

# **Guide to exemptions under the vegetation management framework**

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Department of Environment and Resource Management

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## 1. What is this guide about?

Queensland's vegetation management framework regulates the clearing of certain native vegetation. It protects the State's biodiversity and, by conserving native vegetation, addresses land degradation issues such as salinity, soil degradation, erosion and declining water quality.

If landholders want to clear native vegetation regulated under the vegetation management framework, the clearing must either qualify for an exemption, be conducted in accordance with the regrowth vegetation code or a permit must be obtained from the Department of Environment and Resource Management (DERM).

This guide explains what is meant by exemptions, and how to determine whether the proposed clearing can be lawfully carried out under an exemption. It also provides a full list of exemptions.

### 1.1 Recent changes to the vegetation management framework

There have been some recent amendments to the vegetation management framework. Some exemptions have changed as a result of the amendments, which have been reflected in this guide.

Landholders who have previously obtained advice from DERM on clearing for an exempt activity should refer to this updated guide. Alternatively, contact one of DERM's Vegetation Management Officers to discuss the proposed clearing.

### 1.2 Where can I find further information?

Requests for further information or advice should be directed to Vegetation Management Officers located at one of the following departmental business centres:

Business centre	Phone number
Bundaberg	4131 5888
Chinchilla	4672 9700
Dalby	4672 4800
Emerald	4987 9300
Gympie	5480 5333
Ipswich	3884 5300
Mackay	4967 0820
Mareeba	4048 4850
Rockhampton	4938 4600
Roma	4624 1500
Toowoomba	4688 1000
Townsville	4799 7200

## 2. What vegetation is protected under the vegetation management framework?

In December 2006, under the vegetation management framework, the Queensland Government phased out broadscale clearing of remnant vegetation. However, clearing was still allowed in some circumstances.

With the introduction of new arrangements protecting regrowth vegetation in October 2009, the vegetation management framework now protects native woody vegetation that is:

- mapped as remnant vegetation on a regional ecosystem or remnant map
- regulated regrowth vegetation.

### 2.1 Remnant vegetation

The term 'remnant vegetation' refers to vegetation that has never been cleared or if it has been cleared in the past, has regrown to meet certain criteria, such as having the same mix of vegetation species that would exist if the vegetation community had not been disturbed. Remnant vegetation protected by the vegetation management framework is identified on a regional ecosystem map or remnant map.

### 2.2 Regulated regrowth vegetation

Regrowth is native vegetation that has been cleared in the past, is less mature than remnant vegetation, but often contains many of the biodiversity and habitat values of remnant vegetation. Regulated regrowth vegetation includes vegetation that is one of the following:

- identified on the regrowth vegetation map as high value regrowth vegetation
- located within 50 metres of a watercourse, which is identified on the regrowth vegetation map as a regrowth watercourse
- contained in a category C area on a property map of assessable vegetation (PMAV).

### 2.3 Where does the *Vegetation Management Act 1999* not apply?

The *Vegetation Management Act 1999* (VMA) does not apply on all tenures or vegetation types. State forests, national parks, forest reserves and some tenures defined under the *Forestry Act 1959* and *Nature Conservation Act 1992* are not regulated by the VMA. However, clearing in these areas may require permits under these laws. Similarly, the VMA does not apply to mangroves, grasses or other non-woody vegetation, although clearing these plants may require permit(s) under other laws.

### 3. What does an exemption mean?

The vegetation management framework requires landholders to seek approval from DERM to clear protected vegetation for some purposes (under a development approval). However, the framework allows clearing for other purposes without approval, known as an exemption.

Generally, exemptions are provided under the framework to allow native vegetation to be cleared for a range of routine and necessary property management activities.

While the purpose of the clearing is a key factor in determining whether vegetation can be cleared under an exemption, a number of other factors are also used to determine when an exemption applies. These include:

- the remnant status or regrowth status (based on how the vegetation is classified on a PMAV, regional ecosystem map, remnant map or regrowth vegetation map) and conservation status of the vegetation to be cleared (i.e. endangered, of concern, least concern—based on the classification of the regional ecosystem in the area)
- tenure of the land (e.g. freehold, Indigenous, or leasehold)
- purpose of the clearing (e.g. to establish a fence, to maintain infrastructure)
- in some cases, who is proposing to do the clearing.

However, while the vegetation management framework might allow clearing under an exemption, there still might be other state, local or Commonwealth laws that you need to comply with.

#### 3.1 Exemptions under the vegetation management framework

The relevant exemptions for vegetation clearing are provided in the Sustainable Planning Regulation 2009 (SPR) in schedule 24, parts 1 and 2. Exemptions for clearing native vegetation are set out in the following categories on:

- freehold land and Indigenous land
- leasehold land used for agriculture or grazing
- land that is subject to a lease under the *Land Act 1994*, other than a lease used for agriculture or grazing
- a road under the *Land Act 1994*
- trust land under the *Land Act 1994* (1E)
- unallocated State land under the *Land Act 1994* (1F)

land that is subject to a license or permit under the *Land Act 1994* (1G).

The SPR contains a full list of exemptions and can be obtained from the Queensland legislation website at <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)>.

The remainder of this guide explains the key steps in determining whether the proposed clearing can be carried out as an exemption. Where appropriate, reference will be made to the relevant sections in SPR.

#### 3.2 Other laws

Although clearing may be exempt under the vegetation management framework, landholders must check with other authorities about obligations that may be required under other legislation. These include but are not limited to:

Act(s)	Agency (contact details)
<i>Water Act 2000</i> <i>Wild Rivers Act 2005</i> <i>Soil Conservation Act 1986</i> <i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i>	Department of Environment and Resource Management Ph: 13 13 04
<i>Nature Conservation Act 1992</i> <i>Environmental Protection Act 1994</i> <i>Coastal Protection and Management Act 1995</i> <i>Queensland Heritage Act 1992</i>	Department of Environment and Resource Management Ph: 1300 368 326 < <a href="mailto:eco.access@derm.qld.gov.au">eco.access@derm.qld.gov.au</a> >
<i>Fisheries Act 1994</i>	Department of Employment, Economic Development and Innovation Ph: 13 25 23 < <a href="mailto:callweb@dpi.qld.gov.au">callweb@dpi.qld.gov.au</a> >
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Federal Government Department of the Environment, Water, Heritage and the Arts Ph: (02) 6274 1111
<i>Local Government Act 1993</i> <i>Sustainable Planning Act 2009</i>	Local Government Contact your nearest local government office.

## 4. Steps for determining if clearing can be done under an exemption

The following information provides a step-by-step process for working out if proposed clearing can be carried out as an exemption under the vegetation management framework.

### Step 1: Identify the purpose for clearing and plan where clearing is to occur

Knowing why and where clearing native vegetation is to occur will make it easier to work through the following steps to determine if an exemption applies. Exemptions vary depending on the reason for and location of the clearing.

Being familiar with exemptions and planning development on your property may also help to avoid areas where restrictions apply, as well as minimise the chance of clearing unlawfully.

### Step 2: Identify the tenure of the land where clearing is proposed

Land tenure is one of the key factors in determining whether clearing native vegetation is for an exempt activity. If unsure about the tenure of the land, a title search can be undertaken, or a copy of a registered document or plan (where applicable) obtained from a departmental business centre (fees apply).

### Step 3: Determine the status of vegetation proposed to be cleared

The status of vegetation protected under the vegetation management framework present on a property will affect whether the purpose for clearing is exempt or not. Landholders should determine whether the vegetation they want to clear falls into any of the following, as the exemption rules vary depending upon what category/status appears on the map:

- PMAV
- mapped on the regional ecosystem map or remnant map as remnant vegetation
- mapped as regulated regrowth vegetation on the regrowth vegetation map.

To determine which of these vegetation categories/statuses is applicable to a property, download a regional ecosystem, and a remnant and regrowth map from DERM's website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. If a PMAV exists it will accompany the regrowth map.

Locate the proposed clearing area on the maps and determine whether clearing will occur in a category A, B, C or X area on a PMAV, or in remnant vegetation on a regional ecosystem map and remnant map or in regulated regrowth of a particular status. The different PMAV categories represent areas of the following:

- category A—vegetation that is subject to compliance notices, offsets and voluntary declarations

- category B—remnant vegetation shown on a regional ecosystem or remnant map as an endangered regional ecosystem, of concern regional ecosystem and least concern regional ecosystem
- category C—high-value regrowth vegetation
- category X—area exempt from requirements under the VMA.

The different statuses for remnant vegetation on a regional ecosystem map and remnant map, and regulated regrowth on a regrowth vegetation map are:

- pink—endangered regional ecosystem
- orange—of concern regional ecosystem
- green—least concern regional ecosystem.

For more information on the different vegetation maps and the categories/statuses shown on the maps, visit <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)> .

### Step 4: Determine whether the exemption applies for the size of clearing

The size of the area landholders want to clear is another factor to consider in determining whether clearing is for an exempt activity. Clearing of a certain size for routine property management activities is exempt. If clearing exceeds the size stipulated then a permit to clear is required or clearing must comply with the regrowth vegetation code.

For example, clearing up to 10 metres wide to establish a necessary fence in least concern remnant vegetation is an exempt activity. However, clearing that is 20 metres wide for this purpose will require a permit.

### Step 5: Determine whether an exemption from the list provided applies to the proposed clearing

Using the tenure of the land, the status of the vegetation and the size of the clearing, landholders can refer to the tables in section 5 of this guide to see if there is an exemption listed for the proposed clearing (the tables are arranged under land tenure, proposed clearing and vegetation status).

If the clearing is an exemption listed in section 5, landholders do not need to apply for any other approval under the vegetation management framework for that clearing. However, approval may be required under other laws.

If the proposed clearing is not listed as an exemption, landholders will need to apply to DERM for a permit to clear.

## 4.1 Further information

If you have any further questions or are unsure if you can clear under an exemption, contact a Vegetation Management Officer at a departmental business centre. More information about clearing native vegetation is available on DERM's website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

## 5. Common exemptions

Some of the key terms used in the following tables are defined in the Glossary.

**Table 1: For clearing and other activities or matters on land generally**

Clearing purposes that are exempt on land generally	Vegetation status on vegetation management map
<ul style="list-style-type: none"> <li>• Clearing under a development approval for a material change of use or reconfiguring a lot, if the approval is given for a development application—               <ul style="list-style-type: none"> <li>(a) made after 4 October 2004; and</li> <li>(b) for which the chief executive administering the VMA is a concurrence agency.</li> </ul> </li> <li>• Clearing vegetation in an area declared under the VMA, section 19F if the clearing is carried out under the management plan for the area.</li> <li>• Clearing vegetation under a land management agreement for a lease under the <i>Land Act 1994</i>.</li> <li>• A traditional Aboriginal or Torres Strait Islander cultural activity, other than a commercial activity.</li> <li>• A mining activity or a chapter 5A activity under the Environmental Protection Act 1994.</li> <li>• Any aspect of development for geothermal exploration carried out under a geothermal exploration permit under the <i>Geothermal Exploration Act 2004</i>.</li> <li>• Any aspect of development for core airport infrastructure on airport land.</li> <li>• An activity under the <i>Fire and Rescue Service Act 1990</i>, section 53, 68 or 69.</li> <li>• An activity under—               <ul style="list-style-type: none"> <li>(a) the <i>Electricity Act 1994</i>, section 101 or 112A; or</li> <li>(b) the Electricity Regulation 2006, section 17.</li> </ul> </li> <li>• For a State-controlled road under the Transport Infrastructure Act 1994—               <ul style="list-style-type: none"> <li>(a) road works carried out on the State-controlled road; or</li> <li>(b) ancillary works and encroachments carried out under section 50 of the Act.</li> </ul> </li> <li>• Clearing, for routine transport corridor management and safety purposes, on existing rail corridor land, new rail corridor land, non-rail corridor land or commercial corridor land (within the meaning of the Transport Infrastructure Act) that is not subject to a commercial lease.</li> <li>• An activity authorised under the <i>Forestry Act 1959</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Category A area on a PMAV unless stipulated by the department on a notice issued under the VMA or <i>Sustainable Planning Act 2009</i>; or</li> <li>• Category B area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then remnant vegetation identified on a regional ecosystem (RE) or remnant map; or</li> <li>• Regulated regrowth vegetation on a regrowth vegetation map.</li> </ul>
<ul style="list-style-type: none"> <li>• Clearing an area of vegetation that is less than 0.5 hectares (ha) within a watercourse or lake for an activity (other than an activity relating to a material change of use of premises or the reconfiguring of a lot) that is subject to an approval process and is approved under the VMA or another Act, or is carried out under the document <i>Guideline—Activities in a watercourse, lake or spring carried out by an entity</i> approved by the chief executive of the department that administers the <i>Water Act 2000</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Category X area on a PMAV; or</li> <li>• In an area for which there is no PMAV then vegetation that is not mapped on a RE or remnant map as remnant vegetation or regulated regrowth vegetation on a regrowth map; or</li> <li>• Least concern RE that is shown as Category B area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then a least concern RE that is shown as remnant vegetation on a RE or remnant map.</li> </ul>

**Table 2: Exemptions on freehold and indigenous land**

Clearing purposes that are exempt on freehold and indigenous land	Vegetation status on vegetation management map
<p>For any purpose</p> <p><b>Landholders must also check their obligations with relevant authorities under other legislation. Refer to section 3.2 of this guide.</b></p>	<ul style="list-style-type: none"> <li>• Category X area on a PMAV; or</li> <li>• In an area for which there is no PMAV then vegetation that is not mapped on a RE or remnant map as remnant vegetation or regulated regrowth vegetation on a regrowth vegetation map.</li> </ul>
<ul style="list-style-type: none"> <li>• To build a single residence and reasonably associated buildings and structures on a lot when a development permit has been issued for the residence.</li> <li>• To build dwelling houses and reasonably associated buildings and structures on Indigenous land for Aboriginal or Torres Strait Islander inhabitants of the land, or persons providing education, health, police or other community services for the inhabitants if a development permit has been issued for the dwelling.</li> <li>• For a forest practice (you must notify DERM that you intend to conduct a forest practice).</li> <li>• To establish or maintain a fire break to protect infrastructure if the maximum width of fire break is 1.5 times the height of the tallest adjacent tree or 20 metres, whichever is the greater.</li> <li>• To establish a fire management line that is up to 10 metres wide.</li> <li>• To maintain a garden or orchard if you do not clear the canopy trees when maintaining the garden or orchard.</li> <li>• To remove or reduce imminent risk of serious personal injury or damage to infrastructure posed by vegetation.</li> <li>• By fire under the <i>Fire and Rescue Service Act 1990</i> to reduce hazardous fuel load.</li> <li>• To maintain infrastructure including airstrips, buildings, fences, helipads, roads, stock yards, water facilities and constructed drains other than contour banks.</li> <li>• By the owner to source construction timber to maintain infrastructure on any land owned if you do not cause land degradation and restore an area similar to the one you cleared.</li> <li>• Gathering, digging or removing forest products on indigenous land to improve the land or for use under section 28 of the <i>Local Government (Aboriginal Lands) Act 1978</i> or section 62 of the <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i>.</li> <li>• In an urban development area.</li> <li>• On airport land and the operational work is consistent with the land use plan approved under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> and is carried out on land that is not stated in the land use plan as remaining undeveloped land.</li> </ul>	<ul style="list-style-type: none"> <li>• Category A area on a PMAV unless stipulated by the department on a notice issued under the VMA or <i>Sustainable Planning Act 2009</i>; or</li> <li>• Category B area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then remnant vegetation identified on a RE or remnant map; or</li> <li>• Regulated regrowth vegetation on a regrowth vegetation map.</li> </ul>
<ul style="list-style-type: none"> <li>• In an urban area for an urban purpose (e.g. residential, industrial, sporting, recreational or commercial).</li> </ul>	<ul style="list-style-type: none"> <li>• Of concern or least concern RE that is shown as category B area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then an of concern or least concern RE that is shown as remnant vegetation on a RE or remnant map; or</li> <li>• Regulated regrowth vegetation on a regrowth vegetation map.</li> </ul>

<ul style="list-style-type: none"> <li>For urban purposes in an urban area in a wild river high preservation area.</li> </ul>	<ul style="list-style-type: none"> <li>Remnant vegetation, shown on the RE map or remnant map, that is an of concern RE or a least concern RE; or</li> <li>Shown on the RE map or remnant map as other than remnant vegetation; or</li> <li>Regulated regrowth vegetation.</li> </ul>
<ul style="list-style-type: none"> <li>To establish a fence, road or vehicle track, if the maximum width of clearing is 10 metres.</li> <li>To establish necessary infrastructure other than contour banks, fences or roads where the total clearing and total extent of the infrastructure is less than 2 hectares.</li> <li>By the owner to source construction timber to establish necessary infrastructure on any land owned if you do not cause land degradation and restore an area similar to the one you cleared</li> </ul>	<ul style="list-style-type: none"> <li>Least concern RE that is shown as category B area on a PMAV; or</li> <li>In an area for which there is no PMAV, then a least concern RE that is shown as remnant vegetation on a RE or remnant map; or</li> <li>Regulated regrowth vegetation on a regrowth vegetation map.</li> </ul>
<ul style="list-style-type: none"> <li>Under the regrowth vegetation code.</li> <li>Under a regrowth clearing authorisation.</li> <li>For extractive industry in a key resource area.</li> <li>For significant community project.</li> </ul>	<ul style="list-style-type: none"> <li>Regulated regrowth vegetation on a regrowth vegetation map (but not if vegetation is shown as category A area on a PMAV)</li> </ul>

**Table 3: Exemptions for leasehold land for agriculture and grazing**

Clearing purposes that are exempt on leasehold land for agriculture and grazing	Vegetation status on vegetation management map
<p>For any purpose</p> <p><b>Landholders must also check their obligations with relevant authorities under other legislation. Refer to section 3.2 of this guide.</b></p>	<ul style="list-style-type: none"> <li>Category X area on a PMAV; or</li> <li>In an area for which there is no PMAV then vegetation that is not mapped on a RE map or remnant map as remnant vegetation or regulated regrowth vegetation on a regrowth vegetation map.</li> </ul>
<ul style="list-style-type: none"> <li>To build a single residence and associated buildings and structures on a lot when a development permit has been issued for the residence.</li> <li>To establish or maintain a fire break to protect infrastructure if the maximum width of fire break is 1.5 times the height of the tallest adjacent tree or 20 metres, whichever is the greater.</li> <li>To establish a fire management line that is up to 10 metres wide.</li> <li>To maintain a garden or orchard if you do not clear the canopy trees when maintaining the garden or orchard.</li> <li>To remove or reduce imminent risk of serious personal injury or damage to infrastructure posed by vegetation.</li> <li>By fire under the <i>Fire and Rescue Service Act 1990</i> to reduce hazardous fuel load.</li> <li>To maintain infrastructure including airstrips, buildings, fences, helipads, roads, stock yards, water facilities and constructed drains other than contour banks.</li> <li>By the lessee to source construction timber to repair existing infrastructure if the infrastructure needs immediate repair and you do not cause land degradation and restore an area similar to the one you cleared.</li> </ul>	<ul style="list-style-type: none"> <li>Category A area on a PMAV unless stipulated by the department on a notice issued under the <i>VMA or Sustainable Planning Act 2009</i>; or</li> <li>Category B area on a PMAV; or</li> <li>In an area for which there is no PMAV, then remnant vegetation identified on an RE or remnant map; or</li> <li>Regulated regrowth vegetation on a regrowth vegetation map.</li> </ul>

<ul style="list-style-type: none"> <li>• To establish a fence, road or vehicle track, if the maximum width of clearing is 10 metres.</li> <li>• To establish necessary infrastructure other than contour banks, fences or roads where the total clearing and the total extent of the infrastructure is less than 2 hectares.</li> <li>• By the lessee to source construction timber to establish necessary infrastructure if you do not cause land degradation and restore an area similar to the one you cleared.</li> </ul>	<ul style="list-style-type: none"> <li>• Least concern RE that is shown as category B area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then a least concern RE that is shown as remnant vegetation on an RE or remnant map; or</li> <li>• Regulated regrowth vegetation on a regrowth vegetation map.</li> </ul>
<ul style="list-style-type: none"> <li>• Under the regrowth vegetation code.</li> <li>• Under a regrowth clearing authorisation.</li> <li>• For extractive industry in a key resource area.</li> <li>• For significant community project.</li> </ul>	<ul style="list-style-type: none"> <li>• Regulated regrowth vegetation on a regrowth vegetation map (but not if vegetation is shown as category A area on a PMAV).</li> </ul>

**Table 4: Common exemptions for leasehold land other than a lease for agriculture and grazing**

Clearing purposes that are exempt on leasehold land other than a lease for agriculture and grazing	Vegetation status on vegetation management map
<p>For any purpose</p> <p><b>Landholders must also check their obligations with relevant authorities under other legislation. Refer to section 3.2 of this guide.</b></p>	<ul style="list-style-type: none"> <li>• Category X area on a PMAV.</li> </ul>
<ul style="list-style-type: none"> <li>• For any purpose, for rental categories 3.1, 3.2, 4.5, 8.2, 9.1 and 9.2 leases under the Land Regulation 1995.</li> </ul>	<ul style="list-style-type: none"> <li>• In an area for which there is no PMAV then vegetation that is not mapped on a RE map or remnant map as remnant vegetation.</li> </ul>
<ul style="list-style-type: none"> <li>• To build a single residence and associated buildings and structures on a lot when a development permit has been issued for the residence.</li> <li>• To establish or maintain a fire break to protect infrastructure if the maximum width of fire break is 1.5 times the height of the tallest adjacent tree or 20 metres, whichever is the greater.</li> <li>• To establish a fire management line that is up to 10 metres wide.</li> <li>• To maintain a garden or orchard if you do not clear the canopy trees when maintaining the garden or orchard.</li> <li>• To remove or reduce imminent risk of serious personal injury or damage to infrastructure posed by vegetation.</li> <li>• By fire under the <i>Fire and Rescue Service Act 1990</i> to reduce hazardous fuel load.</li> <li>• To maintain infrastructure including airstrips, buildings, fences, helipads, roads, stock yards, water facilities and constructed drains other than contour banks.</li> <li>• By the lessee to source construction timber to repair existing infrastructure if the infrastructure needs immediate repair and you do not cause land degradation and restore an area similar to the one you cleared.</li> </ul>	<ul style="list-style-type: none"> <li>• Category A area on a PMAV unless stipulated by the department on a notice issued under the <i>VMA or Sustainable Planning Act 2009</i>; or</li> <li>• Category B area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then remnant vegetation identified on a RE or remnant map.</li> <li>• In an area for which there is no PMAV then vegetation that is not mapped on a RE map or remnant map as remnant vegetation.</li> </ul>

**Table 5: Exemptions on a road under the *Land Act 1994***

Clearing purposes that are exempt on a road under the <i>Land Act 1994</i>	Vegetation status on vegetation management map
<ul style="list-style-type: none"> <li>• Carried out by a local government or the department that administers the <i>Transport Infrastructure Act 1994</i> and (a) necessary for constructing and maintaining road infrastructure or sourcing construction material for roads.</li> <li>• Carried out by a local government and is for an activity, approved by the chief executive administering the VMA, that is carried out:               <ul style="list-style-type: none"> <li>◦ to remove, under a management plan for the local government’s area or part of its area, declared pests or vegetation that is not native vegetation, and</li> <li>◦ in response to an emergency situation or a natural disaster.</li> </ul> </li> <li>• To remove or reduce imminent risk of serious personal injury or damage to infrastructure posed by vegetation.</li> <li>• To maintain infrastructure (other than fences) located on the road.</li> <li>• To maintain an existing boundary fence to the maximum width of 1.5 metres.</li> <li>• By fire under <i>the Fire and Rescue Service Act 1990</i> to reduce hazardous fuel load.</li> <li>• To maintain an existing firebreak or garden located on the road.</li> <li>• That is necessary to maintain reasonable access to adjoining land from the existing formed road for a distance of up to 100 metres and a maximum of 10 metres wide.</li> </ul>	<ul style="list-style-type: none"> <li>• Category A area on a PMAV unless stipulated by the department on a notice issued under the VMA or <i>Sustainable Planning Act 2009</i>; or</li> <li>• Category B area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then remnant vegetation identified on an RE or remnant map.</li> <li>• In an area for which there is no PMAV then vegetation that is not mapped on a RE map or remnant map as remnant vegetation.</li> </ul>
<ul style="list-style-type: none"> <li>• Any purpose carried out by a local government in an urban area.</li> </ul>	<ul style="list-style-type: none"> <li>• Least concern RE that is shown as remnant vegetation on an RE or remnant map; or</li> <li>• Shown on a RE map or a remnant map as vegetation that is not remnant vegetation.</li> </ul>

**Table 6: Exemptions on trust land**

Clearing purposes that are exempt on trust land under the <i>Land Act 1994</i>	Vegetation status on vegetation management map
<ul style="list-style-type: none"> <li>• Carried out by the trustee for any purpose.</li> </ul>	<ul style="list-style-type: none"> <li>• Category X area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then vegetation that is not mapped on a RE map or remnant map as remnant vegetation.</li> </ul>
<ul style="list-style-type: none"> <li>• For an activity approved by the chief executive administering the VMA, that is carried out for the purpose of maintaining the trust land for the purpose for which it was granted and is necessary:               <ul style="list-style-type: none"> <li>○ to maintain a necessary fence, road or vehicular track; or</li> <li>○ to maintain necessary built infrastructure, other than contour banks, fences, roads or vehicular tracks; or</li> <li>○ to remove, under a management plan for the land, declared pests or vegetation that is not native vegetation.</li> </ul> </li> <li>• Carried out by the trustee:               <ul style="list-style-type: none"> <li>○ to establish or maintain a necessary fire break to protect infrastructure, other than a fence or road if the maximum width of fire break is 1.5 times the height of the tallest adjacent tree or 20 metres, whichever is the greater</li> <li>○ to establish a necessary fire management line that is up to 10 metres wide</li> <li>○ to maintain a garden or orchard if you do not clear the canopy trees when maintaining the garden or orchard</li> <li>○ to remove or reduce imminent risk of serious personal injury or damage to infrastructure posed by the vegetation</li> <li>○ by fire under the <i>Fire and Rescue Service Act 1990</i> to reduce hazardous fuel load</li> <li>○ to maintain infrastructure including airstrips, buildings, fences, helipads, roads, stock yards, water facilities and constructed drains other than contour banks</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Category B area on a PMAV; or</li> <li>• In an area for which there is no PMAV, then remnant vegetation identified on a RE or remnant map.</li> <li>• In an area for which there is no PMAV then vegetation that is not mapped on a RE map or remnant map as remnant vegetation.</li> </ul>

**Table 7: Exemptions for unallocated State land**

Clearing purposes that are exempt on unallocated State land	Vegetation status on vegetation management map
<ul style="list-style-type: none"> <li>• Carried out by the chief executive administering the <i>Land Act 1994</i>:                             <ul style="list-style-type: none"> <li>o to establish or maintain a necessary fire break to protect infrastructure, other than a fence or road if the maximum width of fire break is 1.5 times the height of the tallest adjacent tree or 20 metres, whichever is the greater</li> <li>o to establish a necessary fire management line that is up to 10 metres wide</li> <li>o to maintain a garden or orchard if you do not clear the canopy trees when maintaining the garden or orchard</li> <li>o to remove or reduce imminent risk of serious personal injury or damage to infrastructure posed by vegetation</li> <li>o by fire under the <i>Fire and Rescue Service Act 1990</i> to reduce hazardous fuel load</li> <li>o to maintain infrastructure including airstrips, buildings, fences, helipads, roads, stock yards, water facilities and constructed drains other than contour banks</li> <li>o to control declared pests or non-native vegetation</li> <li>o in an urban development area.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Any native woody vegetation.</li> </ul>

**Table 8: Exemptions on land subject to a licence or permit**

Clearing purposes that are exempt on land subject to a licence or permit	Vegetation status on vegetation management map
<ul style="list-style-type: none"> <li>• Carried out by the licensee or permittee and is necessary:                             <ul style="list-style-type: none"> <li>o to establish or maintain a necessary fire break to protect infrastructure, other than a fence or road if the maximum width of fire break is 1.5 times the height of the tallest adjacent tree or 20 metres, whichever is the greater</li> <li>o to establish a necessary fire management line that is up to 10 metres wide</li> <li>o to maintain a garden or orchard if you do not clear the canopy trees when maintaining the garden or orchard</li> <li>o to remove or reduce imminent risk of serious personal injury or damage to infrastructure posed by vegetation</li> <li>o by fire under the <i>Fire and Rescue Service Act 1990</i> to reduce hazardous fuel load</li> <li>o to maintain infrastructure including airstrips, buildings, fences, helipads, roads, stock yards, water facilities and constructed drains other than contour banks</li> <li>o in an urban development area.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Any native woody vegetation.</li> </ul>

## Glossary

A category A area is an area that—

- (a) is any of the following—
  - (i) a declared area;
  - (ii) an offset area;
  - (iii) an exchange area; or
- (b) has been unlawfully cleared; or
- (c) is, or has been, subject to—
  - (i) a restoration notice; or
  - (ii) an enforcement notice under the Planning Act containing conditions about restoration of vegetation; or
- (d) has been cleared of native vegetation and in relation to the clearing a person has been found guilty by a court, whether or not a conviction has been recorded, of a clearing offence; or
- (e) the chief executive decides under section 20BA is a

**A category B area** is an area, other than a category A area—

- (a) shown on a regional ecosystem map or remnant map as remnant vegetation; or
- (b) that, if section 20AN does not apply to the area, is a Land Act tenure to be converted under the *Land Act 1994* to another form of tenure and is or contains an endangered regional ecosystem, of concern regional ecosystem or a least concern regional ecosystem.

**A category C area** is an area, other than a category A area, that contains regrowth vegetation that is—

- (a) an endangered regional ecosystem, of concern regional ecosystem or a least concern regional ecosystem that has not been cleared since 31 December 1989; and
- (b) either—
  - (i) shown on a regional ecosystem map or remnant map as remnant vegetation; or
  - (ii) shown on a regrowth vegetation map as high value regrowth vegetation.

**A category X area** is an area, other than a category A area or category C area, in which clearing of vegetation has happened and that, when a PMAV applying to the area was made, did not contain remnant vegetation or vegetation shown on the regional ecosystem map or remnant map as remnant vegetation.

However, an area is not a category X area if the chief executive decides under section 20CA the area is not a category X area.’.

**forest practice**, defined in IPA, schedule 10 (or equivalent SPA provisions, once commenced). The term refers to—

Forest practice means planting trees, or managing, felling and removing standing trees, on freehold land or Indigenous land, for an ongoing forestry business in a—

- a) plantation; or
- b) native forest if, in the native forest—
  - i) all the activities are conducted in a way that is consistent with the native forest practice code; or
  - ii) if the native forest practice code does not apply to the activities, all the activities are conducted in a way that—
    - A) ensures restoration of a similar type, and to the extent of the removed trees; and
    - B) ensures trees are only felled for the purpose of being sawn into timber or processed into another value added product (other than woodchips for an export market); and
    - C) does not cause land degradation.

The term includes carrying out limited associated work including, for example, drainage, construction and maintenance of roads and vehicular tracks, and other necessary engineering works.

The term does not include clearing vegetation for the initial establishment of a plantation.

**key resource area**, defined in IPA, schedule 10 (or equivalent SPA provisions, once commenced). The term refers to an area identified as a key resource area in the document called ‘State Planning Policy 2/07—Protection of Extractive Resources’, a State planning policy under the Planning Act that took effect on 3 September 2007.

**regrowth clearing authorisation** means—

- (1) The relevant entity may in the application period apply to the chief executive for an authorisation (a regrowth clearing authorisation) to clear the regulated regrowth vegetation in a way other than in compliance with the regrowth vegetation code.
- (2) The application must—
  - (a) be made in the approved form; and
  - (b) state the real property description of the land on which the proposed clearing is to take place; and
  - (c) state the location and extent of the area proposed to be cleared under the regrowth clearing authorisation; and
  - (d) be accompanied by evidence satisfactory to the chief executive to show—

- (i) the relevant entity is carrying on a primary production business; and
- (ii) the purpose of the proposed clearing; and
- (iii) that clearing the regulated regrowth vegetation in compliance with the regrowth vegetation code would cause the relevant entity financial hardship to an extent that would stop the relevant entity's primary production business from operating.

**regulated regrowth vegetation**, defined in VMA, schedule, dictionary to be vegetation—

- a) identified on the regrowth vegetation map as high-value regrowth vegetation; or
- b) located within 50m of a watercourse identified on the regrowth vegetation map as a regrowth watercourse; or
- c) contained in a category C area shown on a PMAV.

The exact location of a watercourse mentioned in paragraph b) depends upon the location of the watercourse from time to time.

**significant community projects** means—

projects the chief executive considers have an aesthetic, conservation, cultural or economic benefit to a local or regional community or the State, including—

- (a) a project that serves an essential need of the community; Examples—essential infrastructure, school

and

- (b) a project that significantly improves the community's access to services. Examples—hospital, State or local government library or museum'.

**Urban development area** means an urban development area under the *Urban Land Development Authority Act 2007*.

**urban area**, defined in IPA, schedule 10 (or equivalent SPA provisions, once commenced), and the term refers to—

- a) an area identified in a gazette notice by the chief executive under VMA as an urban area; or
- b) if no gazette notice has been published—an area identified as an area intended specifically for urban purposes, including future urban purposes (but not rural residential or future rural residential purposes) on a map in a planning scheme that—
  - i) identifies the areas using cadastral boundaries; and
  - ii) is used exclusively or primarily to assess development applications

For example for b): a zoning map.

**urban purposes**, defined in IPA, schedule 10 (or equivalent SPA provisions), and the term refers to purposes for which land is used in cities or towns, including residential, industrial, sporting, recreation and commercial purposes, but not including environmental, conservation, rural, natural or wilderness area purposes.