# Before you remove or impact vegetation

A plain-English screening guide for trees, shrubs, grass cover and works near protected trees.

**Start here**

Use this guide before removing, lopping or damaging vegetation, or doing works near a tree. More than one planning control can apply, so work through every relevant section - do not stop after the first check.

## Three things to have ready

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|---|---|---|
| 1 | Your property address | Use VicPlan to check zones and overlays. |
| 2 | A recent copy of title | Check for a restrictive covenant or Section 173 Agreement. |
| 3 | Details of the vegetation and works | Identify whether vegetation is native, measure protected trees and show any proposed works. |

**Important**

This guide is an initial check only. It does not replace the Bass Coast Planning Scheme, a permit condition, an endorsed landscape plan, a covenant or a Section 173 Agreement.

## Quick question

Are you proposing to remove, lop or impact any vegetation? This includes trees, shrubs and grass cover. If no vegetation will be removed, you still need to check whether works are proposed inside a protected tree protection zone.

# Part 1 - Planning and title checks

Complete these checks for the property and the vegetation.

**1**

## Check the title

Is there a restrictive covenant or Section 173 Agreement requiring vegetation protection?

YES: Do not proceed until you have checked the restriction. You may need to end or amend the agreement. Contact Council's Statutory Planning team.

NO: Continue to Step 2.

**2**

## Check bushfire controls

Is the property in a Bushfire Management Overlay (BMO) or Bushfire Prone Area (BPA)?

YES: Check whether the vegetation is within 10 metres of a dwelling built before 10 September 2009. This may affect whether an exemption applies. Continue through the remaining checks.

NO: Continue to Step 3.

**3**

## Is the vegetation native?

Native vegetation can include native trees, shrubs and native grass cover.

YES: Check Clauses 52.16 and 52.17 of the Bass Coast Planning Scheme and whether an exemption applies. A planning permit may be required.

NO: Continue to Step 4 because other controls may still apply.

**4**

## Check planning overlays

Does a Vegetation Protection Overlay (VPO), Environmental Significance Overlay (ESO) or Significant Landscape Overlay (SLO) apply?

YES: Read the overlay schedule and check whether an exemption applies. If there is no exemption, a planning permit may be required.

NO: Continue to Step 5.

**5**

## Check canopy tree controls

Is it a canopy tree or boundary canopy tree under Clause 52.37?

YES: Check whether an exemption in Clause 52.37 applies. If not, a planning permit may be required.

NO: Continue to Part 2.

# Where to check

VicPlan: mapshare.vic.gov.au/vicplan
Bass Coast Planning Scheme: use the current clauses and overlay schedules that apply to the property.

# Part 2 - Council and existing permit checks

These checks can apply even where a planning exemption exists.

**6**

## Check existing approvals

Does a planning permit condition or endorsed landscape plan require the vegetation to be retained?

YES: A secondary consent or Section 72 amendment may be required. Contact Council's Statutory Planning team before any work starts.
NO: Continue to Step 7.

**7**

## Check the Significant Tree Register

Is the tree on Council's Significant Tree Register?

YES: A Local Law permit may be required. Also check any works within the tree protection zone.
NO: Continue to Step 8.

**8**

## Measure protected trees

For a protected tree, including a weed species, is the single or combined trunk circumference greater than 155 cm when measured 1 metre above ground level?

YES: A Local Law permit may be required.
NO: Continue to Step 9.

**9**

## Check works near trees

Will you carry out, cause or allow works within the tree protection zone of a significant or protected tree? Works include building, trenching, digging, compacting, excavating, filling, or storing materials or equipment.

YES: A planning permit or Local Law permit may be required.
NO: If all earlier checks are clear, a permit may not be required.

# Your likely next step

### Planning permit may be required

This may be triggered by an overlay, native vegetation controls under Clause 52.17, canopy tree controls under Clause 52.37, or more than one of these controls.

### Local Law permit may be required

This may apply to a protected tree, a tree on the Significant Tree Register, or works within a tree protection zone.

### Existing approval needs changing

A secondary consent or Section 72 amendment may be needed where a permit condition or endorsed landscape plan requires vegetation retention.

### Agreement needs changing

An end or amendment to a Section 173 Agreement may be needed. A restrictive covenant may also limit works.

## Before you start work

If any answer is unclear, or any control may apply, contact Bass Coast Shire Council before removing vegetation or beginning works. Provide the property address, photographs, a site plan, vegetation details and the proposed work.

Note: In some circumstances, separate planning permit triggers may apply for an overlay, Clause 52.17 (Native Vegetation) and Clause 52.37 (Canopy Trees).