

Bushfire Protection

Vegetation removal on a public land boundary

Information for landholders

Following the devastating 2008/09 bushfire season and the ongoing increased bushfire risk, Victoria Planning Provisions have been changed to provide certain exemptions from planning schemes and planning permit requirements in relation to vegetation clearance on private property and on adjacent public land for the purposes of bushfire protection.

This information provides guidance on preparing an application to clear vegetation for the purpose of bushfire protection on the public land side of a private land boundary or within leased public land.

The accompanying Application Form must be used to provide the information regarding the vegetation that you propose to clear.

This information relates only to applications to clear vegetation on the public land side of a private land boundary for bushfire protection.

What can be cleared?

All vegetation on Public land to a maximum width of 4 metres of a fence along an external boundary.

All vegetation within 10 metres and ground vegetation within 30 metres of a building used for accommodation situated on leased/licenced public land (known as the 10/30 right).

What must a landholder obtain before clearing of public land commences?

Landholders MUST obtain the consent of the relevant public land management agency by using the attached Application Form.

Do the new provisions apply everywhere?

No. Not in the areas covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribymong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra Planning Schemes.

Are the new provisions permanent?

No. They will expire on 31 August 2010.

Can public land tenants with under lease or licence apply for approval for clearing?

Yes. Lessees/licensees require the permission of the public land manager to undertake any clearing, either within or beyond the lease/licence area.

Is a planning permit required to clear public land where a landholder wishes to clear public land to a maximum width of 4 metres from a boundary fence?

No. However, the landholder must obtain permission from the relevant public land manager before undertaking any clearing on public land for the purpose of bushfire protection.

Is a planning permit required to clear public land where a landholder wishes to clear public land to a maximum width of 4 metres of an unfenced boundary?

Yes. The amendments to the Victorian planning provisions do not exempt the requirement for a permit where the boundary is unfenced. The permission of the relevant public land manager must be obtained.

Is a planning permit required to clear public land where a lessee/licencee wishes to apply to clear within a leased/licenced area under the 10/30 right?

No. However, you must obtain permission from the relevant public land manager before undertaking any clearing on public land for the purpose of bushfire protection.

Can clearing be undertaken where a vegetation or erosion overlay is in place?

Yes. However, removal of vegetation in areas prone to landslip or erosion should be minimised.

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Can clearing be undertaken where native vegetation is protected by a legal agreement or covenant?

No. Not where the agreement prohibits the removal of native vegetation.

Can lessees/licencees on public land remove vegetation under the 10/30 right around all buildings?

No. Only in relation to buildings used for accommodation.

Can the forest produce cleared, including live or dead vegetation and timber, be sold?

No. Commercial use of the cleared vegetation is not permitted. Generally, you will be required to remove from the public land all debris (including any vegetation alive or dead) at your cost. However, the public land manager reserves the right to retain the forest produce resulting from any clearing for use within the public land.

What are the landholder's responsibilities in clearing?

Landholders are responsible for:

- Complying with planning scheme requirements outside of these exemptions and any applicable laws.
- Organising the clearing.
- Managing all operational aspects of clearing activities.
- Indemnifying the State of Victoria as provided in this Application Form.
- Meeting all relevant legal and safety requirements.
- Ensuring all deared material is fully removed and disposed of on private land.
- Minimising, managing and rehabilitating all impacts.
- Clearly and accurately defining the legal external boundary.
- Bearing all costs associated with clearing the vegetation.

It should be noted that the public land manager reserves the right to revoke an authority granted where a landholder does not comply with the Landholder's Responsibilities identified in this document or breaches conditions of the authority.

Can permission to clear public land be refused?

Yes. Permission may be withheld when clearing:

- will result in a breach of other planning scheme requirements or applicable laws.
- When clearing is in breach of other legal agreements or covenants.

Does the Application Form apply cover all public land?

Yes. The Application Form covers all classes of public land.

Where can I obtain an Application form?

From the DSE web site or from a DSE office.

Where do I send my Application?

Post your application to:

Bushfire Protection Clearing
DSE Transaction Centre
15 Hume and Hovell Rd
Seymour VIC 3660

Email your Application to:

clmtc.seymour@dse.vic.gov.au

Still unsure?

Please contact:

DSE customer service centre on 136 186 or
Parks Victoria information centre on 13 19 63 or
visit www.dse.vic.gov.au

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