

Native vegetation: planning permit applicant's kit

This kit provides guidance on preparing a planning permit application to remove, destroy or lop native vegetation including:

- When a planning permit is required to remove, destroy or lop native vegetation
- What information is required to be submitted with an application to remove, destroy or lop native vegetation

The kit includes an *Information Guide* and an *Information Form* which provide a convenient way to provide the information regarding the native vegetation that you propose to remove, destroy or lop. This kit only provides advice and guidance on applications to remove, destroy or lop native vegetation. If your proposal involves other matters which also require a planning permit you should talk to your council about what other information will be required to submit with your application.

What is native vegetation?

Native vegetation means plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses as defined in planning schemes (See Clause 72).

Native vegetation is important in our landscape to assist in maintaining ecological and landscape functions as well as providing general environmental benefits. There are also many benefits to be gained in rural settings for stock and crops.

How is native vegetation managed in Victoria?

Victoria's Native Vegetation Management – A Framework for Action (the Framework) established the strategic direction for the protection, enhancement and revegetation of native vegetation across the state. Its goal is: *A reversal, across the entire landscape, of the long term decline in the extent and quality of native vegetation, leading to a net gain.*

The *Framework* is available at www.dse.vic.gov.au/nativevegetation

The planning system includes provisions to guide sustainable development across Victoria. Each permit to clear native vegetation is assessed against the overall goal of protecting and conserving native vegetation to

reduce the impact of land and water degradation and provide habitat for plants and animals.

Each application to clear native vegetation is assessed according to a three step approach:

1. **Avoid** adverse impact, particularly through native vegetation removal
2. If impacts cannot be avoided, **minimise** impacts through appropriate planning and design
3. Identify appropriate **offset** options

These requirements are set out in Clause 11 and 15.09 of the planning scheme.

The Local Planning Policy Framework (the Municipal Strategic Statement and Local planning policies) and some planning scheme overlays may also express local objectives, strategies and practical implementation measures for the protection, retention or management of native vegetation in specific areas.

Do I need a planning permit?

All planning schemes contain native vegetation provisions set out in Clause 52.17.

A planning permit is required to remove (including destroying or lopping) native vegetation, unless the proposal is exempt. A list of exemptions is contained in Clause 52.17.

Clause 52.17 can be viewed at the office of your local council or online at www.dse.vic.gov.au/planningschemes/VPPs

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Find more information about the Department on the Internet at www.dse.vic.gov.au

For general information about DSE please contact: Customer Service Centre Phone: 136 186 (Local call cost – mobile and payphones excluded)

Other provisions in the planning schemes may require a planning permit to remove, destroy or lop native vegetation, such as the Vegetation Protection Overlay, the Environmental Significance Overlay, the Significant Landscape Overlay, the Salinity Management Overlay and the Erosion Management Overlay.

The exemptions under Clause 52.17 do not extend to these overlays. However, the overlays do contain their own planning permit exemptions.

If your property is covered by a wildfire management overlay or has a high fire risk, you will also need to consider the CFA *Wildfire management overlay applicants kit* available at www.cfa.vic.gov.au in the local government/land use planning section. The publication *Design & Siting Guidelines – Bushfire Protection for Rural Houses* may also be useful for ideas to increase protection and reduce the need for vegetation removal.

What is the process for assessing my application?

Depending on the amount and type of native vegetation to be removed, your application may be referred under Section 55 of the *Planning and Environment Act 1987* to the Secretary to the Department of Sustainability and Environment (DSE) for assessment. For more details of how DSE addresses referred applications see: *Guide for assessment of referred planning permit applications (April 2007)*. This document can be found at: www.dse.vic.gov.au/nativevegetation

The planning scheme sets out the types of applications that must be referred (See Clause 66.02-3). Table 1 summarises when a referral will be required:

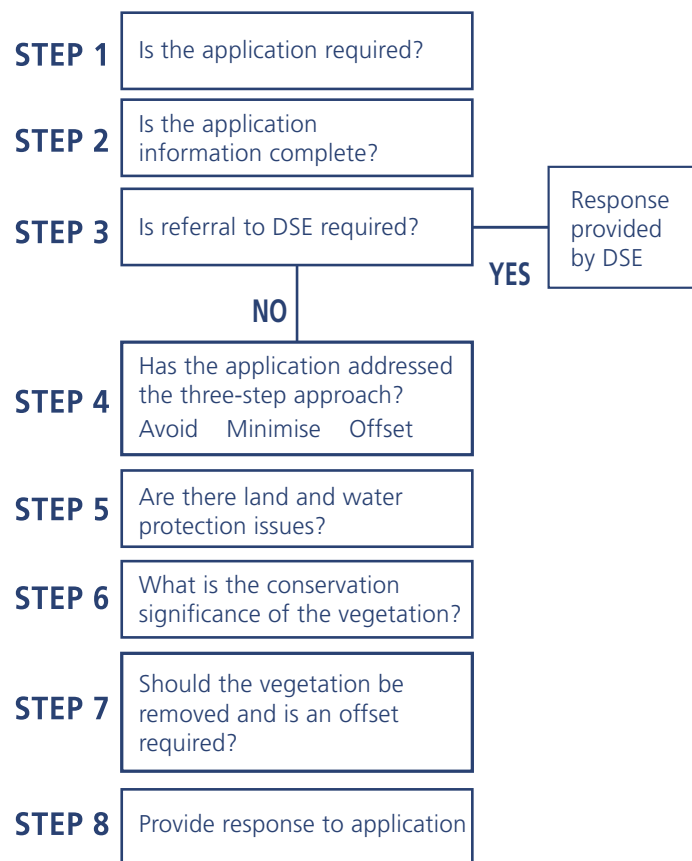
Table 1: Triggers for referral to DSE

| |
|--|
| <p>SCATTERED TREES</p> <ul style="list-style-type: none"> to remove more than 15 trees less than 40 cm DBH to remove more than 5 trees greater than 40 cm DBH (DBH = diameter at 1.3 m above ground) |
| <p>AREAS OF VEGETATION (may include trees)</p> <ul style="list-style-type: none"> to remove more than 0.5 ha of Vegetation in an EVC with Bioregional Conservation Status of Endangered, Vulnerable or Rare to remove more than 1 ha of Vegetation in an EVC with Bioregional Conservation Status of Depleted or Least Concern <p>(EVC = Ecological Vegetation Class)</p> |
| <p>OTHER CIRCUMSTANCES</p> <ul style="list-style-type: none"> On Crown land managed by the responsible authority Where a property vegetation plan applies to the site |

Applications not required to be referred will be assessed by your local council. More information about the planning permit application process is available at: www.dse.vic.gov.au/planning

Assessment of your application will typically take place over 8 steps

Diagram 1: Typical assessment process for applications involving native vegetation removal



The Framework sets out the criteria for deciding whether native vegetation should be removed. The criteria are graded according to the conservation significance of the vegetation.

For more information about how your application will be assessed, please read the Planning Practice Note: *'Assessing applications involving native vegetation removal'*. This note is available at www.dse.vic.gov.au/planning

Talk to your local council

As a first step, you should discuss your proposal with the planning department at your local council. They can advise you:

- If you need a permit
- What information should be included in your application and provide you with relevant application forms, guides and checklists
- Whether a pre-application site visit is warranted

- How the proposal can **avoid** removal of native vegetation and, where this is not possible, how the extent and impact of removal could be **minimised** through siting and design of the proposal
- What type of offsets would be suitable or required
- Whether your application will be referred to DSE

It is usually very helpful to have a pre-application site meeting to discuss the proposal. If your application does need to be referred to DSE, a DSE representative should be invited to attend the site meeting, to clarify any of the environmental information requirements.

What information should I submit with my application?

All applications are required to be submitted with a planning permit application form, which can be obtained from your local council.

Your application should meet the application requirements listed in Clause 52.17-2, including:

- A photograph or site plan (drawn to scale) showing the boundaries of the site, existing native vegetation and native vegetation to be removed
- A description of the native vegetation to be removed, including the extent and type of native vegetation, the number and size of any trees to be removed and if possible, the Ecological Vegetation Class of the native vegetation
- Topographic information, highlighting ridges, crests and

hilltops, streams and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas and areas of existing erosion

- A written explanation of the steps that have been taken to:
 - Avoid the removal of native vegetation, where possible
 - Minimise the removal of native vegetation
 - Appropriately offset the loss of native vegetation, if required
- A copy of any property vegetation plan that applies to the site

Additional information may be required depending on the nature of the proposal and whether or not it is required to be referred to DSE.

This information guide has been prepared to provide a convenient way for you to meet these information requirements. Guidance on how to complete the form is detailed below.

You should make sure all the relevant information is contained in your application by using this information kit and the checklist at the end of the form. If the necessary information is not provided, Council or DSE will request further information, delaying the assessment of your application.

Complete the form; attach it and your scaled site plan to your planning permit application form, along with any other supporting information.

Information guide

How to complete the Information form

- Read the form first, this will give you an idea of the sort of information required
- Then read the Guide, it has step by step information to help you complete the form
- Please note that each of the points in the guide relates to a corresponding point on the form

1. Describe the native vegetation proposed to be removed

1.1 Written description

Provide a short written description of the vegetation stating the form of the vegetation (eg forest, mallee, heathland, grassland); what the dominant species are and what has been the past history or the use of the site. Where possible please include the vegetation type, known as Ecological Vegetation Class or EVC. Maps of EVC's are located at council offices and online at www.dse.vic.gov.au/DSE/nrence.nsf, choose the Native Vegetation Information for Victoria hotlink.

Vegetation can generally be grouped into one of four categories, you need to indicate which your situation best fits in.

A Property Vegetation Plan may be appropriate for you to develop for the management of native vegetation your property. Please refer to the Victoria Planning Provisions (VPP) Practice Note '*Managing native vegetation in the planning system*' or contact your local council.

1.2 Area of native vegetation proposed to be removed

Specify the total area of native vegetation to be removed indicating whether it is in hectares or square metres.

1.3 Trees proposed to be removed

Where trees are proposed to be removed, all trees should be numbered, and the type/species and diameter or circumference (in centimetres) of the trunk (see figure below) at 1.3 m above the ground should be recorded. It should also be specified if the tree will be removed, destroyed or lopped.

If there are more trees than lines in the table, add more rows or attached a separate page.

Measuring diameter requires measuring the distance through the tree, there are special tapes that do this, however if you do not have access to these, please measure around the tree (circumference). The diameter of the tree can be estimated by dividing the circumference by 3.14. In the form indicate whether your measurements represent trunk diameters or circumferences.

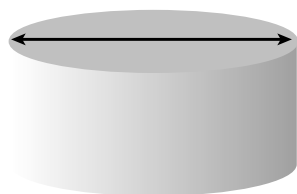


Diagram 2:
diameter

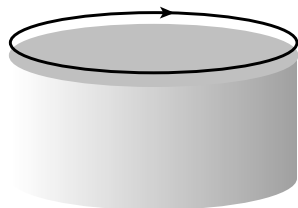


Diagram 3:
circumference

2. Avoiding removal of native vegetation

In all cases, damage to native vegetation must be avoided and minimised as far as practical. Where you believe it is not possible to avoid removal, you will need to justify why. You should consider:

- How can the development be modified to avoid the removal of native vegetation?
- What alternative sites exist on the property that could avoid removal of native vegetation and, where relevant – such as for dwellings, avoid high wildfire-risk sites?
- Can these locations be used instead? Why/why not?
- Can the development be modified to avoid the removal of native vegetation? Why/why not?
- Why are alternative sites not preferred?
- What would need to change for these options to be workable?

If it is assessed by the Responsible Authority that the proposed native vegetation removal is avoidable or if the native vegetation has significant conservation value, you may be given the opportunity to modify your application or your application may be refused.

3. Minimising removal of native vegetation

If the removal of native vegetation cannot be avoided, it should be minimised as much as possible. Most developments can keep removal to a minimum through careful planning, siting and design. You must explain how and where you have minimised impacts on native vegetation. For example, you should consider:

- Locating the development in areas where less vegetation needs to be removed
- Locating the development in areas where the vegetation is of poorer quality or lower conservation significance (e.g. How could the orientation, layout or form of development be altered to protect highest quality vegetation?)

- Choosing construction techniques that minimise damage to native vegetation
- Designing the development so that areas of native vegetation can be retained
- Whether property values over the long term would be maintained by increasing the proportion of vegetation retention?
- Wildfire protection – the more you do to design and locate a dwelling or building in the most fire-safe manner, the less vegetation removal and modification you will require and less measures to offset loss will be required

If you minimise the amount of native vegetation removal, the requirement for offsets will be reduced.

4. Land and water protection

In certain conditions, the removal of native vegetation is likely to lead to land and water degradation. For example, removal of native vegetation can lead to erosion, impacting on other vegetation and land stability. Native vegetation removal can also increase water runoff which can transport sediment to nearby waterways, reducing water quality and impacting on aquatic and riparian habitats.

A number of conditions that make land and water more vulnerable to degradation as a result of removing native vegetation are described below. If one of these land protection issues applies, additional information must be provided to describe how the impacts of the clearing will be minimised.

If you answer yes to any of the questions below, you should seek further advice from local government, DSE or Department of Primary Industries (DPI).

4.1 Is the clearing within 30 metres of a waterway?

Waterways are defined in the *Water Act 1989*. They include rivers, creeks, streams and watercourses where water may flow (even if that flow is not continuous), or a lake, lagoon, swamp or marsh. If any of the vegetation to be cleared is within 30 metres of a waterway, you should say yes to question 4.1.

4.2 Is the slope greater than 20% (12 degrees)?

The risk of sheet and rill erosion increases with slope of the land and length of slope. It is also more severe on unstable soil, particularly soils with low permeability, which cause more run off. Clearing vegetation is generally not appropriate on sites with slopes that are steeper than 12 degrees (20% or 1 in 5).

Slope can be estimated with a spirit level. Alternatively stand facing up the slope then look directly ahead and horizontal. Note the point on the slope that you see. You should say yes to question 4.2 if the slope at this point is closer than 8 metres, which is approximately equal to a slope of steeper than 1 in 5.

4.3 Does the area where native vegetation is proposed to be removed have a risk of erosion?

Clearing vegetation can trigger erosion or make existing areas of degradation worse by allowing water, wind or gravity to erode the soil. This can degrade the site or cause sedimentation and water pollution off site. You should say yes to question 4.3 if:

- There are soil erosion problems on similar land nearby
- The site has an elevation greater than 1200 m above sea level
- The site is on a sandy dune
- If in doubt, talk to your local council planning department. A pre-application site inspection may be necessary to determine if there is an erosion risk on your land

4.4 Does the site have a risk of salinity?

Native vegetation is important for controlling water table recharge and mitigating the impact of salinity in discharge areas. A salty discharge area is an area characterised by poor, stunted or yellowing vegetation and the presence of plantain and pearl barley grass or other salt tolerant species. Surface salts may also be present. A recharge area is where water enters the ground which may discharge elsewhere in the landscape.

You should say yes to question 4.4 if there is a discharge site within 200 m of the site, or if the site is in a groundwater recharge area. If in doubt, talk to your local council planning department and check with your Regional Catchment Management Authority. A pre-application site inspection may be necessary to determine if there is a salinity risk on your land.

5. Describe how the removal of native vegetation will be offset

If the Responsible Authority or DSE assesses that the native vegetation can be removed an offset must be provided.

5.1 What is an offset?

A native vegetation offset is any works or other actions to compensate for the loss of native vegetation arising from the removal of native vegetation. An offset may be:

- An area of existing remnant vegetation that is protected and managed
- An area that is revegetated and protected
- An area that is set aside for regeneration or restoration, or
- Any combination of the above. (For more information see the DSE *Native Vegetation – Guide for assessment of referred planning permit applications* or the VPP Practice Note – *Assessing applications involving native vegetation removal*)

The size of an offset is graded according to conservation significance of the native vegetation proposed for removal. An offset may involve undertaking works or making a

payment to a third party for certain works to be provided. An offset must:

- Achieve a gain in the quality and quantity of native vegetation at least equal to the native vegetation lost (graded according to conservation significance)
- Be secure and on-going
- Not be located in a building protection zone as defined in the Country Fire Authority's *Building in a Wildfire Management Overlay Applicant's Guide*
- Be permanently protected so as to ensure its future growth and survival

To determine the required offset, council or DSE may undertake a habitat hectare assessment. DSE has also developed a method which Council's can use for determining recommended offsets for vegetation removal without the need for a habitat hectare assessment.

It is preferable that offsets occur on the same property on which the removal is proposed to occur. If this is not possible, it can be on another property (public or private), provided that: the owner of the property has given their consent and the agreement is registered on title in perpetuity (eg Section 173 agreement).

If it is not possible to provide the offset on your land, the BushBroker program managed by DSE, can be used to find a suitable offset. It may be possible for a payment to be made in lieu of an offset to a council or to DSE.

5.2 Offset requirements

The offsets required will vary depending on the conservation significance of the vegetation permitted to be removed. If a permit is granted it will specify one or more of the following requirements:

- The number of trees to be protected¹
- The number of plants to be planted²
- The number of trees to be recruited³
- The area of existing vegetation to be put under conservation management⁴
- The amount of gain required to be sourced (in habitat hectares)

Other criteria may be required, such as the offset area being of a certain vegetation type, fulfil a particular land protection function or provide habitat for a certain plant or animal species.

Applicants should consider obtaining the advice and/or assistance of a suitably qualified environmental consultant, particularly for large or complex proposals.

- 1 *Protected* is protecting an area twice the tree canopy diameter by fencing to protect it from grazing, burning, soil disturbance and other adverse impacts
- 2 *Planted* is revegetation with locally native species consistent with the EVC of the site
- 3 *Recruited* is natural regeneration of species which can occur if mature trees and space around them are protected from adverse impacts
- 4 *Conservation management* is the management of an area of land for the primary purpose of conservation and regeneration of native vegetation. This may require exclusion of stock, control of pest plant and animals and retention of all standing and fallen timber

Completing question 5:

You should consult your local council about what the likely offset that would be appropriate for your proposal. If your council advises that the application will need to be referred to DSE you should consult with DSE prior to submitting your application. The Planning Practice Notes: *Native vegetation offsets* and *Assessing applications involving native vegetation removal*, also provide more information about offsets and are available from www.dse.vic.gov.au/planning.

After talking to your local council and/or DSE, indicate which type of offset you are proposing by ticking the appropriate box (more than one box may be ticked) and detail any further actions that you propose to undertake:

- For each large tree (greater than or equal to 40 cm DBH) removed, the number of trees to be protected and recruited
- For each small tree (less than 40 cm DBH) removed, the number of tree recruited or replanted (for each 100 trees, 0.1 hectare in area will be required in which to plant them)
- For the removal of areas of vegetation, which may include trees:
 - The area that is to be put under conservation management and/or the area of replanting
 - For each large tree removed in that area, the number of large trees to be protected and recruited either within the conservation management area or in another location

If you have not received advice from Council or DSE prior to lodging your application, nominate an estimate of what offset area you could provide. The offsets detailed in the Planning Practice Notes: *Native vegetation offsets*, and *Assessing applications involving native vegetation removal* can be used as a guide.

If the offset area is proposed to be located on another property, the owner of that property will need to consent to this. The offset area and ongoing management requirements on such a property would need to be subject to a registered on title agreement in perpetuity. This agreement would clearly define the site and management actions required.

Management of the offset area

An offset area must be managed to ensure it is maintained into the future. The planning permit or other agreement may require that:

- Grazing by domestic stock is prevented
- All fallen and standing dead timber is retained to provide habitat for other species
- Weeds are controlled

A description of the proposed management actions must be included with the application. It should be described well enough in the application for Council to be confident that the proposed offset will be achieved and maintained into the future.

Using the table provided, describe the management actions that you propose to undertake, and the timing of them. For example, ripping (in preparation for planting) may occur in April, weed control in May, fencing of the site in June, and planting in August.

6. Site plan and attachments

Develop the scaled site plan while working through the guide and the form. An aerial photograph provides an excellent base for such a plan. Aerial photographs are available from VicImage (phone 03 9682 3330).

A hand drawn map can be submitted, provided it is legible, to scale and identifies all of the required information. Make sure the plan clearly shows the following information, as requested in the form (and planning scheme):

- Size of the property in hectares or square metres and property boundaries
- Where and how much native vegetation is on the property (in hectares or square metres)
- The area or areas of native vegetation proposed to be removed in hectares or metres squared and the location of any trees to be removed (the trees must be numbered on the plan corresponding to the table you completed in Section 1.3 of the form)
- Where the property is in relation to other properties and landscape features (properties, parks, roads, creeks etc)
- Basic topographic information, including ridges, crests and hilltops, streams and waterways, slopes of more than 20 per cent, drainage lines, low lying areas, saline discharge areas and areas of existing erosion.
- If works are proposed where they are to be located (eg where any buildings, dams etc will be located)
- Define buffer zones around areas of development, including areas protected from soil disturbance
- The offset areas including any trees or areas of native vegetation that will be protected, recruited, replanted or put under conservation management
- List any attachments. These may include a written statement, a site plan, reports on flora and fauna, maps, photographs

Refer to the checklist to ensure all relevant information is included to avoid delays in processing your application.

Native vegetation: planning permit applicant's kit – Information form

The information provided in this form will be used by the responsible authority and/or the Department of Sustainability and Environment (DSE) to assist in the assessment of your application to remove, destroy or lop native vegetation. Applications referred to DSE may require more detailed information.

Please use the Native Vegetation: planning permit applicant's kit - Information guide to assist you in completing this form. Each of the numbers corresponds to the equivalent section in the guide.

1. Describe the native vegetation proposed to be removed (Refer to Section 1 of the guide)

1.1 Written description

Tick the most relevant box:

- Scattered trees only (go to Section 1.3)
- Understorey (shrubs, grasses, ferns, lilies etc) only, no trees (go to Section 1.2)
- Understorey and some shrubs but no trees (go to Section 1.2)
- Trees and some understorey (complete Sections 1.2 and 1.3)

If a Property Vegetation Plan applies to the land where the vegetation is proposed to be removed, please attach a copy to this application.

1.2 Area of native vegetation proposed to be removed

_____ hectares OR _____ metres squared

1.3 Trees proposed to be removed, including those in an area of native vegetation

Refer to Section 1.3 of the Information guide for directions about how to measure diameter

| Tree number* | Tree type (description or species) | Trunk diameter (cm) | Trunk circumference (cm) | Remove, destroy or lop |
|--------------|------------------------------------|---------------------|--------------------------|------------------------|
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| | | | | |

* as numbered on the plan

Please add additional pages if there is insufficient space in this table

2. Avoiding removal of native vegetation (Refer to Section 2 of the guide)

Describe why the removal of native vegetation cannot be avoided. Also describe where you have avoided removal through siting and design modifications.

3. Minimising removal of native vegetation (Refer to Section 3 of the guide)

Describe how the amount of native vegetation to be removed has been minimised.

4. Land and water protection (Refer to Section 4 of the guide)

Refer to the Information Guide or the *Guide for assessing referred path planning permit applications* for assistance in answering these questions.

Please circle your answer

- | | | | |
|-----|--|-----|----|
| 4.1 | Is the clearing within 30 metres of a waterway? | Yes | No |
| 4.2 | Is the slope greater than 20 percent (12 degrees)? | Yes | No |
| 4.3 | Does the area where vegetation is proposed to be removed have a risk of erosion? | Yes | No |
| 4.4 | Does the site have a risk of salinity? | Yes | No |

If you have circled yes to any of these questions, your application is unlikely to be approved. Please seek further information from local government, DSE or DPI.

5. Describe how the removal of native vegetation will be offset (Refer to Section 5 of the guide)

It may also be useful to refer to the Victoria Planning Provisions (VPP) Practice Note *Assessing applications involving native vegetation removal* or *Native Vegetation – Guide for assessment of referred path planning permit applications*.

Where native trees are proposed to be removed (including trees removed in conjunction with other native vegetation), I propose to (please tick and specify number of trees):

- Protect and recruit existing large native trees on my property
- Protect and recruit existing large native trees on another property

_____ Number of trees to be protected
_____ Number of trees to be recruited

- Recruit or replant native trees on my property
- Recruit or replant native trees on another property

_____ Number of trees to be recruited
_____ Number of trees to be replanted

Where an area of native vegetation is proposed to be removed or destroyed, I propose to:

- Put hectares / square metres of existing native vegetation on my property under conservation management
- Put hectares / square metres of existing native vegetation on another property under conservation management
- Replant hectares / square metres of native vegetation on my property
- Replant hectares / square meters of native vegetation on another property

Alternatively I propose to

- Seek an offset through BushBroker
- Arrange a payment in lieu fee (where applicable, see section 5.1)
- Other (please detail)

Where offsets are proposed on another property, please provide the location of the site

Where offsets are proposed on another property, please indicate whether this landholder has agreed in principle to sign and register a management agreement on title in perpetuity.

- Yes
- No

Please describe the proposed management actions that will be taken to protect and manage the offset area/s:

| Action | Description | Timing (month/year) |
|------------------------------|-------------|---------------------|
| Site preparation | | |
| Weed control | | |
| Pest control | | |
| Planting | | |
| Direct seeding | | |
| Fencing | | |
| Other (eg S173 agreement) | | |

6. Site plan and attachments (Refer to Section 6 of the guide)

Refer to the guide for information to include on the site plan.

Checklist for proponents

This checklist will help to ensure that all the appropriate information has been included with your application (please tick).

- Completed planning permit application form
- Completed information form
- Site plan, showing required information as described in the Guide
- Copies of any relevant plans or agreements (e.g. Property Vegetation Plan)
- Copies of any other reports as requested by Council or DSE, including consultants reports detailing the name of the consultant and the date of the assessment
- Copies of other relevant maps
- Photographs

TO BE COMPLETED BY THE RESPONSIBLE AUTHORITY (Official use only)

- All required information and attachments are included in referral
- Area estimates provided are broadly correct
- Location for removal does not co-incide with known salinity risk, erosion prone mapping (or overlays), or previous offset location. If it does, please provide details.

Site inspection has been undertaken?

Yes (Who was present, from which organisation) _____

No

This application is being referred to DSE for under the following triggers from Clause 66 (tick as appropriate):

- To remove or destroy more than 15 native trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level
- To remove or destroy more than 5 native trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level
- To remove or destroy native vegetation which is in an Ecological Vegetation Class that has a Bioregional Conservation Status of Endangered, Vulnerable or Rare if the area to be cleared is more than 0.5 hectare
- To remove or destroy native vegetation which is in an Ecological Vegetation Class that has a Bioregional Conservation Status of Depleted or Least Concern if the area to be cleared is more than 1 hectare
- To remove, destroy or lop native vegetation if a property vegetation plan applies to the site
- To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority