Native vegetation exemptions that support weed and pest control

A guide for landowners and land managers

Can I control weeds or remove rabbit burrows without a planning permit?

If you want to remove native vegetation from land you own or manage, a planning permit may be required under Clause 52.17 of your local planning scheme.

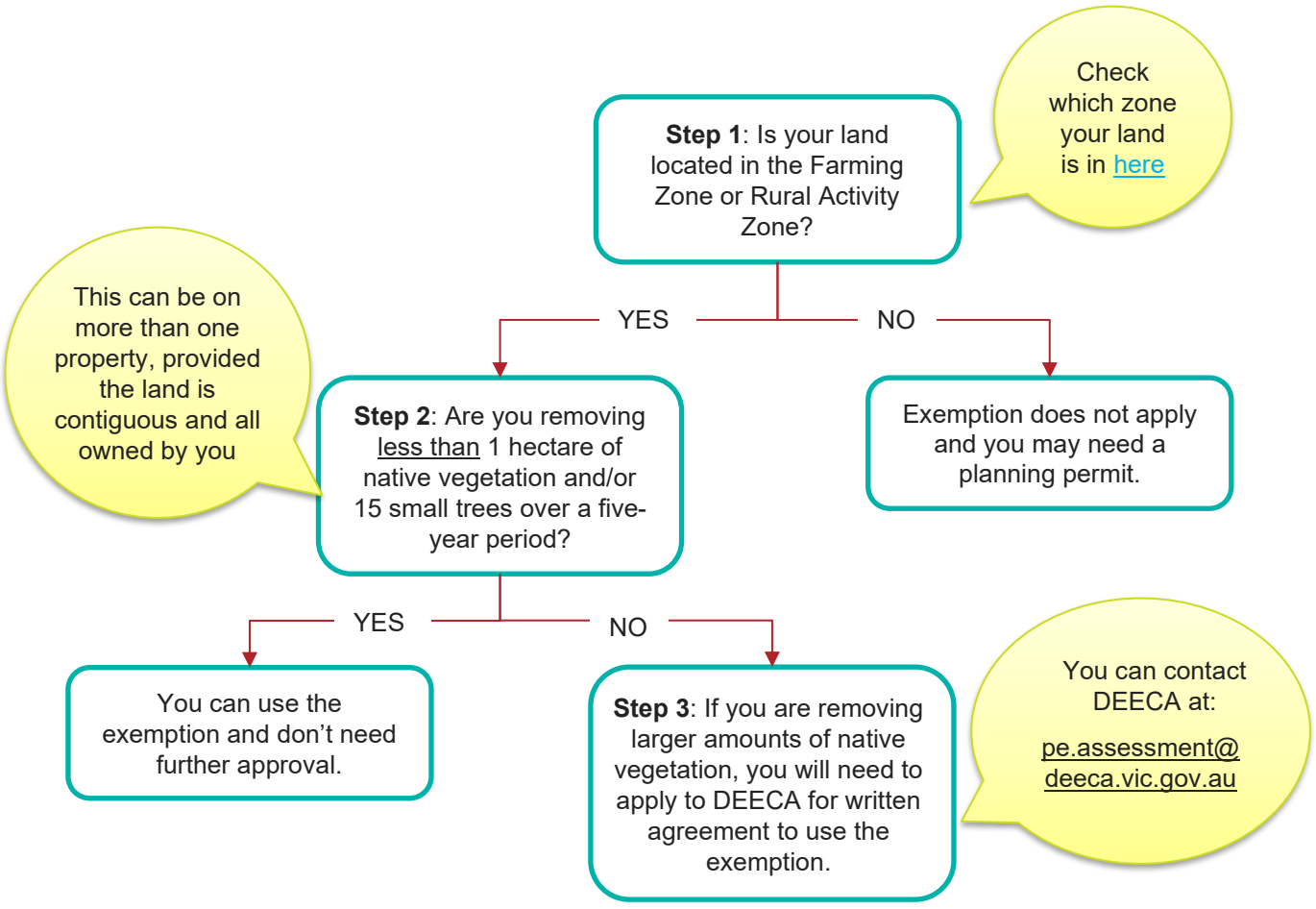
However, planning schemes include exemptions (Clause 52.17-7) that allow eligible weed control and activities to manage pest animal burrows to occur without a planning permit, provided specific conditions are met.

These exemptions are designed to support the control of weeds (e.g. African Boxthorn) and pest animal infestations (e.g. rabbits), while limiting impacts to native vegetation.

This fact sheet explains the management activities you can carry out under exemptions and what you need to do to comply with their requirements.

I want to remove rabbit burrows

The **pest animal burrows exemption** allows you to remove incidental amounts of native vegetation to remove rabbit burrows without needing a planning permit. Follow the steps below to assess if you can use the exemption:



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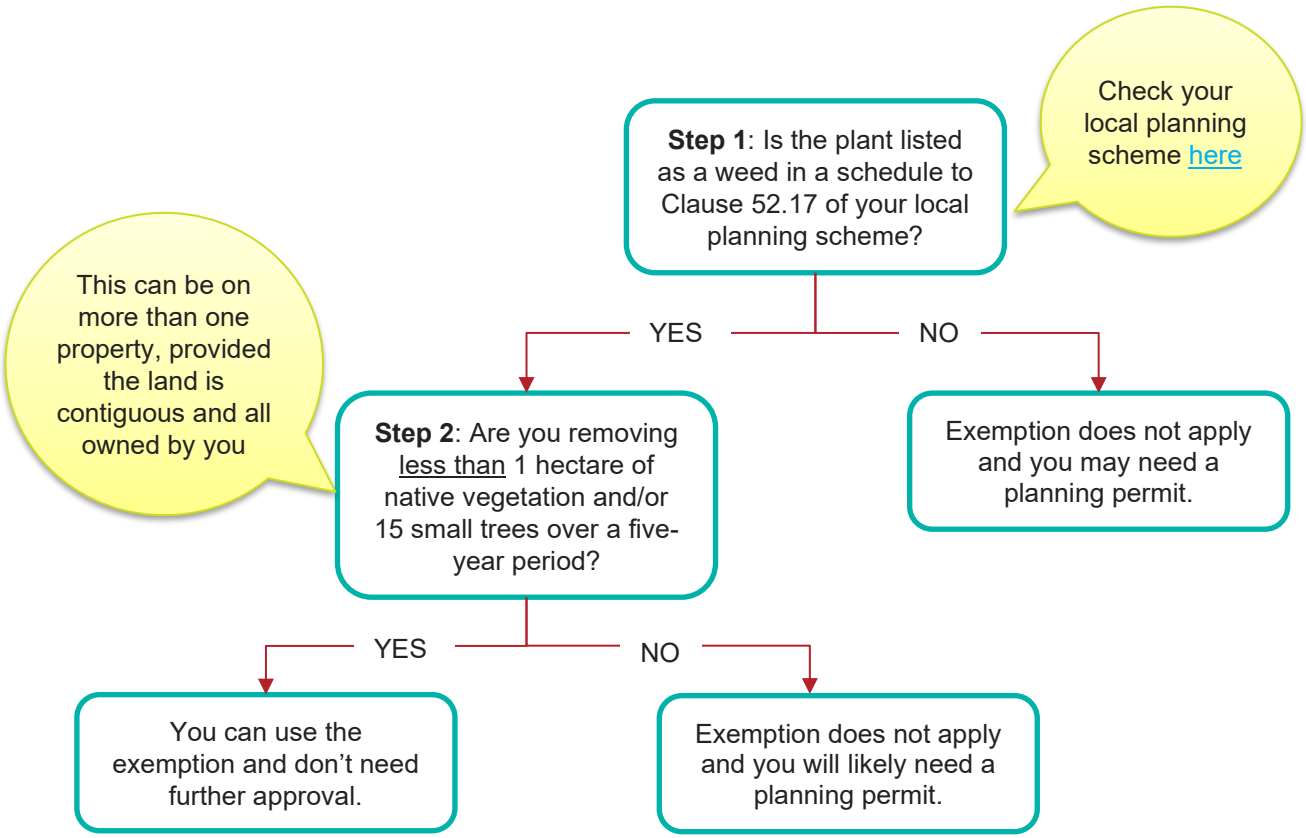
Exemption	Criteria
Pest animal burrows	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone: • in accordance with written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988*; or • provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five-year period does not exceed any of the following: ○ 1 hectare of native vegetation which does not include a tree; or ○ 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

NOTE – The Department of Energy, Environment and Climate Action (DEECA) is responsible for administering the *Flora and Fauna Guarantee Act 1988*.

Written agreement will be provided if the native vegetation removal is to the minimum extent necessary to manage pest animal burrows. Written agreement may come with conditions to minimise impacts on native vegetation. More guidance is being developed and will be available on DEECA's Native Vegetation website shortly.

I want to control weeds

The **weeds exemption** allows you to remove incidental amounts of native vegetation to control weeds (exotic and environmental) without needing a planning permit. Follow the steps below to assess if you can use the exemption:



Exemption	Criteria
Weeds exemption	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17. The maximum extent of native vegetation that may be 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 native vegetation which does not include a tree. • 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

I have a notice to control a pest or weed on my land

The **land management or directions notice exemption** allows you to remove incidental amounts of native vegetation to comply with a notice served by Agriculture Victoria under the *Catchment and Land Protection Act 1994*. You do not need to obtain any further planning approvals.

Exemption	Criteria
Land management or directions notice	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*.

I need to comply with a land use condition

The **land use condition exemption** allows you to remove incidental amounts of native vegetation to comply with a land use condition served by Agriculture Victoria under the *Catchment and Land Protection Act 1994.* You do not need to obtain any further planning approvals.

Exemption	Criteria
Land use conditions	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*.

Are there other scenarios that allow me to rely on exemptions to control weeds or pests?

Yes, depending on the activity you want to carry out, there are other exemptions that may enable the incidental removal of native vegetation for weed and pest control.

I want to improve the biodiversity values on my land

The **conservation work exemption** is designed for landowners and land managers who want to create an overall improvement to biodiversity but require targeted or incidental removal of native vegetation. To rely on this exemption, you need to demonstrate that any native vegetation removal associated with the treatment of weeds or pest animal burrows will result in an overall improvement for biodiversity. Refer to DEECA's guidance document and application template.

Exemption	Criteria
Conservation work	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work: • which provides an overall improvement for biodiversity; and • with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

NOTE – The Department of Environment, Land, Water and Planning is now DEECA.

I want to treat weeds or pests on Crown land

The **crown land exemption** (second dot point) may be used for targeted or incidental native vegetation removal for the treatment of weeds or pests on Crown land. The exemption is not specifically designed for pest or weed control, but it may be used if the land manager can demonstrate that any native vegetation removal associated with the treatment of weeds or pest animal burrows addresses the no net loss to biodiversity objective. Written permission to rely on this exemption may include conditions to minimise impacts on native vegetation.

Exemption	Criteria
Crown land	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land: • by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the *Procedure for the removal, destruction or lopping of native vegetation on Crown land*; or • with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

NOTE – The Department of Environment, Land, Water and Planning is now DEECA.

What is incidental native vegetation removal?

When you carry out other activities on your land, this may result in incidental native vegetation removal. For weed and pest control activities it means:

- the primary purpose of the activity is controlling pests and weeds
- native vegetation removal is secondary to the weed or pest control activity
- only the minimal amount of native vegetation necessary to undertake the work is affected.

How to I obtain further advice on the use of these exemptions?

Council

For general advice on the use of planning permit exemptions to remove native vegetation, contact your council. Contact details for each council can be found on the Know Your Council website.

DEECA

For a description on the use of exemptions, refer to the exemption guidance document on DEECA's Native Vegetation website.

To enquire about written agreement from the DEECA Secretary to rely on one of the exemptions referred to above, contact DEECA's Biodiversity Compensation and Offset Systems on nativevegetation.support@deeca.vic.gov.au.

We acknowledge Victorian Traditional Owners and their Elders past and present as the original custodians of Victoria's land and waters and commit to genuinely partnering with them and Victoria's Aboriginal community to progress their aspirations.



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