

Wildfire protection and native vegetation – additional exemptions to manage native vegetation around dwellings

Advisory Note

November 2006

This advisory note provides information about the additional exemptions to the requirement in Clause 52.17 of the Victoria Planning Provisions and planning schemes for a planning permit to remove, destroy or lop native vegetation. The additional exemptions enable residents to reduce the fuel load around a dwelling or other building used for accommodation to manage risk from wildfire.

Amendment VC 44 introduced additional native vegetation exemptions to help residents manage vegetation to reduce the threat to life and property from wildfire. The amendment came into effect on 14 November 2006.

What has been introduced?

A planning permit is not required to remove, destroy or lop native vegetation:

- within 10 metres of a building
- if the vegetation is dead (including leaf litter).

Under the additional exemptions introduced by Amendment VC 44 a planning permit is not required for:

- the lopping of any part of a tree overhanging the roof of a building used for accommodation that is necessary for fire protection
- the removal, destruction or lopping of native vegetation (other than a tree) within 30 metres of a building used for accommodation provided:
 - at least 50 percent of native shrubs are kept
 - native grasses are kept to at least a height of 100 millimetres.

In addition, beyond 30 metres of a building used for accommodation, native vegetation (other than a tree) may be removed, destroyed or lopped within a distance up to 95 metres calculated by using the table and diagram in Clause 52.17-7. Before any native vegetation is removed, destroyed or lopped under this exemption, a plan must be prepared and submitted to the Department of Sustainability and Environment. The plan must cover the area within 100 metres from the building used for accommodation and show:

- the location of the building
- the area around the building divided into the north western and eastern zones (as shown in the diagram in Clause 52.17-7)
- the vegetation type in each zone as described in Clause 52.17-7 and in the *Wildfire Management Overlay Applicant's Kit, 2002*. (The kit can be obtained from the CFA website at www.cfa.vic.gov.au.)

The plan that must be prepared using the wildfire management site assessment method found on pages 10-12 of the *Wildfire Management Overlay Applicant's Kit, 2002*. The Applicant's Kit is designed for self assessment. If landowners are unsure about their self assessment they should contact the CFA regional office for advice.

The additional exemptions do not apply to trees and require 50% of native shrubs to be retained and native grasses to be kept to at least a height of 100 millimetres. This also applies to the area within 30 metres of the building.

The additional exemptions only apply to the land where the building used for accommodation is located.

Do the exemptions apply when an overlay requires a permit for vegetation removal?

The exemptions only apply to the requirement for planning permit under Clause 52.17 Native Vegetation provisions of planning schemes. There are other circumstances in planning schemes where a permit is required to remove, destroy or lop vegetation, such as the Vegetation Protection Overlay and the Environmental Significance Overlay. The exemptions in Clause 52.17 do not affect the need to comply with the overlay requirements as the overlay provisions are in addition to the requirements of Clause 52.17.

Does the amendment affect other exemptions for native vegetation removal in planning schemes?

No. There are a number of exemptions for fire prevention including the ability to clear vegetation within 10 metres of a building or that poses an immediate risk to people or property or to allow access in case of an emergency. The planning scheme also contains exemptions for a range of activities that involve native vegetation removal, such as farming activities, mining and weed control. This amendment does not affect these other exemptions.

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