

## 52.17 NATIVE VEGETATION

~~VC-02/04/2015~~  
VC124

### Purpose

To ensure permitted clearing of native vegetation results in no net loss ~~in the contribution made by native vegetation~~ to Victoria's biodiversity. This is achieved ~~through by applying~~ the following three step approach in accordance with the Native vegetation clearing – Assessment guidelines, Department of Environment, Land, Water and Planning, 2017 (Assessment guidelines):

- Avoid the removal, destruction or lopping of native vegetation ~~that makes a significant contribution to Victoria's biodiversity.~~
- Minimise impacts ~~on Victoria's biodiversity~~ from the removal, destruction or lopping of native vegetation that cannot be avoided.
- ~~Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.~~ Provide an offset if a permit is granted to remove, destroy or lop native vegetation.

To manage the clearing of native vegetation to minimise land and water degradation.

~~To manage native vegetation near buildings to reduce the threat to life and property from bushfire.~~

### ~~52.17-1~~ ~~Native vegetation precinct plans~~

~~15/09/2008~~  
~~VC49~~

~~This clause does not apply if a Native vegetation precinct plan corresponding to the land is incorporated into this scheme.~~

### 52.17-21 Permit requirement

~~VC-~~  
~~20/12/2013~~  
VC105

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. ~~This does not apply:~~

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.
- ~~To an area specified in the schedule to this clause.~~

~~VC-~~  
~~20/12/2013~~  
VC105

### ~~Class of application~~

~~An application to remove, destroy or lop native vegetation must be classified as one of the following risk-based pathways: low, moderate or high, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). The application requirements and decision guidelines included in this clause must be applied in accordance with the classified pathway.~~

### 52.17-32 Application requirements

~~All applications to remove, destroy or lop native vegetation must comply with the General application requirements.~~

~~An application in the moderate or high risk based pathway must also comply with the moderate and high risk based pathway application requirements.~~

**General For all applications requirements**

~~All~~ An application s to remove, destroy or lop native vegetation must be accompanied by the following information, ~~as appropriate~~:

- The location category and assessment pathway of the application, determined in accordance with the Assessment guidelines.
- ~~▪ The location of the native vegetation to be removed.~~
- The site address where the native vegetation is to be removed, destroyed or lopped.
- Maps or plans containing information set out in the Assessment guidelines.
- ~~▪ A description of the native vegetation to be removed, including the area of the patch of native vegetation and/or the number of any scattered trees to be removed. information set out in the Guidelines.~~
- ~~▪ Maps or plans containing information set out in the Permitted clearing of native vegetation — Biodiversity assessment guidelines, (Department of Environment and Primary Industries, September 2013).~~
- ~~▪ Recent dated photographs of the native vegetation to be removed.~~
- Topographic and land information, highlighting showing ridges, crests and hilltops, streams wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate.
- A description of the native vegetation to be removed, destroyed or lopped, as set out in the Assessment guidelines.
- Recent photographs of the native vegetation to be removed, destroyed or lopped and the date the photographs were taken.
- Details of any other native vegetation that was permitted to be removed, destroyed or lopped on the same property with the same ownership in the five year period before the application for a permit to remove, destroy or lop native vegetation is lodged.
- An avoid and minimisation statement explaining why the native vegetation removal, destruction or lopping cannot be avoided and how impacts on biodiversity and other values of native vegetation have been minimised, as set out in the Assessment guidelines.
- A copy of any property vegetation plan that applies to the site.
- Where the removal, destruction or lopping of native vegetation is to create defensible space, a statement explaining why the removal, destruction or lopping of native vegetation is necessary. This statement must have regard to other available bushfire risk mitigation measures. This requirement does not apply to the creation of defensible space in conjunction with an application under the Bushfire Management Overlay.
- The offset requirement, determined in accordance with the Assessment guidelines, that will apply if the native vegetation is permitted to be removed, destroyed or lopped.
- An offset statement, in accordance with the Assessment guidelines, that explains how the offset will be secured.
- ~~▪ Where the removal, destruction or lopping of vegetation is to create defensible space, a statement explaining why removal, destruction or lopping of native vegetation is required having regard to other available bushfire risk mitigation measures. This does~~

~~not apply to the creation of defensible space in conjunction with an application under the Bushfire Management Overlay.~~

- ~~▪ Details of any other native vegetation that was permitted to be removed on the same property with the same ownership in the five year period before the application for a permit to remove native vegetation is lodged.~~
- ~~▪ The strategic biodiversity score of the native vegetation to be removed.~~

~~The offset requirement if the native vegetation is permitted to be removed.~~ **For**  
**an application in the Moderate and high risk-based Detailed Assessment**  
**pPathway application requirements**

An application ~~included~~ in the ~~moderate and high risk-based~~ **Detailed aAssessment**  
**pPathway** must also be accompanied by the following ~~information~~ **information**, as appropriate:

- ~~▪ A habitat hectare assessment of the native vegetation to be removed.~~
  - ~~▪ A statement outlining what steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.~~
  - ~~▪ An assessment of whether the proposed removal of native vegetation will have a significant impact on Victoria's biodiversity, with specific regard to the proportional impact on habitat for any rare or threatened species.~~
  - ~~▪ An offset strategy that details how a compliant offset will be secured to offset the biodiversity impacts of the removal of native vegetation.~~
- A site assessment report, as set out in the Assessment guidelines.
  - Information about impacts on rare or threatened species habitat, as set out in the Assessment guidelines.

**52.17-43 Property vegetation plans**

~~VC-~~  
~~16/03/2006~~  
~~VC38~~

Any permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan **must include the following condition:**

**“This permit will expire if one of the following circumstances applies:**

- ~~· the removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.~~
- ~~· the removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”~~

~~▪ May include conditions which reflect relevant restrictions or obligations contained in that plan.~~

~~▪ Must include the following condition:~~

~~“This permit will expire if one of the following circumstances applies:~~

- ~~· the development or any stage of it does not start within ten years of the date of this permit.~~
- ~~· the development or any stage of it is not completed within ten years of the date of this permit.”~~

## 52.17-54 Decision guidelines

~~VC-~~  
20/12/2013  
VC105

Before deciding on an application, in addition to the decision guidelines ~~at~~ Clause 65, the responsible authority must consider, ~~as appropriate:~~ the following:

### **Biodiversity considerations**

#### **For all applications**

- Impacts on other values of the native vegetation to be removed, destroyed or lopped, including land and water protection, landscape values and native vegetation protected under the *Aboriginal Heritage Act 2006*, as set out in the *Assessment guidelines*.
- Whether reasonable steps have been taken to avoid and minimise impacts from the removal, destruction or lopping of native vegetation, as set out in the *Assessment guidelines*.
- Whether other bushfire risk mitigation measures have been used to minimise the removal, destruction or lopping of native vegetation, if the native vegetation is to be removed, destroyed or lopped to create defendable space to reduce the risk of bushfire to life and property.
- Whether the proposed removal, destruction or lopping of native vegetation is in accordance with any property vegetation plan that applies to the site.
- Whether an offset that meets the offset requirements for the native vegetation to be removed, destroyed or lopped has been identified and can be secured, in accordance with the *Assessment guidelines*.
- ~~▪ The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:
  - ~~▪ The extent and condition of the native vegetation.~~
  - ~~▪ The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.~~~~
- ~~▪ Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.~~

#### **For an application considered under the moderate risk-based pathway**

- ~~▪ Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.~~
- ~~▪ That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) has been identified.~~

#### **For an application in the ~~medium-Intermediate~~ ~~aAssessment~~ ~~pPathway~~ or ~~dDetailed~~ ~~aAssessment~~ ~~pPathway~~**

- Impacts on the biodiversity value of the native vegetation to be removed, destroyed or lopped, as set out in the *Assessment guidelines*.

## ~~For an application considered under the high risk-based pathway~~

- ~~▪ Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.~~
- ~~▪ Whether the native vegetation to be removed makes a significant contribution to Victoria's biodiversity.~~
- ~~▪ That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the Permitted clearing of native vegetation — Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) has been identified.~~

### ~~Other matters~~

~~The responsible authority must also consider the following issues, as appropriate:~~

- ~~▪ The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.~~
  - ~~▪ The role of native vegetation in:
    - ~~• Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the *Catchment and Land Protection Act 1994*.~~
    - ~~• Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly:
      - ~~• Where ground slopes are more than 20 per cent.~~
      - ~~• On land which is subject to soil erosion or slippage.~~
      - ~~• In harsh environments, such as coastal or alpine area.~~
      - ~~• Preventing adverse effects on groundwater quality on land:
        - ~~• Where groundwater recharge to saline waterbodies occurs.~~
        - ~~• That is in proximity to a discharge area.~~
        - ~~• Which is a known recharge area.~~~~~~~~
- ~~▪ In the case of timber production, the benefits of including a condition requiring operations to be carried out in accordance with any relevant code of practice under Part 5 of the *Conservation, Forests and Land Act 1987*.~~
- ~~▪ Managing native vegetation to preserve identified landscape values.~~
- ~~▪ The conservation of native vegetation protected under the *Aboriginal Heritage Act 2006*.~~

### 52.17-65 Offset requirements

~~20/12/2013~~  
~~VC-~~  
VC105

The biodiversity impacts ~~from~~<sup>of</sup> the removal, destruction or lopping of native vegetation are required to be offset, in accordance with the Assessment guidelines, ~~the *Permitted clearing of native vegetation — Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013)~~. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify ~~the~~<sup>is</sup> offset requirement. ~~The offset requirements must take account of:~~

~~The location of the native vegetation to be removed.~~

~~The condition and extent of native vegetation to be removed.~~

~~The strategic biodiversity score of the native vegetation to be removed.~~

~~Whether the native vegetation to be removed is important habitat for rare or threatened species, and the proportional impact of the removal on those species' habitat.~~

## 52.17-6 Transitional arrangements

~~---/20--~~  
~~VC--~~  
~~DD/MM/YYYY~~  
~~Proposed~~

The requirements of Clause 52.17 of this scheme in force immediately before [INSERT GAZETTAL DATE] continue to apply to an application lodged before this date.

## 52.17-7 Table of exemptions

~~---/20--~~  
~~VC--02/04/2015~~  
~~VC124~~

The requirement to obtain a permit ~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following does not apply to:~~

**Conservation work** ~~▪~~ Native vegetation removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work in accordance with a conservation management plan which:

- demonstrates a no net loss to biodiversity; and
- is approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

**Crown Land** ~~▪~~ Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~to manage Crown land. The works must be:~~

- by or on behalf, or with the written permission of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987), and in accordance with the Crown land clearing procedure; ~~and/or~~
- on Crown land managed by or on behalf of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987) with written permission by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987); ~~or~~
- The vegetation is to be removed, destroyed or lopped on Crown land and by a person acting under and in accordance with an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010.

**Dead vegetation** ~~▪~~ Dead ~~The native vegetation is dead.~~

This exemption does not apply to:

- aa standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level; ~~or.~~
- native vegetation which has been deliberately destroyed as a result of unlawful activity.

The requirement to obtain a permit ~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following does not apply to:~~

- Emergency works**
- Native vegetation removed, destroyed or lopped:
    - by or on behalf of a public authority or municipal council to create an emergency access or to enable emergency works; or-
    - ~~where it~~ The native vegetation presents an immediate risk of personal injury or damage to property, ~~-and-~~ Only that part of the vegetation which that presents the immediate risk ~~is-~~ may be removed, destroyed or lopped under this exemption. ~~By or on behalf of a public authority or municipal council to create an emergency access or to enable emergency works.~~

- Existing ~~and approved~~ buildings**
- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~To~~ to enable the use or maintenance of a building constructed in accordance with a planning permit or building permit issued before 15 September 2008.:
    - ~~Construction of a building approved by a planning permit granted under this planning scheme or by building permit granted under Building Act 1993, before 15 September 2008.~~
    - ~~Use and maintenance of a building constructed or approved by a planning permit granted under this planning scheme or by building permit granted under Building Act 1993, before 15 September 2008.~~
- This exemption does not apply to:
- ~~Enable~~ the operation or maintenance of a fence; ~~or-~~
  - ~~N~~native vegetation located more than 10 metres from the outermost point of the a-building.

- Existing buildings and works in the Farming Zone and Rural Activity Zone**
- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~To~~ to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway, in the Farming Zone or the Rural Activity Zone.
- This exemption does not apply to:
- ~~The~~ use or maintenance of a ~~D~~dwelling; ~~or-~~
  - ~~The~~ operation or maintenance of a fence; ~~or-~~
  - ~~n~~Native vegetation located more than 10 metres from the outermost point of the a-building or works.

The requirement to obtain a permit to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following does not apply to:

**Fences**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary to enable the operation or maintenance of an existing fence within a property. The total width of clearing must not exceed 4 metres.:
- Native vegetation removed, destroyed or lopped to the minimum extent necessary to enable the construction or maintenance of a boundary fence on a boundary between properties in different ownership provided that:
  - the total width of clearing between two properties does not exceed 4 metres; and
  - if the clearing is between private and public land, the private landowner can clear up to 1 metre on public land, provided the public land manager has given consent.~~adjacent freehold landowners only clear up to 1 metre on the public land side of a fence, and~~
  - ~~public land manager or land owner consent has been given to remove, destroy or lop the native vegetation on the adjacent side of the fence.~~Operation or maintenance of an existing fence.
- ~~The combined maximum width of clearing permitted either side of the fence under this exemption is 4 metres.~~

The requirement to obtain a permit ~~No permit is required~~ to remove, destroy or lop native vegetation ~~to the minimum extent necessary if any of the following does not apply to:~~

**Fire protection**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary to carry out any of the following ~~For fire protection fighting measures activities:~~
  - fire fighting; ~~or~~
  - planned burning; ~~or~~
  - the making or maintenance of a fuelbreak, fire fighting access track or fire control line (or any combination thereof) that does not exceed a combined width of 6 metres;
    - ~~— making or maintenance of a fire control line up to 6 metres wide in preparation for a planned burn, or~~
    - ~~— periodic fuel reduction burning, or the making or maintenance of a fuel break or fire fighting access track up to 6 metres wide, or~~
    - ~~— making or maintenance of a fire fighting access track up to 6 metres wide, or~~
  - For the making of a strategic fuelbreak up to 40 metres wide by or on behalf of a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*); ~~or. The maximum width of a fuelbreak must not exceed 40 metres.~~
  - ~~The native vegetation is a tree overhanging the roof of a building used for Accommodation. This exemption only allows the removal, destruction or lopping of that part of the tree which is overhanging the building and which is necessary for fire protection.~~
  - In accordance with a fire prevention notice issued under either:
    - SSection 65 of the *Forests Act 1958*; ~~or~~
    - SSection 41 of the *Country Fire Authority Act 1958*; ~~or~~
    - ~~Section 8 of the Local Government Act 1989.~~
  - To keeping native vegetation clear of, or minimising the risk of bushfire ignition from, whole or any part of any native vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*; ~~or~~
    - ~~In accordance with any code of practice prepared in accordance with Part 8 of the *Electricity Safety Act 1998* in order to minimise the risk of bushfire ignition in the proximity of electricity lines.~~
    - Minimising the risk ~~To reduce fuel loads on roadsides to minimise the risk to life and property from bushfire~~ on a roadside of a public road of an existing public road managed by the relevant responsible road authority (as defined by the *Road Management Act 2004*) in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).
  - In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.

Note: ~~Further Additional~~ permit exemptions for bushfire protection are provided ~~can be found~~ at Clause 52.48.

The requirement to obtain a permit ~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following does not apply to:~~

<p><b>Geothermal energy exploration and extraction</b></p>	<ul style="list-style-type: none"> <li>Native vegetation removed, destroyed or lopped to the <u>minimum extent necessary</u> <del>To enable the carry out of geothermal energy exploration or extraction</del> in accordance with <u>an operation plan approved under</u> the <i>Geothermal Energy Resources Act 2005</i>.</li> </ul>
<p><b>Grasses</b></p>	<ul style="list-style-type: none"> <li><del>For Native grass mowed or slashed of grass</del> for maintenance only, <u>provided that the grass is:-</u> <ul style="list-style-type: none"> <li><del>Under this exemption the grass must be:</del> <ul style="list-style-type: none"> <li><del>L</del>located within a lawn, garden or other <u>planted landscaped</u> area; or</li> <li><del>M</del>maintained at a height of at least 100 <u>millimetres centimetres</u> above ground level.</li> </ul> </li> </ul> </li> </ul>
<p><b>Grazing</b></p>	<ul style="list-style-type: none"> <li><del>For</del> Grazing by domestic stock <u>on:-</u> <ul style="list-style-type: none"> <li><u>freehold land; or</u></li> <li><u>Crown land in accordance with a licence or lease granted under applicable legislation. This exemption allows grazing on unused roads specified under Section 400 of the Land Act 195</u></li> </ul> </li> </ul>
<p><b>Greenhouse gas sequestration (including exploration)</b></p>	<ul style="list-style-type: none"> <li>Native vegetation removed, destroyed or lopped to the <u>minimum extent necessary</u> <del>To enable the carrying out of greenhouse gas sequestration</del> in accordance with <u>an operation plan approved under</u> the <i>Greenhouse Gas Geological Sequestration Act 2008</i>.</li> </ul>
<p><b>Greenhouse gas sequestration exploration</b></p>	<ul style="list-style-type: none"> <li><del>To enable the carrying out of greenhouse gas sequestration exploration in accordance with the Greenhouse Gas Geological Sequestration Act 2008.</del></li> </ul>
<p><b>Harvesting for timber production – naturally established native vegetation</b></p>	<ul style="list-style-type: none"> <li>Native vegetation removed, destroyed or lopped in accordance with the <u>Code of Practice for Timber Production 2014</u> <del>To enable the carrying out of timber harvesting operations and associated activities which are:</del> <ul style="list-style-type: none"> <li><del>Undertaken</del> on public land under a licence <u>or permit</u> issued by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>) under section 52 of the <i>Forests Act 1958</i>; or</li> <li><u>under a plan prepared under</u> <del>Authorised in accordance with</del> Part 5 of the <i>Sustainable Forests (Timber) Act 2004</i>.</li> </ul> </li> </ul>
<p><b>Land management or directions notice Land management notices</b></p>	<ul style="list-style-type: none"> <li>Native vegetation removed, destroyed or lopped to the <u>minimum extent necessary</u> to comply with a land management or directions notice served under the <i>Catchment and Land Protection Act 1994</i>. <del>Native vegetation removed, destroyed or lopped to the minimum extent necessary To comply with a land management notice issued under the Catchment and Land Protection Act 1994.</del></li> </ul>
<p><b>Land use conditions</b></p>	<ul style="list-style-type: none"> <li>Native vegetation removed, destroyed or lopped to the <u>minimum extent necessary</u> <del>t</del>o comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i>.</li> </ul>

The requirement to obtain a permit ~~No permit is required~~ to remove, destroy or lop native vegetation ~~to the minimum extent necessary if any of the following does not apply to:~~

**Lopping and pruning for maintenance**

- ~~Lopping Pruning~~ or ~~pruning lopping~~ native vegetation, for ~~maintenance only and provided~~ no more than 1/3 of the foliage ~~is removed from any of each~~ individual plant ~~is lopped or pruned~~.

This exemption does not apply to:

- ~~the P~~ pruning or lopping of the trunk of a native tree ~~or shrub~~; or
- ~~n~~ Native vegetation on a roadside ~~within a road~~ or railway reservation.

**Mineral exploration and extraction**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, or prospecting license issued under the *Mineral Resources (Sustainable Development) Act 1990* in accordance with:
  - low impact exploration as defined under Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or
  - a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.
- \* Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration. ~~To enable the carrying out of Mineral exploration.~~

**Mineral extraction**

- ~~To enable the carrying out of Mineral extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.~~

**New buildings and works in the Farming Zone and Rural Activity Zone**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~T~~to enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree ~~;~~
- 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 ~~;~~
- 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.

~~—~~ This exemption does not apply ~~;~~

- ~~T~~to the construction or operation of a pivot irrigation system or horticultural trellising.

The requirement to obtain a permit ~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following does not apply to:~~

**New dwellings in the Farming Zone and Rural Activity Zone**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~To~~ to enable the construction of a ~~D~~dwelling, in the Farming Zone or the Rural Activity Zone.

The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period ~~is~~ must not exceed any of the following:

- 300 square metres of native vegetation which does not include a tree~~;~~
- 5 native trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level~~;~~
- 1 native tree if the tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

~~—~~ This exemption does not apply ~~:~~

- ~~To~~ native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court, or horse ménage ~~or swimming pool.~~

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**Personal use**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~removal by cutting only~~ to obtain reasonable amounts of wood for personal use by the owner or occupier of the land.

- ~~For the purpose of this exemption, P~~personal use means ~~includes uses such as heating and cooking, wood used for firewood, building and fence the construction of fences and buildings~~ on the ~~same~~ land, and hobbies such as arts and craft.

This exemption does not apply to:

- living native vegetation, which together with all contiguous land in one ownership has an area of less than 10 hectares; or
- the removal, destruction or lopping of native vegetation by means other than cutting or chopping; or
- a Sstanding native tree (including a living and dead tree)s with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. ~~Living native vegetation on contiguous land in the same ownership with an area less than 10 hectares.~~

The requirement to obtain a permit ~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following does not apply to:~~

**Pest animal burrows**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~to~~ to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:
  - ~~Unless~~ in accordance with the written agreement of an officer of the ~~D~~department responsible for administering the *Flora and Fauna Guarantee Act 1998*; ~~or~~
  - provided the maximum extent of native vegetation removed, destroyed or lopped ~~under this exemption~~ on contiguous land in the same ownership in a five year period ~~must~~ does not exceed any of the following:
    - 1 hectare of native vegetation which does not include a tree;
    - 15 native trees if each tree has a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

**Planted vegetation**

- Native vegetation removed, destroyed or lopped that was ~~The native vegetation has been~~ either planted or grown as a result of direct seeding.

This exemption does not apply to native vegetation planted or managed:

  - in accordance with ~~a permit condition or enforcement order issued under the *Planning and Environment Act 1987*; or~~
  - ~~for Crop raising, Extensive animal husbandry, aesthetic or amenity purposes, including: agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts, woodlots, street trees, gardens or the like.~~
  - This exemption does not apply if ~~with~~ public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with the written permission of the public body (or its successor) that provided the funding ~~was provided to assist in planting or managing the native vegetation and the terms of the funding did not anticipate removal or harvesting of the vegetation.~~

**Railways**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~to~~ to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary ~~of~~ to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

The requirement to obtain a permit ~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following does not apply to:~~

**Regrowth**

- Native vegetation removed, destroyed or lopped that has ~~For regrowth which has~~ naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:
  - ~~L~~ess than 10 years old; or
  - ~~B~~racken (*Pteridium esculentum*); or
  - ~~L~~ess than ten years old at the time of a ~~P~~roperty ~~V~~egetation ~~P~~lan being signed by the Secretary ~~of to~~ the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*); and is
    - ~~-~~shown on that Plan as being 'certified regrowth'; ~~and;~~
    - ~~and is~~ on land that is to be used or maintained for cultivation or pasture during the term of that Plan; or
    - ~~W~~ithin the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.

This exemption does not apply to land ~~where on which~~ native vegetation has been ~~cleared-destroyed~~ or otherwise ~~destroyed or~~ damaged as a result of flood, fire or other natural disaster.

**Road safety**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~To maintain the safe and efficient function of an existing road managed~~ by a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary ~~of to~~ the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

**Stone exploration**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~To~~ enable the carrying out of ~~the~~ **Stone exploration**.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree;
- 15 native trees ~~with if each tree has~~ a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level;
- 5 native trees ~~with if each tree has~~ a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeaning and bulk sampling activities.

**Stone extraction**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~To enable the carrying out of Stone extraction~~ in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority ~~granted~~ under that Act.

The requirement to obtain a permit ~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following does not apply to:~~

<b>Site area</b>	<ul style="list-style-type: none"><li>▪ <u>Native vegetation removed, destroyed or lopped to the minimum extent necessary</u> <del>The native vegetation is</del> on land, which, together with all contiguous land in one ownership, has an area of less than 0.4 hectares.</li></ul> <p>This exemption does not apply to native vegetation <u>on</u> <del>within</del> a <u>roadside or rail</u> reservation.</p>
<b>Stock movements on roads</b>	<ul style="list-style-type: none"><li>▪ <u>Native vegetation removed or destroyed by</u> <del>As a result of moving</del> stock <u>being moved</u> along a road.</li></ul> <p>This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.</p>
<b>Surveying</b>	<ul style="list-style-type: none"><li>▪ <u>Native vegetation removed, destroyed or lopped to the minimum extent necessary</u> by a licensed surveyor (within the meaning of section 3 of the <u>Surveying Act 2004</u>) using <u>hand-held tools</u> <del>To</del> establish <u>a</u> sight-lines for the measurement of land <del>by surveyors in the exercise of their profession, and if using hand-held tools.</del></li></ul>
<b>Utility installations</b>	<ul style="list-style-type: none"><li>▪ <u>Native vegetation removed, destroyed or lopped by, or on behalf of a utility service provider to the minimum extent necessary</u> <del>To maintain a Minor utility installation:-</del><ul style="list-style-type: none"><li>* <del>To maintain</del> <u>the safe and efficient function of</u> a <u>Minor Utility installation</u> <del>in accordance with a code(s) of practice approved by Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987), incorporated into this scheme and listed in the Schedule to this Clause;</del> <u>or</u></li><li>* <u>maintain or construct</u> <del>To enable the of</del> a Utility installation in accordance with <u>the written agreement of the</u> <del>a code(s) of practice approved by</del> Secretary <u>of</u> the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <u>Conservation, Forests and Lands Act 1987</u>), <del>incorporated into this scheme and listed in the Schedule to this Clause.</del></li></ul></li></ul>
<b>Vehicle access from public roads</b>	<ul style="list-style-type: none"><li>▪ <u>Native vegetation removed, destroyed or lopped to the minimum extent necessary</u> <del>To</del> enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road, <del>subject to authorisation from the relevant public land manager.</del></li></ul> <p><del>This exemption only applies to properties which share a common boundary with the road reserve.</del></p> <p><u>Under this exemption the</u> <del>The maximum</del> total width of <u>clearing native vegetation permitted to be removed, destroyed or lopped under this exemption is</u> <u>must not exceed</u> 6 metres.</p> <p>This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.</p> <p><u>In this exemption, roadside and public road have the same meanings as in section 3 of the Road Management Act 2004.</u></p> <p><u>Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.</u></p>

~~The requirement to obtain a permit~~ ~~No permit is required~~ to remove, destroy or lop native vegetation ~~to the minimum extent necessary if any of the following does not apply to:~~

**Weeds**

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~To~~ enable the removal or destruction of a weed listed in the schedule to ~~this e~~Clause 52.17.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree:-
- 15 native trees ~~if each tree has a~~ with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.