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

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

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

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

Can I remove vegetation for bushfire protection on a covenanted property?

Yes. Your covenant deed allows you to manage vegetation for reasonable fire prevention. Vegetation removal for such purposes is allowed in line with relevant legislation about clearance distances, you can refer to your local government's guidelines for more information.

Fuel reduction and appropriate bushfire-preparedness are the responsibility of you the landholder, or the tenant if the land is leased. Information about bushfire preparedness is available on the [CFA website](#).

What about planning scheme provisions?

In Victoria a planning permit is generally required to remove native vegetation; however there are exemptions to this requirement, including removing vegetation for the purposes of bushfire protection.

In addition, properties that are particularly exposed to bushfire risk may be affected by a [Bushfire Management Overlay](#) (BMO). The BMO was introduced in 2011 in response to the 2009 Victorian Bushfires Royal Commission. The BMO introduces new planning requirements and exemptions for vegetation clearing for bushfire protection. It imposes requirements for bushfire risk mitigation for new buildings and other activities that require a permit, and allows some removal of native vegetation around existing dwellings to mitigate bushfire risk.

You can check if your property is covered by a BMO by checking with your local council or through the [Department of Transport and Planning website](#).

Your local council can give you specific advice about relevant planning provisions and how they affect your property.

What do I have to do if my property is subject to a Bushfire Management Overlay (BMO)?

If your property is subject to a BMO, you are generally not required to do anything for bushfire protection unless you propose to do something new that requires a permit. If a permit is required, i.e. for a new house, it could be granted providing the owners agree to create 'defendable space'.

Your council can advise you more about your responsibilities.

What if my property is not subject to a BMO?

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

Exemptions may be available:

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

Your council can provide more information.

What is defendable space?

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

The amount of defendable space varies depending on a number of things, including the type of vegetation on the property and the slope of the property. The calculation of the area of defendable space for a given property is a technical assessment which must be done by someone with appropriate qualifications. A qualified bushfire consultant can determine the area of defendable space you are required or allowed to create.

Further questions?

Your local CFA and council can give you more information about bushfire protection on your land. To find your local CFA have a look at [their website](#), and to find your local council see the [Know Your Council webpage](#).

Trust for Nature can provide you with information about what is allowed under your conservation covenant, including understanding the environmental values of native vegetation on your land. You can contact us on (03) 8631 5888.