

52.16

15/12/2008
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NATIVE VEGETATION PRECINCT PLAN**Purpose**

To protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals.

To achieve the following objectives:

- To avoid the removal of native vegetation.
- If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design.
- To appropriately offset the loss of native vegetation.

To provide for the protection, management and removal of native vegetation in accordance with a native vegetation precinct plan.

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Application

This clause applies to land if a native vegetation precinct plan corresponding to that land is incorporated into this scheme.

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Native vegetation precinct plans

A native vegetation precinct plan is a plan relating to native vegetation within a defined area which is incorporated into this scheme and listed in the schedule to this clause.

A native vegetation precinct plan may form part of a more general strategic or precinct structure plan.

A native vegetation precinct plan may require specified works to be provided or specified payments to be made to offset the removal, destruction or lopping of native vegetation.

The native vegetation precinct plan must:

- Specify the purpose of the plan.
- Specify the area to which the plan applies.
- Specify the native vegetation which can be removed, destroyed or lopped.
- Specify the native vegetation to be protected.
- 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.
- Provide for the procedures for the collection of any payments.

A native vegetation precinct plan may include any other information necessary to achieve the purpose and effective implementation of the plan.

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Permit requirement

A permit is required to remove, destroy or lop any native vegetation, including dead native vegetation. This does not apply:

- If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.
- To the removal, destruction or lopping of native vegetation specified in the table to Clause 52.16-4, unless a native vegetation precinct plan specifies otherwise.

Table of exemptions

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

Regrowth	<ul style="list-style-type: none"> ▪ The native vegetation is regrowth which has naturally established or regenerated on land lawfully cleared of naturally established vegetation and is within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation. <p>This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.</p>
Bracken	<ul style="list-style-type: none"> ▪ The native vegetation is bracken (<i>Pteridium esculentum</i>) which has naturally established or regenerated on land lawfully cleared of naturally established vegetation. <p>This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.</p>
Pest animal burrows	<ul style="list-style-type: none"> ▪ The native vegetation is to be removed, destroyed or lopped to enable the removal of pest animal burrows in accordance with the written agreement of an officer of the Department responsible for administering the Flora and Fauna Guarantee Act 1998.
Land use conditions	<ul style="list-style-type: none"> ▪ The native vegetation is to be removed, destroyed or lopped to comply with a land use condition served under the Catchment and Land Protection Act 1994.
Land management notices	<ul style="list-style-type: none"> ▪ The native vegetation is to be removed, destroyed or lopped to comply with land management notice issued under the Catchment and Land Protection Act 1994.
Planted vegetation	<ul style="list-style-type: none"> ▪ The native vegetation has been planted or grown as a result of direct seeding for Crop raising or Extensive animal husbandry.
Emergency works	<ul style="list-style-type: none"> ▪ The native vegetation presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped. ▪ The native vegetation is to be removed, destroyed or lopped by a public authority or municipal council to create an emergency access or to enable emergency works.
Fire protection	<ul style="list-style-type: none"> ▪ The native vegetation is to be removed, destroyed or lopped for the making of a fuelbreak by or on behalf of a public authority in accordance with a strategic fuelbreak plan approved by the Secretary of the Department of Sustainability and Environment. The maximum width of a fuelbreak must not exceed 40 metres. ▪ The native vegetation is to be removed, destroyed or lopped for fire fighting measures, periodic fuel reduction burning, or

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

the making of a fuel break up to 6 metres wide.

- The native vegetation is ground fuel within 30 metres of a building.
- The native vegetation is to be removed, destroyed or lopped in accordance with a fire prevention notice under:
 - Section 65 of the Forests Act 1958.
 - Section 41 of the Country Fire Authority Act 1958.
 - Section 8 of the Local Government Act 1989.
- The native vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998.
- The native vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the Electricity Safety Act 1998 in order to minimise the risk of bushfire ignition in the proximity of electricity lines.

Surveying

- The native vegetation is to be removed, destroyed or lopped for establishing sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand-held tools.

Public roads

- The native vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing public road managed by the relevant responsible road authority (as defined by the Road Management Act 2004) in accordance with the written agreement of the Secretary of the Department of Sustainability and Environment.

Railways

- The native vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing railway or railway access road, in accordance with the written agreement of the Secretary of the Department of Sustainability and Environment.

Extractive industry

- The native vegetation is to be removed, destroyed or lopped to enable the carrying out of Extractive industry in accordance with a work plan approved under the Extractive Industries Development Act 1995 and authorised by a work authority granted under that Act.

Search for stone

- The native vegetation is to be removed, destroyed or lopped to enable the carrying out of the Search for stone.

The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

 - 1 hectare of vegetation which does not include a tree.
 - 15 trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

- 5 trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to native vegetation to be removed, destroyed or lopped to enable costeaning and bulk sampling activities.

Mining	▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mining in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.
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Mineral Exploration	▪ The native vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral exploration.
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Geothermal energy exploration and extraction	▪ The native vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the Geothermal Energy Resources Act 2005.
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Application requirements

An application to remove, destroy or lop native vegetation must be accompanied by the following information, as appropriate:

- A photograph or site plan (drawn to scale) showing the boundaries of the site, 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 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 the steps that have been taken to:
 - Avoid the removal of native vegetation, where possible.
 - Minimise the removal of native vegetation.
 - Appropriately offset the loss of native vegetation, if required.
- A written statement which explains how the proposal responds to the decision guidelines in Clause 52.16-6.

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Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).
- Whether the proposed development can be located and designed to avoid the removal of native vegetation.
- Whether the proposed development is located and designed to minimise the removal of native vegetation.

- The need to offset the loss of native vegetation having regard to the conservation significance of the vegetation.
- The cumulative impact of native vegetation removal on biodiversity conservation and management.

Native vegetation precinct plans

- The purpose and objectives of the native vegetation precinct plan.
- The effect on native vegetation identified for protection in the native vegetation precinct plan.
- The potential for the effectiveness of the native vegetation precinct plan to be undermined.
- The potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for protection in the native vegetation precinct plan.
- Offset requirements in the native vegetation precinct plan.

Land protection

- Whether the proposed works will adversely affect the land protection role of the native vegetation.
- The need to mitigate any adverse impacts of native vegetation removal.

Conservation significance

- The conservation status and significance of the native vegetation.
- The quality and condition of the vegetation.
- The strategic location of the native vegetation in the local landscape.

Offsets

- The offset criteria in Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002) and any relevant Regional Vegetation Plan.
- The long term security of the offset.

Aboriginal cultural heritage

- The conservation of native vegetation protected under the Aboriginal Heritage Act 2006.