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Dear Matt,

Commercial Timber Harvesting of Native Forest on Private Land – Planning Advice (Version 3)

Plan2Place Consulting is pleased to provide advice to the Victorian National Parks Association (VNPA) about the issue of commercial timber harvesting of native forest on private land to:

- Outline the relevant planning controls relating to private land logging.
- Describe current approval pathways.
- Discuss options or provide recommendations for a pathway to remove this from planning schemes statewide including:
 - Who are the decision makers.
 - Outline the process or steps for change.
 - Discuss any implications or opportunities such as the intent of 52.17 which is to prevent land clearing.

Background to commercial native timber harvesting in state forests

The Victorian Government implemented the cessation of commercial native timber harvesting in Victoria's state forests on 1 January 2024. The Victorian Government also transitioned out of commercial native timber harvesting in state forests by concluding the five Regional Forest Agreements (RFAs) with the Commonwealth that were due to expire in 2030. Those RFAs ended in December 2024 and are considered by the Victorian Government to no longer be necessary due to the ending of commercial native timber harvesting in state forests.

However, the ending of commercial native timber harvesting on private land does not appear to have been specifically included as part of the initiative to cease commercial native timber harvesting in Victoria's state forests. This is despite there being extensive native forests on private land throughout Victoria, adjacent to State and National Parks and Reserves. For consistency, native forest timber harvesting on private land should also be included in the Victorian Government's implementation of the cessation of commercial native timber harvesting, as implied by their previous announcement.

Planning advice

Our planning advice is provided below which includes an assessment of the relevant legislation, codes, guidelines and planning controls relevant to commercial timber harvesting of native forest on private land and options to remove commercial timber harvesting of native forest on private land from planning schemes statewide. We have provided revised planning provisions to the VPP that support the removal of this from planning schemes statewide.

Outline of legislation and guidelines relating to private land logging

Legislation and guidelines provide the basis for private land logging statewide as shown in **Table 1**.

Table 1: Applicable Legislation and Guidelines and Effects on Commercial Timber Harvesting of Native Forest on Private Land

Item	Description	Effect
<p>Planning and Environment Act 1987 (P&E Act)</p>	<p>The P&E Act establishes a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians. It provides for a single instrument of planning control in each municipality called a planning scheme, derived from the Victoria Planning Provisions (VPP), which set out the way land may be used or developed.</p> <p>Planning schemes are subordinate instruments to the P&E Act and contain state, regional and local planning policies, zones and overlays and other provisions that affect how land can be used and developed. Zones and overlays are mapped and form part of local planning schemes.</p> <p>The P&E Act sets out procedures for preparing and amending planning schemes, the need to conduct regular strategic reviews to inform planning policy and provisions, obtaining a permit under the planning scheme, settling disputes, enforcing compliance and other administrative procedures. The P&E Act sets out the broad process for considering a planning scheme amendment and are supplemented by regulations, various Ministerial Directions, codes and guidelines.</p>	<p>Sets out the statewide planning framework and enabling legislation for the VPP and individual planning schemes.</p> <p>Planning schemes are changed through a planning scheme amendment process.</p> <p>A planning permit is bound by the provisions of a planning scheme and includes requirements, permit exemptions and guidelines.</p>
<p>Flora and Fauna Guarantee Act (FFG Act)</p>	<p>The FFG Act is the primary piece of Victorian legislation that provides for the conservation of biodiversity and the management of potentially threatening processes. It places importance on prevention to ensure that more species do not become threatened in the future and aims to conserve all of Victoria's native plants and animals.</p> <p>The FFG Act lists species and communities of flora and fauna, where they satisfy prescribed criteria in the FFG Act and in the FFG Regulations based on a single category for a listing of 'threatened' to align with categories and criteria for species with those set out in the Common Assessment Method (CAM) Intergovernmental Memorandum of Understanding. These CAM categories and criteria match the International Union for the Conservation of Nature (IUCN) Red List categories and criteria and the listing of more than 1300 species, previously included in the Victorian Government's Advisory Lists, on the basis of 'CAM-compliant' assessments. There is also a relationship to the provisions and operation of the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth).</p> <p>To manage the risk of impacts to important habitat, the Secretary of the Department of Energy, Environment and Climate Action (DEECA) may determine an area as 'Critical Habitat' for a particular species under the FFG Act. This means that all reasonable steps must be taken to provide for the long-term conservation and protection of the critical habitat.</p>	<p>Applies statewide but often operates outside of the Victorian planning system, particularly on a day-to-day basis.</p> <p>Can strategically inform the application of specific local policies and overlays to give clearer guidance.</p> <p>Can assist in the operation of permit applications under Clause 52.17 related to native vegetation removal (see below).</p> <p>Often has limited application in planning schemes and through the planning permit process.</p>

Item	Description	Effect
<p>Code of Practice for Timber Production 2014</p>	<p>The Code is the primary instrument regulating timber harvesting in Victoria. It regulates commercial timber harvesting operations in state forests (noting the Victorian Government’s recent announcement discussed above), private native forests and plantations. It outlines environmental standards for planning and conducting commercial timber harvesting.</p> <p>Chapter 3 of the Code outlines management guidelines for private native forests for timber production managers and operators to interpret the Code and local governments to monitor Code compliance. The actions from these guidelines are not obligatory on managers and operators responsible for private land logging.</p> <p>Timber production on private land in Victoria is subject to the provisions of the applicable municipal planning scheme and Clause 53.11 (see below).</p> <p>The Code has not been updated following the Victorian Government’s recent announcement discussed above. This should include a clearer definition what constitutes a timber plantation. The land use of timber plantation at Clause 73.03 of the VPP could also be better defined as the existing term is very broad and should be more accurately described.</p>	<p>Timber production and timber harvesting is regulated by Clause 53.11 of the VPP and all planning schemes statewide related to the operation of the Code.</p> <p>Compliance with the Code results in exemptions from a planning permit.</p> <p>The Code is not obligatory for commercial timber harvesting of native forest on private land and has not been updated recently.</p> <p>A clearer definition what constitutes a timber plantation in the Code and at Clause 73.03 of the VPP would help clarify many issues.</p>
<p>Guidelines for the removal, destruction or lopping of native vegetation (2017)</p>	<p>These guidelines provide an assessment framework for the removal, destruction or lopping of native vegetation. This includes the assessment of impacts from removing native vegetation on biodiversity and other values and how offsets are calculated and established to compensate for the loss in biodiversity value from the removal of native vegetation.</p> <p>They follow a three-step approach (reflected in Clause 12.01-25 of the VPP) to:</p> <ol style="list-style-type: none"> 1. Avoid the removal, destruction or lopping of native vegetation. 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. 3. Provide an offset to compensate for the biodiversity impacts from the removal, destruction or lopping of native vegetation. <p>The Guidelines must be considered and/or applied by planning authorities:</p> <ul style="list-style-type: none"> • When preparing a planning scheme amendment. • When making decisions in relation to development plans. • When a permit is required under Clauses 52.16 or 52.17 of planning schemes. • When developing a Native Vegetation Precinct Plan (NVPP). <p>The Guidelines may be considered in other planning decisions to meet statewide objectives for native vegetation protection and management.</p>	<p>Provides a framework to guide the removal, destruction or lopping of native vegetation through the consideration of a three step approach of avoiding, minimising and offsetting vegetation removal.</p>

Item	Description	Effect
Permitted clearing of native vegetation - Biodiversity assessment guidelines	These guidelines outline how impacts on biodiversity should be considered when assessing an application for a permit to remove, lop or destroy native vegetation. They can also be used to guide decision making about the biodiversity impacts of removing native vegetation that must be assessed where a permit is not required. This could include activities that are exempt from requiring a permit to remove native vegetation in planning schemes because they are considered under alternative approval processes (such as a Code). These guidelines are summarised in a fact sheet titled <i>Permitted clearing of native vegetation, Defining and classifying native vegetation</i> .	Used to assess biodiversity impacts where vegetation removal is permitted or where alternative approval processes are provided.

Outline of current planning controls relating to private land logging

There are a range of inter-related clauses in the VPP and planning schemes statewide that either require a planning permit for timber production and/or native vegetation removal. These are summarised in **Table 2**.

Table 2: Outline of Current Planning Controls Relating to Commercial Timber Harvesting of Native Forest on Private Land

Clause #	Permit Requirement or Exemption	Effect
Clause 35.07 (Farming Zone), Clause 35.08 (Rural Activity Zone)	<p>A planning permit is not required for the use of timber production in the Farming Zone (FZ) and Rural Activity Zone (RAZ), subject to meeting conditions.</p> <p>These include complying with Clause 53.11 and satisfying the Code of Practice for Timber Production 2014, minimum lot size requirements and other locational conditions.</p>	<p>The FZ and RAZ applies to much of the private rural land across the state.</p> <p>In most cases, these zones will not require a permit for use of the land for timber production by virtue of the Code and zone provisions.</p> <p>Defaults any permit requirements largely to Clauses 52.17 and 53.11.</p>
Clause 52.17	<p>At the planning scheme level, Clause 52.17 is the predominant clause that regulates the removal of native vegetation subject to the three step approach discussed in Table 1. This includes timber production in native forest on private land.</p> <p>A large range of permit exemptions are included in the clause such as “harvesting for timber production – natural established native vegetation” if this meets the Code of Practice for Timber Production 2014 and two additional requirements.</p> <p>If harvesting for timber production does not meet the Code, then a planning permit is required for native vegetation removal. This planning permit is required from the responsible authority (usually the Local Government Authority or LGA).</p>	<p>Either a planning permit exemption applies if a proposal for “harvesting for timber production – natural established native vegetation” meets the Code of Practice for Timber Production 2014 or a planning permit is required for native vegetation removal with vegetation offsets provided for.</p> <p>Does not necessarily protect native vegetation identified as native forest.</p>

Clause #	Permit Requirement or Exemption	Effect
Clause 53.11	<p>This clause operationalises the Code of Practice for Timber Production 2014 as the primary instrument regulating timber harvesting in Victoria (as discussed above).</p> <p>Timber production on private land in Victoria is subject to the provisions of the applicable municipal planning scheme. These provisions include clause 53.11 which, among other things, requires that all timber production activities (unless exempted) must comply with the Code and be to the satisfaction of the responsible authority.</p>	<p>Timber production and timber harvesting is regulated by Clause 53.11 of the VPP and all planning schemes statewide.</p> <p>Clause 53.11 interacts with Clause 52.17 in relation to permit exemptions and in zones such as the FZ and RAZ (clauses 35.07 and 35.08).</p> <p>Compliance with the Code results in exemptions from a planning permit.</p> <p>A clearer definition what constitutes a timber plantation in the Code and at Clause 73.03 of the VPP would help clarify many issues.</p>
Clause 63.01 – Extent of Existing Use Rights and Clause 63.07 – Compliance with Codes of Practice	<p>An existing use right is established in relation to use of land under a planning scheme if the use meets various requirements including:</p> <ul style="list-style-type: none"> • Being lawfully carried out prior to the approval date of the planning scheme. • A permit for the use being previously granted before the approval date and the use commenced before the permit expired. • Proof of continuous use for 15 years is established. • The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose. <p>A use for which an existing use right is established must comply with any relevant Code of Practice incorporated in this scheme.</p>	<p>Existing use rights may be established for timber harvesting by virtue of the operation of Clause 63.01.</p> <p>This may allow native vegetation removal to be conducted from private land and it may not need to meet various requirements, guidelines or provisions that usually apply.</p> <p>If an existing use right is established, the use must comply with a Code of Practice. This means that a timber plantation with an existing use right must comply with the Code.</p>
Clause 73.01 General Terms and Clause 73.03 - Land Use Terms (Definitions)	<p>There is no definition for “native forest” included in the VPP in the general land use terms at Clause 73.01. There is a definition of native vegetation which is “plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses”.</p> <p>The definition of “native forest” should be: “Any locally indigenous vegetation community, the dominant species of which is/are trees or of mallee growth form and having a mature or potential mature stand height exceeding 2 metres, with a canopy cover¹ greater than 20% and containing throughout its growth a complement of native species and habitats normally associated with that vegetation community or having the potential to develop these characteristics. It includes forests with these characteristics that have been regenerated</p>	<p>Definitions are the starting point to assess whether an activity fits into a particular land use term or a general land use term.</p> <p>The general land use term of native vegetation does not distinguish between a range of vegetation types. This could be remedied by providing a general land use term for “native forest”.</p> <p>The term “timber plantation” can continue to operate and be true to its definition if native forest on private land is excluded through Clause 52.17.</p>

¹ Note – canopy cover *sensu* the amount of ground under a tree/mallee canopy, not foliage cover (the amount of ground shaded by foliage), nor foliage projective cover, nor projective cover

Clause #	Permit Requirement or Exemption	Effect
	<p>with human assistance following disturbance. It is restricted to stands over 0.4 ha, even if divided by tracks or roads. It excludes managed plantations of native species and it also excludes previously logged native forest that has been regenerated with native species that are not locally native. ‘Local’ is hereby defined as a usual constituent of indigenous vegetation and occurring within 2 km of the subject stand.”</p> <p>Timber plantation is defined at Clause 73.03 as “land used to propagate, cultivate, manage and harvest timber.” It is included in crop raising which is nested in the agriculture group of land use terms. This term could be better defined as the existing land use term is very broad and should be more accurately described.</p> <p>The term of “timber planation” is used in the table of uses in zones (such as the FZ and RAZ) and the table of exemptions in some other clauses.</p> <p>The term “harvesting for timber production – natural established native vegetation” is not defined in clauses 73.01 or 73.03.</p> <p>The term “native forest” is referenced in the definition of “agricultural production” at Clause 73.01 so the term is not new to the VPP.</p>	<p>The land use of timber planation at Clause 73.03 of the VPP could be better defined as the existing term is very broad and should be more accurately described.</p>
<p>Planning Overlays, including the Environmental Significance Overlay (ESO), Vegetation Protection Overlay (VPO) and Significant Landscape Overlay (SLO)</p>	<p>Many environmental overlays require a planning permit to remove, lop or destroy native vegetation or may do so through requirements being specified in a schedule to the overlay.</p> <p>They include a range of exemptions from requiring a permit including planted vegetation as a result of direct seeding for crop raising (which includes timber production) or for regrowth within the boundary of a timber production plantation.</p>	<p>Planning schemes may contain additional requirements for the protection of biodiversity through overlays, requiring a permit for vegetation removal and in some cases development. Most environmental overlays do not regulate uses such as timber production.</p> <p>A range of permit exemptions relate to a timber plantation.</p>

Current planning pathways

There are a variety of current planning approval pathways that exist through the Victorian planning system. These include:

- The planning scheme amendment process – this involves an amendment to the VPP or one or more individual planning schemes to alter the rights, requirements or approval process for land use and/or development or for native vegetation removal. The process may be exhibited to third parties or not and could be subject to review by a Planning Panel (usually through a ‘C’ Amendment). The Minister for Planning could also determine the matter which usually means that the amendment is not subject to third party review (usually through a ‘VC’ Amendment).
- The permit application process – which requires a permit to be issued for a particular land use or for native vegetation removal, destruction or lopping. A range of requirements usually need to be met and it may or may not involve a third party formal consultation process or be appealable to the Victorian Civil and Administrative Tribunal.
- Through existing use rights – which was discussed in **Table 2** and is usually confers limited or no obligations on a land owner/holder due to minimal, historic or no planning requirements

applying to their land use. Existing use rights can be very broad or restricted depending on the historic land use. An existing right usually needs to comply with an approved Code of Practice.

Planning options to better regulate private land logging

A discussion is provided in **Table 3** about the viable options that would better regulate private land logging and prohibit commercial timber harvesting of native forest on private land through the planning process. This table and the section below also outline decision makers, processes and steps for change and any implications or opportunities from current approval pathways.

Table 3: Options to Remove Commercial Timber Harvesting of Native Forest on Private Land from the VPP and Planning Schemes

Options	Option Description	Advantages/Disadvantages	How
Option 1: Revise Code	<p>Revise the definition of “harvesting for timber production – naturally established native vegetation” and how the Code of Practice for Timber Production 2014 operates.</p> <p>Exclude areas of native forest, consistent with the Victorian Government declaration for state forests on Crown land and other land.</p> <p>Government has committed to a review of the Code. There is an opportunity to also review and align the timber production definition at Clause 73.03 following review of the Code.</p> <p>Clause 52.17 would continue to operate through the planning permit process by Councils for vegetation removal.</p>	<p>Meets Government commitment to review and update Code.</p> <p>Consultation required with industry and other stakeholders.</p> <p>Likely lengthy process.</p> <p>Code’s application could be broadened to apply to native forest logging on private land through prescribed obligations.</p> <p>Retains permit process for vegetation removal through planning system decided by Councils.</p> <p>Even with revisions, native forests on private land are not necessarily better protected.</p>	<p>VC Amendment by Minister for Planning to update the Code and its reference in Clause 53.11.</p> <p>Revise the timber production definition at Clause 73.03 following review of the Code.</p> <p>No other VPP Clauses revised.</p>
Option 2: Revise Native Vegetation Guidelines	<p>Revise the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) to discourage or not enable native forest on private land to be removed through a planning permit application.</p>	<p>Updates Guidelines.</p> <p>Consultation required with industry and other stakeholders.</p> <p>Likely lengthy process.</p> <p>Guideline’s application could be broadened to better apply to native forest logging on private land.</p> <p>Retains permit process for vegetation removal through planning system decided by Councils.</p> <p>Even with revisions, native forests on private land are not necessarily better protected.</p>	<p>VC Amendment by Minister for Planning to update the Guidelines and its reference in Clauses 12.01-25 and 52.17.</p> <p>No other VPP Clauses revised.</p>
Option 3: Define Native Forest	<p>Include a definition of native forest in the general terms in Clause 73.01 as outlined in Table 2. In Clause 52.17-1, prohibit commercial timber harvesting of native forest on private land.</p> <p>Prohibit commercial timber harvesting of native forest on private</p>	<p>Removes the ability to apply for a permit under Clause 52.17 to remove, destroy or lop native forest on private land.</p> <p>Relatively short and uncomplicated amendment process by Minister if it meets</p>	<p>VC Amendment by Minister for Planning.</p> <p>Is uncomplicated and requires minimal redrafting to</p>

Options	Option Description	Advantages/Disadvantages	How
	land by deleting from Clause 52.17-7 the exemption for “Harvesting for timber production – naturally established native vegetation”.	<p>the tests of the over-riding interests of Victoria.</p> <p>Corresponds to more universal understandings of what is meant by a native forest and by a timber plantation.</p> <p>Could be adverse industry and stakeholder reactions that need to be managed.</p>	<p>Clauses 52.17 and 73.01.</p> <p>Requires agreement from, and to be led by, the Department of Transport and Planning (DTP).</p>

Recommendation option and process

It is recommended that to remove private land logging/vegetation removal for native forests on private land from the Victorian planning system that Option 3 is pursued. Option 3 is the most efficient and effective approach to stop native forest logging on private land. This option does not preclude other options also being pursued with, and by, the Victorian Government on revisions to the Code and associated Guidelines and planning provisions.

Option 3 involves minimal revisions to the VPP through a VC Amendment that is relatively uncomplicated. Its effect will be to implement more common understandings about the concepts of native forest on public and private land and what is understood as a timber plantation.

One major advantage of Option 3 is that it removes the need for discretionary decisions about native vegetation removal from Councils by prohibiting commercial timber harvesting of native forest on private land under Clause 52.17-1. There are exemptions where a schedule to Clauses 52.16 or 52.17 can allow for native forest removal (i.e. where these exemptions have previously been through an earlier amendment process).

The VC Amendment would be a Ministerial Amendment (i.e. prepared and approved by the Minister for Planning) based on advice from planning officers at DTP. It would likely involve consultation with, and advice from, the Minister for Environment and officers from the Department of Energy, Environment and Climate Action (DEECA). As a VC Amendment where usual third party involvement is not undertaken, the amendment would need to satisfy the legal tests and reasoning that outweighs any effects of the exemption on third parties being in the over-riding interests of Victoria or any part of Victoria. The VC Amendment would need to be agreed to, and led, by DTP.

The provisions that would be subject to the VC Amendment (Clauses 52.17 and 73.01) have been drafted and are included in **Appendix 1** (with track changes). These could be used as the basis for the revisions to the VPP and all planning schemes in achieving the desired outcomes to prohibit commercial timber harvesting of native forest on private land consistent with the ban on native forest logging on Crown land.

I trust that this advice is helpful and if you require any clarification or have any questions please contact me on the number or email below.

Yours sincerely,



Paul Buxton
 Director
 Plan2Place Consulting

APPENDIX 1

52.17 NATIVE VEGETATION

Purpose

14/07/2022
VC213
~~Proposed~~
VCXXX

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

52.17-1 Permit requirement

12/12/2017
VC138
~~Proposed~~
VCXXX

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

A permit cannot be granted to allow the removal, destruction or lopping of native forest on private land except where the following applies:

- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

52.17-2 Application requirements

14/07/2022
VC213

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

52.17-3 Property vegetation plans

12/12/2017
VC138

A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:

“This permit will expire if one of the following circumstances applies:

- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

52.17-4 Decision guidelines

12/12/2017
VC138

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.

52.17-5 Offset requirements

14/07/2022
VC213

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

52.17-6 Transitional provisions

20/03/2023
VC229

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
 - the original permit application was lodged before that date; or
 - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department's native vegetation information systems within 12 months before that date.

52.17-7 Table of exemptions

16/08/2024
VC262
~~VC138~~
Proposed
VCXXX

The requirement to obtain a permit does not apply to:	
Conservation work	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</p> <ul style="list-style-type: none"> ▪ which provides an overall improvement for biodiversity; and ▪ with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Crown land	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</p> <ul style="list-style-type: none"> ▪ by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the Procedure for the removal, destruction or lopping of native vegetation on Crown land ; or ▪ with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Dead native vegetation	<p>Native vegetation that is dead.</p> <p>This exemption does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</p>
Emergency works	<p>Native vegetation that is to be removed, destroyed, or lopped:</p>

The requirement to obtain a permit does not apply to:

- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or
- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.

Existing buildings Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of a building constructed in accordance with a planning or building permit issued before 15 September 2008.

This exemption does not apply to:

- the operation or maintenance of a fence; or
- native vegetation located more than 10 metres measured from the outermost point of the building.

Existing buildings and works in the Farming Zone and Rural Activity Zone Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone.

This exemption does not apply to:

- the use or maintenance of a Dwelling; or
- the operation or maintenance of a fence; or
- native vegetation located more than 10 metres measured from the outermost point of the building or works.

Extractive industry Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority under that Act.

Fences Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:

- the operation or maintenance of an existing fence; or
- the construction of a boundary fence between properties in different ownership.

The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.

Fire protection Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:

- fire fighting;
 - planned burning;
 - making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
 - making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*);
 - in accordance with a fire prevention notice issued under either:
 - section 87 of the Fire Rescue Victoria Act 1958;
 - section 65 of the Forests Act 1958; or
 - section 41 of the Country Fire Authority Act 1958.
-

The requirement to obtain a permit does not apply to:

- keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004*.

Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.

Geothermal energy exploration and extraction	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Geothermal Energy Resources Act 2005</i> .
Grasses	Native grass that is to be mowed or slashed for maintenance only, provided that the grass is: <ul style="list-style-type: none"> ▪ located within a lawn, garden or other landscaped area; or ▪ maintained at a height of at least 10 centimetres above ground level.
Grazing	Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on: <ul style="list-style-type: none"> ▪ freehold land; or ▪ Crown land in accordance with a license, permit or lease granted under applicable legislation.
Greenhouse gas sequestration and exploration	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Greenhouse Gas Geological Sequestration Act 2008</i> .
Harvesting for timber production – naturally established native vegetation	Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the <i>Code of Practice for Timber Production 2014 (as amended 2022)</i> (Department of Environment, Land, Water and Planning, 2022) and are: <ul style="list-style-type: none"> *—undertaken on public land under a licence or permit issued under section 52 of the <i>Forests Act 1958</i>; or *—authorised in accordance with Part 5 of the <i>Sustainable Forests (Timber) Act 2004</i>.
Land management or directions notice	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <i>Catchment and Land Protection Act 1994</i> .
Land use conditions	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i> .
Lopping and pruning for maintenance	Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned. This exemption does not apply to: <ul style="list-style-type: none"> ▪ the pruning or lopping of the trunk of a native tree; or ▪ native vegetation on a roadside or railway reservation.
Mineral exploration and extraction	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining,

The requirement to obtain a permit does not apply to:

prospecting, or retention license issued under the *Mineral Resources (Sustainable Development) Act 1990* :

- that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or
- in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.

Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.

New buildings and works in the Farming Zone and Rural Activity Zone

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to the construction or operation of a pivot irrigation system or horticultural trellising.

New dwellings in the Farming Zone and Rural Activity Zone

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a dwelling in the Farming Zone or Rural Activity Zone.

The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 300 square metres of native vegetation which does not include a tree.
- 5 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 1 native tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.

Personal use

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to obtain reasonable amounts of wood for personal use by the owner or lawful occupier of the land.

For the purpose of this exemption personal use means uses such as heating and cooking, building and fence construction on land, and hobbies such as arts and craft.

This exemption does not apply to:

- contiguous land in one ownership that has an area of less than 10 hectares;
- the removal, destruction or lopping of native vegetation by means other than cutting or chopping;
- or a standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

The requirement to obtain a permit does not apply to:

Pest animal burrows	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:</p> <ul style="list-style-type: none"> ▪ in accordance with written agreement of an officer of the department responsible for administering the <i>Flora and Fauna Guarantee Act 1988</i> ; or ▪ provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following: <ul style="list-style-type: none"> – 1 hectare of native vegetation which does not include a tree; or – 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
Planted vegetation	<p>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.</p> <p>This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.</p>
Railways	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).</p>
Regrowth	<p>Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:</p> <ul style="list-style-type: none"> ▪ less than 10 years old; or ▪ bracken (<i>Pteridium esculentum</i>); or ▪ within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation; or ▪ less than ten years old at the time of a property vegetation plan being signed by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>), and is: <ul style="list-style-type: none"> – shown on that plan as being ‘certified regrowth’; and – on land that is to be used or maintained for cultivation or pasture during the term of that plan. <p>This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).</p>
Site area	<p>Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.</p> <p>This exemption does not apply to native vegetation on a roadside or rail reservation.</p>

The requirement to obtain a permit does not apply to:

Stock movements on roads	<p>Native vegetation that is to be removed, or destroyed by stock being moved along a road.</p> <p>This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.</p>
Stone exploration	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 1 hectare of native vegetation which does not include a tree. ▪ 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the <i>Surveying Act 2004</i>) using hand-held tools to establish a sightline for the measurement of land.</p>
Traditional owners	<p>Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</p> <ul style="list-style-type: none"> ▪ a natural resource agreement under Part 6 of the <i>Traditional Owner Settlement Act 2010</i> ; or ▪ an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i> as those sections were in force immediately before the commencement of section 24 of the <i>Traditional Owner Settlement Amendment Act</i> in 2016 (1 May 2017).
Tram stops	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.</p>
Transport land	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).</p>
Utility installations	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</p> <ul style="list-style-type: none"> ▪ to maintain the safe and efficient function a Minor utility installation; or ▪ by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Vehicle access from public roads	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.</p>

The requirement to obtain a permit does not apply to:

This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

In this exemption, roadside and public road have the same meanings as in section 3 of the *Road Management Act 2004*.

Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.

Weeds

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

52.17-8

14/07/2022
VC213

Melbourne Strategic Assessment Levy Area

The following provisions apply to the removal, destruction or lopping of native vegetation in the levy area within the meaning of the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*.

Despite clauses 52.17-2, 52.17-4, 52.17-5 and anything in the Guidelines:

- An application to remove, destroy or lop native vegetation is not required to be accompanied by an offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- Before deciding on an application, a responsible authority is not required to consider whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- The biodiversity impacts of the removal, destruction or lopping of native vegetation are not required to be offset in accordance with the Guidelines.

73.01 GENERAL TERMS

14/12/2023
VC253
Proposed
VCXXX

The following table lists general terms which may be used in this planning scheme. A term listed in the first column, under the heading "General Term", has the meaning set out beside that term in the second column, under the heading "Definition".

General term	Definition
Act	The <i>Planning and Environment Act 1987</i> .
Agricultural production	Any form of primary production of renewable commodities. It does not include extractive industry, mineral extraction, or timber production from native forest.
Anemometer	A wind measuring device.
Apartment	A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.
Approval date	The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme.
Basement	A storey below ground level, or that projects no more than 1.2 metres above ground level.
Building height	The vertical distance from natural ground level to the roof or parapet at any point.
Building Regulations	The <i>Building Regulations 1994</i> .
Carriageway	The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.
Central Highlands region	The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.
Clear to the sky	An unroofed area or area roofed with material that transmits 90 per cent of light.
Defendable space	An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.
Deflection angle	The angle between two tangent sections of a carriageway.
Design speed	The speed fixed for the design and correlation of the geometric features of a carriageway that influence vehicle operation. It is the speed which is not exceeded by 85 per cent of vehicles.
Domestic services normal to a dwelling or small second dwelling	A domestic appliance or apparatus that is normal to and services a dwelling or small second dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbeque, downpipes and flues, a skylight, security screens, and the like.
Earthworks	Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.
Frontage	The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.
Gaming	The playing of a gaming machine.
Gaming machine	Has the same meaning as it has in the <i>Gambling Regulation Act 2003</i> .

General term	Definition
Garden area	Any area on a lot with a minimum dimension of 1 metre that does not include: <ul style="list-style-type: none"> a) a dwelling, small second dwelling or residential building, except for: <ul style="list-style-type: none"> an eave, fascia or gutter that does not exceed a total width of 600mm; a pergola; unroofed terraces, patios, decks, steps or landings less than 800mm in height; a basement that does not project above ground level; any outbuilding that does not exceed a gross floor area of 10 square metres; and domestic services normal to a dwelling or residential building; b) a driveway; or c) an area set aside for car parking.
Geelong G21 region	The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.
Gippsland region	The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.
Great South Coast region	The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes
Gross floor area	The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.
Ground level	The natural level of a site at any point.
Habitable room	Any room of a dwelling, small second dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.
High quality productive agricultural land	Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and: <ul style="list-style-type: none"> a) is of prime, or very good, agricultural quality, having regard to soil type, growing season, and availability of infrastructure, and is of sufficient extent to support agricultural activities on an economically viable scale; or b) has been identified through a regional, sub-regional, or local study as being of particularly good quality and strategic significance for agriculture in the regional or local context.
Hume region	The area covered by the Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga planning schemes.
Land capability assessment	The assessment of the physical ability of the land to sustain specific uses having regard to its management, and without long term on-site detriment to the environment.
Leasable floor area	That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.
Loddon Mallee North region	The area covered by the Buloke, Campaspe, Gannawarra, Mildura and Swan Hill planning schemes.

General term	Definition
Loddon Mallee South region	The area covered by the Central Goldfields, Greater Bendigo, Loddon, Macedon Ranges and Mount Alexander planning schemes.
Lot	A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.
Mean building height	The vertical distance between the mean ground level and the finished roof height at its highest point.
Mean ground level	One half the sum of the highest and lowest levels along ground level of the outer surface of all external building walls.
Metropolitan Melbourne	The area covered by the Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Merri-bek, Monash, Moonee Valley, Mornington Peninsula, Nillumbik, Port of Melbourne, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.
Mineral	Any substance which occurs naturally as part of the earth's crust, including: a) oil shale and coal; and b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes. It does not include water, stone, or petroleum.
Minister for Planning	A Minister for the time being administering the Act.
Movable building	A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion.
Native vegetation	Plants <u>species</u> that are indigenous to Victoria, including trees, shrubs, herbs, and grasses <u>and includes native forest on private land</u> .
<u>Native forest on private land</u>	<u>Any locally indigenous vegetation community, the dominant species of which is/are trees or of mallee growth form and having a mature or potential mature stand height exceeding 2 metres, with a canopy cover greater than 20% and containing throughout its growth a complement of native species and habitats normally associated with that vegetation community or having the potential to develop these characteristics. It includes forests with these characteristics that have been regenerated with human assistance following disturbance. It is restricted to stands over 0.4 ha, even if divided by tracks or roads. It excludes managed plantations of native species and it also excludes previously logged native forest that has been regenerated with native species that are not locally native. 'Local' is hereby defined as a usual constituent of indigenous vegetation and occurring within 2 km of the subject stand.</u>
Net floor area	The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.
Plot ratio	The gross floor area of all buildings on a site, divided by the area of the site.

General term	Definition
Potentially contaminated land	Land: a) used or known to have been used for industry or mining; b) used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or c) where a known past or present activity or event (occurring on or off the land) may have cause contamination of the land.
Private open space	An outdoor area of a dwelling, small second dwelling or residential building or land for the exclusive use of the occupants.
Property vegetation plan	A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the <i>Conservation, Forests and Lands Act 1987</i> .
Public land manager	The Minister, government department, public authority or municipal council having responsibility for the care or management of public land. In relation to Crown land reserved under an Act and managed or controlled by a committee of management, other than Parks Victoria, the Great Ocean Road Coast and Parks Authority or a municipal council, it means the Minister administering that Act and does not include the committee of management.
Radio mast	A mast, for radio transmission or reception in a dwelling or small second dwelling, that is: a) with antenna, more than 14 metres above the ground; b) if attached to a building, with antenna, more than 5 metres above the roof line; c) including antenna, wider than 6 metres; or d) excluding antenna, wider than 50 centimetres at any point exceeding 3 metres above the ground.
Retail	The sale of goods or materials, in any quantity or manner, other than by wholesale.
Secluded private open space	That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.
Setback	The minimum distance from any allotment boundary to a building.
Site coverage	The proportion of a site covered by buildings.
Stone	Basalt, freestone, granite, limestone, sandstone, or other building stone, or rock, ordinarily used for building, manufacturing, road making, or construction; or clay (not fine clay, bentonite, or kaolin), earth, gravel, quartz (not quartz crystals), sand, soil, slate, or other similar material.
Storey	That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.
Stormwater	The net increase in run-off from urban development due to water not being able to seep into the ground because of impervious surfaces, such as roofs and roads.
Street leg length	The distance between street intersections or junctions, or points and locations where vehicles must slow down, usually to a maximum speed of 20 kilometres per hour.
Street reserve	Land set aside for a street pavement and verge.
Sustainable agriculture	The use of farming practices and systems which maintain or enhance: a) the economic viability of agricultural production; b) the natural resource base; and

General term	Definition
	c) other ecosystems which are influenced by agricultural activities.
Telecommunications line	A wire, cable, optic fibre, tube, conduit, waveguide or other physical medium used, or to be used, as a continuous artificial guide for or in connection with carrying communications by means of guided electromagnetic energy.
Telecommunications network	A system or series of systems that carries, or is capable of carrying, communications by means of guided and unguided electromagnetic energy.
Telecommunications tower	A free-standing tower, pole or mast used as part of a telecommunications network that is not mounted on, or affixed to, any other structure.
Tenement	Land comprised in: a) a lot which does not adjoin another lot in the same ownership; or b) lots in the same ownership and which adjoin each other. Lots are considered to adjoin each other if they are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve.
Transport manager	(a) a Minister; or (b) government department; or (c) Administrative Office under the Public Administration Act 2004; or (d) public authority; or (e) any person - that has responsibility under an Act for the care or management of land that forms part of Victoria's transport system.
Transport system	All of the components that make up the system for the movement and transport of people and goods including: <ul style="list-style-type: none"> ▪ Movement networks including cycling paths, footpaths, roads, railways, shipping lanes, tramways and water transport routes. ▪ Transport interchanges for accessing, disembarking, unloading and interchange of people and goods, and for the storage of freight and vehicles. This includes transport terminals and public transport stops. ▪ Infrastructure required to operate movement networks and transport interchanges. ▪ Land reserved for the future development of movement networks and transport interchanges.
Utility service provider	A person, other than a public authority or municipal council, having responsibility under an Act for the generation, transmission, distribution or supply of electricity, gas, power, telecommunications, water supply, drainage or sewerage services.
Verge	The part of the street reserve between the carriageway and the boundary of adjacent lots or other limit to the street reserve. It may accommodate public utilities, a footpath, indented parking, stormwater flows, street lighting poles and planting.
Wall height	The vertical distance between the top of the eaves at the wall line, parapet or flat roof (not including a chimney), whichever is the highest, and the natural ground level.
Wholesale	The sale of goods or materials, to be sold by others.
Wimmera Southern Mallee region	The area covered by the Hindmarsh, Horsham, Northern Grampians, West Wimmera and Yarriambiack planning schemes.