

Information Sheet – Planning Regulation 2017

Exempted development in koala habitat areas on all land tenures

This information sheet is part of a series of information sheets that outline development, activities and clearing that can be carried out in a koala habitat area as exempted development. This particular information sheet provides types of exempted development that apply to all land tenures.

1 Background

On 7 February 2020, the Queensland Government introduced new planning controls to the Planning Regulation 2017 to strengthen the protection of koala habitat in South East Queensland. More information on these planning controls can be found in the following information sheets:

- *Information sheet - Development in koala priority areas;*
- *Information sheet - Development in koala habitat areas outside koala priority areas;*
- *Information sheet - Extractive industries in koala habitat areas within key resource areas; and*
- *Information sheet - Development in identified koala broad-hectare areas.*

As a high-level summary, the new planning controls make:

- development that involves interfering with koala habitat¹ in an area that is a koala habitat area within a koala priority area, prohibited development (i.e. development for which a development application cannot be made);
- development that involves interfering with koala habitat in an area that is a koala habitat area outside a koala priority area, assessable development (i.e. development for which development approval is required); and
- development for extractive industries in a key resource area that involves interfering with koala habitat in an area that is a koala habitat area, assessable development (i.e. development for which development approval is required).

However, these planning controls do not apply if the development is exempted development as defined in Schedule 24 of the Planning Regulation 2017.

¹ Interfering with koala habitat:

- (a) means removing, cutting down, ringbarking, pushing over, poisoning or destroying in any way, including by burning, flooding or draining, native vegetation in a koala habitat area; but
- (b) does not include destroying standing vegetation by stock, or lopping a tree.

2 Purpose

The purpose of this information sheet is to provide simplified explanations of the items of the exempted development definition in Schedule 24 of the Planning Regulation 2017 that apply to all land tenures. There are additional items of the exempted development definition in Schedule 24 of the Planning Regulation 2017 that apply to specific land tenures. These are explained in the following information sheets:

- *Exempted development in koala habitat areas - freehold land;*
- *Exempted development in koala habitat areas - indigenous land;*
- *Exempted development in koala habitat areas - land leased under the Land Act 1994 for agriculture or grazing purposes;*
- *Exempted development in koala habitat areas - land leased under the Land Act 1994, other than for agriculture or grazing purposes;*
- *Exempted development in koala habitat areas - trust land under the Land Act 1994, other than indigenous land;*
- *Exempted development in koala habitat areas - unallocated State land;*
- *Exempted development in koala habitat areas - land that is subject to a licence or permit under the Land Act 1994; and*
- *Exempted development in koala habitat areas - land dedicated as a road under the Land Act 1994.*

Landholders and project proponents can use this series of exempted development information sheets to assist in determining whether proposed development, activities and/or clearing in koala habitat areas are exempted development and therefore can be undertaken legally and without State Government approval under Schedule 10, Part 10 of the Planning Regulation 2017 (i.e. development that involves interfering with koala habitat in koala habitat areas either inside or outside of koala priority areas).

For the entirety of the proposed activity to be considered exempted development, all aspects of the proposed activity must be exempted development (either as a single activity or purpose that includes the entire proposed activity or multiple activities and/or purposes that include the entire proposed activity). If part of the proposed activity is not considered exempted development, the planning controls in Schedule 10, Part 10 of the Planning Regulation 2017 (as summarised above) will be applicable to that component of the development. If the proposed activity is not considered exempted development, the planning controls in Schedule 10, Part 10 of the Planning Regulation 2017 (as summarised above) will be applicable to the development.

IMPORTANT:

Development that is considered to be exempted development may be prohibited or assessable development under another part of the Planning Regulation 2017 or a local government planning scheme, or may require approval under another Act or a local law. For this reason, landholders and project proponents are encouraged to familiarise themselves with the Acts and regulations relevant to their operations.

It is advised that advice is sought from local government and the State Assessment Referral Agency (SARA). Contact details for the regional SARA offices can be found here:

<https://planning.dsdmip.qld.gov.au/planning/resources/regional-contacts>.

The clearing requirements prescribed in the Nature Conservation (Koala) Conservation Plan 2017 still apply to clearing that is exempted development. More information on these clearing requirements can be found in the *Information sheet – Koala Conservation Plan clearing requirements*.

3 Exempted development in koala habitat areas on all land tenures

Development mentioned in the table below are the items of the exempted development definition in Schedule 24 of the Planning Regulation 2017 that are applicable to all land tenures. You do not need permission from the Department of Environment and Science's Koala Assessment and Compliance Team to carry out exempted development. You may however require approval/permission from another State agency or local government.

Item of exempted development definition	Exempted development	Explanation
(a)	Development in a State development area	<p>State Development Areas (SDA)</p> <p>State Development Areas (SDA) are defined areas of land established by the Coordinator-General under the <i>State Development and Public Works Organisation Act 1971</i> to promote economic development in Queensland. The Coordinator-General is responsible for the planning, establishment and ongoing management of SDAs including:</p> <ul style="list-style-type: none"> • controlling land-use, infrastructure, economic and environmental planning; • implementing a development scheme for each SDA; and • assessing and deciding all SDA applications and requirements that can be made under the development scheme. <p>As environmental impacts are considered for development within an SDA under the <i>State Development and Public Works Organisation Act 1971</i>, development within an SDA is exempted development.</p> <p>More information on SDAs, along with current SDAs, can be found here: https://www.statedevelopment.qld.gov.au/land-for-industry/state-development-areas.html. Current SDAs can be viewed spatially here: https://dams.dsdip.esriaustraliaonline.com.au/damappingsystem/?accordions=SARA%20DA%20Mapping (under Other State Planning Matters > State Development Areas).</p>
(b)	Development for a coordinated project	Coordinated projects

Item of exempted development definition	Exempted development	Explanation
		<p>A project proponent undertaking a project with one or more of the following characteristics may apply to have the project declared a 'coordinated project' under the <i>State Development and Public Works Organisation Act 1971</i>:</p> <ul style="list-style-type: none"> • complex approval requirements, involving local, state and federal governments; • significant environmental effects; • strategic significance to the locality, region or state, including for the infrastructure, economic and social benefits, capital investment or employment opportunities it may provide; and • significant infrastructure requirements. <p>If a project is determined to be a coordinated project, a rigorous impact assessment, involving whole-of-government coordination, will be carried out either by a comprehensive environmental impact statement (EIS) or a targeted impact assessment report (IAR).</p> <p>As environmental impacts are considered through the EIS or IAR under the <i>State Development and Public Works Organisation Act 1971</i>, coordinated projects are exempted development.</p> <p>More information on coordinated projects, along with current and completed coordinated projects, can be found here: https://www.statedevelopment.qld.gov.au/coordinator-general/assessments-and-approvals/coordinated-projects.html. Current and completed coordinated projects can be viewed spatially here: https://www.statedevelopment.qld.gov.au/coordinator-general/assessments-and-approvals/coordinated-projects/coordinated-projects-map.html.</p>
(c)	Development in the area of a development control plan that the old Act, section 857 applies to	<p>Development control plans</p> <p>Any development within an area of a development controls plan is exempted development.</p>

Item of exempted development definition	Exempted development	Explanation
		<p>Development control plans were a planning mechanism under the former <i>Integrated Planning Act 1997</i> that has since been repealed and replaced by the <i>Planning Act 2017</i>, which no longer includes development control plans.</p> <p>Please contact the State Assessment Referral Agency for advice on whether a particular area of land is within a development control plan (https://planning.dsdmip.qld.gov.au/planning/resources/regional-contacts).</p>
(d)	<p>Development for infrastructure stated in Schedule 5 of the Planning Regulation 2017, if the development is carried out by or for the State or a public sector entity</p>	<p>Community infrastructure carried out by or for the State or a public sector entity</p> <p>The following types of development, that are outlined in Schedule 5 of the Planning Regulation 2017, are exempted development but only where the development is undertaken by, or on behalf of, the State Government or a public sector entity:</p> <ul style="list-style-type: none"> • Infrastructure for transport including: <ul style="list-style-type: none"> -Ancillary works and encroachments; -Transport infrastructure, including transport infrastructure stated in schedule 2 of the Act, definition development infrastructure; -Wharves, public jetties, port facilities and navigation facilities; -Storage and works depots and similar facilities, including administrative facilities relating to the provision or maintenance of infrastructure stated in this part; -Any other facility for transport not stated in this part that is intended mainly to accommodate government functions; or • Other infrastructure including: <ul style="list-style-type: none"> -Cemeteries and crematoriums; -Communication network facilities;

Item of exempted development definition	Exempted development	Explanation
		<ul style="list-style-type: none"> -Community and cultural facilities, including community centres, galleries, libraries and meeting halls; -Community residences; -Correctional facilities; -Educational facilities; -Electricity operating works; -Emergency services facilities; -Facilities at which an education and care service under the Education and Care Services National Law (Queensland) is operated; -Facilities at which a QEC approved service under the <i>Education and Care Services Act 2013</i> is operated; -Facilities for parks and recreation; -Hospitals and health care services; -Oil and gas pipelines; -Residential care facilities; -Sporting facilities; -Waste management facilities; -Water cycle management infrastructure; -Storage and works depots and similar facilities, including administrative facilities relating to provision or maintenance of infrastructure stated in this part; or -Any other facility not stated in this part that is intended mainly to accommodate government functions.

Item of exempted development definition	Exempted development	Explanation
		<p>The <i>Planning Act 2016</i> defines a public sector entity as:</p> <ul style="list-style-type: none"> • a department or part of a department; • other than in chapter 4 - a distributor-retailer; • an agency, authority, commission, committee, corporation (including a government owned corporation), instrumentality, office or other entity established under an Act for a public or State purpose (e.g. a local government, a government owned corporation or a rail government entity under the Transport Infrastructure Act). <p>Please note where the works are being undertaken by, or on behalf of, the State Government, the State Government Supported Infrastructure – Koala Conservation Policy (https://environment.des.qld.gov.au/__data/assets/pdf_file/0031/88474/comm-infrastructure.pdf) must be complied with.</p>
(e)	PDA-related development	<p>Priority Development Areas (PDAs)</p> <p>Priority Development Areas (PDAs) are parcels of land, identified for specific accelerated development with a focus on economic growth to deliver significant benefits to the community, that have been declared by the Minister for Economic Development Queensland under the <i>Economic Development Act 2012</i>.</p> <p>As environmental impacts are considered for PDA-related under the <i>State Economic Development Act 2012</i>, PDA-related development is exempted development.</p> <p>More information on PDAs, along with current PDAs, can be found here: https://www.dsdmip.qld.gov.au/economic-development-qld/priority-development-areas.html. Current PDAs can be viewed spatially here: https://dams.dsdip.esriaustraliaonline.com.au/damappingsystem/?accordions=SARA%20DA%20Mapping (under Other State Planning Matters > Priority Development Areas).</p>
(f)	Development in a forest reserve under the <i>Nature Conservation Act 1992</i>	Forest areas

Item of exempted development definition	Exempted development	Explanation
		<p>Development in a forest area, declared under the <i>Nature Conservation Act 1992</i>, is exempted development.</p> <p>Forest areas can be found here: https://www.legislation.qld.gov.au/view/pdf/inforce/2014-11-13/si-2000-0282 and viewed spatially here: https://qldglobe.information.qld.gov.au/ (under Layer > Add layer > Environment > Parks > Protected Areas).</p>
(g)	<p>Development in any of the following protected areas under the <i>Nature Conservation Act 1992</i>:</p> <p>(i) a national park (scientific)</p> <p>(ii) a national park</p> <p>(iii) a national park (Aboriginal land)</p> <p>(iv) a national park (Torres Strait Islander land)</p> <p>(v) a national park (Cape York Peninsula Aboriginal land)</p> <p>(vi) a conservation park</p> <p>(vii) a resources reserve</p> <p>(viii) a special wildlife reserve</p>	<p>Protected areas</p> <p>Development any of the following protected areas, declared under the <i>Nature Conservation Act 1992</i>, is exempted development:</p> <ul style="list-style-type: none"> • a national park; • a national park (Aboriginal land); • a national park (Torres Strait Islander land) • a national park (Cape York Peninsula Aboriginal land); • a conservation park; • a resources reserve; and • a special wildlife reserve. <p>This is because development within the above-mentioned protected areas require approval under the <i>Nature Conservation Act 1992</i>, which includes assessment of impacts to environmental values such as koala habitat.</p> <p>The above-mentioned protected areas can be found here: https://www.legislation.qld.gov.au/view/pdf/inforce/current/si-1994-0135 and viewed spatially here: https://qldglobe.information.qld.gov.au/ (under Layer > Add layer > Environment > Parks > Protected Areas).</p>

Item of exempted development definition	Exempted development	Explanation
(h)	Development in a State forest or timber reserve under the <i>Forestry Act 1959</i>	<p>State forests and timber reserves</p> <p>Development in a State forest or timber reserve, declared under the <i>Forestry Act 1959</i>, is exempted development.</p> <p>State forests and timber reserves can be found here: https://www.legislation.qld.gov.au/view/pdf/inforce/2014-11-13/sl-2000-0282 and viewed spatially here: https://qldglobe.information.qld.gov.au/ (under Layer > Add layer > Environment > Parks > Protected Areas).</p>
(i)	Development in a forest entitlement area under the <i>Land Act 1994</i>	<p>Forest entitlement areas</p> <p>Development in a forest entitlement area is exempted development.</p> <p>Forest entitlement areas can be viewed spatially here: https://qldglobe.information.qld.gov.au/ (under Layer > Add layer > Economy > Forestry > Forest entitlement area).</p>
(j)	Development for public housing	<p>Public housing</p> <p>Development that is for public housing is exempted development.</p> <p>The Planning Regulation 2017 provides that public housing means:</p> <ul style="list-style-type: none"> • housing: <ul style="list-style-type: none"> -provided by, or for, the State or a statutory body representing the State; and -for short- or long-term residential use; and -totally or partly subsidised by the State or a statutory body representing the State; and • includes services provided mainly for residents of the housing. <p>Please note where the works are being undertaken by, or on behalf of, the State Government, the State Government Supported Infrastructure – Koala Conservation Policy</p>

Item of exempted development definition	Exempted development	Explanation
		<p>(https://environment.des.qld.gov.au/__data/assets/pdf_file/0031/88474/comm-infrastructure.pdf) must be complied with.</p>
(k)	<p>Development, other than development mentioned in any of paragraphs (a) to (j), that results in a total of 500m² or less of 1 or more koala habitat area being cleared of native vegetation since 7 February 2020, disregarding an area cleared of native vegetation if any of paragraphs (l) to (p) applies to the clearing</p>	<p>One off 500m²</p> <p>A total area of 500m² or less of koala habitat area on a premises can be cleared of native vegetation as exempted development.</p> <p>The 500m² limit commenced on 7th February 2020, meaning clearing that occurred prior to this date is not included as part of the 500m² limit.</p> <p>This is a once off exemption, meaning once the 500m² limit has been reached this exemption cannot be used again.</p> <p>Users who intend to clear under this exemption should notify the Department of Environment and Science at: Koala.Assessment@des.qld.gov.au.</p> <p>The 500m² limit is per premises not per koala habitat area. For a development application that includes multiple lots, the premises is taken to be the lots subject to the proposal.</p> <p>The 500m² limit is irrespective of whether there are multiple koala habitat area polygons mapped on the premises (i.e. if there are multiple koala habitat area polygons mapped on the premises a landholder may only clear a total maximum area of 500m² within these koala habitat areas (e.g. clearing 250m² of one koala habitat area polygon and 250m² of another koala habitat area polygon)).</p> <p>The 500m² limit is irrespective of whether the koala habitat area is core or locally refined (i.e. a landholder cannot clear 500m² of core koala habitat area and a 500m² of locally refined koala habitat area, they can only clear a total of 500m² of all koala habitat area on their premises).</p> <p>This 500m² limit can occur as a single clearing event (i.e. the entire 500m² is cleared at the same time) or as multiple clearing events that accumulate to a total area of 500m² (e.g. 250m² cleared at one time and another 250m² cleared at another time).</p>

Item of exempted development definition	Exempted development	Explanation
		This exemption applies in addition to any other relevant type of exempted development described as items (l) to (p).
(l)	<p>Development that is or involves operational work that is the clearing of native vegetation and is accepted development under schedule 7, part 3, section 12 other than clearing for:</p> <p>(i) the construction or maintenance of a fence, road, track, irrigation channel, contour bank or other linear infrastructure, other than a powerline or drainage and erosion control structure, if the cleared area is more than 5m wide; or</p> <p>(ii) the construction or maintenance of an airstrip or helipad if the cleared area is more than 500m²; or</p> <p>(iii) the construction or maintenance of non-linear infrastructure, other than an airstrip or helipad, in a category B area or category C area if the cleared area is more than 500m²; or</p> <p>(iv) an extractive industry, other than clearing for a fence, road, track, irrigation channel, contour bank or other linear infrastructure, in a category C area if the cleared area is more than 500m²; or</p>	<p>Accepted development vegetation clearing codes</p> <p>Development that involves the clearing of native vegetation which complies with any of the following accepted development vegetation clearing codes (ADVCCs) is exempted development:</p> <ul style="list-style-type: none"> • Managing encroachment; • Clearing for extractive industries (pit or quarry); • Clearing to improve agricultural efficiency; • Managing regulated regrowth; • Managing a native forest practice (harvesting to create timber products); • Necessary environmental clearing (land restoration, flood preparation, contaminant removal, channel diversion); • Clearing for infrastructure; or • Managing for weeds. <p>However, the following reduced limits apply:</p> <ul style="list-style-type: none"> • a maximum area of 5m wide can be cleared for the construction or maintenance of a fence, road, track, irrigation channel, contour bank or other linear infrastructure (other than a power line or drainage and erosion control structure) under the Clearing for infrastructure ADVCC; • a maximum area of 500m² per lot can be cleared for the construction or maintenance of an airstrip or helipad under the Clearing for infrastructure ADVCC;

Item of exempted development definition	Exempted development	Explanation
	<p>(v) the diversion of a section of a watercourse or drainage feature, within the meaning of the <i>Water Act 2000</i>, schedule 4, in a way that replicates the section, in a category C area if the cleared area is more than 500m².</p>	<ul style="list-style-type: none"> • a maximum area of 500m² per lot can be cleared for the construction or maintenance of non-linear infrastructure in a category B area or a category C area (other than an airstrip or helipad) under the Clearing for infrastructure <u>ADVCC</u>; • a maximum area of 500m² per lot can be cleared for an extractive industry in a category C area (other than for a fence, road, track, irrigation channel, contour bank or other linear infrastructure) under the Clearing for extractive industries (pit or quarry) <u>ADVCC</u>; and • a maximum area of 500m² per lot can be cleared for the diversion of a section of a watercourse or drainage feature (within the meaning of the <i>Water Act 2000</i>, schedule 4) in a category C area in a way that replicates the section under the Necessary environmental clearing (land restoration, flood preparation, contaminant removal, channel diversion). <p>The category of the vegetation (i.e. A, B, C, R or X) can be viewed spatially here: https://dams.dsdip.esriaustraliaonline.com.au/damappingsystem/?accordions=SARA%20DA%20Mapping (under Native Vegetation Clearing) or by requesting a vegetation management property report here: https://www.dnrme.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form.</p>
(m)(i)	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1(2)</p>	<p>Clearing within a watercourse or lake</p> <p>Clearing an area of vegetation within a watercourse or a lake is exempted development where it is for an activity (other than an activity relating to a material change of use or reconfiguring a lot) if:</p> <ul style="list-style-type: none"> • the clearing is: <p>-subject to an approval process, and is approved under the <i>Planning Act 2016</i> or another Act; or</p> <p>-a necessary and unavoidable consequence of an activity allowed by a permit given under the <i>Water Act 2000</i>, section 221 (i.e. a Riverine Protection Permit); or</p>

Item of exempted development definition	Exempted development	Explanation
		<p>-a necessary and unavoidable consequence of an activity carried out under the Riverine Protection Permit Exemption Requirements; and</p> <ul style="list-style-type: none"> • either: <p>-the clearing is under an accepted development vegetation clearing code, other than if the vegetation is in a category A area; or</p> <p>-the area is less than 0.5ha of a least concern regional ecosystem in a category B area; or</p> <p>-the area is less than 0.5ha in a category C, R or X area.</p> <p>The category of the vegetation (i.e. A, B, C, R or X) and the status of a regional ecosystem (i.e. endangered, of concern or least concern) can be viewed spatially here: https://dams.dsdip.esriaustraliaonline.com.au/damappingsystem/?accordions=SARA%20DA%20Mapping (under Native Vegetation Clearing) or by requesting a vegetation management property report here: https://www.dnrme.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form.</p>
	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1 (3)</p>	<p>Areas declared as an area of high nature conservation value or an area vulnerable to land degradation (VDec)</p> <p>Clearing vegetation in an area that has been declared under section 19F of the <i>Vegetation Management Act 1999</i> as an area of high nature conservation value or an area vulnerable to land degradation (also known as a voluntary declaration or VDec) is exempted development if the clearing is carried out under the management plan for the area of high nature conservation value or area vulnerable to land degradation and the clearing is for one or more of the following purposes:</p> <ul style="list-style-type: none"> • necessary to control non-native plants or declared pests; • to ensure public safety; • for fodder harvesting (i.e. clearing of vegetation predominantly consisting of fodder species (i.e. <i>Acacia aneura</i>, <i>Acacia brachystachya</i>, <i>Acacia excels</i>, <i>Acacia pendula</i>,

Item of exempted development definition	Exempted development	Explanation
		<p><i>Acacia sibirica, Alphitonia excels, Flindersia maculosa and Geijera parviflora</i>) necessary to provide fodder for stock and carried out in a way that conserves the vegetation in perpetuity, conserves the regional ecosystem in which the vegetation is situated and results in the woody biomass of the cleared vegetation where it is cleared);</p> <ul style="list-style-type: none"> • for managing thickened vegetation (i.e. the selective clearing of vegetation at a locality to restore a regional ecosystem to the floristic composition and range of densities typical of the regional ecosystem in the bioregion in which it is located and to maintain ecological processes and prevent loss of biodiversity, however this does not include clearing using a chain or cable linked between 2 tractors, bulldozers or other traction vehicles); • for clearing of encroachment (i.e. a woody species that has invaded an area of a grassland regional ecosystem to an extent the area is no longer consistent with the description of the regional ecosystem); • for necessary environmental clearing (i.e. clearing necessary to restore the ecological and environmental condition of land, divert existing natural channels in a way that replicates the existing form of the natural channels, prepare for the likelihood of a natural disaster, or remove contaminants from land); or • establishing a necessary fence, firebreak, road or vehicular track and the clearing cannot reasonably be avoided or minimised.
	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1 (5)</p>	<p>Aboriginal or Torres Strait Islander cultural activities</p> <p>A traditional Aboriginal or Torres Strait Islander cultural activity (other than a commercial activity) is exempted development.</p>
	<p>Development that is or involves operational work that is the clearing of native vegetation</p>	<p>Resource activities</p>

Item of exempted development definition	Exempted development	Explanation
	<p>in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1 (6)</p>	<p>A resource activity defined under section 107 of the <i>Environmental Protection Act 1994</i>, is exempted development. This includes a geothermal activity, a greenhouse gas (GHG) storage activity, a mining activity or a petroleum activity.</p>
	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1 (8)</p>	<p>Airport premises</p> <p>Clearing vegetation for an airport-related purpose, on airport premises is exempted development.</p> <p>The Planning Regulation 2017 provides that an airport premises means a premises used, or to be used, completely or partly for an airport-related purpose.</p> <p>The Planning Regulation 2017 provides that an airport related purpose means:</p> <ul style="list-style-type: none"> • the construction, operation or maintenance of a strategic airport, including: <ul style="list-style-type: none"> -air transport infrastructure; and -core airport infrastructure on airport land; or • an activity or facility supporting the economical, efficient or safe functioning of a strategic airport (e.g. servicing aircraft or manufacturing aircraft or aircraft components); or • an activity or facility supporting the financial viability of a strategic airport (e.g. operating an air charter business or air freight depot or operating a flight training or skydiving business); or • for premises on airport land—development consistent with the land use plan for the airport land.
	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity</p>	<p>Fire and emergency services related activities</p> <p>An activity under sections 53, 68 and 69 of the <i>Fire and Emergency Services Act 1990</i> is exempted development.</p>

Item of exempted development definition	Exempted development	Explanation
	<p>or matter stated in schedule 21, part 1, section 1 (9)</p>	<p>Section 53 of the <i>Fire and Emergency Services Act 1990</i> provides that an authorised fire officer may take any reasonable measure to protect persons, property or the environment from danger or potential danger caused by a fire or hazardous materials emergency or to protect persons trapped in any premises or otherwise endangered.</p> <p>Section 68 of the <i>Fire and Emergency Services Act 1990</i> provides that an occupier of land who believes, on reasonable grounds, that a grass fire burning within 1.6km of that land constitutes a fire risk to that land can take all reasonable measures to extinguish or control the fire.</p> <p>Section 69 of the <i>Fire and Emergency Services Act 1990</i> provides that the commissioner may require any occupier of premises to take measures for the purpose of reducing the risk of fire occurring on the premises or reducing potential danger to persons, property or the environment in the event of a fire occurring on the premises.</p>
	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1(10)</p>	<p>Electricity related activities</p> <p>An activity under section 101 and 112A of the <i>Electricity Act 1994</i> and section 17 of the Electricity Regulation 2006 is exempted development.</p> <p>Section 101 of the <i>Electricity Act 1994</i> provides that an electricity entity may take the action in a publicly controlled place it considers necessary to provide or supply electricity.</p> <p>Section 112A of the <i>Electricity Act 1994</i> provides that clearing vegetation on freehold land is accepted development for the <i>Planning Act 2016</i> if the clearing:</p> <ul style="list-style-type: none"> • is for operating works for a transmission entity or distribution entity; and • is on premises the subject of a designation under the <i>Planning Act 2016</i> for a type of infrastructure that is, or includes, the operational works <p>Section 17 of the Electricity Regulation 2006 provides that an electricity entity may clear, lop or prune trees growing on non-freehold land if:</p>

Item of exempted development definition	Exempted development	Explanation
		<ul style="list-style-type: none"> • it is necessary to do so to build, maintain or operate an electric line or works on the land; and • the entity holds the benefit of an easement, licence or other agreement in relation to the line or works. <p>An electricity entity is an entity that is a participant in the electricity industry which are:</p> <ul style="list-style-type: none"> • generation entities (i.e. a person who holds a generation authority that authorises the holder to connect the generating plant stated in the authority to the transmission grid or supply network stated in the authority); • transmission entities (i.e. a person who holds a transmission authority that authorises the holder to operate the transmission grid stated in the authority and, if stated in the authority, to connect the transmission grid to another transmission grid stated in the authority); and • distribution entities (i.e. a person who holds a distribution authority that authorises the holder to supply electricity using a supply network within its distribution area stated in the authority). <p>A publicly controlled place means any place under the control of a public entity that the public is entitled to use, is open to the public, or used by the public, whether or not on payment of money, but does not include an area declared under regulations not to be a publicly controlled place.</p>
	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1(11)</p>	<p>Forestry activities</p> <p>An activity authorised under the <i>Forestry Act 1959</i> is exempted development.</p> <p>Under the <i>Forestry Act 1959</i>, the State can authorise the following activities:</p> <ul style="list-style-type: none"> • the harvesting of State-owned timber and other forest products on relevant tenures where the timber is owned by the State (e.g. State forests, timber reserves, reserves and leasehold land); and

Item of exempted development definition	Exempted development	Explanation
		<ul style="list-style-type: none"> the allocation and use of State-owned quarry material (sales permit) on relevant tenures such as State forests, timber reserves, reserves, leasehold land and certain freehold land containing a reservation of quarry material; and <p>Additionally, State-owned plantations on State forests and rights to this timber have been leased to HQ Plantations Pty Ltd (plantation licence area) under the <i>Forestry Act 1959</i> for a period of 99 years.</p> <p>All commercial State-owned timber harvesting activities and commercial extraction and use of State-owned quarry material regulated under the <i>Forestry Act 1959</i> must apply to, and receive approval from, the State Government agency administering the <i>Forestry Act 1959</i> prior to undertaking the activity.</p> <p>Existing sales permits for quarry material can be viewed spatially here: https://qldglobe.information.qld.gov.au/ (under Layer > Add layer > Economy > Forestry > Quarry).</p> <p>The plantation licence area can be viewed spatially here: https://qldglobe.information.qld.gov.au/ (under Layer > Add layer > Economy > Forestry > Plantation licence area).</p>
(m)(ii)	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1(15), other than clearing necessary to prevent or minimise damage to the environment</p>	<p>Disaster related activities</p> <p>Clearing vegetation in an area for which a disaster situation declaration has been made is exempted development if the clearing:</p> <ul style="list-style-type: none"> is necessary to prevent or minimise: <p>-loss of human life, or illness or injury to humans; or</p> <p>-property loss or damage; and</p> <ul style="list-style-type: none"> happens during the period starting when the disaster situation declaration was made and ending on the later of the following days: <p>-the day that is 1 year after the day on which the disaster situation declaration was made; or</p>

Item of exempted development definition	Exempted development	Explanation
		<p>-another day decided by the chief executive by notice.</p> <p>This exemption does not apply if the clearing is necessary to prevent or minimise damage to the environment.</p> <p>A disaster situation declaration for an area means a declaration of a disaster situation for the area under section 64 or 69 of the <i>Disaster Management Act 2003</i> if:</p> <ul style="list-style-type: none"> • the declaration relates to: <ul style="list-style-type: none"> -a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening; -an explosion or fire, a chemical, fuel or oil spill, or a gas leak; -an infestation, plague or epidemic; -a failure or, or disruption to, an essential service or infrastructure; -an attack against the State; or -another even similar to the above mentioned events. • the disaster situation has not ended under section 71 of the <i>Disaster Management Act 2003</i>.
(m)(iii)	<p>Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1(16)</p>	<p>Cadastral, geotechnical and geological surveys</p> <p>Clearing vegetation that is necessary to carry out a cadastral survey of an existing property boundary, geotechnical survey or geological survey is exempted development if the area cleared is:</p> <ul style="list-style-type: none"> • for an area in which the survey is conducted – a maximum area of 100m²; and • for an area necessary for reasonable access to the area in which the survey is conducted – a maximum of 10m wide.

Item of exempted development definition	Exempted development	Explanation
	Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1 (17)	<p>Contaminated land</p> <p>Clearing vegetation that is necessary to remediate contaminated land recorded in the environmental management register of contaminated land register is exempted development.</p>
	Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter stated in schedule 21, part 1, section 1(18)	<p>Abandoned mines</p> <p>Clearing vegetation is exempted development where it is necessary to carry out activities authorised to be carried out under section 344A of the <i>Mineral Resources Act 1989</i> on land which an abandoned mine exists.</p> <p>Under section 344A of the <i>Mineral Resources Act 1989</i>, a person may be authorised to carry out all or any of the following remediation activities on land on which an abandoned mine exists:</p> <ul style="list-style-type: none"> • investigating the condition of the land; • cap a mine shaft; • remove, or make safe, structures or equipment at or near the abandoned mine; • clean up pollution remaining at or near the abandoned mine; • repair erosion, or prevent further erosion of land or vegetation at or near the abandoned mine; and • another activity at or near the abandoned mine to make it safe.
	Development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity	<p>Restoration and enforcement notices</p> <p>Clearing vegetation in accordance with a restoration notice under the <i>Vegetation Management Act 1999</i> or an enforcement notice under the <i>Planning Act 2016</i> is exempted development if the clearing is for one or more of the following purposes:</p>

Item of exempted development definition	Exempted development	Explanation
	<p>or matter stated in schedule 21, part 1, section 1(19A)</p>	<ul style="list-style-type: none"> • to control non-native plants or declared pests; • to ensure public safety; • managing thickened vegetation (i.e. the selective clearing of vegetation at a locality to restore a regional ecosystem to the floristic composition and range of densities typical of the regional ecosystem in the bioregion in which it is located and to maintain ecological processes and prevent loss of biodiversity however this does not include clearing using a chain or cable linked between 2 tractors, bulldozers or other traction vehicles); or • for necessary environmental clearing (i.e. clearing necessary to restore the ecological and environmental condition of land, divert existing natural channels in a way that replicates the existing form of the natural channels, prepare for the likelihood of a natural disaster, or remove contaminants from land); or • establishing a necessary fence, firebreak, road or vehicular track and the clearing cannot reasonably be avoided or minimised.

Disclaimer: While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved:



Ben Klaassen

Deputy Director-General

QPWS & Partnerships

04/07/2021

Enquiries:

Koala Assessment and Compliance

Department of Environment and Science

GPO Box 2454 BRISBANE QLD 4001

Phone: 13 QGOV (13 75 68)

Email: koala.assessment@des.qld.gov.au

Version history

Version	Date	Comments
1.00	04.07.2021	First version approved.