



# Managing native vegetation in the planning system

This practice note provides guidance on how to plan for the protection and removal of native vegetation using a native vegetation precinct plan, property vegetation plan or works program.

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:

- ▶ [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.

All practice notes are available at [www.dse.vic.gov.au/planning](http://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](http://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.

Clauses 11 and 15.09 in the State Planning Policy Framework (SPPF) provide the broad framework or considering native vegetation issues in the planning system.



The Local Planning Policy Framework (LPPF) and some planning scheme overlays may also express local objectives for the protection, retention or management of native vegetation in specific areas.

Native vegetation precinct plans, property vegetation plans and works programs should implement both the SPPF and the LPPF.

## 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?

### Offset

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 consideration 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.



## Managing native vegetation – choosing the best option

Under Clause 52.16, a planning permit is not required to remove, destroy or lop native vegetation if the removal, destruction or lopping is in accordance with a **native vegetation precinct plan**. A native vegetation precinct plan can be used to plan for the protection and removal of native vegetation over a specified area and over a period of time.

A planning permit can be granted to remove, destroy or lop native vegetation in accordance with a **property vegetation plan** or a **works program**. The key features of each option are described in Table 1.

**Table 1: Key features of a native vegetation precinct plan**

Feature	Native Vegetation Precinct Plan	Property vegetation plan	Works program
<b>What is it?</b>	A plan relating to native vegetation within a defined area or 'precinct'. The plan may form part of a more general strategic or precinct structure plan.	A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the <i>Conservation, Forests and Lands Act 1987</i> .  The plan may form part of a property management plan or whole farm plan, or, be a stand-alone document.	A program of works relating to the removal, destruction or lopping of native vegetation necessary for the construction, use or maintenance of roads, railway lines, public utility services or the like.
<b>Is a planning scheme amendment needed to approve the plan?</b>	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.	No  The property vegetation plan is approved by the Secretary of DSE when a section 69 agreement is entered into.  The property vegetation plan will usually be endorsed to form part of the planning permit.	No  The works program is approved as part of the granting of a permit.  Notice of the works program may be given.  The responsible authority finally approves the works program.
<b>Can the plan be changed?</b>	Only by a planning scheme amendment	Only with the agreement of the Secretary of DSE.	Only with the approval of the responsible authority.
<b>Is a planning permit required under Clause 52.16 or Clause 52.17?</b>	Not under Clause 52.16 if the removal is in accordance with a native vegetation precinct plan. If the proposal is not in accordance with a plan, a planning permit is required. (Clause 52.17 does not apply to land where a native vegetation precinct plan applies.)	Yes, under Clause 52.17.	Yes, under Clause 52.17.
<b>Is the content prescribed?</b>	Yes  Clause 52.16-2 requires the plan to include certain matters.	No	No
<b>What timeframe should be covered?</b>	At least 10 years	10 years	5 years
<b>Can offset requirements be included?</b>	Yes	Yes	Yes



## Native Vegetation Precinct Plans

### 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'. It allows for all the native vegetation issues arising in a precinct to be considered and a management strategy to be implemented.

A native vegetation precinct plan is incorporated in the planning scheme by planning scheme amendment and is therefore subject to approval by the Minister for Planning. It can only be changed by a further planning scheme amendment.

A native vegetation precinct plan may be a stand-alone document or it could form part of a precinct structure plan.

### How does a native vegetation precinct plan relate to Clauses 52.16 and 52.17?

Clause 52.16 applies to land if a native vegetation precinct plan corresponding to the land is incorporated in the scheme. There is no need to obtain individual planning permits to remove native vegetation under Clause 52.16, if the removal is to be 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.

Clause 52.17 does not apply to land where a native vegetation precinct plan applies.

### 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 retained, based on the conservation significance and land protection role of the vegetation and the broader strategic planning objectives for the precinct.

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

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.

### When is a native vegetation precinct plan appropriate?

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
- ▶ a decision about what vegetation is to be retained and the nature and location of offsets is needed at an early stage to inform and integrate with the preparation of a precinct structure 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.

For example, a plan might be prepared for a precinct in one of Melbourne's growth areas 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 a rural area, it could be used to manage the retention or removal of native vegetation along a waterway or coastline and to consolidate offset works or actions.

### What can a native vegetation precinct plan include?

Clause 52.16–2 specifies the essential 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 and the native vegetation to be removed, destroyed or lopped



- ▶ set out the conservation significance and status of the native vegetation to be protected, and the vegetation protection objective to be achieved
- ▶ 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.

The plan should cover only those works which require a planning permit for native vegetation removal under Clause 52.16. Refer to the practice note *Preparing a native vegetation precinct plan* for more detailed information about preparing and implementing a plan.

### Can a plan include offset requirements?

A native vegetation precinct plan may include requirements for works, payments or other actions to offset the removal of native vegetation. Refer to the practice note [Native vegetation offsets](#) for more information about offsets.

## Property Vegetation Plan

### What is a property vegetation plan?

A property vegetation plan is defined in Clause 72 of the planning scheme as a plan which:

- ▶ relates to the management of native vegetation within a property; and
- ▶ is contained within an agreement made pursuant to section 69 of the *Conservation, Forests and Lands Act 1987*.

A property vegetation plan could form part of a property management plan or whole farm plan, or be a stand-alone document.

### How does a property vegetation plan relate to Clause 52.17?

One of the purposes of Clause 52.17 is to provide for the management and removal of native vegetation in accordance with a property vegetation plan.

A planning permit may be granted to remove native vegetation in accordance with a property vegetation plan. Clause 52.17–4 provides that any such permit:

- ▶ may include conditions which reflect relevant restrictions or obligations contained in the plan
- ▶ must include the following condition:

*“This permit will expire if one of the following circumstances applies:*

- *the development or any stage of it does not start within ten years of the date of this permit*
- *the development or any stage of it is not completed within ten years of the date of this permit.”*

If a permit application is made to remove native vegetation on a site where a property vegetation plan applies, the application must be referred to the Secretary of the Department of Sustainability and Environment (DSE). This requirement does not apply if DSE has considered the proposal within three months of the application being made and stated in writing that it does not object to the granting of the permit for the proposal.

### When is a property vegetation plan appropriate?

A property vegetation plan may be appropriate if:

- ▶ the property contains significant native vegetation and a clear direction about future vegetation removal is needed to inform the overall planning of the property
- ▶ the property is being used for agricultural purposes and a plan is needed to determine the future location of agricultural and property management activities
- ▶ there is a need for greater certainty about the future use and development of the land
- ▶ a plan will simplify and streamline the management of native vegetation on the property and avoid the need to obtain individual planning permits for vegetation removal.



## What can a property vegetation plan include?

The content of a property vegetation plan is not prescribed. However, a plan should typically include:

- ▶ a photograph or site plan (drawn to scale) showing the boundaries of the site (property), existing native vegetation and the native vegetation to be removed
- ▶ a description of the native vegetation to be removed, including the extent and type of native vegetation, the number and size of any trees to be removed and, if possible, the Ecological Vegetation Class (EVC) of the native vegetation
- ▶ topographic information, highlighting ridges, crests and hilltops, streams and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas and areas of existing erosion
- ▶ a written explanation of how the three-step approach has been applied
- ▶ a description of how native vegetation on the land is to be managed, including native vegetation to be used as offsets.

## Approval of a property vegetation plan

A property vegetation plan is approved when the land owner enters into an agreement with the Secretary of DSE under section 69 of the *Conservation, Forests and Lands Act 1987*. The plan forms part of the agreement which is binding on the land owner and the Secretary.

## When should a property vegetation plan be approved?

The section 69 agreement should be negotiated prior to making an application for a planning permit for native vegetation removal.

The responsible authority is not a party to a section 69 agreement. However, the responsible authority should be involved in negotiations about the content of the plan so that any issues that may arise at the planning permit application stage can be resolved before an agreement is entered into.

## Can the plan be changed?

The plan can be changed with the agreement of the Secretary of DSE. If the plan is endorsed to form part of a planning permit, the approval of the responsible authority will also be required.

## Can a plan include offset requirements?

A property vegetation plan may include requirements for works, payments or other actions to offset the removal of native vegetation. Refer to the practice note [Native vegetation offsets](#) for more information about offsets.

## What timeframe should a plan cover?

There is no mandatory timeframe for a plan.

Clause 52.17–4 requires that any permit granted in accordance with a plan include a condition that requires the development to be started and completed within 10 years.

A 10 year timeframe has the advantage of ensuring that the property owner takes a long-term view of their operational requirements and sustainable land management practices.

## Works Program

### What is a works program?

Works relating to the removal of native vegetation necessary for the construction, use or maintenance of major infrastructure, eg roads, railway lines and public utility services may form part of a works program.

A planning permit may be granted to remove native vegetation in accordance with a works program. The format of a works program is not prescribed.

### When is a works program appropriate?

A works program may be appropriate if:

- ▶ vegetation removal is necessary to maintain public utilities and infrastructure over the medium to long term
- ▶ maintenance or construction of public utilities or infrastructure covers a large area, a long linear strip, or crosses a number of properties or land tenures
- ▶ an ongoing program of cyclical maintenance is proposed.



## Approval of a works program

A works program is approved when a planning permit is granted. Council is usually the responsible authority that decides permit applications and approves the works program.

A works program is given statutory force when it is endorsed to form part of a planning permit. The permit will usually include a condition requiring the permitted development to accord with the endorsed program.

## Can the works program be changed?

Yes, with the approval of the responsible authority.

## Can the works program include offset requirements?

A works program may include requirements for works, payments or other actions to offset the removal of native vegetation.

Refer to the practice note [Native vegetation offsets](#) for more information about offsets.

## What timeframe should a works program cover?

There is no mandatory timeframe for works programs. A timeframe of between five to ten years is generally recommended.

ISBN 1 74152 493 8

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