

## Reviewing vegetation management decisions

The clearing of native vegetation in Queensland is regulated by the vegetation management framework. It protects the State's biodiversity and, by conserving native vegetation, addresses land degradation problems such as salinity, soil degradation, erosion and declining water quality.

Under the framework, the Department of Environment and Resource Management (DERM) makes various decisions about the management of vegetation—including deciding clearing applications and making property maps of assessable vegetation (PMAVs).

Depending on the type of decision, there are different avenues of review or appeal available to applicants who are not satisfied with the outcome. These are explained in this factsheet.

### Decisions made by DERM under the Integrated Planning Act 1997

Under the *Integrated Planning Act 1997*, DERM is responsible for assessing applications that involve native vegetation clearing. Depending on the application type, DERM may either be the assessment manager or the referral agency.

#### DERM as the assessment manager

If a landholder receives a decision notice about a vegetation clearing application from DERM as the assessment manager, they may appeal the following:

- a refusal or part refusal of the application
- a matter stated in a development approval, including any condition applying to the approval
- the decision to give a preliminary approval when a development permit was applied for
- the length of the currency period.

The landholder must first make written representations to departmental business centre that decided the application. They should also suspend the 20-day appeal period by making a written request to DERM. After DERM considers the appeal, and if the landholder is still not satisfied with the decision, they may appeal to the Planning and Environment Court.

#### DERM as the referral agency

Applications made to an assessment manager that is not DERM (usually a local government) are sometimes referred to DERM for assessment. In this situation, DERM is known as the referral agency.

Following assessment of these applications, DERM will issue a referral agency response to the assessment

manager and the applicant containing its requirements for the application.

If an applicant is dissatisfied with all or part of the referral agency response, they may make representations to DERM. If an applicant decides to make representations, they must inform the assessment manager that they wish to suspend the decision making period within 10 business days of when they receive the referral agency response.

If an applicant receives a decision notice from the assessment manager and is unhappy with the outcome, they have 20 business days to lodge an appeal with the Planning and Environment Court.

### Other decisions made by DERM

Under the VMA, an information notice must be given in relation to certain decisions including:

- PMAVs
- stop work notices
- restoration notices and plans
- refusing to authorise the clearing of regulated regrowth vegetation other than under the regrowth vegetation code.

Landholders who receive an information notice can seek an internal review of a decision (a reviewable decision).

Landholders have 20 business days from receiving the information notice to make an internal review application. They must apply for an internal review before proceeding with any other course of action.

Once an application for an internal review has been received, DERM has 30 business days to review the decision. If the applicant is still not satisfied with the decision, they may apply to the Queensland Civil and Administrative Tribunal for an external review.

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For general enquiries contact the  
Queensland Government call centre 13 13 04  
or visit [www.derm.qld.gov.au](http://www.derm.qld.gov.au)