



Permitted clearing of native vegetation

Requirement for a permit to remove native vegetation

Fact sheet

In Victoria, a planning permit is required to remove, destroy or lop native vegetation, unless:

- the planning scheme provides for the removal of native vegetation without a permit
- the removal is the result of a use not regulated by the planning scheme.

This fact sheet provides general information about when a planning permit is and is not required for the removal of native vegetation.

Local councils can confirm if a permit is or is not required to remove, destroy or lop native vegetation

When is a permit required to remove native vegetation?

A permit is required to remove, destroy or lop native vegetation, unless:

- there is an exemption to the requirement for a permit in the planning scheme
- the native vegetation is listed in a schedule to clause 52.17 in the relevant planning scheme
- the removal of native vegetation is the result of the continuation of a lawful existing use for the purposes of Section 6(3) of the *Planning and Environment Act 1987*.

In these circumstances, a permit will not be required to remove native vegetation. Local councils can provide further information about when a permit is required to remove, destroy or lop native vegetation.

Exemption to the requirement for a permit to remove native vegetation

Tables of exemptions are set out in Clauses 52.16 and 52.17 of planning schemes. These exemptions allow landowners to remove some native vegetation in certain circumstances without the need for a permit. In addition, specific bushfire protection exemptions are listed in Clause 52.48.

If the removal is covered by an exemption under Clause 52.48, no planning permit is required under Clause 52.16 or Clause 52.17.

Most exemptions are narrowly defined to prevent the removal of excessive amounts of native vegetation without a permit. Before removing native vegetation without a permit, ensure that the removal is eligible for an exemption, and is consistent with any conditions specific to the exemption.

Activities which may be exempt from the requirement for a permit in certain circumstances include:

- removing wood for personal use
- mowing or slashing of grass for maintenance
- lopping and pruning for maintenance
- removing planted vegetation
- removing regrowth less than 10 years old
- removing native vegetation on a site less than 0.4 hectare in area
- removing native vegetation for bushfire protection.

See the relevant exemptions table in the planning scheme for a full list of exemptions and details of how they apply:

- Clause 52.16-4 Table of Exemptions
- Clause 52.17-7 Table of Exemptions
- Clause 52.48

On land where planning overlays apply, some exemptions may not be available, check with your local council before removing, destroying or lopping native vegetation.

Schedules to Clause 52.17

A planning permit is not required for the removal of native vegetation that has been specified in the schedule of 52.17 in the local planning scheme. This may include plants that are not indigenous to the local area and have become environmental weeds or areas that have been assessed under other processes such as an Environmental Effects Statement.

Planning schemes can be viewed at:

<http://planningschemes.dpcd.vic.gov.au/>

Existing use rights

The *Planning and Environment Act 1987* provides for the continuation of an existing use that was occurring legally at the time of a change in the planning scheme, without the need for a permit. In some cases existing use rights may mean that a planning permit is not required for the removal of native vegetation. Existing use rights need to be considered on a case-by-case basis.

In summary existing use rights for the removal of native vegetation can only be established if:

- the use has been continuous for the last 15 years, without any breaks of 2 or more years
- the removal of native vegetation is integral to the use.

A planning permit is not required if there is an existing use right to remove native vegetation.

Local councils can provide further information about the applicability of existing use rights.

Accessibility

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