

# Native vegetation removal Permit applicant's guide



### **Acknowledgement:**

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### **Image credits:**

Page 3: grassland (Reto Zollinger)

Page 8: leaves and young nuts, mature nuts, bark and overall view (© PACPIX Robert Gardiner)

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## Getting started

### Native vegetation regulation

In Victoria, native vegetation removal is regulated through the planning system. If you want to remove native vegetation a planning permit is generally required, unless the proposal is exempt. To find out if you need a planning permit contact your local council.

### What is native vegetation?

*Native vegetation* means plants that are indigenous<sup>1</sup> to Victoria, including trees, shrubs, herbs and grasses. This includes areas of bushland with trees, scattered paddock trees, and treeless areas of scrub or grassland. In fact, some of the most rare or threatened vegetation types do not include trees at all, such as native grasslands, many wetlands and alpine communities.

It can be difficult for people who are not trained botanists, horticulturalists or natural resource managers to identify areas of native vegetation that don't include trees. A person would be required to be skilled at identifying indigenous plant species, particularly when they are not flowering and also understand that some plants are only visible during certain times of the year.

Seek advice from your local council if you are unsure whether you have native vegetation on your property and/or require a planning permit for its removal.

Some of the things to look out for include:

- **unimproved pasture** - this often includes native grasses and may be a native grassland
- **areas of 'bush' or 'scrub'** - particularly on undeveloped blocks, this may include a variety of native plant species
- **low-lying areas that fill with water after rain** - these may be wetlands, particularly if they contain reeds, rushes or sedges
- **native trees** - particularly large old trees, both live and dead.

### What happens if I need a planning permit to remove native vegetation?

As a first step, you should discuss your proposal with your local council. They can advise you:

- if a permit is required
- what information should be included in your permit application
- whether council officers should visit your property and discuss your proposal with you.

If you need a planning permit to remove native vegetation you will need to complete the *Native vegetation permit applicant's form*. Your local council may also require additional forms to be completed before processing your permit application. The *Native vegetation permit applicant's form* is not designed to be used when you are applying for a permit to remove heritage trees or other non-indigenous vegetation. For further information on these applications contact your local council.

The *Native vegetation permit applicant's guide* is not designed to provide advice on meeting fire protection requirements. If you need help with this issue, contact the Country Fire Authority. However, once it has been determined what vegetation removal is required for fire protection, you may use the *Native vegetation permit applicant's form* when applying for a permit to remove native vegetation.

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1 occurs naturally in a particular area

# A guide to completing the Native vegetation permit applicant's form

## 1. Proposed works

Section 1 of the *Native vegetation permit applicant's form* asks you to describe what you are proposing to do that involves native vegetation removal. For instance, you may be building a new house or shed, you may be removing native vegetation to address a fire risk or to construct a fence.

## 2. Avoiding and minimising removal of native vegetation

The planning scheme requires you to avoid removing native vegetation as far as practical. If the removal of native vegetation cannot be avoided, you must minimise the amount of native vegetation you remove through careful planning, siting, design and construction. Please note that by avoiding and minimising native vegetation removal you will reduce your offset requirement. This will reduce the costs of meeting any conditions on your permit relating to offsets. See 5. *Offsetting removal of native vegetation*.

Section 2 of the *Native vegetation permit applicant's form* asks you to describe any actions you have taken to avoid or minimise native vegetation removal. For instance, if you are building a house you might have chosen a mostly cleared area, sited the building close to the road (to reduce native vegetation removed for the driveway), or you could have designed your home to minimise native vegetation removal. *Figure 1* provides an example of a development that has not avoided or minimised native vegetation loss, and the same development redesigned to

better meet these objectives. Please note that this example does not address vegetation removal for fire protection.

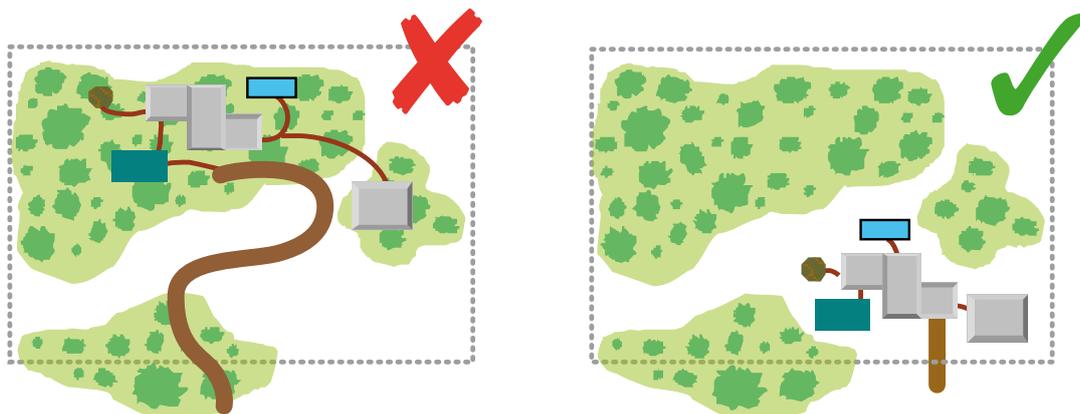
The following questions may assist you to complete Section 2 of the *Native vegetation permit applicant's form*:

- Are there alternative sites on your property where you could do the works that would avoid or minimise native vegetation removal?
- If you are building a house, is there an opportunity to locate it away from vegetation in an area where the fire risk is reduced?
- Can you consolidate the different parts of your construction or subdivision layout (for example, grouping buildings together) to avoid removing native vegetation?
- Could you alter the orientation, layout or form of your works to avoid native vegetation?
- Can your works be modified to avoid the removal of native vegetation?
- Can you choose construction methods that would minimise damage to native vegetation?

In some cases, there may be other factors that make it difficult to avoid or minimise native vegetation loss. These should be described in Section 2 of the *Native vegetation permit applicant's form*.

If you run out of space, please attach a separate page.

If you need further guidance on how to avoid or minimise native vegetation loss, contact your local council.



**Figure 1: Development that has not avoided and minimised native vegetation removal (left) and the same development redesigned for minimal vegetation removal (on right)**



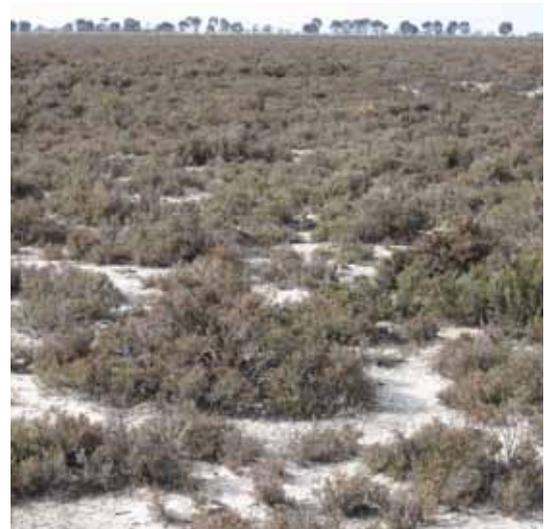
### 3. Describe the native vegetation

Section 3 of the *Native vegetation permit applicant's form* asks you to describe the native vegetation on your property, including the vegetation that you wish to remove. It is recommended that you seek advice from your local council if you are unsure whether or not you have native vegetation on your property or what type it is.

### Patches of native vegetation

If you think you have a patch of bush or grassland, the form asks you to estimate how much native vegetation you propose to remove in hectares or square metres.

Please note that patches of bushland may include areas with trees, but it may also include treeless areas of scrub or grassland. Figure 2 provides some examples of patches of native vegetation without trees. Figure 3 provides some examples of patches of native vegetation with trees.



**Figure 2: Patches of treeless native vegetation. Grassland (top left), inland saltmarsh (top right), inland wetland (bottom left), alpine bog (bottom right).**



**Figure 3: Patches of treed native vegetation. Grassy forest (top left), mallee (top right), creekline grassy woodland (bottom right), forest with bracken (bottom left).**



## Trees

For each tree you wish to remove, *Section 3* of the *Native vegetation permit applicant's form* asks you to fill in a table with:

- the number of the tree on your attached plan (see 6. *Mapping information*)
- the tree type or species
- the circumference OR diameter of each tree trunk measured at 1.3 metres above ground level (see *Box 1*)
- a note of whether the tree is going to be lopped only
- a note of whether the tree is dead.

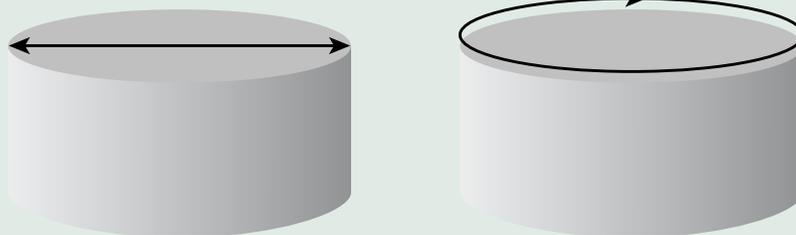
It is important to think about whether your works will impact on trees outside your specific construction area. For instance, if you are digging under the canopy of a tree you may damage or disturb its roots. In some cases this can lead to the tree dying. Any trees that you think could be impacted should be included in the table.

If there are more trees than lines on the table attach a separate page.

Please note that your local council may request an arborist report about the trees you are removing or impacting with your development or works. If you have an arborist report, please submit it with the form.

### Box 1: Tips on measuring a tree trunk

- For trees with multiple trunks, pick the largest trunk and measure it.
- Use a tape measure and run it around the tree at chest height (1.3 metres above ground level, on the high side of sloping ground).
- Keep the tape tight.
- The circumference is the distance around the tree trunk (see Figure 4, below).
- If you are unsure about how to measure the diameter, just include circumference measurements and note that you have used this measure on the form.
- The diameter is the distance "through the trunk" (see figure 4, below). The diameter of a tree can be estimated by dividing the circumference by 3.14. Alternatively, there are some special tapes that allow you to measure circumference and read off the diameter.



**Figure 4: Diameter (on left), circumference (on right)**

## 4. Water and soil

Native vegetation is important to protect soil stability, prevent erosion and soil loss.

*Section 4* of the *Native vegetation permit applicant's form* provides a checklist of potential issues. If you tick any of the boxes, you are asked to describe any management or protection

measures you propose to address the issue. For example, to prevent soil being washed away by rain you might install sediment fences or use erosion control mats.

If you are unsure about these issues and/or how they could be managed, contact your local council.



## Box 2: Water and soil guidance

### Waterway

A waterway includes rivers, creeks, springs, streams and watercourses where water may occasionally flow, a lake, lagoon, swamp or marsh. Waterways are often mapped.

### Salinity

Soil salinity occurs when the salt in the soil is brought to the surface by rising water tables. There are two aspects to this problem: recharge and discharge areas.

Water that drains through the soil and reaches the watertable is called recharge. Recharge areas are generally found on hill tops. High levels of recharge increase the risk of salinity.

Water leaving the groundwater is called discharge. Discharge areas are at break of slope, on or near waterways, or on flat land. A salty discharge area may have: bare areas; poor growing, stunted or yellowing plants; salt tolerant plants like sea barley grass or spiny rush; and/or a salty crust.

If you are clearing vegetation in a discharge or recharge area there may be a risk of increased salinity.

Some local councils have identified areas where salinity may be an issue in their planning schemes through the use of the Salinity Management Overlay (SMO). Contact your local council to see if an SMO applies to your land.

### Erosion

Erosion occurs when soil is lost through rain, wind or the repeated movement of people, animals or vehicles. It can happen slowly over a number of years, or quickly during a storm or other extreme weather events. The risk of erosion is higher when there are steep slopes and where soils are unstable and do not absorb water.

### Landslip

A landslide can occur when the ground is not strong enough to support its own weight, causing a slope to collapse. The risk of landslips is related to rainfall, geology, soil type and land form. Landslips occur most frequently on steep slopes but can also happen on gentle slopes.

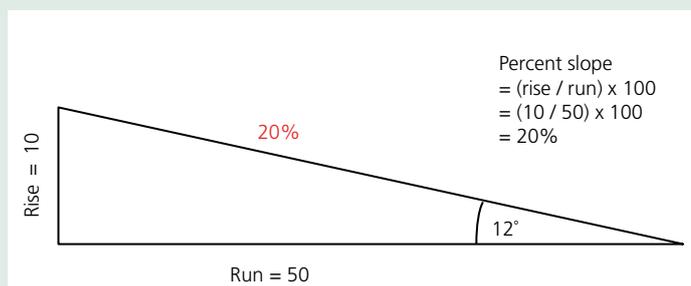
Some local councils have identified areas which are prone to erosion or landslide in their planning schemes through the use of the Erosion Management Overlay (EMO). Contact your local council to see if an EMO applies to your land.

### 20 Percent Slope

Land and water protection issues may arise if vegetation is removed on ground slopes of more than 20%. A 20% slope is 12 degrees or 1 in 5. Slope can be estimated with a spirit level or measured with a clinometer (see Figure 5).

Alternatively stand facing up the slope, look directly ahead and horizontal. Note the point on the slope that you see. If the slope at this point is closer than 8 metres from you, it is steeper than 20%.

**Figure 5: Calculating per cent slope**





## 5. Offsetting removal of native vegetation

Permit applicants are generally required to provide offsets if they remove native vegetation.

Section 5 of the *Native vegetation permit applicant's form* asks you to describe how you intend to offset the removal of native vegetation.

For more information on offsets, see *Box 3* below.

### Box 3: What is an offset?

A native vegetation offset is any works or other actions to compensate for the loss of native vegetation by removal. An offset may be an area:

- of existing vegetation that is protected and managed
- that is protected and allowed to naturally regenerate
- that is revegetated with locally indigenous plants.

The amount or type of offset required will depend on how much native vegetation you are permitted to remove and the conservation significance of the vegetation. Your planning permit will outline what is required.

All offsets need to be secure and ongoing. This means that the native vegetation cannot be removed in the future.

You can establish an offset on your property, or you can arrange for someone else to do it for you. If the offset is on your property you will need to prepare an Offset Plan describing what works you will be doing. Your local council should have an Offset Plan template that you can fill in.

If it is not possible for you to offset on your land, Department of Sustainability and Environment (DSE) and local councils have programs that help permit applicants find offsets. These include the BushBroker, Trust for Nature and council offset programs.

All offsets should be located at least 100m from a building used for accommodation.

If you would like any guidance on offsets, contact your local council.

## 6. Mapping information

Section 6 of the *Native vegetation permit applicant's form* asks you to attach a map or plan to the form clearly showing:

- north point, and property boundaries
- dimensions of buildings and distances from features such as patches of native vegetation or trees, fences and roads
- location of what you intend to do
- all areas of native vegetation, clearly showing the native vegetation proposed to be removed (including any area that the Country Fire Brigade has recommended you remove) AND the native vegetation proposed to be retained
- all trees identified with unique numbers (see 3. *Describe the native vegetation*)
- location where you took photographs (see 7. *Photographs*).

If possible, your map should show:

- contours and all areas greater than 20% slope (~12 degrees)
- drainage lines, permanent and occasionally flowing creeks, rivers, wetlands and dams
- 1:100 year flood level (if applicable)
- location of any protection or management works proposed to offset native vegetation removal, e.g. areas fenced off with weed control or replanting.

An aerial photograph provides a good base for a plan. Your local council may be able to provide an aerial photograph or mapping information to assist you in preparing your map.

If you cannot access an aerial photograph, or it is too unclear, you could provide a hand-drawn map provided it is legible and includes all the required information, outlined above.



## 7. Photographs

Section 7 of the *Native vegetation permit applicant's form* asks you to attach photographs of the native vegetation you wish to remove and any areas you wish to manage as an offset.

All photographs should be clear and well lit. To aid identification, it is useful if you provide

photographs that depict different aspects of the native vegetation: leaves; bark; flowers, fruit or nuts; as well as an overall view (see Figure 6).

It is useful if your map shows where you took your photographs from and the direction you were facing.



**Figure 6: Sample photographs of a tree proposed to be removed showing leaves and young nuts (top left), mature nuts (top right), bark (bottom left) and overall view (bottom right).**



## How is my application assessed?

In most instances, the local council will assess your application and decide if they will grant you a planning permit. In some cases, the local council must refer the application to DSE for assessment.

If your application is not referred, the local council has 60 days to decide on your application, although this may be extended if further information is required or the application needs to be advertised.

If your application is referred, DSE has 28 days to assess your application and send a response to the council, although this may be extended if further information is required.

The local planning scheme determines what applications must be referred. The main triggers for referral to DSE are based on the area of native vegetation or number of scattered trees to be removed.

When assessing your application, some of the factors that the local council will consider are:

- whether there are any issues for water and soil and whether they can be managed
- the amount and type of native vegetation you wish to remove
- whether native vegetation removal can be avoided
- if native vegetation removal cannot be avoided, how the loss can be minimised
- whether there are appropriate offset options.

## What am I required to do after I get a planning permit?

Once you have been issued a planning permit, you are required to meet all of its conditions. If you need to provide an offset for native vegetation removal, the permit will include conditions about the amount and type of offset required as well as the date of commencement.

Please note that your local council may audit whether you have complied with permit conditions.

If you would like to know more about permit conditions, contact your local council.



# Native vegetation Permit applicant's form

This form has been prepared to assist you to apply for a planning permit to remove native vegetation. Before submitting an application or starting works, you should discuss your proposal with your local council. They can advise you:

- if you need a permit
- what information should be included in your application
- whether a pre-application meeting visit is recommended
- how the proposal can avoid or minimise native vegetation removal
- whether an offset is required and what might be suitable
- whether your application will be referred to the Department of Sustainability and Environment (DSE).

If you need a planning permit to remove native vegetation you should complete this form and submit it (with a site plan and photographs attached) to your local council along with a (general) planning permit application form and any other documentation required including application fees.

Please note that this form is not designed to provide advice on meeting fire protection requirements. If you need help with this issue, please speak to the Country Fire Authority. However, once it has been decided what native vegetation removal is required, you may use this form to apply for a permit.

When submitting an application to remove native vegetation you must complete all sections of this form. Please note that all the information is required to assess your application. Depending on what you are proposing, your local council or DSE in some cases, may require additional information.

Please print your answers so that they can be easily read.

If you run out of space on this form, please attach additional pages.

To assist you in completing this form please ensure you have read and understand the "Native vegetation permit applicant's guide".

## 1. Proposed works

Why do you need to remove native vegetation? *Tick the most relevant box(es):*

- |  |  |
|--|--|
| <input type="checkbox"/> Fire protection                         | <input type="checkbox"/> Agricultural production       |
| <input type="checkbox"/> Construct a new building                | <input type="checkbox"/> Construct fences              |
| <input type="checkbox"/> Septic tank or water treatment system   | <input type="checkbox"/> Control weeds or pest animals |
| <input type="checkbox"/> Swimming pool or tennis court           | <input type="checkbox"/> Timber harvesting             |
| <input type="checkbox"/> Landscaping or views                    | <input type="checkbox"/> Firewood                      |
| <input type="checkbox"/> Access track/crossover or driveway      |  |
| <input type="checkbox"/> Other: _____<br><i>(please specify)</i> |  |

Describe what you propose to do that involves native vegetation removal.

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# Native vegetation Permit applicant's form

## 4. Water and soil

Native vegetation is important to protect soil stability, prevent erosion and soil loss.

The area where native vegetation is proposed to be removed is *(please tick if applicable)*:

- less than 30 metres from a waterway or wetland
- prone to water logging or at risk of salinity
- at risk of erosion or landslip
- on a slope more than 20% (~12 degrees)
- a recharge/discharge area

Please talk to your local council if you are unsure about any of these issues.

If you have ticked any of these boxes, please outline any management or protection measures you propose to address the issue(s):

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## 5. Offsetting removal of native vegetation

Describe how you intend to offset the removal of native vegetation. This includes details of any native vegetation to be fenced off and managed or replanted.

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Tick the most relevant box/es:

- Protect and manage existing native vegetation on your property
- Replant on property
- Protect and manage existing native vegetation on another property
- Replant on another property
- Council offset programs
- BushBroker
- Trust for Nature



## Native vegetation Permit applicant's form

### 6. Mapping information

Please attach one or more maps or plans clearly marked to show:

- north point, and property boundaries
- dimensions of buildings and distances from features such as patches of native vegetation, trees, fences and roads
- location of what you intend to do
- all areas of native vegetation, clearly showing the native vegetation proposed to be removed (including any area that the Country Fire Brigade has recommended you remove) AND the native vegetation proposed to be retained.
- all trees identified with unique numbers (see 3. *Describe the native vegetation*)
- location where you took photographs (see 7. *Photographs*).

If possible, your map should show:

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Please attach photographs of the native vegetation you wish to remove and, if applicable, any areas you wish to manage as an offset.

All photographs should be clear and well lit. To aid identification, it is useful if you provide photographs that depict different aspects of the native vegetation. Please see the guide for more information.

It is useful if your map shows where you took your photographs from and the direction you were facing.

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