

Native vegetation exemptions

Yes, you need a permit to remove native vegetation from your land or property, but there are exemptions....

Why are there new exemptions?

Since 2002, there have been a number of changes to native vegetation management in Victoria. A review of the exemptions was required in order to implement necessary changes within the planning system.

Land managers play a crucial role in the management and protection of native vegetation, but this role needs to be balanced, allowing them to carry out their routine activities without the need for a permit.

There are a number of situations, where a permit to remove, destroy or lop native vegetation is not required. However, regardless of whether a permit is required to remove, destroy or lop native vegetation, landowners must avoid and minimise impacts to native vegetation wherever possible.

New exemptions are about clarity not complexity.

The exemptions described below are those which are most likely to apply to farming or other rural practices:

Lopping and pruning for maintenance

Native vegetation can be lopped and pruned for maintenance purposes, however, no more than one third of the foliage is to be removed without a permit to ensure the survival of the plant.

Weeds and Pest Animal Burrows

Native vegetation classified as pest plants in the schedule to this Clause can be removed to maintain land for crop raising or extensive animal husbandry purposes only. Bracken (*Pteridium esculentum*) has been excluded from this exemption but can still be removed under the revised 'regrowth' exemption.

Native vegetation included as pest plants can be listed in the schedule to Clause 52.17 of the Victorian Planning Provisions. This information can be found under the relevant planning scheme at: www.dpcd.vic.gov.au > planning > [planning schemes and maps online](#).

Minor destruction of native vegetation to assist with the control of weeds and pest animal species is allowed, subject to the following area limits. However, these maximum areas can only be cleared every five years on a property under the same ownership. Restrictions:

- 1 hectare of native vegetation which does not include a tree
- 15 native trees, if each tree has a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level

Mowing or slashing Grasses

You can mow or slash native grasses without a permit, however, where the grass does not form part of a lawn, garden or other planted area, it must be maintained at a height of at least 100 millimetres above ground level.

Dead vegetation

You now require a permit to remove large standing dead trees which have a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

These large dead trees and associated tree hollows provide important habitat and should not be removed without a permit. For example, large dead trees, associated with tree hollows and other dead vegetation can provide important nesting sites for many bird species and shelter for bats and small marsupial species.

Native vegetation is critical for maintaining the health of Victoria's land and catchments as well as protecting the habitats of the State's threatened flora and fauna.

Emergency works

This exemption has been changed so that only the part of the native vegetation which presents immediate risk of personal injury or damage to property can be removed. For example, if a tree branch has been damaged in a storm but the remainder of the tree is unaffected, only the branch which poses immediate risk can be removed, lopped or destroyed.

Native vegetation exemptions

Fences

This exemption permits the removal, destruction and lopping of native vegetation to construct a fence on a boundary between properties in different ownership or to maintain an existing fence. The combined width of clearing on either side of the fence must not exceed 4 metres. For example, you could clear 1 metre on one side of a fence, and 3 metres on the other.

This exemption does not apply to the construction of internal fences which are not on the boundary between properties of different ownership and as such these activities may require a permit.

Regrowth

Landowners are exempt from applying for a permit to remove, destroy or lop native regrowth to the minimum extent necessary if the native regrowth is naturally established or regenerated on land which had been previously lawfully cleared (excluding natural events) **and is:**

- Less than 10 years old and is on land that is used or maintained for crop raising or extensive animal husbandry purposes.
- Less than 10 years old at the time of a Property Vegetation Plan being signed by the Secretary, the Department of Environment and Primary Industries (DEPI) and is shown on that Plan as being 'certified regrowth' and is on land that is to be used or maintained for cultivation or pasture during the term of that Plan. or
- Within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has been established after the plantation.

Personal use

Native vegetation can be removed, lopped or destroyed for personal use by cutting only to obtain reasonable amounts of wood for personal use by the owner or occupier of the land. Personal use includes wood used for firewood, the construction of fences and buildings on the same land and hobbies, such as craft. This exemption does not apply to:

- Standing living and dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level; and

- Living native vegetation on land in the same ownership with an area less than 10 hectares.

Fire Protection

The exemptions relating to fire have not changed as a result of this review process. However, landholders should be aware that there are a number of exemptions relating to:

- clearance distances around buildings used for accommodation
- making fire breaks and fuel reduction
- tree branches overhanging buildings
- clearing around electrical power lines.

Please refer to the complete list of exemptions relating to fire as there are specific requirements for utilising these exemptions.

Buildings

It is important to note that there have been significant changes to the Buildings related exemptions. Please refer to the full list of exemptions under Clause 52.17 for details.

Some of the provisions listed under Clause 52.17 of the Victorian Planning Provisions which may be relevant to rural landholders include:

- Weeds
- Pest animal burrows
- Emergency works
- Personal use
- Fire Protection
- Existing and approved buildings
- Existing buildings and works in the Farming Zone and Rural Activity Zone
- New dwellings in the Farming Zone and Rural Activity Zone
- Vehicle Access from Public Roads
- Grasses
- Fences
- Regrowth
- Planted vegetation

This fact sheet is a guide for landholders and should be used in conjunction with the full list of exemptions under Clause 52.17 of the Victorian Planning Provisions with definitions provided under Clause 70. This information is available from: <http://www.dpcd.vic.gov.au/> > Planning > Planning Schemes > Planners Toolkit > Victorian Planning Provisions.

Published by the Victorian Government Department of Environment and Primary Industries Melbourne, October 2013

© The State of Victoria Department of Environment and Primary Industries Melbourne 2013

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the *Copyright Act 1968*.

ISBN 978-1-74287-247-6 (online)

Accessibility

If you would like to receive this publication in an alternative format, please telephone DEPI Customer Service Centre 136 186, email customer.service@depi.vic.gov.au (or relevant address), via the National Relay Service on 133 677 www.relayservice.com.au This document is also available in on the internet at www.depi.vic.gov.au

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Native vegetation exemptions

Further information

Visit: www.dpcd.vic.gov.au/planning to download the Planning Advisory Note.

For further information visit: www.depi.vic.gov.au or call the Department of Environment and Primary Industries (DEPI) Customer Service Centre on 136 186

Published by the Victorian Government Department of Environment and Primary Industries Melbourne, October 2013

© The State of Victoria Department of Environment and Primary Industries Melbourne 2013

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the *Copyright Act 1968*.

ISBN 978-1-74287-247-6 (online)

Accessibility

If you would like to receive this publication in an alternative format, please telephone DEPI Customer Service Centre 136 186, email customer.service@depi.vic.gov.au (or relevant address), via the National Relay Service on 133 677 www.relayservice.com.au This document is also available in on the internet at www.depi.vic.gov.au

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.