheme amendment, the planning authority must obtain authorisation from the Minister for Planning to prepare the amendment.



When is a native vegetation precinct plan appropriate?

In Melbourne's growth areas, precinct structure plans are being developed that will set out the overall form, direction and sequence of urban development. A native vegetation precinct plan should form part of the overall structure planning process so that decisions relating to native vegetation can inform the planning of other aspects of the precinct.

For example, a plan might be prepared for a precinct in a growth area where it will be used to map and assess significant native vegetation areas and define the size and location of regional and local parks, trail networks and habitat links.

In other areas, a native vegetation precinct plan may be appropriate if:

- ▶ the precinct contains significant native vegetation and a clear direction about the extent of the vegetation loss is needed to inform the overall planning of the precinct
- ▶ decisions about what vegetation is to be retained and the nature and location of offsets are needed at an early stage to inform and integrate with the preparation of a precinct structure plan or other strategic plan
- ▶ there is an opportunity to consolidate offset requirements onto fewer sites or a preferred site, and maximise development on others
- ▶ a precinct contains a number of properties and land managers and a plan is needed to coordinate development and native vegetation management.

In a rural area, for example, it could be used to manage the retention or removal of native vegetation along a waterway or coastline and to specify appropriate offset works or actions.

What can a native vegetation precinct plan include?

Clause 52.16-2 specifies the content of a native vegetation precinct plan. A plan must:

- ▶ specify its purpose
- ▶ specify the area to which the plan applies

- ▶ specify the native vegetation to be protected
- ▶ specify the native vegetation to be removed, destroyed or lopped
- ▶ set out the works, payments or other actions necessary to offset the removal, destruction or lopping of native vegetation
- ▶ relate the need for the works, payments or other actions to the proposed removal, destruction or lopping of native vegetation in the area; and
- ▶ provide for the procedures for the collection of any payments.

A plan may specify actions, works or payments to be made to offset the native vegetation removal.

These are the essential requirements for a plan. Other information necessary to achieve the purpose and effective implementation of the plan may be included, however this information must:

- ▶ be directly relevant to the protection or removal of native vegetation, and either
- ▶ cover those works which require a permit under Clause 52.16, or
- ▶ cover development requirements specifically related to native vegetation protection elsewhere in the planning scheme (such as an overlay).

The plan should be carefully drafted so that it is brief and it is clear what the plan allows and where it applies. Any conditions in the plan should be achievable and easily understood.

A clearly written plan provides certainty to users and, if necessary, enables effective enforcement proceedings.

The purpose of the plan

The plan should outline its primary purpose. This can usually be expressed in simple terms. The plan's purpose can provide a means for determining whether a particular proposal is in accordance with the plan.

The area to which the plan applies

The area to which the plan applies is the 'precinct' and must be clearly defined. This is usually best defined using a map. The map should be to the standard of a planning scheme zoning map.



The native vegetation to be retained and removed

The plan should briefly describe the native vegetation in the precinct, including the type and Ecological Vegetation Class (EVC) of the vegetation, and clearly identify which vegetation is to be retained and which may be removed. All the matters set out in 52.16-6 must be considered.

The plan must accurately describe what vegetation can be removed and what vegetation is to be protected so that it is clear what the plan allows. A map that defines the location of the vegetation will usually be required.

The plan may also include a short statement of the conservation significance and land protection role of the native vegetation. The detailed conservation significance and land protection assessment will form part of the amendment material that justifies the plan and does not need to appear in the plan.

The works, payments or other actions necessary to offset losses

A plan must set out the works, payments or other actions necessary to offset the removal of native vegetation. The practice note [Native vegetation offsets](#) provides practical advice on how to determine offset requirements. The responsible authority and the Department of Sustainability and Environment (DSE) can provide advice on offsets.

The plan should clearly describe the type and amount of vegetation loss that must be offset, the type and location of offsets to be provided and the timeframe for implementing the offsets. In some circumstances, the manner in which the offset requirement may be met could be subject to later agreement with the responsible authority and DSE. In these cases, it may be appropriate to defer determining the offset provision method to a secondary consent process.

Relate the need for the works, payments or other actions to the proposal

The plan must explain how the requirements for offset works, payments or other actions relate to the proposal. The practice note [Native vegetation offsets](#) provides more information.

Procedures for the collection of payments

A plan must set out procedures for the collection of payments if these are proposed.

Can a native vegetation precinct plan prevent the grant of permits?

Under Clause 52.16-2, a planning permit application can be made to remove, destroy or lop native vegetation (including vegetation that may be identified for protection in a plan). A native vegetation precinct plan cannot be drafted to prevent the granting of these permits. This is because:

- ▶ the provisions of Clause 52.16 are designed to assist in exercising, rather than limiting discretion
- ▶ it is a principle of Victorian planning schemes that the permit is the principle instrument of development approval, and
- ▶ most plans will operate over a long timeframe and during this time circumstances may change. The permit process is the most efficient process for considering such changes.

However, this does not mean that the consideration of these permit applications should be taken lightly. The appropriateness of these applications should be carefully considered to ensure that the purpose and objectives of the plan are not compromised. Before granting a permit, a responsible authority should consider:

- ▶ whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, and the native vegetation precinct plan
- ▶ whether the granting of a permit could set an undesirable precedent
- ▶ the cumulative impact of vegetation removal on the plan
- ▶ whether it is satisfied that any conditions and requirements that would apply to the proposal under the plan can be met
- ▶ the decision guidelines in Clause 52.16-6.



Can the native vegetation removal exemptions in Clause 52.16 be altered?

The table to Clause 52.16-4 sets out native vegetation removal that is exempt from the requirement for a permit. A native vegetation precinct plan can be drafted to alter these exemptions. However the exemptions for geothermal energy extraction and exploration, mineral exploration, mining and search for stone should be retained because they either:

- ▶ reflect exemptions provided for under the *Geothermal Energy Resources Act 2005* and *Mineral Resources (Sustainable Development) Act 1990*
- ▶ reflect State planning policy of allowing these activities without planning approval (refer to Clauses 17.08, 17.09 and 52.08 of the planning scheme), or
- ▶ provide for an alternative approval process that incorporates an assessment of native vegetation issues and the Framework.

Any decisions about the remaining exemptions should be based on:

- ▶ the purpose and objectives of the plan
- ▶ the nature of development anticipated in the precinct
- ▶ the characteristics of the native vegetation in the precinct
- ▶ any offset requirements, and
- ▶ whether the exemption includes an alternative approval mechanism (such as the approval of a work plan). The introduction of a permit requirement that results in unnecessary duplication of approvals should be avoided.

Can a native vegetation precinct plan include conditions?

A plan can impose conditions on the removal of native vegetation, such as:

- ▶ whether the native vegetation is to be removed in stages

- ▶ the works to be carried out in a particular manner
- ▶ actions to be carried out to mitigate the impact of native vegetation removal
- ▶ the offset to be established before vegetation is removed
- ▶ the offset to be maintained to the satisfaction of the responsible authority
- ▶ preparation and implementation of a plan for offset areas.

What timeframe should a plan cover?

There is no mandatory timeframe for a plan. A plan should include a timeframe that considers:

- ▶ the extent of the works approved
- ▶ the expected rate of new development
- ▶ the complexity of the offset requirements.

A long timeframe, say 10 years, has the advantage of providing certainty about the form of development that can proceed and the offsets that must be provided. A shorter timeframe provides less certainty and could be a disincentive to landowners committing the time and resources needed to prepare a plan. A very long timeframe, say more than 15 years, may unreasonably prevent changes in circumstances being considered. Information and knowledge about vegetation and habitat quality, threatening processes and land use management is constantly increasing.

A plan may make provision for monitoring and reporting on the progressive implementation of the plan.

Steps for preparing a native vegetation precinct plan

The key steps for preparing a native vegetation precinct plan are:

1. Check the planning scheme

At the outset, check the requirements applying to the precinct for the removal of native vegetation under Clause 52.17 and any overlay. Consider the effect of a native vegetation precinct plan on these requirements.



2. Decide if a native vegetation precinct plan is the right tool

Clause 52.17 enables a planning permit to be granted for native vegetation removal in accordance with a property vegetation plan. The different features of each tool should be considered before deciding which to use. Refer to the practice note [Managing native vegetation in the planning system](#) for more information about property vegetation plans.

3. Talk to council and DSE

Any proposal to prepare a native vegetation precinct plan should be discussed with landowners, the planning authority and DSE. The implementation of a native vegetation precinct plan involves changing the planning scheme, therefore it is important that the planning authority supports the proposal and agrees to the preparation of an amendment.

Discussion will help to determine:

- ▶ the relevant strategic planning objectives and policies for the land
- ▶ the content of the plan
- ▶ the significance of the native vegetation
- ▶ the application of the three-step approach
- ▶ offset requirements.

It is important to discuss a proposal with DSE because:

- ▶ the Minister for Planning must consent to the preparation of an amendment, and
- ▶ DSE can provide detailed information and advice on a range of native vegetation matters that will assist in the preparation of the plan.

4. Assess the native vegetation

The preparation of a native vegetation precinct plan will require an assessment of the significance of the native vegetation in the precinct to determine:

- ▶ how vegetation removal can be avoided or minimised
- ▶ the provision of offsets
- ▶ the management of vegetation to be retained.

5. Prepare the plan

Refer to the section on [What can a native vegetation precinct plan include?](#) in this practice note for more information about preparing a plan.

Implementing a native vegetation precinct plan

A native vegetation precinct plan must be incorporated into the planning scheme.

This means that a native vegetation precinct plan amendment will include at least three statutory components:

- ▶ a native vegetation precinct plan
- ▶ listing the plan in the schedule to Clause 52.16
- ▶ listing the plan in the schedule to Clause 81.

If the planning scheme contains a local planning policy about a relevant precinct structure plan, it may be appropriate to refer to the native vegetation precinct plan in the policy. Any changes to a local planning policy should be documented in the amendment.

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