

## ALL PLANNING SCHEMES IN VICTORIA

### AMENDMENT S5

### EXPLANATORY REPORT

This amendment has been prepared by the Minister for Planning and Environment and amends the State section of all planning schemes.

Submissions about the amendment must be sent to:

Minister for Planning and Environment  
Attention: Planning Co-ordination Branch  
P O Box 2240 T  
MELBOURNE 3001

by 15 March 1990

#### AREA AFFECTED BY AMENDMENT

The amendment applies to all land in Victoria comprised in parcels of more than 0.4 hectare.

#### SUMMARY OF AMENDMENT

This amendment introduces a requirement for a planning permit to remove, destroy or lop native vegetation in Victoria. A number of exemptions are specified. Applications to clear areas over 10 hectares must be referred for comment to the Director-General of Conservation, Forests and Lands.

#### PURPOSE OF AMENDMENT

The amendment is part of a package of measures to conserve remaining native vegetation in Victoria, in conjunction with a major revegetation program and other land and water protection initiatives. It recognises the crucial role of native vegetation in salinity and erosion control, stabilising streams, wildlife habitat, shade and shelter, limiting greenhouse impacts, maintaining gene pools, and landscape quality.

## POLICY CONTEXT

Native vegetation retention is an important element in the implementation of the Victorian Conservation Strategy, Protecting the Environment. In addition, there are policy statements on the preservation of native vegetation in Salt Action : Joint Action and The Greenhouse Challenge. Retention of native vegetation is consistent with the objectives of planning in Victoria (S.4(1)(b) of the Planning and Environment Act 1987).

## REASONS FOR THE AMENDMENT

Forest cover in Victoria has declined to only 35% of the State in little more than 150 years. Only 6% of freehold land is now forested, though remnant paddock trees and small strips and patches (especially along streams) in the remaining 94% are highly significant.

A total of 230,000 ha was cleared during the 15 years from 1972 to 1987 (a rate of loss of over 15,000 ha per annum) mostly on freehold land and mostly of native vegetation. This does not take into account the loss through degeneration of remnant trees and small patches of vegetation.

The extent of clearing is a major factor in the widespread incidence of land degradation, now estimated to be costing up to \$2 billion each year nationally in lost production, nutrient loss, silting and pollution of waterways and harbours. Government salinity control and land protection programs all emphasise the benefits of retaining native vegetation.

Retention of native vegetation has a significant role in storing carbon and so reducing the emission of greenhouse gases.

Remnant native vegetation has important benefits for nature conservation, gene pool conservation and landscape quality. Remnant vegetation on private land provides an important opportunity to conserve the plants and animals typical of the 45% of Victorian land systems not adequately represented on public land. It is an essential adjunct to the reserve system, providing links and refugia, especially in the context of global climatic change.

## SIGNIFICANT ENVIRONMENTAL EFFECTS OF PROPOSED AMENDMENT

The proposed amendment is designed to have a range of significant beneficial effects on the environment. Likely beneficial effects include:

- a significant reduction in the rate of loss of native vegetation across the State and consequent protection of habitat
- minimisation of clearing on steep slopes, groundwater recharge areas, land at risk of erosion or salinity, or close to wetlands and streams
- protection of linear vegetation corridors
- protection of native flora and fauna
- reduction in the contribution to the greenhouse effect of carbon dioxide released through forest clearing and burning for conversion to crops and pasture.
- maintenance and enhancement of visual amenity
- retention of gene pools that reside in native species
- reduction in the spread of land degradation including salinity
- protection of rivers, streams and water resources.

No detrimental environmental effects are foreseen.

## ECONOMIC EFFECTS

Retention of native vegetation assists in preventing future salinity and land degradation. Its clearing has been a major factor in the widespread incidence of land degradation now estimated to be costing up to \$2 billion each year nationally in lost production, nutrient loss, silting and pollution of waterways and harbours. Agricultural productivity is increased if trees are integrated with farm enterprises. The value of genetic resources with potential applications in agriculture, forestry, horticulture and other industries is likely to be significant in the native vegetation protected by the control.

Governments and landholders are spending significant sums to control salinity and erosion through measures which include revegetation. The public benefit of these programs is lessened while clearing of native vegetation proceeds at the current rate.

Economic benefits accrue not only to the general community but in many instances there are significant on-site economic benefits. These arise from prevention of land and water degradation, and increased production through provision of shade, shelter and pest control.

## SOCIAL EFFECTS

Reduction in land degradation and protection of flora, fauna and genetic resources benefits both present and future Victorians by contributing to sustainable use of land and resources. The control operates through a permit system. It does not prohibit clearing, so that adverse effects on individuals are minimised. There is a wide range of exemptions which includes minor clearing incidental to normal farm and domestic activities.

# EXHIBITION COPY

The Planning Authority for this amendment is the Minister for Planning and Environment.

## STATE SECTION

The State section of all planning schemes in Victoria is amended as follows:

### 1. In Clause 2-1 include the new definition:

"Native Vegetation All vegetation that is indigenous to Victoria, including trees, shrubs and understorey plants."

### 2. After Clause 3-5.3 add:

#### "3-6 Retention and Re-establishment of Native Vegetation

This policy applies to all land in Victoria comprised in parcels of more than 0.4 hectare.

#### 3-6.1 Policy

It is planning policy that native vegetation is to be protected and conserved and that, in particular:

- \* Habitat for native plants and animals is protected.
- \* Ecological processes and genetic diversity are maintained.
- \* Carbon is stored and does not add to the greenhouse effect.
- \* Soil is protected from degradation, including salinisation and erosion.
- \* Adverse effects on groundwater recharge are minimised.
- \* Rivers, streams and water resources are protected.
- \* Land is used in a sustainable manner.
- \* Visual amenity and landscape quality are preserved and enhanced.

#### 3-6.2 Policy influences

The major factors influencing this policy are the need:

- \* To restore the land, by arresting and reversing the decline of native vegetation in rural Victoria.
- \* To ensure that all Victorian species of flora and fauna, native ecosystems and communities can survive, flourish and retain their potential for evolutionary development.

- \* To control the spread of salinity of land and water resources throughout Victoria.

- \* To limit the impacts of the greenhouse effect on people and natural ecosystems.

#### 3-6.3 Implementation of policy

In implementing this policy, special attention must be given:

- \* To the importance of retaining native vegetation.
- \* To replacing, where feasible, any loss of native vegetation by replanting an equivalent area.
- \* To siting new buildings and works so that the area of native vegetation removed or divided up is minimised.
- \* To ensuring that native vegetation is not destroyed by stock grazing or fuel reduction burning."

### 3. In the table to Clause 5 add -

Kind of Application	Referral Authority
"Application to remove or destroy native vegetation if the area to be cleared exceeds 10 hectares.	Director-General of Conservation, Forests and Lands.
Application to remove or destroy native vegetation if the area to be cleared combined with any area to be cleared under a concurrent or previous application on the same or contiguous land, which was in the same ownership on the 30 June 1989, and the combined area exceeds 10 hectares.	Director-General of Conservation, Forests and Lands."

### 4. After Clause 7-1.4 add :

#### "7-2 Native Vegetation Control

The following requirement does not apply if the regional section or the local section includes :

- \* Controls over native vegetation removal that are more restrictive than the provisions in this section.
- \* A statement that the State section controls over the removal, destruction or lopping of native vegetation do not apply to specific land.

### 7-2.1 Permit required

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

This does not apply :

- \* If the whole of the contiguous land in one ownership has an area of 0.4 hectare or less.
- \* If necessary for the construction of a building including utility services or access tracks, tennis courts, barbecues, swimming pools or the like which are ancillary to a dwelling.
- \* Within 10 metres of a building.
- \* In accordance with a notice relating to fire prevention, under the :
  - . Forests Act 1958
  - . Country Fire Authority Act 1958
  - . Local Government Act 1989
- \* In accordance with a notice under :
  - . The Soil Conservation and Land Utilization Act 1958.
  - . Section 65 of the State Electricity Commission Act 1958.
- \* If the native vegetation was lawfully cleared and the land has since been used for the transmission of water, sewerage, electricity, gas or the like.
- \* If the native vegetation presents an immediate risk of personal injury or damage to property.
- \* To plantings for forestry, agroforestry, shelter belts, woodlots, gardens or horticultural purposes.
- \* To wood that is cut for personal use by the landholder.
- \* To native vegetation that is proclaimed as a noxious weed.
- \* If necessary for the construction or maintenance of a dam (other than on a stream) or a farm structure, including fences, stockyards and bores.
- \* To grazing by domestic stock.
- \* To regrowth less than 5 years old if the land is being re-established for cultivation or pasture.
- \* To timber harvesting carried out under licence from the Department of Conservation Forests and Lands.

- \* To Improvement Purchase leases under the Lands Act 1958.
- \* To fire control measures, periodic fuel reduction burning, the making of fire breaks up to 6 metres wide or the removal of ground fuel within 30 metres of a building.

### 7-2.2 Guidelines for a permit

Before deciding on an application, the responsible authority must consider :

- \* The policy on retention and re-establishment of native vegetation.
- \* The conservation and enhancement of the area.
- \* The preservation of and impact on the natural environment or visual amenity.
- \* The role of the native vegetation in :
  - . Conserving fauna and flora.
  - . Protecting water quality.
  - . Providing shade and shelter.
- \* The role of the native vegetation in preventing :
  - . Land degradation, including soil erosion, salinisation and water logging.
  - . Adverse effects on groundwater recharge.
- \* The need to retain native vegetation :
  - . Where ground slopes are more than 20 percent.
  - . Within 30 metres of a wetland or stream.
  - . Where groundwater recharge occurs.
  - . On land subject to or which may contribute to soil erosion, slippage or salinisation.
  - . On land where the soil or sub-soil may become unstable if cleared.
  - . In a proclaimed water supply catchment.
  - . In areas where removal could jeopardise the integrity or long term preservation of any identified site of scientific, nature conservation or cultural significance.
  - . If it is rare or supports rare species of fauna or flora.
  - . That forms part of a wildlife corridor.
- \* Whether provisions are made or are to be made to establish and maintain native vegetation elsewhere on the land.

\* The benefit of a condition requiring :

- . Planting, replanting or other treatment of any part of the land.
- . The retention of a buffer strip of native vegetation within specified distances of watercourses, roads and property boundaries.
- . The fencing off of areas of native vegetation, in particular to exclude stock.
- . The identification of native vegetation that is to be retained, including the methods to be used to protect the native vegetation.

\* The conservation of native vegetation protected under the Archaeological and Aboriginal Relics Preservation Act 1972 and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.

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Reference:

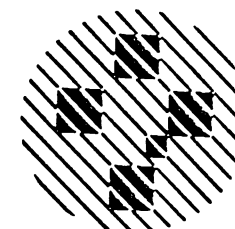
The Town Clerk/ The Shire Secretary/  
The Chief Executive Officer

Planning and  
Environment  
Victoria

Olderfleet Buildings  
477 Collins Street  
Melbourne  
Victoria 3000

PO Box 2240T  
Melbourne 3001

Telephone (03) 628 5111  
Fax (03) 628 5705



Dear Sir/Madam

12 DEC 1989

ALL PLANNING SCHEMES IN VICTORIA  
AMENDMENT S6

The Minister for Planning and Environment approved the above amendment on 8 December 1989.

Under Section 40(1) of the Planning and Environment Act 1987, I enclose a copy of:

- . the above amendment
- . the explanatory report

for lodgement at your office.

Notice of approval of the amendment will be published in the Government Gazette on 13 December 1989.

Under Section 41 of the Act, these documents must be available for public inspection during office hours.

Section 42 requires you to keep an up-to-date copy of the planning scheme for public inspection. You must, therefore, incorporate this amendment in the planning scheme without delay.

Yours faithfully

M WELLER  
ACTING ASSISTANT MANAGER  
PLANNING CO-ORDINATION BRANCH

*Planning and Environment Act 1987*

ALL PLANNING SCHEMES IN VICTORIA

Notice of Amendment

Amendment S5

The Minister for Planning and Environment has prepared Amendment S5 to all Planning Schemes in Victoria.

The amendment sets out the planning policies for the retention and re-establishment of native vegetation on all land in Victoria comprised in parcels of more than 0.4 hectare and provides for a permit to remove, destroy or lop native vegetation.

A copy of the amendment can be inspected, free of charge, during office hours, at:

The Ministry for Planning and Environment,  
Ground Floor  
477 Collins Street  
Melbourne;

The Upper Yarra Valley and Dandenong Ranges Authority  
5 John Street  
Lilydale;

The Geelong Regional Commission  
Cnr Fenwick and Little Malop Streets  
Geelong;

The Albury-Wodonga Development Corporation  
Ellis Street  
Thurgoona NSW;

and at each municipal office in Victoria.

Submissions about the amendment must be sent to the Minister for Planning and Environment, ATTENTION: Planning Co-ordination Branch, GPO Box 2240T, Melbourne 3001, by ~~15 March 1990~~.

6 April 1990

MALCOLM WELLER  
ACTING ASSISTANT MANAGER  
PLANNING CO-ORDINATION BRANCH



ALL PLANNING SCHEMES IN VICTORIA  
AMENDMENT S6

The Planning Authority for this amendment is the Minister for Planning and Environment.

STATE SECTION

The State section of all planning schemes in Victoria is amended as follows:

Replace Clause 7-2.1 with the following :

"7-2.1 Permit required

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

This does not apply :

- \* If the whole of the contiguous land in one ownership has an area of 0.4 hectare or less.
- \* If necessary for the construction or use of any building including utility services or vehicle accessways which are ancillary to the building.
- \* If necessary for the construction of any buildings or works which are ancillary to a dwelling including tennis courts, barbecues, swimming pools, utility services or vehicle accessways.
- \* Within 10 metres of a building.
- \* In accordance with a notice relating to fire prevention, under the :
  - . Forests Act 1958
  - . Country Fire Authority Act 1958
  - . Local Government Act 1989.
- \* In accordance with a notice under :
  - . The Soil Conservation and Land Utilization Act 1958.
  - . The Vermin and Noxious Weeds Act 1958.
- \* In accordance with Section 65 of the State Electricity Commission Act 1958.
- \* If the native vegetation was lawfully cleared and the land has since been used for the transmission of water, sewerage, electricity, gas or the like.
- \* On land which has previously been cleared where seedlings or regrowth are less than 10 years old and the land is :
  - . Within the formation of a road or railway line
  - . On or adjacent to a helipad, airfield or the like
  - . In an existing gravel pit
  - . On crown land or land owned by a public authority or municipal council.

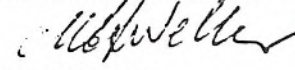


- \* If the native vegetation presents an immediate risk of personal injury or damage to property.
- \* To native vegetation which has been planted for forestry, agroforestry, shelter belts, woodlots, gardens, horticultural purposes or the like.
- \* To wood that is cut for personal use by the landholder.
- \* To native vegetation that is proclaimed as a noxious weed or to bracken.
- \* If necessary for the construction or maintenance of a dam (other than on a stream) or a farm structure, including fences, stockyards and bores.
- \* To destruction of native vegetation by grazing by domestic stock.
- \* To seedlings or regrowth less than 10 years old if the land is being re-established or maintained for cultivation or pasture.
- \* To regrowth less than 1 year old if the native vegetation was felled but not destroyed before 22 November 1989.
- \* To the destruction of the minimum extent of native vegetation needed to remove burrows for vermin control. The total area in one ownership to be destroyed before 30 November 1990 must not exceed 10 hectares.
- \* To timber harvesting carried out under licence from the Director General, Department of Conservation Forests and Lands.
- \* To Improvement Purchase leases under the Land Act 1958.
- \* To fire control measures, periodic fuel reduction burning, the making of fire breaks up to 6 metres wide or the removal of ground fuel within 30 metres of a building.
- \* To destruction of the minimum amount of native vegetation necessary for works or development by a public authority or municipal council commenced before 30 April 1990 and completed by 30 November 1990.
- \* To clearing necessary for plantation development provided that:
  - . It is conducted in accordance with a plan approved by the Director General of the Department of Conservation, Forests and Lands lodged with the responsible authority, and
  - . A written contract was made for the clearing before 22 November 1989 or the land was purchased for that purpose before 22 November 1989 or the clearing commenced before 22 November 1989, and
  - . The clearing is completed by 30 April 1990.

- \* To the destruction of native grasses on salinity recharge areas in order that deep-rooted perennials may be established in accordance with approved programs to combat salinity.
- \* To the extraction of sand, stone, gravel, clay or the like in accordance with a licence under the Extractive Industries Act 1966 or a permit under the Planning and Environment Act 1987 if these were valid on 22 November 1989.
- \* To emergency access or works by a public authority or municipal council."

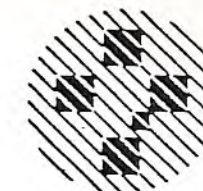
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I CERTIFY THAT THIS IS A TRUE COPY OF THE  
AMENDMENT APPROVED BY THE MINISTER FOR  
PLANNING AND ENVIRONMENT ON 8 DEC 1989

  
MALCOLM WELLER  
ACTING ASSISTANT MANAGER  
PLANNING CO-ORDINATION BRANCH



# MINISTER FOR PLANNING AND HOUSING NEWS RELEASE



Wednesday 27 February 1991

EMBARGO 1.30PM

## NATIVE VEGETATION CONTROLS BECOME PERMANENT

Landowners will be encouraged to prepare land management plans as part of new measures to protect Victoria's remaining native vegetation.

Planning and Housing Minister Andrew McCutcheon said on average, 15,000 hectares of native vegetation was cleared each year between 1972 and 1987, leaving only 6% of Victorian freehold land forested.

"It is in our State's best interest that this situation isn't allowed to worsen," he said.

"Despite the Government spending \$4.3 million a year on replanting schemes, more trees are being lost than replanted."

The new native vegetation controls are part of a package of measures to protect the State's natural resources including soil, water, plants and animals.

The measures will also provide greater flexibility for landowners.

Mr McCutcheon said landowners who prepared approved land management plans for their properties, would not have to apply for a planning permit every time they wanted to clear native vegetation.

"The State Government believes that vegetation management can be considered in the context of a whole farm management plan," he said.

Planning permits will not be required for minor clearing incidental to normal farming and domestic activities, including fence construction, maintenance of existing utilities and fire prevention works.

Most of these 23 exemptions will be phased out after five years.

The planning amendment was approved by the State Government after a public exhibition process, followed by an independent panel receiving and considering more than 400 written submissions.

Mr McCutcheon said he believed the panel process had been extensive.

"Between August and October last year, the panel conducted 23 days of hearings in Melbourne, Horsham, Mildura, Wodonga and Bairnsdale", he said.

"The panel noted general acceptance of the need for planning controls to protect native vegetation.

"After considering all points of view presented to it, the panel made its recommendations to me. The Government has decided to accept the panel's advice and introduce the new controls."

Mr McCutcheon said phasing out exemptions was another incentive for farmers and landowners to prepare whole farm plans, which were also now necessary for some farming related tax deductions.

"These planning controls are an essential means of combating land degradation and preserving habitat for Victoria's fauna," he said.

"Overclearing has contributed significantly to land degradation, particularly soil salinity, which is expected to increase fourfold in the next 50 years if we don't do something now.

"Loss of native vegetation has also meant that nearly one third of Victoria's animals are extinct or threatened.

"Australia has the highest rate of mammal extinctions in the world."

The amendment to the State section of all planning schemes replaces interim controls for native vegetation which expire on 28 February 1991.

The Government will consider assisting landowners who have bought land in the last ten years with the intention to clear it for agriculture.

This assistance may be in the form of vegetation management funds, exploring alternative land uses, advice on improving productivity, or assistance through the Rural Adjustment Scheme.

It is estimated only a minor percentage of farmers will encounter financial problems due to the new controls alone.

**MEDIA ENQUIRES:**

ADAM KILGOUR - MEDIA OFFICER - 628 5032 OR  
ANN ISAACS - PRESS SECRETARY - 628 5337.