Native vegetation removal regulations

Basic and Intermediate pathway application guidance (June 2023)

VICTORIA State Government | Energy, Environment and Climate Action

Photo credit

Richard Boon

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

DEECA is committed to genuinely partnering with Victorian Traditional Owners and Victoria's Aboriginal community to progress their aspirations.

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Contents

1. Applicant's guide structure

1.1 Intended users

This document will help landowners and land managers to prepare an application to seek approval to remove, destroy or lop native vegetation under the following statutory planning mechanisms:

- local planning scheme clauses (e.g., Clause 52.16 and Clause 52.17)
- Clause 52.17 exemptions requiring written DEECA secretarial agreement
- *Pipelines Act 2005* – Pipeline licenses
- *Mineral Resources (Sustainable Development) Act 1990* (MRSDA) – Work plans
- renewable energy projects
- other planning approval pathways

The document will inform applicants of:

- the native vegetation that must be identified when seeking approval to remove
- how to avoid and minimise native vegetation removal associated with an approved use or development
- the information required to address the application requirements listed in the *Guidelines for the removal, destruction, or lopping of native vegetation* (Guidelines).

The document focuses on **Basic** and **Intermediate assessment applications**, which do not require input from certified native vegetation assessors.

This document will assist you to prepare an application that ensures native vegetation removal is to the minimum extent necessary to enable your development or use.

This document replaces the previous guidance document *Applicant's guide – Applications to remove, destroy or lop native vegetation – August 2018.*

Key point

For the Guidelines, the term 'remove native vegetation' includes to destroy and/or to lop native vegetation.

1.2 Document structure

Sections

Sections explain specific aspects of the Native vegetation removal (NVR) regulations that will inform the preparation of your application.

- Section 2 – Explains the purpose of the NVR regulations and the biodiversity values of most concern.
- Section 3 – Defines native vegetation and explains the extent of past, proposed, and indirect losses, which must be included in an application.
- Section 4 – Recommends options to focus efforts to avoid and minimise impacts to biodiversity values.
- Section 5 – Explains the role of native vegetation offsets, including how to find them and reduce their cost.

Appendices

Appendices assist in the preparation of an application. You will need to refer to Appendix A and only one of the other three appendices depending on your application assessment pathway.

- Appendix A – Determine the application assessment pathway
- Appendix B – Prepare a Basic assessment pathway application
- Appendix C - Prepare an Intermediate assessment pathway application
- Appendix D - Prepare a Detailed assessment pathway application.

1.3 Navigating the document

Depending on your level of understanding of the native vegetation removal regulations, you may prefer to read all sections, only read relevant sections, or jump straight to the appendices.

1.4 Further assistance

DEECA recommends you have a preplanning discussion with the responsible authority (e.g., Council) before choosing a final design and making an application to remove native vegetation. A preplanning discussion enables:

- you to explain the objective and scope of your proposal
- the authority to flag any other considerations or requirements in the planning scheme you need to consider or address
- the authority to help you understand the on-site biodiversity values and the appropriate extent of native vegetation removal to include in your application
- the authority to suggest opportunities to avoid or minimise impacts to important biodiversity values.

Key point

Responsible authorities assess all planning permit applications under all planning provisions that apply. This may include consideration of whether the proposal aligns with the purpose of planning policies, zones or overlays. The Guidelines apply to all land irrespective of zoning and overlays. The Guidelines considerations may be more stringently applied in areas where zoning and overlay presents an additional layer of biodiversity protection within the relevant planning scheme (e.g., an Environmental Significance Overlay or Rural Conservation Zoning). Zones such as the Green Wedge include components of biodiversity and environmental protections that are built into the relevant planning scheme and will be considered in addition to the objectives of the Guidelines.

It is the responsibility of the landowner to understand any additional planning provisions that apply to their proposal. Further information can be found on the VicPlan online tool.

2. Native vegetation removal regulations

The NVR regulations are a state government policy and are implemented through the *Guidelines for the removal, destruction or lopping of native vegetation*.

2.1 Purpose for NVR regulations

The NVR regulation's objective is to achieve a no net loss to biodiversity for approved removal of native vegetation. This objective ensures impacts to biodiversity values through approved removal are balanced by biodiversity gains at an offset site.

The **avoid**, **minimise**, and **offset** hierarchy is the approach adopted to achieve this objective. The priority of the hierarchy is to:

- avoid the removal of native vegetation wherever possible
- minimise impacts from the removal of native vegetation that cannot be avoided, and
- offset to compensate for the biodiversity impact if approval is granted to remove native vegetation.

Requiring approval to remove native vegetation ensures that important biodiversity values are identified, considered, and all possible efforts are made to avoid and minimise impact to those values.

Avoid and minimise are the most important components of the hierarchy. Offsetting impact is the last resort and will only be considered when all possible efforts have been made to avoid and minimise impacts.

2.2 Biodiversity values

The following biodiversity values are considered under the NVR regulations and may be present on site. They are a mix of visible values, as well as modelled values displayed in datasets.

Table 1: Visible biodiversity values

Visible values can be seen when visiting a site or viewing it from satellite imagery.
Native vegetation – Patch This is an area where at least 25% of the perennial understorey[1] plant cover is native. A patch can be an area with understorey only (e.g., grassland), or an area with understorey and trees (e.g., woodland) 

[1] Understorey is ground cover native vegetation and consists of grasses, shrubs, small trees and herbs.

Native vegetation – Large trees

These are older trees that form part of the canopy and provide a seed source for future trees, as well as habitat for animals and insects. Large trees may be within patches (patch trees) of native vegetation, or on their own without any native grasses, shrubs, small trees or herbs underneath (scattered trees).

Standing dead trees (40cm diameter at breast height (DBH) or more) also provide significant biodiversity value and are considered in the NVR regulations.

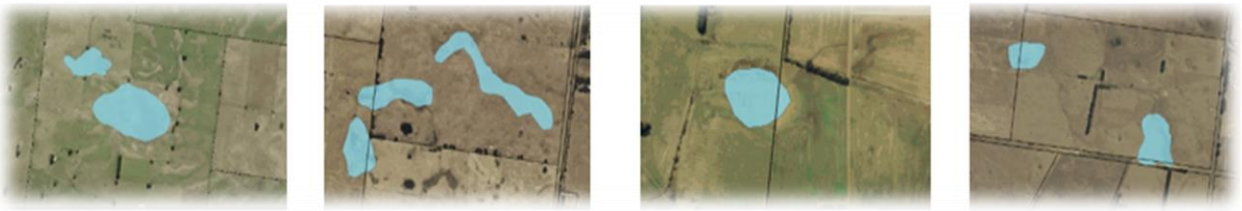
Table 2: Modelled biodiversity values

Modelled values are not easily observable. They are identified using a set of models created from previously collected data. They can be viewed in the Native Vegetation Information Management System (NVIM)

Current wetlands

These are areas with high levels of biodiversity, which may appear and disappear depending on wetting and drying cycles. On ground vegetation may only appear during wetter periods, so wetlands are displayed as modelled features rather than relying on what is seen on ground.

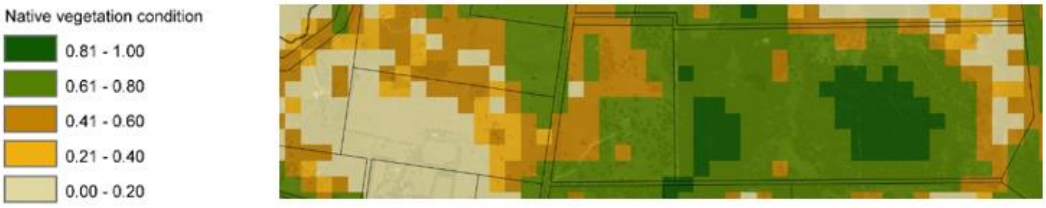
Mapped wetlands are displayed in the 'Current wetlands' layer within NVIM.



Condition

Native vegetation condition is represented by the condition score (ranging from 0-1). The condition score is a measure of how close the native vegetation is to its mature natural state, with 1 being in pre-European condition.

Condition is displayed in the 'Native vegetation condition' layer within NVIM.



Strategic biodiversity value (SBV)

The SBV is a score (ranging from 0-1) given to a location which ranks its biodiversity importance relative to other locations across Victoria, with 1 being the highest value.

The SBV is displayed on the Strategic biodiversity value layer within NVIM.

Endangered Ecological Vegetation Classes (EVCs)

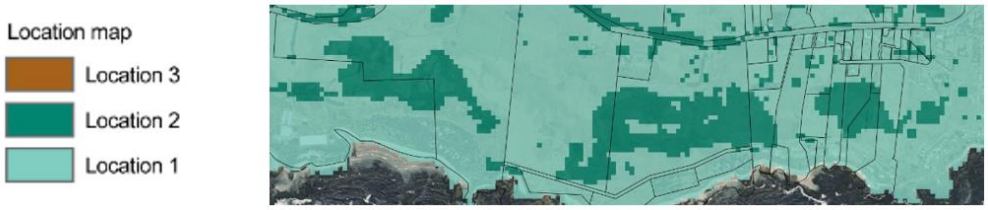
These are vegetation communities made up of similar species and ecological characteristics, which have become scarce in the landscape and are in danger of becoming extinct.

All EVCs including those considered endangered are displayed in the 'Pre 1750 Ecological Vegetation Class' layer within NVIM. Endangered EVCs may be identified by using the 'EVC Query' icon.

Sensitive wetlands and coastal areas

These are wetlands that have significant biodiversity values. They include Ramsar sites, Migratory Shorebirds of East Asian-Australian Flyways, and areas identified in the Directory of important wetlands in Australia.

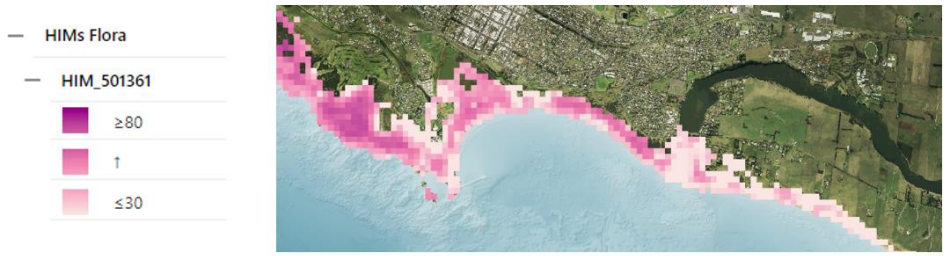
These areas are included within the **dark green** (Location 2) areas shown on the 'Location map' layer within NVIM.



Species Habitat Importance Maps (HIM)

Most threatened plants and animals have their own HIM. Areas mapped as habitat for a species means that the area has suitable habitat characteristics for the species. It does not necessarily mean that the species is present.

Each species HIM can be viewed within NatureKit.



The modelled biodiversity values tabled above can be viewed by activating the relevant datasets (layers) within the following tools. Use these layers to help you determine the biodiversity value of the patches and trees on your property to help inform your efforts to avoid and minimise impacts:

- NVIM - NVIM - Homepage (delwp.vic.gov.au)
- NatureKit - NatureKit Victoria (biodiversity.vic.gov.au)

Key Point:

Every tree or patch of native vegetation makes an important contribution to biodiversity. Avoiding and minimising unnecessary removal is important. Native vegetation plays an important part in keeping our water clean, providing food and shelter, and helping to regulate and maintain healthy minds and bodies through our personal connection with nature.

3. Proposed native vegetation removal

3.1 Native vegetation definition

In a planning context, native vegetation is defined as plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses. The removal of any native vegetation, including dead native vegetation (standing dead trees with a diameter of 40cm or more) requires approval, unless a valid exemption can be relied upon. Proposed native vegetation removal must be mapped as the following types.

Table 3 Types of native vegetation to be mapped

Native Vegetation	Typical representation
Patch • An area of vegetation where at least 25% of the total perennial understorey plant cover is native, or • Any area with three or more native canopy trees where the drip line of each tree touches the drip line of a least one other tree, forming a continuous canopy cover, or • Any mapped wetland included in the Current wetlands map (These wetlands may not be obvious and are viewed in the NVIM tool).	
Patch tree A native canopy tree that is surrounded by a patch of native understorey. A patch tree can be a dead standing tree with a diameter at breast height of 40cm or more.	
Scattered tree (small and large) A native canopy tree that does not form part of a patch. This is a tree which is: • Not touching the canopy of two or more other trees, and • Does not have a total perennial understorey plant cover comprising ≥25% native plants. A scattered tree can be a dead standing tree with a diameter at breast height of 40cm or more.	

3.2 Total extent to be mapped

In your application, you must include:

- all **past removal** within the previous 5 years
- **proposed removal**, and
- **likely indirect impacts** to native vegetation.

The total extent may consist of one or a combination of the following.

Past removal

Your application must include the extent (in hectares) of all native vegetation you have obtained approval to remove on the same property, or on an adjoining property in your ownership in the five-year period before your new application is lodged. Include the extent in hectares The extent of past removal can be found on previous planning permits for approved removal.

Your application must also include the extent of all illegal removal from the same property, or an adjoining property in your ownership in the five-year period before your new application is lodged.

Past removal is included to enable the consideration of cumulative impacts to native vegetation on a single property over a five-year period.

Proposed direct removal

Your application must include all native vegetation (patches, patch trees, scattered trees) proposed for removal. This includes, but is not limited to, native vegetation removal to construct:

- buildings
- driveways
- recreation areas
- utility services (e.g., water, gas, electricity, drainage)
- temporary staging areas

Likely indirect impact

Your application must include all native vegetation that will be indirectly impacted because of the proposed works, or as part of ongoing maintenance into the future. This includes mapping patches, patch trees and scattered trees considered as:

- Assumed loss – Native vegetation likely to be adversely impacted because of your proposal encroaching on adjacent trees, immediate areas around the work site, shading, hydrology changes, effluent discharge, stormwater runoff and compaction.
- Consequential loss – Native vegetation that would become subject to an exemption as a result of the proposed approval. This might include native vegetation along new boundary fence lines, within properties less than 0.4 hectares, or within the defendable space of a new building.

3.3 Don’t forget about the grasses

Areas of grasses, shrubs, small trees and herbs can often get missed when mapping the extent of native vegetation proposed for removal. Patches of native grasses often contain a diverse range of species and play a vital role in the ecosystem. Patches of native grasses may range from being fully intact to patchy and degraded, but all must be included as removal if the proposal will impact upon them.

3.4 Standing large dead trees

Large dead trees have significant biodiversity value. They have hollows that provide critical habitat for birds and animals, especially in landscapes that have very few large trees left. Large trees, dead or alive, can take hundreds of years to replace. The removal of standing dead trees is a considerable biodiversity loss. Dead trees with a DBH[2] of 40cm or more must be included if they are within the extent of your proposal. They can be mapped as either patch trees or scattered trees

[2] The diameter of the main trunk of a tree measured over bark at 1.3 metres above ground level.

4. Avoid and minimise removal

In your application, you must demonstrate, through an avoid and minimise statement, that you have explored, considered, and adopted all practical opportunities to avoid and minimise impact to native vegetation and the biodiversity values described in Section 2.2 and listed below.

The responsible authority assessing your application will insist that native vegetation removal is limited to the minimum extent necessary required to achieve the objective of the proposal.

Key point:

Keeping native vegetation removal to the minimum extent necessary will not only increase your chances of obtaining planning approval, but it will also decrease the amount of money required to secure an offset if your application is approved. Offsets can be cost prohibitive.

4.1 Identify biodiversity values

You need to understand the biodiversity values present on your land before you can design your project to avoid or minimise impacts to them.

Identify all areas within the vicinity of your planned work area that contain:

- patches of native vegetation
- patch trees
- scattered trees.

Map those areas in the NVIM tool to identify the modelled biodiversity values that are not easily observable on the ground. These include:

- mapped wetlands
- condition score
- strategic biodiversity value
- endangered EVCs
- sensitive wetlands and coastal areas.

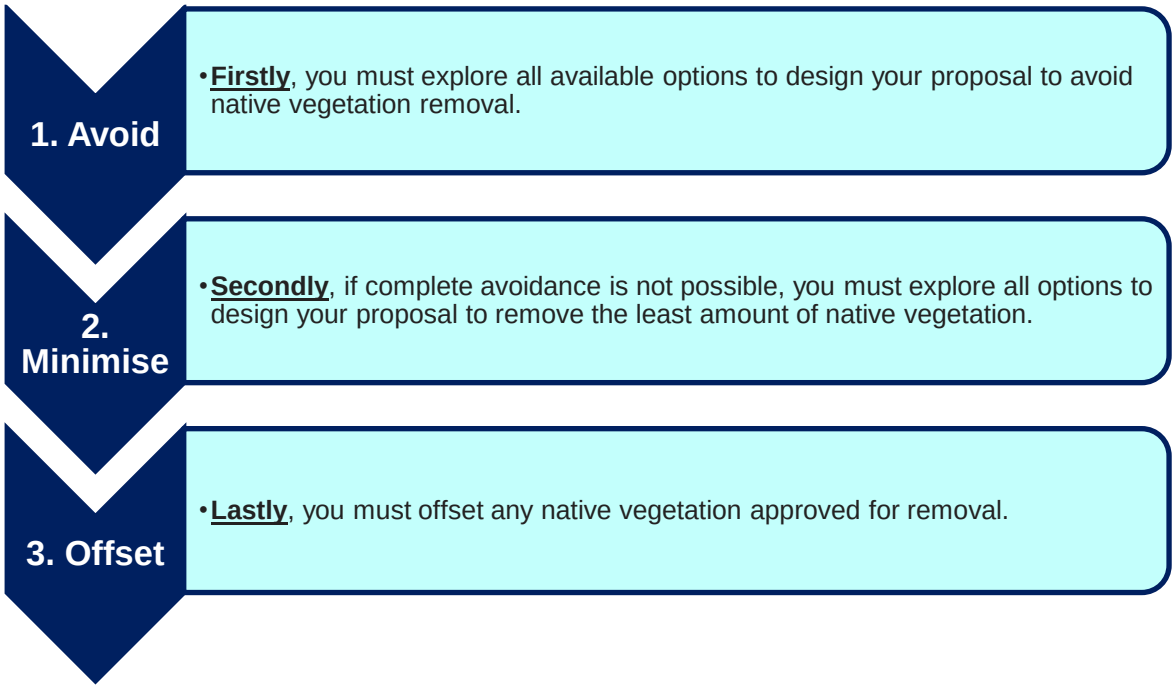
The Native Vegetation Removal Report (NVRR) generated by the NVIM tool, identifies all the biodiversity values associated with the patches and trees present on site.

Use this information to guide your proposal to areas of lesser biodiversity value, which usually coincides with areas of no or lesser quality native vegetation.

4.2 Three-step hierarchy

The no net loss to biodiversity objective is achieved through the three-step hierarchy. Applicants must progress through the hierarchy in order; firstly, avoid wherever possible, secondly minimise impacts as much as you can through design and siting, then lastly identify that the required offset is available and able to be secured.

The responsible authority will expect you to demonstrate, through an **avoid and minimise statement**, that you have explored all possible options to avoid and minimise removal of native vegetation before submitting your proposal for consideration.



4.3 Avoid and minimise – Observable biodiversity values

The following biodiversity values can be observed on site or through satellite imagery. The following avoid and minimise principles will assist you in designing your proposal.

Native vegetation – Patch

Generally, this is the most important biodiversity value to focus efforts to avoid and minimise impact. If patches of vegetation cannot be avoided, design your proposal, including temporary work so that you:

- decrease the area of native vegetation proposed for removal.
- shift the impact area to small, isolated or degraded patches, rather than large intact patches.
- impact on lower quality (condition) vegetation.

Native vegetation – Large trees

If all large trees (including tree protection zones[3]) cannot be avoided, design your proposal so that you:

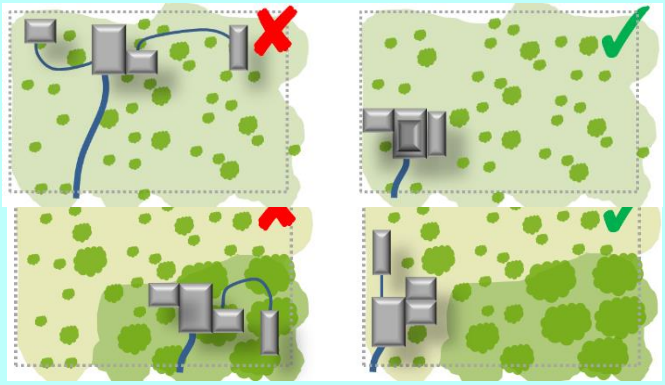
- avoid as many large trees as possible
- avoid any excavation or compaction within tree protection zones
- consider lopping branches (less than 1/3 of canopy, not including the trunk) rather than removing trees
- impact smaller rather than larger trees
- avoid trees with obvious signs of animal habitat (i.e., hollows, nests)

[3] A tree protection zone is an area around the trunk of the tree which has a radius of 12 x the diameter at breast height to a maximum of 15 meters but no less than 2 meters. Dead trees should be protected with a radius of 15 meters from the base of the trunk.

- shift impact to trees that have a lower chance of surviving in the long term.

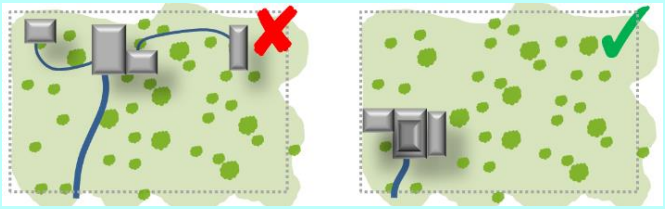
Pictorial examples of minimising impact

Minimise impact by locating buildings and tracks in poorer quality vegetation



Minimise impact to native vegetation by designing your proposal to have a smaller footprint:

- Put buildings close together
- Build vertically



Topographic and land information

Consider whether native vegetation removal from ridges, slopes, waterways and low-lying areas will result in long term land or water degradation. Design your proposal so that you:

- avoid steep (20% gradient or more) slopes
- achieve adequate setbacks (ideally 30 meters) from natural waterways, water bodies, groundwater recharge or discharge areas
- prevent native vegetation removal and soil disturbance in areas prone to erosion.

4.4 Avoid and minimise – Modelled biodiversity values

The following biodiversity values are not easily observed on site or through satellite imagery. These values are displayed on modelled datasets and can be viewed using the NVIM tool.

By avoiding or minimising impact to patches and large trees, you generally reduce impact to these modelled biodiversity values. However, understanding these values may better direct your proposal away from native vegetation with higher values.

Current wetlands

This value may be seen on ground but is displayed on the Current Wetlands model which can be viewed in the NVIM tool. If mapped wetlands cannot be avoided, design your proposal so that you:

- avoid the higher quality (often wetter) part of the wetland.
- use areas that have already been heavily impacted.
- only impact on areas that no longer function as a natural wetland.

Endangered EVCs

This value is displayed on the Pre-1750 Ecological Vegetation Class model which can be viewed in the NVIM tool. If patches of endangered native vegetation cannot be avoided, design your proposal so that you:

- reduce the area of native vegetation removal within an endangered EVC
- avoid the fragmentation (breaking up intact patches) of endangered EVCs
- impact on lower quality (condition) vegetation.

Strategic biodiversity value

This value is displayed as a score from 0-1 in the SBV model which can be viewed in the NVIM tool. If patches of vegetation cannot be avoided, design your proposal so that you:

- only impact an area which has a lower SBV value.

Sensitive wetlands and coastal areas

This value, along with endangered EVCs are displayed as dark green areas on the Location map which can be viewed in the NVIM tool. If patches of vegetation cannot be avoided, design your proposal so that you:

- avoid impact to dark green areas
- minimise impact to dark green areas.

Species habitat

Applications in the Basic and Intermediate assessment pathways do not need to further consider avoid and minimise opportunities on species habitat.

Based on the amount of native vegetation proposed for removal and its location in the landscape, the NVIM tool has determined that there will not be a significant impact to any species habitat.

Only applications in the Detailed assessment pathway need to consider opportunities to avoid and minimise impact to species habitat.

Key Point

In considering steps to avoid and minimise native vegetation removal, you should also factor in design considerations which are directed by planning overlays, planning zones or other legislation such as the *Building Act 1993* or requirements under the *Environment Protection Act 2017*.

A pre-application discussion with the responsible authority will inform you of these other considerations.

Also note that the *Flora and Fauna Guarantee Act 1988* applies to public land. If your proposal will impact native vegetation on land owned or managed by a public authority, you may need a permit under this legislation.

5. Native vegetation offsets

5.1 Purpose

Native vegetation offsets are the third and final component of the no net loss hierarchy of avoid, minimise, and offset. If an application is approved to remove native vegetation, you will be required to secure an offset to compensate for the loss of biodiversity from the removal of native vegetation. This must happen before any approved removal can start.

In your application, you must supply an offset statement that demonstrates you can secure an offset that will satisfy the offset requirement if your application is approved.

5.2 Securing an offset

Offset requirements for the native vegetation mapped for removal are summarised in the offset summary table in the NVRR. There are two methods to secure an offset.

Purchase a third-party offset

This is the most common and easiest method to find and secure your offset requirement. Input the following details listed on your NVRR into the NVCR online search tool located on DEECA's website:

- offset amount in general habitat units
- minimum strategic biodiversity value
- large trees (if none, enter 0)
- vicinity (CMA and/or local government area)

The NVCR online search tool will generate a list of offset sites that match your offset requirement if secured offsets are available for purchase. Contact the offset site's offset broker to find out how much it will cost to buy the required offset.

Purchasing an offset from a fixed price offset site generally takes less time to purchase and allocate to your approval.

Establish a first party offset

This method requires that you enter into a legally binding offset agreement with a statutory authority. You must manage the offset area for conservation purposes forever. Information on how to set up a first party offset can be found on DEECA's website. If you choose this method of offset, your application must include the written consent of the statutory authority you will be entering into a security agreement with.

5.3 Offset cost

Offsets are measured in habitat units. Each offset owner sets the price for the habitat units they have generated on their land. The price is driven by the cost to manage the land for conservation purposes, and the supply and demand for offsets in that location. Prices may vary from offset owner to offset owner. The full offset price (less any offset broker administration fee) is transferred to the offset owner.

An indicative average cost for habitat units within each Catchment Management Authority area is available on DEECA's native vegetation website.

5.4 Reducing offset cost by avoiding and minimising impact

The cost of an offset is directly linked to the amount of native vegetation that is approved for removal. By avoiding or minimising native vegetation removal, you are reducing:

- impacts to biodiversity values, and
- the cost of securing an offset.

Appendix A - Determine assessment pathway

Required information

To use the online NVIM tool to determine the assessment pathway of your proposal, you will need the following information:

- the total amount (extent in hectares) of the following, within the same property, or on an adjoining property in your ownership in the five-year period before lodging this application: :
  - approved native vegetation removal under a permit, including the permit number/s
  - illegal native vegetation removal, including a Planning Infringement Notice number (if applicable)
- the location of the native vegetation (patches and trees) you propose to directly remove and indirectly impact

> **Key point:**
>
> You may want to seek expert advice to help you identify the extent of native vegetation on your property.

- the circumference (in centimetres) of the main trunk of any trees you propose to remove measured at 1.3 metres above the ground
- a computer with access to the internet.

Step 1 - NVIM

NVIM includes the native vegetation removal tool. This tool allows users to identify and map the native vegetation they propose to remove or impact. It generates a NVRR, which must be included (Application requirement 1) with your application to remove native vegetation.

The NVRR includes information that describes:

- the assessment pathway of the application
- impacts to biodiversity values from the proposed native vegetation removal, and
- the offset requirement if the proposed removal is approved.

NVIM allows you to generate multiple NVRRs based on multiple scenarios you are considering. The information on the report will help you identify the areas of higher biodiversity values to avoid. Only the NVRR of your final proposal must be submitted with your application.

- NVIM is located at – NVIM homepage (delwp.vic.gov.au).

Step 2 - Past removal

NVIM asks you to input the details of any native vegetation you have been approved to remove, or that you removed without the required approvals, on the same property or on adjacent land in your ownership, in the five-year period before this application for approval is lodged.

Input the total extent (hectares) from:

- previous approvals, and if known include the planning permit number
- unauthorised removal, and if known include any Planning Infringement Notice number.

Click ‘No’ if you have not removed any native vegetation on the same property or on adjacent land in your ownership in the previous five years.

Step 3 - Navigate mapping functions

NVIM includes functions that allow you to navigate to the proposed clearing area and identify the native vegetation to be impacted. It also allows you to activate the modelled biodiversity datasets to help inform your avoid and minimise opportunities. You must identify and map all native vegetation removal from direct and indirect impacts associated with your proposal.

This includes:

- patch loss
- large tree loss within patches
- small and large scattered tree loss
- assumed loss
- consequential loss

Step 4 – Determine assessment pathway

The combined area of past removal and proposed removal (direct and indirect) along with its location will determine the assessment pathway of your application. Once the native vegetation removal is mapped, NVIM will place your application into one of three assessment pathways:

- **Basic assessment pathway**

  Basic assessment pathway applications have limited impacts on biodiversity. Avoid and minimise efforts should focus on reducing patches of native vegetation removal.

  An on-ground site assessment by a certified site assessor is not required, although one can be completed.

- **Intermediate assessment pathway**

  Intermediate assessment pathway applications could impact on patches, large trees, endangered EVCs and coastal and sensitive coastal areas. Avoid and minimise efforts should focus on reducing impacts to these values.

  An on-ground site assessment conducted by a certified site assessor is not required, although one can be completed.

- **Detailed assessment pathway**

  Detailed assessment pathway applications could impact on patches, large trees, endangered EVCs, coastal and sensitive coastal areas, and habitat for threatened species. Avoid and minimise efforts should focus on reducing impact to these values.

  An on-ground site assessment by a certified site assessor is required. A list of certified site assessors is available on DEECA's native vegetation website.

Step 5 - Determine final extent of native vegetation removal

Once you gain a better understanding of the biodiversity values present on your site, you must design your proposal to avoid and minimise any unnecessary impacts to biodiversity values.

Even a small reduction in native vegetation loss may increase your chances of obtaining planning approval and dramatically reduce your offset costs.

There is no limit to the number of scenario reports you can generate in NVIM. Only the report you submit with your application will be assessed by the responsible authority. Initial reports can be used to demonstrate how you have designed your proposal to avoid or minimise impact to biodiversity values.

Once you have your final design and you know the final extent of direct and indirect native vegetation loss, you can prepare your application by addressing the application requirements for the assessment pathway that applies.

Appendix B - Basic Assessment Pathway

This appendix tells you what information must be provided for each of the nine application requirements for **Basic assessment pathway applications**.

All application requirements must be addressed before the application can be assessed by the responsible authority. Applications that do not include all the required information are incomplete and cannot be assessed.

You must contact the responsible authority to find out how to provide this information in the form of an application.

Application Requirement 1 – Native Vegetation Removal Report

Applicant

If all native vegetation has been correctly identified and mapped, all the required biodiversity information to assess the application is included in the NVRR. The report is generated using NVIM. The system will create an NVRR once you input past removal and map the extent of native vegetation proposed and likely to be impacted. You must include:

- past removal (See Application requirement 4) – the extent in hectares of past approved removal, and/or extent of past illegal clearing.
- proposed removal – the native vegetation that will be directly or indirectly removed or is expected to degrade because of the proposal.

The report summarises the likely impact to biodiversity values and includes the offset requirements if your application is approved.

You can map several different scenarios while trying to avoid and minimise impact to native vegetation, but the final NVRR you submit with your application must be the proposal that matches your application.

Responsible authority

This report informs the responsible authority of the extent of native vegetation proposed for removal and the biodiversity values that will be impacted.

Application Requirement 2 – Topographic and land information

Applicant

You must provide detail of the topographical and land features in the vicinity of the proposal. Describe the location and extent of any ridges, hilltops, wetlands and waterways, and slopes of more than 20% gradient. Provide a written description, or show on a plan, any low-lying areas, saline discharge areas or areas of erosion.

Responsible authority

This information helps the responsible authority determine if the proposed removal of native vegetation will likely result in ground and surface water quality issues, riparian ecosystems decline or increase in land degradation.

Application Requirement 3 – Photographs

Applicant

You must provide recent, dated photos of each patch of native vegetation proposed for removal and mapped in the NVRR. Photos of patches must provide an accurate representation of the vegetation, which includes grasses, shrubs, herbs, and small trees (i.e., understorey).

Responsible authority

This information helps the responsible authority confirm the following:

- whether the vegetation is native
- whether it meets the definition of a patch
- the total amount impacted
- the indicative biodiversity value.

Application Requirement 4 – Details of past removal

Applicant

This requirement is included as part of generating your NVRR (Application Requirement 1). Within NVIM, you must enter the extent in hectares of any approved and illegal native vegetation removal on the property, or on adjacent land in your ownership, during the past 5 years.

- extent (ha) of past approved removal will be indicated in previous approval notices.
- extent (ha) of any illegal removal. If a Planning Infringement Notice has been issued, it must be included in the NVRR by entering into NVIM.

Click 'No' if there wasn't any past removal within the past 5 years.

Responsible authority

This extent is combined with the extent of your proposed removal as the total extent of native vegetation removal. The total extent of removal determines the appropriate assessment pathway for the application and enables the responsible authority to understand your past activities on the proposal site.

Application Requirement 5 – Avoid and minimise statement

Applicant

The avoid and minimise statement must demonstrate that your proposal has avoided and minimised native vegetation removal to only that necessary to achieve the objectives of your proposal. The statement must:

- Indicate whether you are aware if the property has been subject to any strategic planning exercise which has identified native vegetation for retention. This may have been a planning scheme amendment, native vegetation precinct plan, property vegetation plan, regional growth plan or some other strategic environmental assessment which has been supported by DEECA or referenced in Council's planning scheme.
- Where you cannot avoid native vegetation removal, describe how you have designed or sited the proposal's footprint and construction method to minimise impact to patches of native vegetation or shift the design to avoid patches of native vegetation with a higher condition or SBV score.
- Provide an explanation of why you are unable to further avoid native vegetation removal, or how any further minimisation would impact on the integrity or purpose of the proposal.
- Describe if there are planning scheme considerations (e.g., building setbacks) or legislation which restricts your ability to further minimise impact.

Responsible authority

This information is used by the responsible authority to determine if the removal of native vegetation is to the minimum extent required to achieve the objectives of the proposal.

Application Requirement 6 – Property vegetation plan

Applicant

This requirement only applies if you have an approved Property Vegetation Plan (PVP) on the property. A PVP is an agreement made under Section 69 of the *Conservation, Forests and Lands Act 1987* between yourself and the Secretary to DEECA.

A PVP is a plan which identifies native vegetation on the property to be removed or retained over a ten-year period and addresses all the application requirements needed for an application to remove native vegetation.

Submit a copy of the endorsed PVP, which addresses the information requirements to support your application.

Responsible authority

The PVP is assessed by the responsible authority as part of the application. DEECA will be consulted as part of the assessment.

Application Requirement 7 – Defendable space statement

Applicant

If the native vegetation removal is for creating defendable space to reduce bushfire risk, you must supply a statement that:

- describes the bushfire threat
- describes how other bushfire risk mitigation measures (e.g., re-siting) were considered to reduce the amount of native vegetation proposed for removal (this can also be part of the avoid and minimise statement).

If the proposed defendable space is within the Bushfire Management Overlay (BMO), and in accordance with the 'Exemption to create defendable space for a dwelling under Clause 44.06 of local planning schemes' in Clause 52.12-5, this statement is not necessary because it is already provided under the application requirements of Clause 44.06.

Responsible authority

This information is used by the responsible authority to assess the need to create defendable space, and whether alternative measures have been explored to avoid native vegetation removal.

Application Requirement 8 – NVPP removal

Applicant

This requirement is only needed when you are removing native vegetation from within a Native Vegetation Precinct Plan (NVPP), and the native vegetation is not identified as 'to be removed' within the NVPP.

Provide the name of the NVPP and demonstrate that the removal of this native vegetation will not:

- undermine or contradict any stated objective of the NVPP, or
- negatively impact or result in fragmentation of other native vegetation identified for retention within the NVPP.

Responsible authority

This information is used by the responsible authority to assess whether the proposed removal of native vegetation will undermine the objectives of the NVPP.

Application Requirement 9 – Offset statement

Applicant

You must demonstrate that an offset that meets the offset requirements identified in the NVRR is available and can be secured before any native vegetation can be removed.

If you are proposing to secure a third-party offset, use the NVCR online search tool to obtain a list of suitable offset sites. Obtaining an offset quote from a broker will inform your statement. In the statement you must demonstrate:

- that you have located an offset that meets your offset requirement
- that you are prepared to purchase the offset, and
- the offset owner is prepared to sell you the offset.

If you are proposing to secure a first-party offset, you must demonstrate:

- the proposed offset area can generate an offset that meets your offset requirement
- you acknowledge your landowner obligations and land management activities, and
- a statutory authority has agreed to secure the area as an offset site using an on-title agreement.

Responsible authority

This information is used by the responsible authority to gain confidence that the offset requirement, as indicated in the NVRR, is available and can be secured before the native vegetation is removed, should approval be granted.

Appendix C - Intermediate Assessment Pathway

This appendix tells you what information must be provided for each of the nine application requirements for **Intermediate assessment pathway applications**.

All application requirements must be addressed before the application can be assessed by the responsible authority. Applications that do not include all the required information are incomplete and cannot be assessed.

Most of the application requirements are the same as for the Basic assessment pathway described in Appendix B. The avoid and minimise statement (Application requirement 5) for Intermediate assessment pathways will need to include the steps you have taken to avoid impact to **large trees**, **endangered EVCs** or **sensitive wetlands and coastal areas**.

You must contact the responsible authority and confirm how to provide this information in the form of an application.

Application Requirement 1 – Native Vegetation Removal Report

Refer to Application requirement 1 in Appendix B.

Application Requirement 2 – Topographic and land information

Refer to Application requirement 2 in Appendix B.

Application Requirement 3 – Photographs

Applicant

You must provide recent, dated photos of each patch of native vegetation and large tree proposed for removal and mapped in the NVRR. Photos must be an accurate representation of:

- each patch of vegetation to be removed, which includes grasses, shrubs, herbs, and small trees (i.e., understorey)
- each large tree, which includes the trunk, canopy, and area beneath the tree.

Responsible authority

This information helps the responsible authority confirm the following:

- whether the vegetation is native
- whether the vegetation meets the definition of a patch, patch tree, or scattered tree
- the total amount impacted, and
- the indicative biodiversity value.

Application Requirement 4 – Details of past removal

Refer to Application requirement 4 in Appendix B.

Application Requirement 5 – Avoid and minimise statement

Applicant

The avoid and minimise statement must demonstrate that your proposal has avoided and minimised native vegetation removal to what is only necessary to achieve the objectives of your proposal. The statement must:

- Indicate whether you are aware if the property has been subject to any strategic planning exercise that has identified native vegetation for retention. This may have been a planning scheme amendment, native vegetation precinct plan, property vegetation plan, regional growth plan or some other strategic environmental assessment which has been supported by DEECA or referenced in the relevant planning scheme.
- Where you cannot avoid native vegetation removal, describe how you have designed or sited the proposal's footprint and construction method to minimise impact to:
  - patches of native vegetation or shift the design to avoid patches of native vegetation with a higher condition or SBV score.
  - large trees
  - endangered EVCs, and
  - sensitive wetlands or coastal areas,
- Provide an explanation of why you are unable to further avoid native vegetation removal, or how any further minimisation would impact on the integrity or purpose of the proposal.
- Describe if there are planning scheme considerations (e.g., building setbacks) or legislation which restricts your ability to further minimise impact.

Responsible authority

This information is used by the responsible authority to determine if the removal of native vegetation is to the minimum extent required to achieve the objectives of the project.

Application Requirement 6 – Property vegetation plan

Refer to Application requirement 6 in Appendix B.

Application Requirement 7 – Defendable space statement

Refer to Application requirement 7 in Appendix B.

Application Requirement 8 – NVPP removal

Refer to Application requirement 8 in Appendix B.

Application Requirement 9 – Offset statement

Refer to Application requirement 9 in Appendix B.

Appendix D – Detailed assessment pathway

Detailed assessment pathway applications have the potential to significantly impact on threatened species habitat. Proposed native vegetation removal in the Detailed assessment pathway must have a site assessment undertaken by a DEECA certified ecological consultant. The site assessment must accurately identify native vegetation that is to be removed into habitat zones and assign a site assessed condition score to each habitat zone.

Due to the potential of significant impacts to threatened species, applicants must include:

- more detail for Application requirements 1-9 than for the Basic and Intermediate assessment pathways
- Application requirement 10 – Site Assessment Report
- Application requirement 11 – Impacts on rare and threatened species

All application requirements must be addressed before the application can be assessed by the responsible authority. Applications that do not include all the required information are incomplete and cannot be assessed.

You must contact the responsible authority and enquire about how to provide this information in the form of an application. All Detailed pathway applications are referred to DEECA, as the referral authority, for assessment against the Guidelines.

Application Requirement 1 – Native Vegetation Removal Report

Applicant

You must engage a DEECA certified ecological consultant to undertake a site assessment of native vegetation proposed for removal. You will need to inform the consultant of the location and extent of the removal, which includes:

- past removal (See Application requirement 4) – extent in hectares of past approved removal, and/or any extent of past illegal clearing
- proposed removal – the native vegetation that will be directly or indirectly removed or is expected to degrade because of the proposal.

The certified assessor will use the site assessed information to generate a NVRR that summarises the likely impact to biodiversity values and includes the offset requirement if your application is approved.

It is advised you discuss with the consultant all options to avoid and minimise impacts to biodiversity values, including species habitat. These will be used to inform your avoid and minimise statement.

You can map several different scenarios while trying to avoid and minimise impact to native vegetation and biodiversity values, but the final NVRR you submit with your application must be the proposal that matches your application.

Responsible authority

This report informs the responsible authority of the extent of native vegetation removal and the biodiversity values which will be impacted. Particular attention will focus on impacts to species habitat.

Application Requirement 2 – Topographic and land information

Refer to Application requirement 2 in Appendix B.

Application Requirement 3 – Photographs

Applicant

You must provide recent, dated photographs that are representative of the patches and large trees which have been mapped in the NVRR. The number of photos required will depend on the extent of native vegetation removal:

- proposals with only a few patches and large trees should supply photos which accurately represent the extent and biodiversity values of each patch and large tree to be removed
- proposals with many patches and large trees should supply enough photos to convey the extent, and accurately represent the indicative biodiversity values of the patches and large trees to be removed.

Responsible authority

This information helps the responsible authority confirm the type, extent and condition of the vegetation proposed for removal.

Application Requirement 4 – Details of past removal

Applicant

This requirement is part of generating the NVRR. You must inform the certified site assessor of the location and extent of any approved or illegal native vegetation removal on the property, or an adjoining property in your ownership, from within the past 5 years.

The site assessor will include this information as past removal in the NVRR they generate.

Responsible authority

This extent is combined with the extent of your proposed removal to form the total extent of native vegetation removal. The total extent of removal is used by the NVIM tool to determine if there will be any significant impact to species habitat.

Application Requirement 5 – Avoid and minimise statement

Applicant

The avoid and minimise statement must demonstrate that your proposal has avoided and minimised native vegetation removal to what is only necessary to achieve the objective of your proposal. The statement must:

- Indicate whether you are aware if the property has been subject to any strategic planning exercise which has identified native vegetation for retention. This may have been a planning scheme amendment, native vegetation precinct plan, property vegetation plan, regional growth plan or some other strategic environmental assessment which has been supported by DEECA or referenced in the relevant planning scheme
- Where you cannot avoid native vegetation removal, describe how you have designed or sited the proposal's footprint and construction method to minimise impact to:
  - patches of native vegetation or shift the design to avoid patches of native vegetation with a higher condition or SBV score.
  - large trees
  - endangered EVCs
  - sensitive wetlands or coastal areas
  - species habitat
- Provide an explanation of why you are unable to further avoid native vegetation removal, or how any further minimisation would impact on the integrity or purpose of the proposal, and
- Describe if there are any planning scheme considerations (e.g., building setbacks) or legislation which restricts your ability to further minimise impact.

Responsible authority

This information is used by the responsible authority to determine if the removal of native vegetation is to the minimum extent required to achieve the objectives of the project.

Application Requirement 6 – Property vegetation plan

Refer to Application requirement 6 in Appendix B.

Application Requirement 7 – Defendable space statement

Refer to Application requirement 7 in Appendix B.

Application Requirement 8 – NVPP removal

Refer to Application requirement 8 in Appendix B.

Application Requirement 9 – Offset statement

Refer to Application requirement 9 in Appendix B.

Application Requirement 10 – Site Assessment

Applicant

You must provide the site assessment report of the vegetation to be removed. This is compiled by the certified assessor as part of generating the NVRR. The site assessment report must include:

- A habitat hectare (Vegetation Quality Assessment) assessment of all patches (i.e., habitat zones) of native vegetation identified and mapped in the NVRR, which includes the extent, condition, EVC, and bioregional conservation status of all native vegetation on the proposal site, or on adjoining land if indirectly impacted.
- The location, number, circumference (cm measured at 1.3 metres above ground level) and species of any patch trees.
- The location, number, circumference (cm measured at 1.3 metres above ground level) and species of any scattered trees and whether each tree is small or large.

Responsible authority

This information is used to verify the biodiversity values summarised in the NVRR. DEECA will also check this information against the VQA/Habitat hectare assessment data to confirm the accuracy of the assessment.

Application Requirement 11 – Impacts on rare and threatened species

Applicant

The applicant must provide information about the presence of rare or threatened species habitat within the native vegetation identified and mapped in the NVRR. This is compiled by the certified assessor and summarised in the NVRR. It includes:

- The relevant section of the Habitat Importance Map for each rare or threatened species requiring an offset
- For each rare or threatened species that the native vegetation to be removed is habitat for, according to the Habitat Importance Maps:
  - the species conservation status
  - the proportional impact of the removal of native vegetation on the total habitat for that species
  - whether their habitats are highly localised, dispersed habitats or important areas of habitat within a dispersed habitat.

Responsible authority

This information is used by the responsible and referral authorities to determine whether the level of impact to rare or threatened species habitat is acceptable and does not result in the decline of the species.