Department of Sustainability and Environment

Assessing applications involving native vegetation removal

VPP PRACTICE NOTE MARCH 2006

This practice note provides guidance for responsible authorities assessing planning permit applications involving the removal of native vegetation, including:

- when a planning permit is required to remove native vegetation
- the process for assessing a planning permit application; and
- making a decision on a planning permit application.

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.
- *Preparing a native vegetation precinct plan* – when a precinct plan can be used and how to prepare a precinct plan to manage native vegetation.
- *Native vegetation offsets* – how to determine and provide offsets.

All practice notes are available at **www.dse.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.

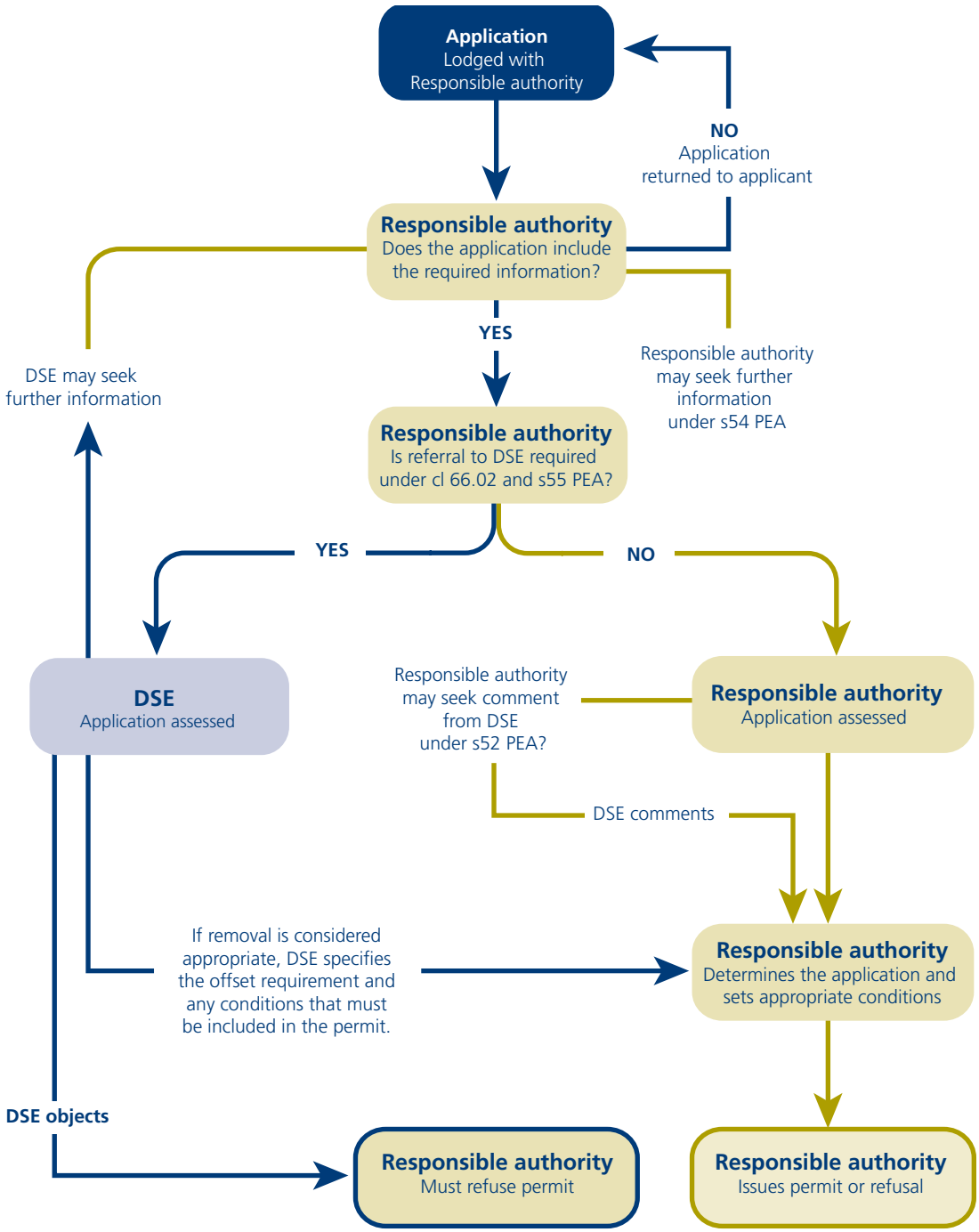
Achieving policy outcomes

The purpose of requiring a permit to remove native vegetation is to achieve the policy outcomes set out in the planning scheme.

Clauses 11 and 15.09 in the State Planning Policy Framework provide the broad framework for considering native vegetation issues in the planning system. These clauses require planning and responsible authorities to have regard to the Framework.

The Local Planning Policy Framework (the Municipal Strategic Statement and local planning policies) and some planning scheme overlays may also express local objectives, strategies and practical implementation measures for the protection, retention or management of native vegetation in specific areas.

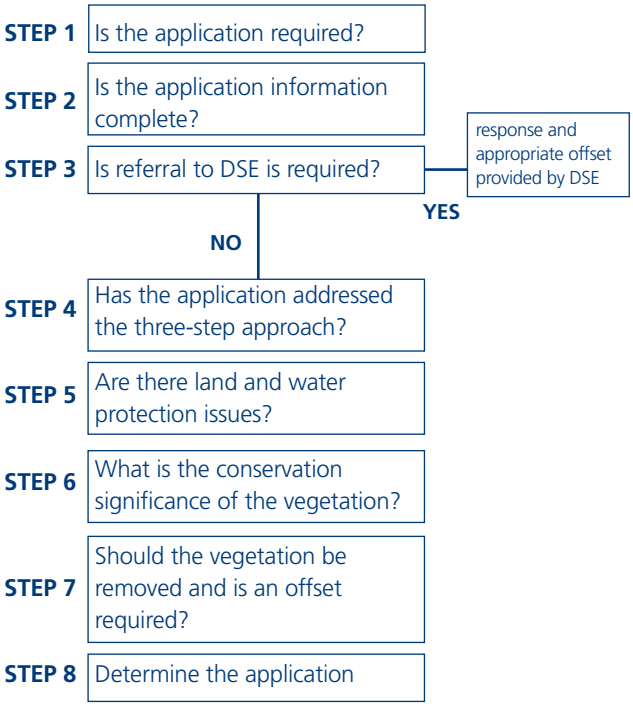
Process for a permit application to remove native vegetation



How should an application be assessed?

Pre-application meetings between council, the applicant and DSE Native Vegetation Officers are useful.

Council can use these meetings to discuss how the proposal could avoid removal of native vegetation and, where this is not possible, how the extent and impact of removal could be minimised through siting and design of the development proposal.



Assessing the application

1. Is the planning permit application required?

Clause 52.17 requires a permit to remove, destroy or lop native vegetation. This does not apply to exempt vegetation. Check the proposal is not exempt.

A permit may also be required for native vegetation removal under an overlay such as the Environmental Significance Overlay, Vegetation Protection Overlay, Significant Landscape Overlay, Heritage Overlay, Salinity Management Overlay, Erosion Management Overlay or Public Acquisition Overlay. Check whether a permit is required for the proposal under an overlay or any other provision of the planning scheme.

2. Is the application information complete?

If a permit is required, the information submitted with the application should meet the application requirements listed in Clause 52.17 and in any other applicable provision. Check the application against the application requirements. Additional information may be required depending on the nature of the proposal.

3. Is referral to DSE required?

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 lists the kinds of native vegetation applications that require referral to the Secretary of the Department of Sustainability and Environment (DSE). Table 1 summarises where referral is required.

Table 1 Referral of native vegetation applications

SCATTERED TREES

- to remove > 15 trees < 40 cm DBH
- to remove > 5 Trees > 40 cm DBH

(DBH = diameter at 1.3 m above ground)

AREAS OF VEGETATION (may include trees)

- to remove > 0.5 ha of Vegetation in an EVC with Bioregional Conservation Status of Endangered, Vulnerable or Rare.
- to remove > 1 ha of Vegetation in an EVC with Bioregional Conservation Status of Depleted or Least Concern.

(EVC = Ecological Vegetation Class)

OTHER CIRCUMSTANCES

- On Crown land managed by the responsible authority
- Where a property vegetation plan applies to the site

The responsible authority may also seek advice from DSE in other circumstances by providing notice of the application under section 52 of the Act.

4. Has the application addressed the three-step approach?

The three-step approach ensures that development proposals contribute to net gain.

The principles of avoid and minimise are essential to making a decision about whether native vegetation should be removed and the extent of vegetation removal. If the consideration of these principles leads to the conclusion that vegetation should be removed, then the provision of offsets must be considered.

Avoid

The first step requires avoiding adverse impacts. Factors to consider when deciding whether removal can be avoided include:

- the purpose for which the land is zoned, relevant overlays, local policies and the intensity and scale of development
- the conservation significance of the native vegetation
- the extent of vegetation removal proposed
- the size and physical capacity of the site to accommodate the development in a different form or location
- the surrounding land use context
- existing and potential threats to the extent and quality of the vegetation.

Asking the following questions will assist in forming a view:

- How has the proponent attempted to avoid adverse impacts to vegetation?
- Are there alternative sites on the property that could reasonably accommodate the proposed use or development that avoid removal?
- If adverse impacts are likely, is the land suitable for the proposed use or development?
- Are there alternative viable property management options that will avoid removal?
- As native vegetation provisions have been in operation since 1989, for post-1989 purchases, was property selection appropriate for the proposed use or development, or should other more suitable properties have been identified for the proposal?

Minimise

If the removal of native vegetation cannot be avoided, the second step requires the amount of vegetation removal to be minimised through appropriate consideration in planning processes and expert input to project design or management. Factors to be considered in this step include:

- the size, layout and density of the proposed development
- project design and management that minimises removal
- implementation of reasonable and practical measures to minimise vegetation loss.

Asking the following questions will assist in forming a view:

- Has the proposal been planned and designed to minimise removal?
- Would a modified proposal involve less removal or removal of vegetation of lower significance?
- Is a modified proposal that minimises impacts to vegetation feasible?

Offsets

Once removal has been avoided and minimised to the fullest extent practicable, and it has been decided that native vegetation may be removed, appropriate offset options must be considered. An appropriate offset is based on calculation of the actual loss of native vegetation.

The practice note *Native vegetation offsets* explains calculating vegetation loss, determining appropriate offset options and implementing offset requirements.

The primary considerations for whether native vegetation should be allowed to be removed are: whether the three-step approach has been followed; the significance of the vegetation; and the extent of the vegetation removal proposed. It is only necessary to determine an appropriate offset if it is decided that native vegetation may be removed.

5. Are there land and water protection issues?

The information provided with the application will identify whether the land is within 30 metres of a waterway, on land with steep slopes, erosion hazard or in proximity to salinity discharge or recharge sites.

The responsible authority should also examine any available data sources that show the location of known areas of land and water protection hazards.

Native vegetation removal that may lead to, or further contribute to land or water degradation is only appropriate where the adverse impact can be mitigated. The responsible authority should ensure this can be achieved.

6. What is the conservation significance of the vegetation?

The decision guidelines of Clause 52.17 require the responsible authority to consider a number of matters, as appropriate. Those matters include consideration of the conservation significance of the vegetation. DSE has developed a method for determining conservation significance without an expert field assessment, based on available site condition and landscape context data. Responsible authorities may consider using this method to assist in their assessment of applications that do not need to be referred to DSE.

The steps and information required to apply this method are described below:

Step 1 – identify the Ecological Vegetation Class (EVC)

EVC is the classification of native vegetation types used by DSE. The EVC can be identified using the Biodiversity Interactive Maps at **www.dse.vic.gov.au/nativevegetation**. If the site is not identified on the current EVC map, the pre-1750 EVC map will identify the EVC.

Step 2 – determine the Bioregional Conservation Status of the EVC

The criteria for determining the Bioregional Conservation Status (BCS) are set out in Appendix 2 of the Framework, and are based on the degree of threat to the vegetation associated with historic and ongoing impacts. The BCS will be one of the following:

- **Endangered**
- **Vulnerable**
- **Rare**
- **Depleted**
- **Least Concern**

Step 3 – determine whether the site is identified as within a site or area of significance

Native vegetation is habitat for flora and fauna. In some cases the species the vegetation supports is a rare or threatened flora or fauna species. In some cases the native vegetation is itself a threatened species.

Maps and information available at **www.dse.vic.gov.au/nativevegetation**, local information and information provided by the DSE Region, can assist in identifying areas of vegetation that are sites or areas of significance. These include sites which provide habitat for rare or threatened species as well as sites which have other attributes (listed in Table 5 of the Framework).

Step 4 – identify the default conservation significance

Based on the EVC, the BCS and any other known attributes of the vegetation, use the following table to determine the conservation significance.

This method for determining conservation significance uses a default habitat score assigned to each BCS category, in place of a field assessed score. The default score is derived from analysis of available site condition and landscape context data from private land across Victoria.

Table 2 Conservation significance

Steps 1 and 2	Step 3	Step 4	
Bioregional Conservation Status of EVC	**Identified on DSE maps as within a site or area of significance?**	**Type of native vegetation**	**Default conservation significance**
Endangered	Yes	area of vegetation OR	**Very High**
		scattered trees	
	No	area of vegetation	**Very High**
		scattered trees only	**High**
Vulnerable or Rare	Yes	area of vegetation OR	**Very High**
		scattered trees	
	No	area of vegetation	**Very High**
		scattered trees only	**Medium**
Depleted	Yes	area of vegetation OR	
		scattered trees	**Very High**
	No	area of vegetation	**High**
		scattered trees only	**Low**
Least Concern	Yes	area of vegetation OR	**Very High**
		scattered trees	
	No	area of vegetation	**Medium**
		scattered trees only	**Low**

7. Should the vegetation be removed and what offset is required?

The Framework sets out criteria for deciding whether native vegetation should be removed and the offset required. The criteria are graded according to the conservation significance of the vegetation.

In all cases, damage to native vegetation must be avoided and minimised as far as practical. Once it is decided that native vegetation can be removed, appropriate offset options must be considered.

Offsets are actions undertaken to achieve a gain in overall quality and quantity of native vegetation commensurate with the vegetation loss. DSE has developed a method for determining recommended offsets for vegetation removal, without the need for a habitat hectare assessment. For applications that do not require referral to DSE, the offsets in Table 3 and 4 are provided as default offsets. Responsible authorities may consider using this method to assist in their determination of appropriate offsets for applications that do not require referral to DSE. For further information refer to the practice note *Native vegetation offsets*. DSE will provide an assessment of the offset for an application that requires referral.

An offset for proposals to remove trees as well as areas of vegetation should meet the 'like-for-like' criteria in the Framework. For further information about locating and securing offsets refer to the practice note *Native vegetation offsets*.

Regional Native Vegetation Plans describe the strategic and targeted outcomes for native vegetation in each Catchment Management Authority region. These plans provide guidance on recruitment for scattered trees and recognise specific regional conditions to meet offset requirements. Responsible authorities may refer to the approved Regional Native Vegetation Plans in determining offset requirements.

Table 3 Offsets for scattered trees

Conservation significance	Recommended offset	
	For each large tree removed (generally, tree > 40 cm DBH)	For each small tree removed (generally, tree < 40 cm DBH)
Very High	8 large trees protected and 40 recruited **OR** Recruitment only, as per Regional Vegetation Plan	Recruit or replant 5 trees (unless an alternative requirement is specified in the Regional Vegetation Plan)
High	4 large trees protected and 20 recruited, **OR** Recruitment only, as per Regional Vegetation Plan	
Medium	2 large trees protected and 10 recruited, **OR** Recruitment only, as per Regional Vegetation Plan	
Low	Recruitment as per Regional Vegetation Plan	

"Protected", "recruited" and "replanted" refer to the management of offset areas. The management actions specified must be a condition of permit.

Protected is protecting an area twice the tree canopy diameter by fencing to protect it from grazing, burning, soil disturbance and other adverse impacts.

Recruited is natural regeneration of species which can occur if the trees are protected eg. fenced to prevent stock and animal grazing.

Replanted is revegetation with locally native species consistent with the EVC of the site.

Conservation management is the management of an area of land for the primary purpose of conservation and regeneration of native vegetation. This requires (as a minimum) exclusion of stock, control of pest plants and animals, and retention of all standing and fallen timber.

Table 4 Offsets for areas of vegetation (may include trees)

Conservation significance	Recommended offset	Recommended offset **For each large tree removed within the area** (generally, tree > 40 cm DBH)
Very High	8 times the area cleared under conservation management	8 large trees protected plus 40 recruited (or replanted)
High	6 times the area cleared under conservation management	4 large trees protected plus 20 recruited (or replanted)
Medium	4 times the area cleared under conservation management, **OR** An equivalent area of indigenous revegetation	2 protected plus 10 recruited (or replanted)
Low		No requirement
For any conservation significance but only if all of the following apply: • the area to be removed is less than 1000m^2 • no large trees are to be removed • there has been no native vegetation removed in the previous two years (except exempt native vegetation)	An equivalent area of indigenous revegetation	Not applicable

When is an offset not required?

There are some circumstances where the extent of vegetation removal is so minor, or the condition of the vegetation is so degraded, that there is no need for an offset to be provided. These may include:

- Minor lopping or pruning of foliage only (and not the trunk or primary branches of the tree) that does not affect the continued health of the vegetation.
- Thinning for ecological or commercial forestry reasons, where it can be shown that the habitat score of the vegetation in the area being thinned will not decrease as a result of the thinning.
- Removal of regrowth within an established commercial timber plantation.
- Removal of vegetation in accordance with an approved ecological management plan to improve the habitat score of the vegetation.
- Removal of an environmental weed in the local area that is not indigenous to that area.

VPP Practice Notes provide practical advice on the application of the provisions available in the Victoria Planning Provisions.

For copies of other practice notes in the series visit:
www.dse.vic.gov.au/planning

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