

Guide to using the infrastructure code

Accepted Development Vegetation Clearing Code
Clearing for Infrastructure

Effective 7 February 2020

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About this guide

This guide has been developed to help landholders operate under the Accepted Development Vegetation Clearing Code: Clearing for Infrastructure (Infrastructure code). It refers to the *Vegetation Management Act 1999* and the *Planning Act 2016*, which jointly regulate the clearing of native vegetation in Queensland.

The guide is not intended to be exhaustive. It only deals with operating under the Infrastructure code. It provides supplementary information, and is designed to be read in conjunction with the Infrastructure code, and with the *General guide to accepted development vegetation clearing codes* which provide information about the notification process, landholder obligations, and technical information that applies to all codes.

Landholders are also encouraged to familiarise themselves with the local, state and federal Acts and Regulations that apply to their operations.

Common abbreviations used in this document

- VM Act = Vegetation Management Act 1999
- Code = accepted development vegetation clearing code
- DNRME = Department of Natural Resources, Mines and Energy
- Infrastructure code = Accepted Development Vegetation Clearing Code: Clearing for Infrastructure June 2019
- RE = regional ecosystem
- All terms in this guide have the meaning provided in the infrastructure code or the Vegetation Management Act 1999.

Further information

For more information:

- call **135 VEG (135 834)**
- email vegetation@dnrme.qld.gov.au
- search 'Vegetation Management' on www.qld.gov.au.

Links to other documents

[Accepted development vegetation clearing codes](#)

[General guide to accepted development vegetation clearing codes](#)

Clearing for infrastructure

The current Accepted Development Vegetation Clearing Code: Clearing for infrastructure (Infrastructure code) became effective on 7 February 2020. This replaces the Clearing for infrastructure code dated 21 June 2019.

TIP *Previous notifications (since 21 June 2019) continue to be valid and allow clearing under the Infrastructure code. You can continue to clear for the area already notified, however, you must comply with the requirements of the new code.*

If you intend to conduct clearing for necessary infrastructure on your property using the Infrastructure code, you must notify DNRME before clearing and meet the requirements of the code. If you have already notified DNRME (since 21 June 2019) you do not need to renotify unless you want to do additional clearing to that already notified, or the notification has expired.

Scope

The Infrastructure code applies to a range of different land tenures, vegetation categories and infrastructure types.

Applicable land tenures

The Infrastructure code applies on the land tenures and in the vegetation categories listed in Table 1.

Table 1: Areas where clearing is authorised by the infrastructure code

Land tenure	Vegetation categories			
	B	C	R	X
Freehold land	✓	✓	✓	Note 1
Indigenous land	✓	✓	✓	Note 1
Leasehold land granted under the Land Act	✓	✓	✓	Note 1
Unallocated state land under the Land Act—clearing must be carried out, or authorised to be carried out by the chief executive administering the Land Act	✓	✓	✓	Note 1
Trust land (other than indigenous land under the Land Act)—clearing must be consistent with the purpose of the trust land and must be carried out, or authorised to be carried out by the trustee	✓	✓	✓	Note 1
A boundary watercourse under the Land Act—access must be granted by the adjoining landholder and clearing must be carried out, or authorised to be carried out by the chief executive administering the Land Act	✓	✓	✓	Note 2
Dedicated roads	✓	✓	✓	✓

Note 1: Under the *Planning Regulation 2017*, clearing of vegetation in a Category X area is exempt clearing work on freehold land, Indigenous land, land leased under the Land Act, Unallocated State land and trust land under the Land Act in the circumstances listed in the Table.

Note 2: Under the *Planning Regulation 2017*, clearing of vegetation in a Category X area may be exempt clearing work, depending on other existing approvals, the area of clearing and the Category area in which the vegetation is located.

Clearing for infrastructure

The Infrastructure code applies to clearing that is required to construct or maintain the types of infrastructure set out in section 1.2 of the code. It applies only to the clearing required to create the space for the infrastructure, and does not apply to clearing to source construction timber.

Clearing for some kinds of infrastructure is exempt on some land tenures and does not need a development approval.

TIP *Before notifying and clearing under this code, check whether your clearing qualifies as [exempt clearing works](#) under the *Planning Regulation 2017*. If the clearing is exempt, you do not need to notify.*

TIP *Clearing which is exempt under vegetation management laws may still require approval under other local, State or Commonwealth government laws or local government planning schemes. You are encouraged to check with agencies listed in Appendix 1 of the Infrastructure code.*

If you wish to clear for a type of infrastructure that is not exempt and not listed in the code, you may be able to apply for a [development approval for clearing native vegetation](#) under the *Planning Act 2016*.

Building more than one item of infrastructure in the same area

If you are constructing more than one type of infrastructure in the same location, you will need to make a separate notification for each type of infrastructure. For example, clearing for a dam and an access track on a lot requires two separate notifications.

Can I do multiple notifications for the same type of infrastructure?

Yes. Whilst notifications are limited to one type of infrastructure only, for example a dam, there are no limits on the number of dams you can include in the one notification provided that the total proposed clearing meets the code clearing limitations and other requirements (including the requirement to provide an exchange area where required). Alternatively, you can also choose to lodge a notification for each dam separately. Multiple notifications however, cannot be lodged for the one dam. Where the proposed clearing for one dam exceeds the code limitations and there is a requirement to provide an exchange area, you must first legally secure an exchange area compliant with the code and then lodge a single notification for the proposed clearing.

Necessary infrastructure

Section 4.1 of the Infrastructure code specifies that clearing regulated vegetation for infrastructure is not permitted unless it is necessary. Infrastructure is 'necessary' if you need it to continue an existing operation on your property, or to commence a new operation that you have planned, and for which you have any required approvals. Examples include:

- Clearing for an internal fence to subdivide a paddock to enhance property management or improve land condition would be considered necessary.
- Clearing that serves the same purpose as existing clearing is not necessary clearing. For example siting a 10 metre wide road next to existing clearing for a fence line, making the total width of clearing 20 metres, is not necessary clearing. It does not comply with the code, because the 10 metres wide fence line clearing can serve the same purpose as the road.

- Clearing the site for the sheds, fences and tracks for a new feedlot operation on an existing grazing property is necessary once the feedlot operation has obtained all the approvals it needs to be built and operated. The code does not authorise clearing that conflicts with a condition of the development approval.

Section 4.1 also contains avoid and minimise requirements. Whilst clearing can occur in category B areas, category C areas and category R areas, it must only occur when clearing cannot reasonably be located in a category X area or existing cleared area. Clearing must also avoid, and if avoidance is not possible, minimise to the greatest extent possible, clearing of essential habitat, habitat trees, immature koala habitat trees, koala habitat areas and riparian protection zones. See the [General guide to accepted development vegetation clearing codes](#) for more information on avoid and minimise requirements.

Clearing requirements

Sections 4.2 and 4.3 of the Infrastructure code set out the limits to the amount of clearing that can occur. Where the limit is expressed as an area, this is the area that can be cleared on a lot under one notification.

If you need to clear a greater area in a category B area for a single type of infrastructure than the limits permitted under the code, you may be able to apply for a development approval for the clearing.

Clearing in a category C, category R or category X area under the infrastructure code must not exceed the clearing requirements in Table 1 of the code unless:

- an exchange area is legally secured prior to clearing
or
- if the clearing is in a koala habitat area (SEQ Regional plan area only) and a koala offset is required as a condition of a development approval - a koala offset is secured for the extent of the clearing.

If you wish to clear a greater area in a category C area, or a category R area, for a single type of infrastructure than is permitted under the code, you may be able to undertake further clearing under the Infrastructure code, provided an exchange area is legally secured in accordance with section 4.5 of the code. See [General Guide to accepted development vegetation clearing codes](#) for more information on how to identify and legally secure exchange areas.

Clearing in a Category B area, Category C area or Category R area that is a koala habitat area may be regulated by the koala protection framework. For example, the construction and 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 where any part of the cleared area is more than 5m wide
or
- an airstrip or helipad where the cleared area is more than 500m²
or
- non-linear infrastructure, other than an airstrip or helipad in a category B area or category C area where the cleared area is more than 500m².

If you proposed clearing is in a koala habitat area and is for one of the above clearing activities, it is recommended that you seek further information from the Department of Environment and Science on whether your proposed clearing is regulated by the koala protection framework and what further actions to take.

TIP For more information on koala habitat protections see the [General guide to accepted development vegetation clearing codes](#)

TIP For more information on the regulatory framework for koala conservation, go to <https://environment.des.qld.gov.au/wildlife/koalas/> or contact the Department of Environment and Science:
E: SEQKoalaStrategy@des.qld.gov.au
P: 13 QGOV (13 74 68)

Regional ecosystem status and structure category

Some clearing requirements depend on the status of the regional ecosystem (endangered, of concern, of least concern) or on its structure category (very sparse, sparse, dense or mid-dense structure). You can find more details in Table 1 and 2 of the infrastructure code. For more information on regional ecosystems see the [General Guide to accepted development vegetation clearing codes](#).

You can find the information on the conservation status and the structure category of the regional ecosystems on your property in a [vegetation management property report](#).

Fire management lines and firebreaks

Fire management lines and firebreaks are different types of infrastructure and have different purposes.

The Queensland Fire and Rescue Service can provide guidance about the fire risk on a property, the best location for fire breaks or fire management lines, and fuel reduction burning.

Firebreaks

A firebreak is a strip of cleared land immediately adjacent to infrastructure other than boundary fences, roads, vehicular tracks, internal fences, irrigation channels and contour banks. It is used to stop or steady a wildfire, or conduct back-burning, to protect the infrastructure from fire.

The Planning Regulation 2017 provides an [exemption](#) under 'essential management' for establishing or maintaining firebreaks to protect infrastructure other than a fence, road or vehicular track, which applies in some land tenures. Under this exemption the maximum width of the firebreak is equal to 1.5 times the height of the tallest tree next to the infrastructure, or 20 metres, whichever is wider. This is for both coastal and non-coastal properties. You do not need to notify under the Infrastructure code if you want to construct a firebreak that complies with the exemption.

The Infrastructure code allows for clearing a wider firebreak up to 30 metres in non-coastal properties.

In Category C and Category R areas, the Infrastructure code enables landholders to clear firebreaks wider than 30 metres in a non-coastal area after an exchange area has been legally secured. Exchange area requirements are detailed in the appendix of the Infrastructure code. See [General Guide to accepted development vegetation clearing codes](#) for more information on how to identify and legally secure exchange areas.

If you want to clear a firebreak wider than permitted under the Infrastructure code or the exemptions, you may be able to apply for a development approval to clear for a firebreak.

Fire management lines

Fire management lines are a pathway, track, road or fence line clearing which can be used for fuel reduction burns, back burning operations, and to provide access around the property in the event of a fire.

The Planning Regulation 2017 provides for an [exemption](#) under 'essential management' for establishing a necessary fire management line, in some tenures. The maximum width of the clearing is 10 metres. You do not need to notify under this code if you want to construct a fire management line that complies with the exemption.

In Category C or Category R areas, the Infrastructure code enables landholders to clear fire management lines wider than 10 metres after an exchange area has been legally secured. Exchange area requirements are detailed in the appendix of the Infrastructure code. See [General Guide to accepted development vegetation clearing codes](#) for more information on how to identify and legally secure exchange areas.

If you want to clear a fire management line wider than 10 metres in category B vegetation, you may be able to apply for a development approval to clear for a road or vehicular track.

Construction materials

Sourcing timber for constructing new infrastructure is not authorised by the Infrastructure code.

The Planning Regulation 2017 provides an exemption for clearing to source construction timber for establishing necessary infrastructure on the same land. This exemption applies only on freehold land and on a lease for agriculture or grazing purposes. This exemption is limited to areas of regulated regrowth and least concern regional ecosystems, and requires the owner of the land (or the lessee of a lease for agricultural or grazing purposes) to ensure restoration of a similar type to, and extent of, the removed trees. You do not need to notify if you are sourcing construction timber in a way that complies with the exemption.

If you wish to source timber to construct infrastructure on other tenures or in other areas, you can do this if the work complies with the accepted development vegetation clearing code for managing a native forest practice. You need to notify if you are clearing under the code for managing a native forest practice.

On leasehold land, lessees cannot source timber from commercial tree species for constructing new infrastructure. Lessees should contact the Department of Agriculture and Forestry to clarify the use and availability of timber on leasehold land.

Fence lines

The Planning Regulation 2017 provides an exemption for clearing to establish a necessary fence. This exemption applies only on freehold land and on a lease for agriculture or grazing purposes, and is limited to areas of regulated regrowth and least concern regional ecosystems. The Planning Regulation 2017 also provides an exemption for maintaining an existing fence. This applies on all land tenures and in all regional ecosystems; however on a dedicated road it only applies to a boundary fence to a maximum width of three metres. You do not need to notify in order to do this clearing.

Under the Infrastructure code, you can clear to build an internal fence on your property provided the clearing is not more than 10 metres wide (including any existing clearing along the fence line), and is at least 10 metres from the defining bank of a wetland. It must also be at least 10 metres from the defining bank of a watercourse or drainage line unless a crossing is required (see Table 1 of the Infrastructure code).

Constructing an internal laneway by building a fence on each side can be done under a single notification, as the two fences are the same type of infrastructure. However, clearing between the fence lines for a vehicular track is a different type of infrastructure and requires a separate notification. Clearing between the fence lines for a corridor to make access for the movement of stock is not covered by this code.

Under the Infrastructure code, you can clear for a boundary fence provided the clearing is not more than 10 metres wide (including any existing clearing along the fence line) on the landholder's side of the property boundary (see Table 1 of the Infrastructure code).

Roads, tracks, irrigation channels and contour banks

Under the Infrastructure code, you can clear to build or widen an existing road, vehicular track, irrigation channel or contour bank provided clearing is not more than 10 metres wide.

Clearing for a road, vehicular track, irrigation channel or contour bank must be at least 10 metres from the defining bank of a wetland. It must also be at least 10 metres from the defining bank of a watercourse or drainage line unless a crossing is required for a road, vehicular track or internal fence (see Table 1 of the Infrastructure code).

Drainage and erosion control structures

Drainage and erosion control structures are earthen works associated with tracks, fence lines, firebreaks, fire management lines and other linear infrastructure. They are used to control and prevent erosion and are often made in a series, for example, whoa boys may be made at regular intervals along a track. For the purposes of the Infrastructure code they do not include contour banks. Contour banks are earthen structures constructed across slopes that are used to intercept runoff before it concentrates and starts to cause erosion, after which it is safely channelled into stable grassed waterways, natural depressions or grassed areas adjacent to a paddock. Unlike drainage and erosion control structures, contour banks do not need to be associated with linear infrastructure but must be constructed across slopes and end in a natural drainage feature.

 *If you are unsure which drainage infrastructure type applies to you, call **135 VEG** (135 834) or email vegetation@dnrme.qld.gov.au*

The [Soil Conservation Guidelines for Queensland](#) detail specific information on making drainage and erosion control structures.

The Infrastructure code allows clearing of up to 900 square metres per drainage and erosion control structure in areas other than a dedicated road (see Table 1 of the Infrastructure code).

The Infrastructure code does not provide for clearing to implement more complex types of erosion control programs, for example ripping gully heads to fix gully erosion. These works may be covered under the code for [Necessary Environmental Clearing](#). If the clearing is in a category B area, you may also be able to apply for a development approval for these works.

All other linear infrastructure

Linear infrastructure is a structure built or used for any purpose that is linear in nature. For the purposes of the Infrastructure code, linear infrastructure does not include boundary fences, roads, vehicular tracks, internal fences, irrigation channels or drainage and erosion control structures, as these have their own specific requirements. It may include pipelines, telecommunication lines, power lines and other linear infrastructure.

Clearing for linear infrastructure or widening of an existing cleared area must not exceed the following width limits:

Linear infrastructure	Category	Clearing width
Power lines	Bare conductor – line voltage	On each side of the centre line
	33kV, 22kV or 11kV	10 metres
	19.1kV, 12.7kV or 11kV Single Wire Earth Return line	7.5 metres
	Low Voltage Open Wire Line	5 metres
	Aerial bundled cable (ABC) and covered conductor – line voltage	On each side of the centre line
	33kV, 22kV or 11kV	3 metres
	Low Voltage ABC line	1.5 metres ¹
All other linear infrastructure	Regional ecosystem structure category²	Clearing width limits
	Dense and mid dense	10 metres
	Sparse and very sparse	20 metres
	Grassland	25 metres

Clearing must be at least 10 metres from the defining bank of a wetland and it must be at least 10 metres from the defining bank of a watercourse or drainage line unless a crossing is required (see Table 1 of the Infrastructure code).

Airstrips and helipads

Clearing for the construction of an airstrip or helipad must not occur within the riparian protection zones outlined in Appendix 2, Table C of the code.

Non-linear infrastructure

Non-linear infrastructure is a building, or other structure, built or used for any purpose such as residential housing and associated structures, commercial and industrial buildings and structures, sheds, dams, windmills, solar panels or telecommunication towers. For the purposes of the Infrastructure code, it does not include linear infrastructure, airstrips or helipads.

Clearing limits for non-linear infrastructure are outlined in Table 1.

¹ However the clearing width may be extended to 3 metres on one side where vehicular access is required.

² Clearing limits are determined by the vegetation structure category of the RE (dense and mid-dense, sparse and very sparse, grassland). The limits for each structure category is outlined in Appendix 2, Table A, Column 2.

Table 1: Clearing limits for non-linear infrastructure

Category	Code requirement	Clearing limit / further clearing requirement
Category B	Clearing must not exceed 5 hectares total	5 ha total Category B
	Clearing must not result in total combined clearing of endangered regional ecosystems and of concern regional ecosystems above the specified limits ³ .	<ul style="list-style-type: none"> 0.5 ha (dense / mid-dense) 2 ha (sparse / very sparse) 5 ha (grassland)
	Clearing must not result in clearing of essential habitat above the specified limits Error! Bookmark not defined.	<ul style="list-style-type: none"> 0.5 ha (dense / mid-dense) 2 ha (sparse / very sparse) 5 ha (grassland)
	Clearing of a least concern regional ecosystem must not exceed 2 hectares (for sparse, very sparse, dense or mid-dense REs)	2 hectares least concern
	Clearing of a least concern regional ecosystem must not exceed 5 hectares (for grassland RE)	5 hectares least concern grassland RE
	Clearing must not occur within a riparian protection zone.	<ul style="list-style-type: none"> 100 m (wetland) 10 m (stream order 1 or 2) 25 m (stream order 3 or 4) 50 m (stream order 5 or +)
Category C Category R	Clearing greater than 2 hectares in a category C area or a category R area must not occur in: <ul style="list-style-type: none"> Essential habitat Riparian protection zones (Appendix 2, Table C) 	<p>Clearing above 2 hectares in sensitive areas requires an exchange area.</p> <p>Clearing above 2 hectares in a koala habitat area where a koala offset is secured for the extent of the clearing.</p>
	Total combined clearing of category C areas and category R areas must not exceed 10 hectares.	<p>Any further clearing of category C areas and category R areas requires an exchange area.</p> <p>Clearing above 2 hectares in a koala habitat area where a koala offset is secured for the extent of the clearing.</p>

Dams

Clearing for a dam is classified as non-linear infrastructure and includes the destruction of any native vegetation killed by inundation by the dam. When calculating the clearing area for a farm dam, you must include the area of the earthworks and the area that will be inundated when the dam is full.

Telecommunication towers

Clearing for a telecommunication tower can be undertaken by following the requirements for non-linear infrastructure under the code. If a development approval for an MCU is required, this should be obtained first before clearing in accordance with the code.

Essential habitat

Essential habitat is the habitat of native wildlife prescribed under the *Nature Conservation Act 1992* as endangered, vulnerable or near-threatened (protected wildlife). See [General Guide to accepted development vegetation clearing codes](#) for more information on how to identify essential habitat.

³ Clearing limits are determined by the vegetation structure category of the RE (dense and mid-dense, sparse and very sparse, grassland). The limits for each structure category is outlined in Appendix 2, Table A, Column 2.

Clearing on a dedicated road

The Infrastructure code allows clearing on dedicated roads only where the clearing is necessary to implement a development approval. For example, this includes clearing that is required to provide access to an adjacent development that has development approval (Figure 1). If you are clearing on a road, you will need landholder's consent from the road authority to enter access and undertake clearing or other works on the road. You will need to contact the Department of Transport and Main Roads for consent on a State-controlled road under the *Transport Infrastructure Act 1994*. You will need to contact the relevant local government for consent on all other dedicated roads.

Table 2 of the code, together with Table A and Table B in Appendix 2 of the code identify the width and area of clearing that may occur on a dedicated road. The width and area depend on the structure of the regional ecosystem. Information on the structure of the regional ecosystem can be obtained in a vegetation management report. See [General guide to accepted development vegetation clearing codes](#) for more information on how to obtain a vegetation management report.

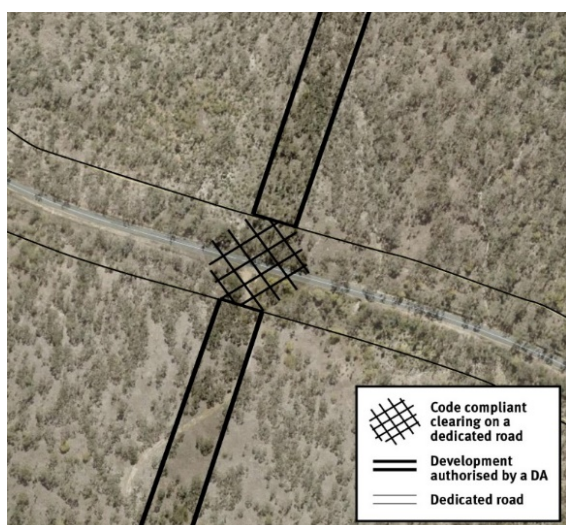


Figure 1. Clearing under the code on a dedicated road to provide access to adjacent approved development.

Soil and water quality protections

Soil and water quality protections are covered in section 4.4 of the Infrastructure code. Please see [General guide to accepted development vegetation clearing codes](#) for further information on protections for soil and water quality.

Exchange areas

Under the Infrastructure code, clearing of a category C area or a category R area that exceeds the area or width of clearing specified in Table 1 and Table 2 of the Infrastructure code is permitted, provided an exchange area is legally secured before the clearing occurs. The requirements for an exchange area are set out in section 4.5 of the Infrastructure code. For information about how to secure an exchange area refer to the [General guide to accepted development vegetation clearing codes](#).

TIP *Before undertaking clearing that requires legally securing an exchange area, it is recommended that you obtain independent legal and financial advice regarding the impact of any subsequent certification of a property map of assessable vegetation (PMAV) or declared area (voluntary).*

Exchange areas and koala habitat (SEQ only)

If you intend to conduct clearing in a koala habitat area you may require a development approval for interfering with koala habitat. That development approval may require an environmental offset as a condition of approval (a koala offset). You do not need to provide an exchange area for your proposed clearing where it is required under the Infrastructure code if a koala offset has already been required for clearing that same area.

For more information on the koala regulations, see the [General guide to accepted development vegetation clearing codes](#) or contact the Department of Environment and Science (details on following page).

 **Department of Environment and Science – Koala protection**
E: SEQKoalaStrategy@des.qld.gov.au
W: <https://environment.des.qld.gov.au/wildlife/animals/living-with/koalas>
P: 13 QGOV (13 74 68)

Example of proposed infrastructure

This section provides an example of proposed clearing for infrastructure, and how the requirements of the Infrastructure code and the *Planning Regulation 2017* exemptions are applied to the proposal.

Building infrastructure to establish a new paddock

Example: As part of farm planning, the landholder has identified that a new paddock is required (Figure 2). As a result, the landholder wants to undertake clearing for the following infrastructure:

- shed - 0.8 ha
- firebreak around the shed
- track from the existing road to the shed
- dam (includes the inundation area) -1.8 ha
- track between the dam and shed
- fence that acts as a fire management line
- fence parallel to a boundary fence for a laneway.

The Vegetation Management Report for this lot/plan (Figure 2) contains the following information:

- the lot is freehold land tenure
- it is located in a non-coastal location
- the lot contains RE 11.10.13/11.10.6 where proposed infrastructure is located
- RE 11.10.13 has a status of least concern, Category B, mid-dense structure category
- RE 11.10.6 has a status of least concern, Category B, sparse structure category.

The landholder then undertakes a vegetation assessment that finds that all proposed infrastructure is located in RE 11.10.13.

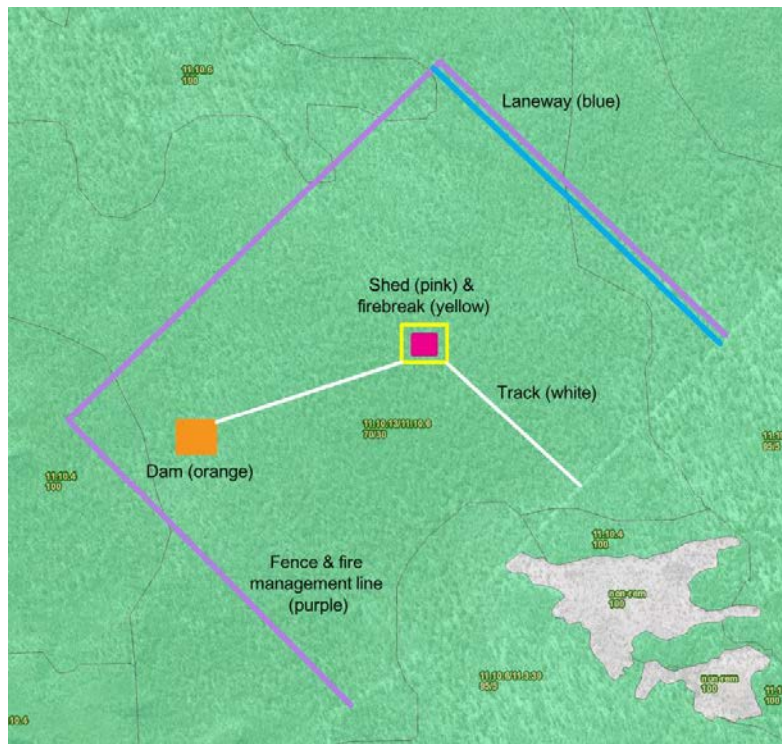


Figure 2. Example of infrastructure

The *Planning Regulation 2017* 'routine management' exemptions apply because the site is located in Category B least concern vegetation on freehold land. The 'routine management' exemption allows clearing up to 10 metres wide to establish the fences and tracks, and to build the shed (which is "built infrastructure"). Notifications are not required for this clearing as it is covered by the exemptions.

The 'essential management' exemption will allow clearing for the firebreak up to 20 metres wide once the shed is constructed. Notifications are not required for this clearing as it is covered by the exemptions.

The landholder has received expert advice that a firebreak of 30 metres is necessary to protect the infrastructure. Extending the firebreak to 30 metres wide is not allowed under the 'essential management' exemption. However, the Infrastructure code Table 1 identifies that because the land is in a non-coastal area, a necessary firebreak 30 metres wide can be cleared. A notification is required under the Infrastructure code before clearing the wider firebreak.

Clearing for the dam can be done under the routine management exemption because the total area cleared for the dam (and the dam's footprint) is less than 2 hectares, the lot is freehold land and the vegetation is a least concern regional ecosystem in a category B area. A notification is not required for the clearing as it is covered by the exemptions. The Infrastructure code provides for clearing for dams above the limits and scope of the exemptions.