



Vegetation management laws before Parliament

On 8 March 2018, the government introduced the Vegetation Management and Other Legislation Amendment Bill to Parliament. The changes proposed will increase protection for high-value regrowth and remnant vegetation and boost protection for important habitats, including waterways leading to the Great Barrier Reef.

The Bill will now progress through the Parliamentary committee process.

Some changes proposed to the legislation will be effective from the 8 March 2018.

This information guide highlights key features of the proposed laws to help landholders determine if and how the changes may affect them.

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or search 'Vegetation Management' on www.qld.gov.au

Aims of the Bill

The Vegetation Management Amendment Bill aims to strengthen Queensland's vegetation management laws by:

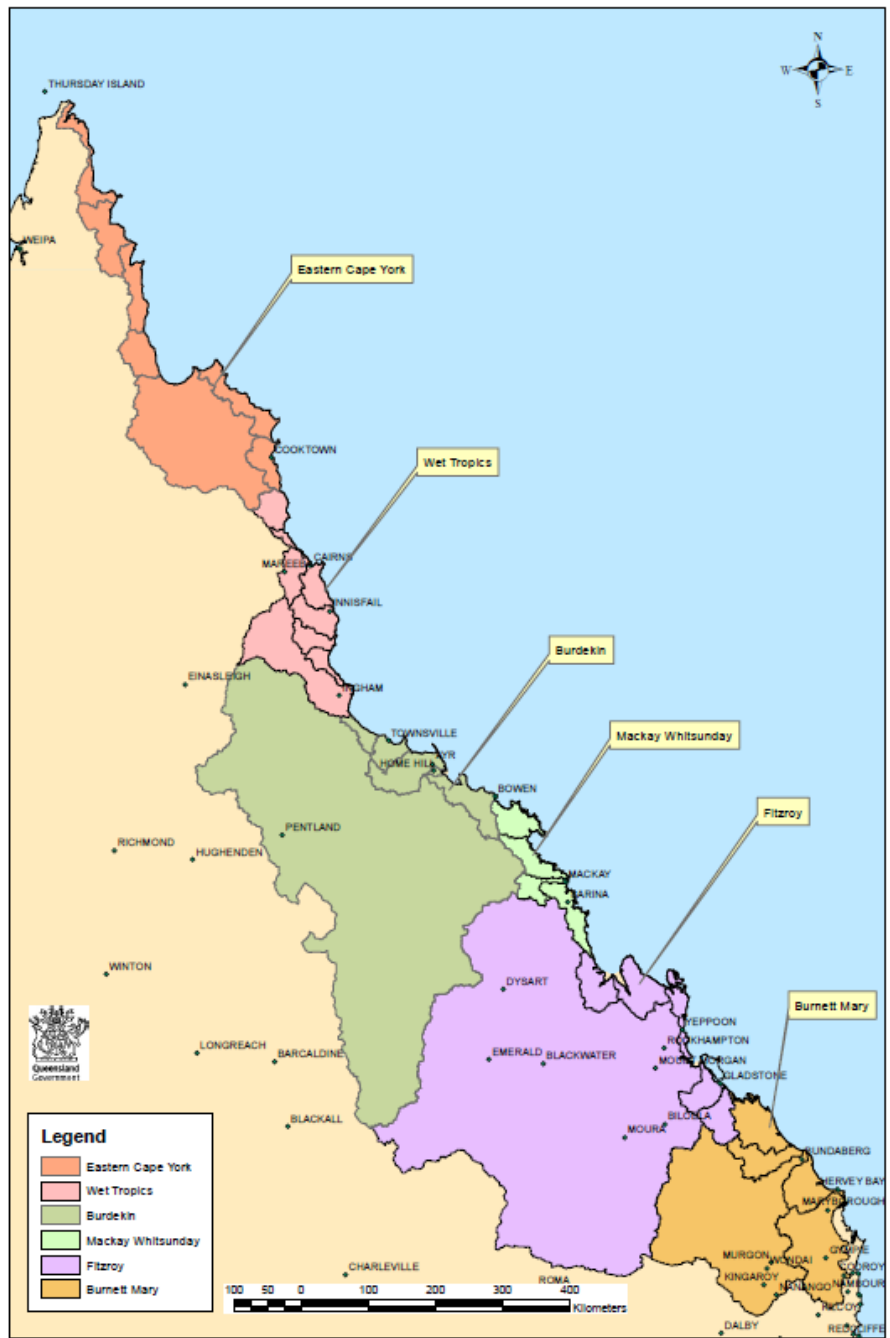
- removing provisions that allow clearing for high-value agriculture and irrigated high-value agriculture
- extending the protection of high value regrowth vegetation on freehold and Indigenous land, and on occupation licences and agriculture and grazing leases under the *Land Act 1994*
- including near-threatened species in the Essential Habitat layer for remnant and high-value regrowth vegetation
- protecting regrowth vegetation along waterways in all reef catchments
- regulating the removal of vegetation in a watercourse under a riverine protection permit
- enhancing compliance measures; to modernise enforcement tools, and increasing penalties to align with other natural resource and planning legislation in Queensland
- allowing vegetation mapped as category X in a property maps of assessable vegetation to be converted to category A with the landholder's agreement.

Proposed new regulated areas

The Vegetation Amendment Bill proposes to change some unregulated areas of vegetation (**category X** on the Regulated Vegetation Management Maps) to regulated areas subject to a **self-assessable vegetation clearing code** (categories R or C). To provide certainty for landholders, areas shown as Category X on a Property Map of Assessable Vegetation (PMAV) continue to be exempt under the existing regulatory framework. If the new laws are passed, the following regulations will become effective from the 8 March 2018:

- **Category C regulations** proposed for high-value regrowth on freehold land, Indigenous land, leases for agriculture and grazing and occupational licences.
- **Category R regulations** proposed for regrowth vegetation within 50m of a watercourse in the Burnett-Mary, Eastern Cape York and Fitzroy Great Barrier Reef catchments (see map below for locations of these catchments).
- Existing regulated areas and proposed regulated areas will include near-threatened species in the Essential Habitat mapping, which applies to remnant and high conservation value regrowth vegetation. This aims to ensure the protection of habitat for these wildlife species.

Great Barrier Reef Catchments



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How amendments could impact landholders

This table can help identify key activities and impacts of the Bill that could affect you

Activity	Impact of the Bill
Development applications and approvals	
Clearing under an existing development approval granted before 8 March 2018	No impact. You can continue clearing under the conditions of your development approval.
Properly made development applications under the Planning Act 2016 lodged before 8 March 2018	No impact. Applications will be processed and not affected by the proposed changes.
Properly made development applications lodged under the Planning Act 2016 from 8 March 2018 for the clearing of vegetation which do not involve high-value agriculture or irrigated high-value agriculture	Your development application will be received and processed as normal. However, the new law relating to essential habitat for near-threatened species may impact your application, once the law is passed.
Relevant purpose determination under the <i>Vegetation Management Act 1999</i> for high-value agriculture clearing and irrigated high-value agriculture clearing	As of 8 March 2018, high value agriculture clearing and irrigated high value agriculture clearing will no longer be relevant purposes for which a vegetation clearing application can be applied for when the law commences.
Development applications lodged under the Planning Act 2016 from 8 March 2018 to clear for high-value agriculture or irrigated high-value agriculture	On the commencement of the laws, new applications will not be accepted.
Property maps of assessable vegetation (PMAVs)	
Existing property map of assessable vegetation (PMAV) certified before 8 March 2018	No impact. Your PMAV will remain in effect and you can continue clearing vegetation in accordance with any available exemptions.
PMAV applications made before 8 March 2018	No impact. The applications will be processed and not affected by the proposed changes.
Lodging a new PMAV application from 8 March 2018	All PMAV applications will be processed and made by DNRME as per the law in effect at the time of the assessment. PMAVs applied for from 8 March 2018 that do not contain proposed category C or R will remain unchanged following commencement, but those that do contain these areas will be affected.
Accepted development vegetation clearing codes	
Clearing under an accepted development vegetation clearing code	Notifications made under the previous thinning, fodder and Category C accepted development vegetation clearing codes will be invalid. Landholders must re-notify before they clear, and follow requirements of the new codes. If you have notified under another existing code, you may still undertake that clearing activity consistent with the code requirements. If you have a proposed category C area or a proposed category R area on your property, the announced changes require you to notify proposed clearing under the relevant category C code or category R code and ensure any clearing is consistent with the code requirements.
Area management plans (AMPs)	
Applying for an AMP	New applications will not be accepted on commencement of the Bill.

Activity	Impact of the Bill
Notifying and clearing under an AMP	<p>The Bill proposes to repeal the Mulga lands Area Management Plan from 8 March 2018.</p> <p>Other existing AMPs that relate to thinning, (managing thickened vegetation), fodder and encroachment will remain valid until 8 March 2020. If you have notified clearing under one of these existing plans, you may clear in accordance with the plan until that date. The Bill will invalidate any new notifications under these AMPs.</p> <p>Existing AMPs that relate to other clearing activities will not be affected.</p>
Other clearing activities	
Clearing in a Great Barrier Reef catchment area (see above map)	<p>Regrowth vegetation within 50m of a watercourse in 3 additional Great Barrier Reef catchments will become regulated (proposed Category R areas).</p> <p>You can only clear in a proposed category R area under an accepted development vegetation clearing code.</p>
Clearing high-value regrowth vegetation on freehold or Indigenous land	<p>High-value regrowth vegetation will become regulated (proposed category C areas). You can only clear in a proposed category C area under an accepted development vegetation clearing code.</p>
Clearing vegetation in a watercourse, lake or spring under the <i>Water Act 2000</i>	<p>On the commencement of the law, the destruction of vegetation within a watercourse, lake or spring will be subject to riverine protection permit requirements under the <i>Water Act 2000</i>.</p>
Clearing for high-value agriculture and irrigated high-value agriculture	<p>Existing clearing approvals for high-value agriculture and irrigated high-value agriculture will not be affected.</p> <p>Any existing applications for clearing of high-value agriculture or irrigated high-value agriculture that are properly made applications under the Planning Act, prior to 8 March 2018, will continue to be assessed under the current legislation and will not be affected.</p>

Clearing vegetation in areas proposed as category R

Category R regulations are proposed to apply to regrowth vegetation within 50m of a watercourse in the Burnett-Mary, Eastern Cape York and Fitzroy Great Barrier Reef catchments. These changes take effect from 8 March 2018.

This means that some areas in these catchments previously mapped as Category X on the regulated vegetation management map will now be mapped as proposed Category R areas. This change will be supported by the updated maps of these areas.

You may clear in proposed category R areas if clearing is exempt or consistent with the existing **Managing category R accepted development vegetation clearing code**.

Under this code, you are required to notify the Department prior to clearing. Non-compliance with the code could result in a direction to restore the area.

These laws will not affect areas covered by a category X on a Property Map of Assessable Vegetation (PMAV).

Clearing vegetation in areas proposed as category C

Category C areas contain high-value regrowth vegetation, which is currently defined as vegetation that has not been cleared since 31 December 1989 on leasehold land used for agriculture and grazing purposes. The Vegetation Management Amendment Bill will change this definition to vegetation that has not been cleared (other than for relevant clearing activities) for over 15 years on freehold land Indigenous land, occupation licences, and leasehold land used for agricultural and grazing purposes under the Land Act 1994.

This means that some areas previously mapped as Category X on the regulated vegetation management map will now be mapped as proposed Category C areas. This change will be supported by the updated maps of these areas.

You will only be able to clear in proposed category C areas if clearing is exempt or consistent with the **Managing category C accepted development vegetation clearing code**.

Under this code, you must notify the Department prior to clearing. Non-compliance with the code could result in a direction to restore the area.

These laws will not affect areas covered by a category X on a Property Map of Assessable Vegetation (PMAV).

Clearing for the purpose of high-value agriculture or irrigated high-value agriculture

Coordinated projects and special Indigenous purposes

The Bill will not affect applications for agricultural purposes that are **Coordinated Projects** under the **State Development and Public Works Organisation Act 1971** or special indigenous purposes under the **Cape York Peninsula Heritage Act 2007**.

Existing HVA and IHVA development approvals

You can continue clearing under existing development approvals issued prior to 8 March 2018.

Existing HVA and IHVA applications

Properly made development applications submitted to the State Assessment and Referral Agency (SARA) prior to 8 March 2018 will continue to be assessed and will not be affected by the Amendment Bill.

New HVA and IHVA applications and requests

New development applications for clearing for the relevant purpose of HVA or IHVA will not be accepted by SARA once the law has passed.

Until the new laws are passed, DNRME is still required to process requests for relevant purpose determinations for HVA and IHVA under the current law. However, if the Bill is passed, these determinations will have no effect.

SARA is still required to process development applications for HVA and IHVA made after 8 March 2018 until the new laws are passed. However, if an application is made and approved in this period, any clearing undertaken under the development approval will become unlawful. In this circumstance restoration of the area may be required.

Essential habitat

The Amendment Bill proposes to change the definition of essential habitat to include habitat for near-threatened species. If passed, this change will be effective from 8 March 2018. These areas are shown as proposed essential habitat on maps on the department's website.

If you are clearing under an accepted development vegetation clearing code, AMP or make a development application in areas of proposed essential habitat, your activity may be affected if the Bill is passed by Parliament. You may be required to restore areas of proposed essential habitat if you have cleared them in the interim.

PMAVS

Correcting the regulated vegetation management map

Landholders can continue to correct errors on the regulated vegetation management map for their property by applying for a **property map of assessable vegetation (PMAV)**.

Existing PMAVs

If you are clearing a category X area based on an existing PMAV, this PMAV will not be affected by the Bill.

PMAV applications not involving proposed category C or category R areas

If you have submitted or are intending to submit a PMAV application that does not involve proposed category C areas or proposed category R areas, your application will not be affected by the Bill. You can **request a proposed regulated vegetation management map online** to find out if your property is affected by the proposed new regulated areas.

PMAV applications made before 8 March 2018

If you applied for a PMAV prior to 8 March 2018, provided your application was made in the approved form and included all required information, the assessment of your application will continue and not be affected by the announced changes.

PMAV applications made from 8 March 2018

If your application involves re-mapping proposed category C or category R areas into category X areas, you should contact us to discuss how the Bill affects your application.

Changes to codes and accepted development activities

The accepted development vegetation clearing codes for thinning (now referred to as managing thickened vegetation), harvesting of native vegetation for fodder, and Category C areas have been reviewed based on best practice and third party scientific review by the Queensland Herbarium and the CSIRO. This has resulted in immediate updates.

Managing thickened vegetation

An interim code for Managing Thickened Vegetation came into effect on 8 March.

Thinning notifications made prior to 8 March 2018 are now invalid. Landholders wishing to manage thickened vegetation under an accepted development vegetation clearing code will need to lodge a new notification and follow the requirements of the new code.

The government intends to withdraw the code for managing thickened vegetation once the Bill has passed. As a result, managing thickened vegetation will no longer be an acceptable development. Proposals for managing thickened vegetation will be assessed under the Vegetation Management Act to confirm that thickening has occurred, and will then require a development approval under the Planning Act.

Harvesting of native vegetation for fodder

A revised code for fodder harvesting came into effect on 8 March 2018.

Fodder harvesting notifications made prior to 8 March 2018 are now invalid. Landholders wishing to harvest fodder under an accepted development vegetation clearing code will need to lodge a new notification and follow the requirements of the new code.

Category C area

A revised Category C code came into effect on 8 March 2018. This new code has removed the ability to clear high value regrowth for agriculture and grazing purposes. This is an interim measure while scientific review and consultation occurs about this measure.

Category C notifications made prior to 8 March 2018 are now invalid. Landholders wishing to clear in Category C areas will need to lodge a new notification and follow the requirements of the new code.

Other codes

The other vegetation management codes will be reviewed in consultation with stakeholders and will be progressively rolled out during 2018.

Previously issued Code notifications will become invalid once the amended Codes take effect. Landholders wishing to continue clearing activities will need to provide new notifications under the new regulations.

Area Management Plans

The proposed new laws remove the ability for landholders to apply for an Area Management Plan (AMP). AMPs were initially introduced to provide a mechanism for low-risk clearing prior to the introduction of accepted development vegetation clearing codes. There is no longer the need for applicant requested AMPs due to the availability of the accepted development vegetation clearing codes.

The amendments will ensure that the accepted development vegetation clearing codes are the primary mechanism for undertaking low-risk clearing activities.

The Managing fodder harvesting – Mulga Lands Fodder Area Management Plan (2013/003302) is being repealed. Previous notifications under this AMP are no longer valid. Landholders can continue to harvest fodder under the Managing fodder harvesting accepted development clearing code following notification to DNRME.

The Amendment Bill proposes transitional arrangement for other AMPs for fodder harvesting managing thickened vegetation and encroachment.

Landholders who have notified under these AMPs prior to 8 March 2018 can continue to operate under these plans for a further two years. Any new notification made from 8 March 2018 will become invalid if the Amendment Bill is passed by Parliament.

AMPs for all other purposes continue unaffected by the Amendment Bill.

Clearing vegetation in a watercourse, lake or spring

The **Water Act 2000** provides for riverine protection and currently requires a person to obtain a riverine protection permit to excavate or place fill in a watercourse, lake or spring unless otherwise exempt under the Act.

The Government intends to make the destruction of vegetation in a watercourse, lake or spring also fall under the riverine protection permit process. It is proposed that this change will commence once the laws are passed.

Enhanced compliance provisions

A range of amendments are proposed to modernise the vegetation management compliance framework, to ensure the laws can be more effectively enforced. These amendments include increasing the penalty units for enforcement and investigation offences and introducing enforceable undertakings as an alternative compliance tool.

Related information

- [Request a proposed regulated vegetation management map online.](#)
- Read about [clearing under an accepted development vegetation clearing code.](#)
- Read about [exempt clearing work](#) and [development approvals for clearing native vegetation.](#)
- Find out [how laws are made.](#)

Contact us

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