

52.16 NATIVE VEGETATION PRECINCT PLAN

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

Purpose

To provide for the protection, management and removal of native vegetation in accordance with a native vegetation precinct plan [incorporated into this scheme](#).

[To consider the removal, destruction or lopping of native vegetation not in accordance with a native vegetation precinct plan incorporated into this scheme.](#)

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 – aAssessment 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.~~

52.16-1 [Application Scope](#)

~~VC-~~
15/09/2008
VC49

This clause applies to land if a native vegetation precinct plan corresponding to that land is incorporated into this scheme [and listed in the schedule to this Clause](#).

52.16-2 [Permit requirement](#)

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

[A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:](#)

- [If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.](#)
- [To the removal, destruction or lopping of native vegetation specified in the table at Clause 52.16-8, unless a native vegetation precinct plan specifies otherwise.](#)

52.16-23 [Native vegetation precinct plans](#)

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

A native vegetation precinct plan is a plan relating to native vegetation within a defined area which is incorporated into this scheme and listed in the schedule to this clause.

A native vegetation precinct plan may form part of a more general strategic or precinct structure plan.

A native vegetation precinct plan may require specified works to be provided or specified payments to be made to offset the removal, destruction or lopping of native vegetation.

The ~~A~~ native vegetation precinct plan [prepared for incorporation into this scheme](#) must:

- Specify the purpose [and objectives](#) of the plan.
- Specify the area to which the plan applies.
- Specify the native vegetation which can be removed, destroyed or lopped.
- Specify the native vegetation to be protected.
- Set out the works, payments or other actions necessary to offset the removal, destruction or lopping of native vegetation.
- Relate the need for the works, payments or other actions to the proposed removal, destruction or lopping of native vegetation in the area.
- Provide for the procedures for the collection of any payments, [if applicable](#).

A native vegetation precinct plan may include any other information necessary to achieve the purpose and effective implementation of the plan.

~~52.16-3~~ Permit requirement

20/12/2013
VC105

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

- ~~▪ If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.~~
- ~~▪ To the removal, destruction or lopping of native vegetation specified in the table to Clause 52.16-4, unless a native vegetation precinct plan specifies otherwise.~~

~~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.~~

~~52.16-4~~ Table of exemptions

02/04/2015
VC124

~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:~~

~~Bracken~~

- ~~▪ The native vegetation is bracken (*Pteridium esculentum*) which has naturally established or regenerated on land lawfully cleared of naturally established vegetation.~~

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

~~Crown land~~

- ~~▪ 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*.~~

~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:~~

Emergency works	<ul style="list-style-type: none">• The native vegetation presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.• The native vegetation is to be removed, destroyed or lopped by a public authority or municipal council to create an emergency access or to enable emergency works.
Fire protection	<ul style="list-style-type: none">• The native vegetation is to be removed, destroyed or lopped for the making of a fuelbreak 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 <i>Conservation, Forest and Lands Act 1987</i>). The maximum width of a fuelbreak must not exceed 40 metres.• The native vegetation is to be removed, destroyed or lopped for fire fighting measures, fuel reduction burning, or the making of a fuel break up to 6 metres wide.• The native vegetation is ground fuel within 30 metres of a building.• The native vegetation is to be removed, destroyed or lopped in accordance with a fire prevention notice under:<ul style="list-style-type: none">• Section 65 of the <i>Forests Act 1958</i>.• Section 41 of the <i>Country Fire Authority Act 1958</i>.• Section 8 of the <i>Local Government Act 1989</i>.• The native vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the <i>Electricity Safety Act 1998</i>.• The native vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the <i>Electricity Safety Act 1998</i> in order to minimise the risk of bushfire ignition in the proximity of electricity lines.• The vegetation is to be removed, destroyed or lopped to reduce fuel loads on roadsides to minimise the risk to life and property from bushfire of an existing public road managed by the relevant responsible road authority (as defined by the <i>Road Management Act 2004</i>) 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 <i>Conservation, Forest and Lands Act 1987</i>). <p><i>Note: Further permit exemptions for bushfire protection can be found at Clause 52.48.</i></p>
Geothermal energy exploration and extraction	<ul style="list-style-type: none">• The native vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the <i>Geothermal Energy Resources Act 2005</i>.
Greenhouse gas sequestration exploration	<ul style="list-style-type: none">• The native vegetation is being removed, destroyed or lopped to enable the carrying out of greenhouse gas sequestration exploration in accordance with the <i>Greenhouse Gas Geological Sequestration Act 2008</i>.

~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:~~

Greenhouse gas sequestration	▪ The native vegetation is being removed, destroyed or lopped to enable the carrying out of greenhouse gas sequestration in accordance with the <i>Greenhouse Gas Geological Sequestration Act 2008</i>.
Land management notices	▪ The native vegetation is to be removed, destroyed or lopped to comply with land management notice issued under the <i>Catchment and Land Protection Act 1994</i>.
Land use conditions	▪ The native vegetation is to be removed, destroyed or lopped to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i>.
Mineral Exploration	▪ The native vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral exploration.
Mineral extraction	▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral extraction in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.
Post animal burrows	▪ The native vegetation is to be removed, destroyed or lopped to enable the removal of pest animal burrows in accordance with the written agreement of an officer of the Department responsible for administering the <i>Flora and Fauna Guarantee Act 1998</i>.
Planted vegetation	▪ The native vegetation has been planted or grown as a result of direct seeding for Crop raising or Extensive animal husbandry.
Railways	▪ The native vegetation is to be removed, destroyed or lopped 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 the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>).
Regrowth	▪ The native vegetation is regrowth which has naturally established or regenerated on land lawfully cleared of naturally established vegetation and is within 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 on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.
Road safety	▪ The native vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing road managed by a public authority or municipal council in accordance with the written agreement of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>).

~~No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:~~

- ~~**Stone exploration**~~
- ~~• The native vegetation is to be removed, destroyed or lopped to enable the carrying out of the Stone exploration.~~
 - ~~• 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 not exceed any of the following:~~
 - ~~• 1 hectare of vegetation which does not include a tree.~~
 - ~~• 15 trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.~~
 - ~~• 5 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 to native vegetation to be removed, destroyed or lopped to enable costeaning and bulk sampling activities.~~
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- ~~**Stone extraction**~~
- ~~• The native vegetation is to be removed, destroyed or lopped 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.~~
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- ~~**Surveying**~~
- ~~• The native vegetation is to be removed, destroyed or lopped for establishing sight lines for the measurement of land by surveyors in the exercise of their profession, and if using hand-held tools.~~
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52.16-54

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20/12/2013
Proposed
VC49E

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.~~
- ~~▪ 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 information, highlighting 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 ~~required~~ necessary. ~~having~~ 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.
- A statement which explains how the proposal responds to the Native vegetation precinct plan considerations at Clause 52.16-5.
- 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.
- ~~▪ 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.~~
- ~~▪ A written statement which explains how the proposal responds to the Precinct plan consideration in Clause 52.16-6.~~

For an application in the ~~D~~Moderate and high risk-based~~detailed~~ ~~a~~Assessment ~~p~~Pathway 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 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.
- ~~▪ 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.~~

52.16-65 Decision guidelines

~~VC-~~
~~20/12/2013~~
~~Proposed~~

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

Biodiversity considerations

For all applications

- [Native vegetation precinct plan considerations, including:](#)
 - [The purpose and objectives of the native vegetation precinct plan.](#)
 - [The effect on native vegetation identified for protection in the native vegetation precinct plan.](#)
 - [The potential for the effectiveness of the native vegetation precinct plan to be undermined.](#)
 - [The potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for protection in the native vegetation precinct plan.](#)
 - [Offset requirements in the native vegetation precinct plan.](#)
- [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 defensible 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, September 2013* has been identified.~~

For an application in the Intermediate Assessment Pathway or Detailed Assessment Pathway

- 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.~~

~~Precinct plan considerations~~

- ~~▪ The purpose and objectives of the native vegetation precinct plan.~~
- ~~▪ The effect on native vegetation identified for protection in the native vegetation precinct plan.~~
- ~~▪ The potential for the effectiveness of the native vegetation precinct plan to be undermined.~~
- ~~▪ The potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for protection in the native vegetation precinct plan.~~
- ~~▪ Offset requirements in the native vegetation precinct plan.~~

~~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.~~

52.16-76 Offset requirements

~~VC-~~
~~20/12/2013~~
~~Proposed~~

The biodiversity impacts ~~from~~of 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 is 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.~~

52.16-7 Transitional arrangements

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

The requirements of Clause 52.16 of this scheme in force immediately before [INSERT GAZETTAL DATE] continue to apply to an application lodged before this date.

52.16-8 Table of exemptions

~~VC-~~
~~02/04/2015~~
~~Proposed~~
~~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:~~

Bracken

- ~~▪ The native vegetation is bracken (*Pteridium esculentum*) which has naturally established or regenerated on land lawfully cleared of naturally established vegetation.~~

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

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~~

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:~~

- 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 ~~The~~ vegetation ~~is to be~~ removed, destroyed or lopped to the **minimum extent necessary** to ~~on~~ manage Crown land:
 - by or on behalf 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; ~~or~~
 - ~~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*.

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 ~~e~~Only that part of the vegetation which that presents the immediate risk may be ~~is~~ removed, destroyed or lopped under this exemption.~~
 - ~~The native vegetation is to be removed, destroyed or lopped by a public authority or municipal council to create an emergency access or to enable emergency works.~~

Fire protection

- Native vegetation removed, destroyed or lopped to the **minimum extent necessary** to carry out any of the following fire protection activities:
 - fire fighting; ~~or~~
 - planned burning; ~~or~~
 - ~~making or maintenance of a fire control line up to 6 metres wide in preparation for a planned burn, or~~
 - ~~making or maintenance of a fuelbreak up to 6 metres wide, or~~
 - making or maintenance of a fire fighting access track up to 6 metres wide ~~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;~~ ~~or~~
 - making a ~~The native vegetation is to be removed, destroyed or lopped 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 to be removed, destroyed or lopped for fire fighting measures, fuel reduction burning, or the making of a fuel break up to 6 metres wide.~~
 - ~~The native vegetation is ground fuel within 30 metres of a building.~~

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:~~

- ~~• The native vegetation is to be removed, destroyed or lopped if:~~
 - ~~• In accordance with a fire prevention notice issued under either:~~
 - ~~• Section 65 of the Forests Act 1958; or~~
 - ~~• Section 41 of the Country Fire Authority Act 1958;~~
 - ~~• Section 8 of the Local Government Act 1989.~~
- ~~• The native vegetation is to be removed, destroyed or lopped to keep~~ing ~~the whole or any part of any native vegetation clear of, or minimising the risk of bushfire ignition from,~~ of ~~an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;~~
- ~~• The native vegetation is to be removed, destroyed or lopped 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~~ The vegetation is to be removed, destroyed or lopped to reduce fuel loads on roadsides to minimise the risk to life and property from bushfire on a roadside of a 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.

Geothermal energy exploration and extraction

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~The native vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with an operation plan approved under~~ the Geothermal Energy Resources Act 2005.

Greenhouse gas sequestration exploration

- ~~The native vegetation is being removed, destroyed or lopped to enable the carrying out of greenhouse gas sequestration exploration in accordance with the Greenhouse Gas Geological Sequestration Act 2008.~~

Greenhouse gas sequestration (including exploration)

- Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~The native vegetation is being removed, destroyed or lopped to enable the carrying out of greenhouse gas sequestration in accordance with an operation plan approved under~~ with ~~the Greenhouse Gas Geological Sequestration Act 2008.~~

Land management notices or directions notice

- Native vegetation removed, destroyed or lopped to the minimum extent necessary to comply with a land management or directions notice served under the Catchment and Land Protection Act 1994. ~~The native vegetation is to be removed, destroyed or lopped to comply with a land management notice issued under the Catchment and Land Protection Act 1994.~~

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:~~

Land use conditions ~~▪~~ Native vegetation removed, destroyed or lopped to the minimum extent necessary ~~The native vegetation is to be removed, destroyed or lopped~~ to comply with a land use condition served under the *Catchment and Land Protection Act 1994*.

Mineral Exploration and extraction ~~▪~~ The native vegetation removed, destroyed or lopped to enable the carrying out of Mineral exploration. ~~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.

Mineral extraction ~~▪~~ The vegetation is to be removed, destroyed or lopped 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.

Pest animal burrows ~~▪~~ The native vegetation is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in accordance with the written agreement of an officer of the ~~d~~Department responsible for administering the *Flora and Fauna Guarantee Act 1998*.

Planted vegetation ~~▪~~ The native vegetation removed, destroyed or lopped that has been was either planted or grown as a result of direct seeding for ~~Crop-crop~~ raising or ~~Extensive-extensive~~ animal husbandry.

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
- 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.

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

Regrowth ~~▪~~ Native vegetation removed, destroyed or lopped that has ~~The native vegetation is regrowth which has~~ naturally established or regenerated on land lawfully cleared of naturally established vegetation and is:

- bracken (*Pteridium esculentum*); or

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:~~

- ~~-within 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 ~~destroyed cleared~~ or otherwise ~~destroyed or~~ damaged as a result of flood, fire or other natural disaster.

Road safety

- ~~The n~~Native vegetation is to be 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 ~~to of~~ the ~~—~~Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

Stone exploration

- ~~The n~~Native vegetation ~~is to be~~ removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of ~~the S~~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 ~~if each tree has with~~ 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 with~~ 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 to be removed, destroyed or lopped to enable~~ costeaning and bulk sampling activities.

Stone extraction

- ~~The n~~Native vegetation ~~is to be~~ 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.

Surveying

- ~~The n~~Native vegetation ~~is to be~~ removed, destroyed or lopped to the minimum extent necessary by a licensed surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to for ~~establishing a~~ sight-lines for the measurement of land ~~by surveyors in the exercise of their profession, and if using hand-held tools.~~

Utility installations

- Native vegetation removed, destroyed or lopped by, or on behalf of a utility service provider to the minimum extent necessary to:
 - maintain the safe and efficient function of a Minor utility installation; or
 - maintain or construct a Utility installation 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*

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:

Lands Act 1987.

DRAFT