



TRUST FOR
NATURE

Vegetation management and bushfires: Frequently Asked Questions

Vegetation removal for bushfire protection on land affected by a conservation covenant

These FAQs deal with some of the questions that landowners may have about removal of vegetation for bushfire protection purposes on land subject to a conservation covenant.

Victoria is one of the most bushfire prone regions in the world. Victorian planning law has responded to the threat of fire, particularly after the 2009 Black Saturday fires and Royal Commission, by establishing a framework to manage bushfire risk. A key consideration within this framework is the presence of vegetation in close proximity to houses or other buildings which can add to the 'fuel load' of a bushfire and therefore increase the risk of damage to property and personal safety.

These FAQs are intended to provide information of a general nature only. The requirements relating to clearance of native vegetation are complex and may vary from property to property. For detailed information and guidance in relation to vegetation removal and bushfire management landowners should contact the local Council or local Country Fire Authority ("CFA").

When is vegetation clearing allowed for bushfire protection on covenanted properties?

Trust for Nature reminds you that your covenant deed contains provisions to the effect that compliance with its conditions may be treated as waived to the extent necessary for reasonable fire prevention. Nothing within the deed of covenant, no advice or direction given by Trust for Nature, and no management plan, is intended to limit your ability to take appropriate fire prevention measures. Vegetation removal for such purposes is permitted in line with relevant legislation regarding clearance distances. You should refer to guidelines issued by your local government authorities on this matter.

Fuel reduction and the development and implementation of an appropriate bushfire-preparedness plan are the responsibility of the owner, or the tenant if leased. Further information about how to develop an appropriate bushfire preparedness plan may be obtained from the Country Fire Authority website. Other relevant websites you may find helpful are included over the page.

What are the relevant planning scheme provisions?

Under Victorian planning schemes, a planning permit is generally required to remove native vegetation. However, there are exemptions to this requirement, including for removal that relates to bushfire protection.

In addition, properties in areas of Victoria that are particularly exposed to bushfire risk may be affected by a Bushfire Management Overlay ("BMO").

The BMO was introduced on 18 November 2011 as part of amendments to Victorian Planning Schemes in response to the 2009 Victorian Bushfires Royal Commission. The BMO introduces new planning requirements and exemptions for vegetation clearing for the purposes of bushfire protection.

The BMO imposes requirements for bushfire risk mitigation for new buildings and other activities that require a permit, and allows some removal of native vegetation around existing dwellings to mitigate bushfire risk.

You can check whether your property is covered by a BMO by checking with your local Council or through the Department Environment, Land, Water and Planning website: <http://www.https://www.planning.vic.gov.au/bushfire-protection/bushfire-protection-and-my-property>. You should contact your local Council if you require specific advice about relevant planning provisions and how they affect your property.

What do I have to do if my property is subject to a BMO?

If your property is subject to a BMO, you are generally not required to do anything for bushfire protection unless you propose to do something which requires a permit. If a permit is required (e.g. to construct a dwelling), it may be issued subject to a condition requiring the creation of 'defendable space'. This may involve the removal of vegetation.

While you may be required to create defendable space under a planning permit under the BMO, if you are not undertaking an activity that requires a permit, you will not be required to create defendable space, even if you have an existing dwelling on the property. However, if your property is subject to a BMO, you may choose to create defendable space without having to obtain a planning permit, provided this is done in accordance with the requirements of the planning scheme. You should seek advice from your Council about the extent of clearing that is permitted under those requirements.

You may also be able to remove vegetation in line with the exemptions which apply to all properties, including those not subject to a BMO, in line with current Victorian Planning Provisions.

What if my property is not subject to a BMO?

If your property is not affected by a BMO, you may still be able to clear native vegetation for bushfire protection purposes, but this will require a planning permit unless an exemption applies. Exemptions may be available:

- To create defendable space within specified distances of a dwelling or other structures 10, 30 or 50 metres of a building or for any vegetation within a specified distance of an existing fence on a boundary between properties in different ownership.
- For specified "fire protection" purposes including for example fuel reduction burning, creation of fire breaks, removal of overhanging branches and electric line clearance.

You should seek advice from your Council about the extent of clearing that is permitted under these exemptions.

What is defensible space?

The term 'defensible space' refers to the area of land around a building where vegetation is managed to reduce the risks associated with bushfire. It comprises an inner zone, which is the area immediately around the house, and an outer zone, which is the managed area between the inner zone and the surrounding vegetation.

The amount of defensible space varies depending on a number of factors, including the type of vegetation on the property and the slope of the property. The calculation of the area of defensible space for a given property is a technical assessment which must be carried out by a person with appropriate qualifications in accordance with the provisions of the planning scheme.

You should seek advice from an appropriate qualified Bushfire Consultant in determining the area of defensible space you are required or permitted to create.

Under the Conservation Covenant, how much vegetation can I remove?

The terms of the conservation covenant allow you to remove native vegetation for reasonable fire protection purposes or to the extent required by law. The Trust's view is that this allows clearance of vegetation for the purpose of bushfire protection, including for the creation of a defensible space, where, and to the extent that, this is authorised under a planning scheme or required under a planning permit.

Further questions?

The CFA and local Council can each provide you with further information on bushfire protection and land management:

- CFA (visit <http://www.cfa.vic.gov.au/contact>) to find your local nearest district or regional HQ)
- Local Council (find yours at <http://www.vic.gov.au/government-economy/local-councils/victorian-local-councils.html>).
- Trust for Nature can provide you with information about what is allowed under your conservation covenant including the environmental values of native vegetation on your land:
- You can contact Trust for Nature on (03) 86315888.