

# FACT SHEET

## NATIVE VEGETATION REMOVAL REGULATIONS



### OVERVIEW

This fact sheet explains how native vegetation removal is regulated in the planning scheme.

Vegetation removal associated with dam construction, agriculture and forestry is typically addressed through regulation outside the land use planning system through State Government agencies.

The planning scheme regulates native vegetation removal through exemptions, zone requirements and the Natural Assets Code.

The Natural Assets Code, which is part of the State Planning Provisions, includes overlays for priority vegetation, coastal refugia and waterways. This provides a consistent state-wide approach to natural values within the planning system.



### RELATED PLANNING SCHEME AND OVERLAYS

The scheme has two overlays that relate to native vegetation; the Priority Vegetation Area overlay and the Waterway and Coastal Protection Area overlay.

The Priority Vegetation Area (PVA) for Sorell has been prepared in the same way as it is for all other Tasmanian Councils. The PVA is based on a Regional Ecosystem Model that incorporates a range of data on threatened species, vegetation communities and key habitat values.

The Waterway and Coastal Protection Area (WCPA) applies to all waterways, wetlands and coastlines and consists of a buffer distance around these features. The principal role of the WCPA is to manage riparian vegetation and potential impacts to water quality or habitat from works in or adjacent to waterbodies.

### EXEMPTIONS FROM THE PLANNING SCHEME

**Table 4.4** of the planning scheme details when vegetation removal is exempt from planning approval.

The exemptions are quite detailed and generally relate to maintenance around existing infrastructure, such as fencing, or to implement a bushfire hazard management plan. The full list of exemptions is provided at the end of this document.

### ZONES

The Landscape Conservation Zone and Environmental Management Zone include standards relating to the retention of native vegetation. Please refer to these zones for their specific requirements.



## NATURAL ASSETS CODE

The PVA overlay can apply to most zones. Clearing of native vegetation within the PVA overlay will require a discretionary planning application.

To be approved, it will be necessary to demonstrate that the vegetation removal will have minimal impact through consideration of:

- the purpose of the clearing
- the scale of the clearing
- whether buildings or works could be located elsewhere, to avoid clearing
- fire-resistance building design;
- ongoing management or protection of other areas of vegetation.

The full performance criteria are provided later in this information sheet.

## PRACTICAL REASONS TO RETAIN NATIVE VEGETATION

Regardless of whether you need a permit or not to clear native vegetation, we encourage all property owners to retain existing native trees, shrubs and grasses.

Retaining native vegetation provides a number of benefits, including:

- maintaining soil stability and helps prevent erosion
- Reducing wind speed, and
- providing aesthetic values.

Importantly, replacement plantings can be very slow growing on poor quality soils.



## THE PRIORITY VEGETATION AREA PERFORMANCE FOR NATIVE VEGETATION CLEARING

The following is the performance criteria for clearing within a PVA. These matters are complex and will in most cases require a natural values report from a suitably qualified ecologist or similar person.

### P1.1

Clearance of native vegetation within a priority vegetation area must be for:

- (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;
- (b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;
- (c) subdivision in the General Residential Zone or Low Density Residential Zone;
- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- (e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
- (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

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## PRACTICAL REASONS TO RETAIN NATIVE VEGETATION

### P1.2

Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) the design and location of buildings and works and any constraints such as topography or land hazards;
- (b) any particular requirements for the buildings and works;
- (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) any on-site biodiversity offsets; and
- (f) any existing cleared areas on the site.

## EXEMPTIONS FOR VEGETATION REMOVAL IN THE STATE PLANNING PROVISIONS

The following exemptions are provided at Table 4.4 of the State Planning Provisions.

### Vegetation removal for safety or in accordance with other Acts

If for:

- (a) clearance and conversion of a threatened native vegetation community, or the disturbance of a vegetation community, in accordance with a forest practices plan certified under the Forest Practices Act 1985, unless for the construction of a building or the carrying out of any associated development;

- (b) harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the Forest Practices Regulations 2017;
- (c) fire hazard management in accordance with a bushfire hazard management plan approved as part of a **use or development**;
- (d) fire hazard reduction required in accordance with the Fire Service Act 1979 or an abatement notice issued under the **Local Government Act 1993**;
- (e) fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a plan for fire hazard management endorsed by the Tasmania Fire Service, Sustainable Timbers Tasmania, the Parks and Wildlife Service, or council;
- (f) clearance within 2m of lawfully constructed buildings or infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities, for maintenance, repair and protection;
- (g) safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove an unacceptable risk to public or private safety, or where the vegetation is causing or threatening to cause damage to a substantial structure or building; or
- (h) within 1.5m of a lot boundary for the purpose of erecting or maintaining a boundary fence, or within 3m of a lot boundary in the Rural Zone and Agriculture Zone.

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## EXEMPTIONS FOR VEGETATION REMOVAL IN THE STATE PLANNING PROVISIONS CONTINUED

### Landscaping and vegetation management

Landscaping and vegetation management within a private garden, public garden or park, or within State reserved land or a council reserve, if:

- (a)** the vegetation is not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant; or
- (b)** the vegetation is not specifically listed and described as part of a Local Heritage Place or a significant tree in the relevant Local Provisions Schedule unless the management is incidental to the general maintenance.



### Vegetation rehabilitation works

The planting, clearing or modification of vegetation for:

- (a)** soil conservation or rehabilitation works including Landcare activities and the like provided that ground cover is maintained and erosion is managed;
- (b)** the removal or destruction of declared weeds or environmental weeds listed under a strategy or management plan approved by a council;
- (c)** water quality protection or stream bank stabilisation works approved by the relevant State authority or a council;
- (d)** the implementation of a vegetation management agreement or a natural resource, catchment, coastal, reserve or property management plan or the like, provided the agreement or plan has been endorsed or approved by the relevant State authority or a council; or
- (e)** the implementation of a mining and rehabilitation plan approved under the terms of a permit an Environment Protection Notice, or rehabilitation works approved under the Mineral Resources Development Act 1995.

