



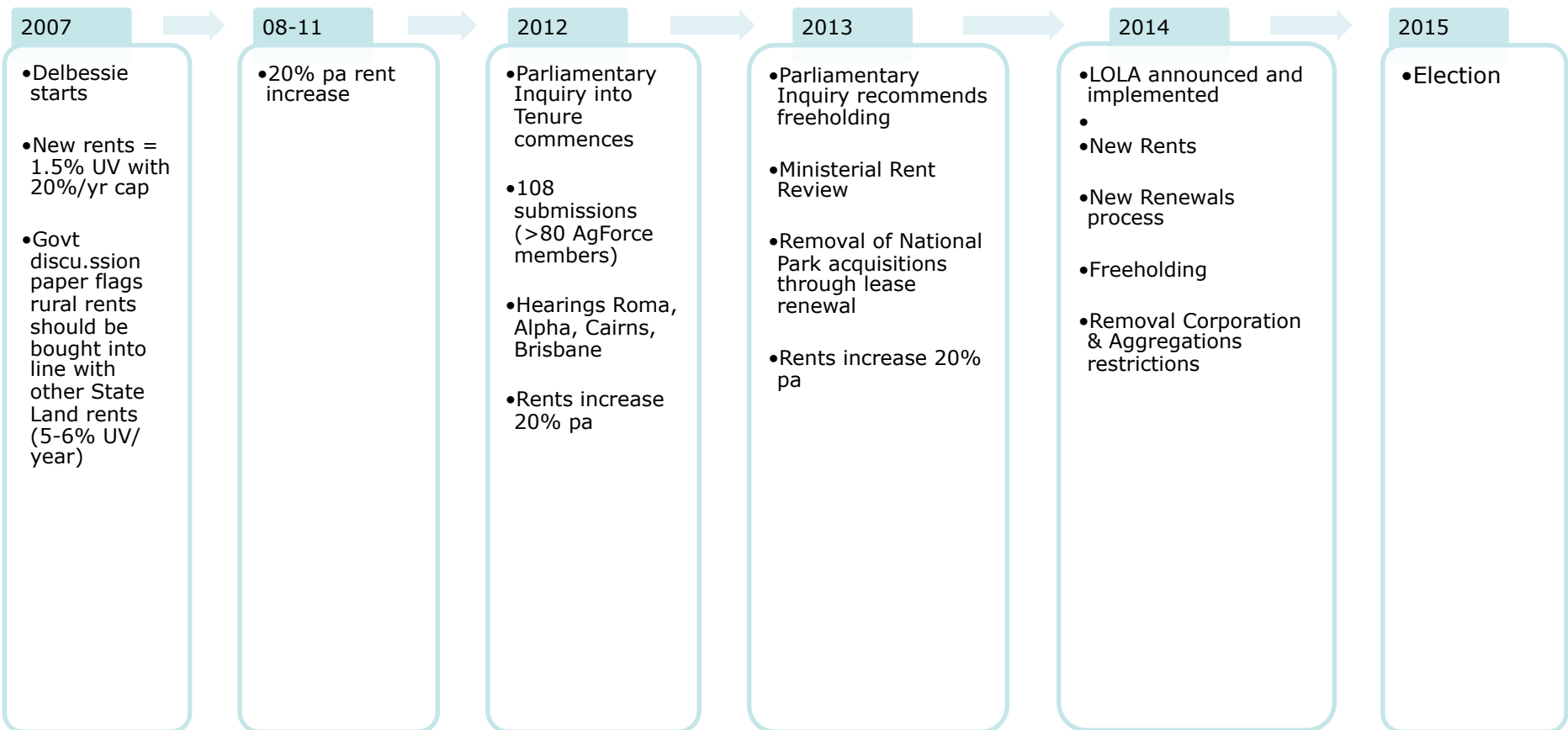
Advancing Rural Queensland



# **Vegetation & Tenure Legislation: *now and into the future***

**Lauren Hewitt  
AgForce Policy Manager**

# Leasehold Land: *where have we been?*



# Leasehold Land: *current framework*

	Lease Renewal Process	Rental Methodology	Freehold Conversion Methodology	Other
<b>Rural Term Lease (including leases on state forestry leases &amp; timber reserves)^</b>	New rolling lease framework will extend (roll over) terms for the original base term of that lease - for example, a 30-year lease will be rolled over for 30 years and there will be no limit as to the number of times a lease can be rolled over in this way.	0.75pc of most recent unimproved land value.  Annual cap of 10pc pa	0.75pc of the current Unimproved land value multiplied by 13.1*^	
<b>Rural Perpetual Lease</b>	NA	1.5pc of most recent unimproved land value.  Annual cap of 10pc applied from current rents	1.5pc of the current Unimproved land value multiplied by 13.1*	Corporations and aggregations restrictions removed
<b>Other Term Leases, licences and permits</b>	No change	0.75pc of most recent unimproved land value.  Annual cap of 10pc pa	NA	

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## The fine print....

\*Term leases must address costs and compensation of Native Title.

\* All leases must pay out State-owned commercial timber on land or reserve the timber to the State under a Forest Consent Agreement registered on title.

\* All leases must survey land to freehold standard.

^ State Forestry Leases and Timber Reserves will be ineligible for freeholding

# Leasehold Land: *working examples*

	Rent going forward	Freehold Conversion
<b>Term Lease A (Land Act lease)</b> -Unimproved value (UV) of \$1,000,000 -Currently paying rent of \$8,000/year (0.8% UV) -	Rent = $0.75 \times \text{UV}$  Will experience a reduction in rent to 0.75 % of UV (\$7,500/year)	Freehold = $(0.75\% \times \text{UV}) \times 13.1$  Can be converted for \$98,250 + cost of obtaining survey + cost of negotiating and paying compensation for native title + value of commercial timber.
<b>Term Lease B (Land Act Lease)</b> -Unimproved value (UV) of \$1,000,000 -Currently paying rent of \$5,000/year (0.5% UV)	Rent = $0.75 \times \text{UV}$  Rent will eventually increase to \$7,500 at a cap of 10% per year	
<b>Term Lease C (State Forestry Lease or Timber Reserve)</b> -Unimproved value (UV) of \$1,000,000 -Currently paying rent of \$5,000/year (0.5% UV)	Rent = $0.75 \times \text{UV}$  Rent will eventually increase to \$7,500 at a cap of 10% per year	State Forestry Lease & Timber Reserves are not eligible to convert to freehold
<b>Perpetual Lease D</b> -Unimproved value (UV) of \$1,000,000 -Currently paying rent of \$8,000/year (0.8% UV)	Rent = $1.5\% \times \text{UV}$ with a 10% pa cap  Rent will continue to rise at 10% pa until it hits 1.5% (\$15,000)	Freehold = $(1.5\% \times \text{UV}) \times 13.1$  Can be converted for \$196,500 + cost of obtaining survey + value of commercial timber.

# Leasehold Land: *Where to from here?*

- Future of the program
- Finance
  - QRAA?
- Policy Issues
  - Survey
  - Forest Consent Areas (FCAs)
  - Native Title
  - Conditions on leases (forestry)



# VMA: *Overview of Reform (2013)*

- New mapping
- Regrowth removed from freehold
- Self-assessable Codes
- Offence provision changes
  - Reversing the onus of proof
  - 'Mistake of Fact'
- New clearing purposes:
  - High Value and Irrigated High Value Agriculture
  - Environmental clearing

# ***What can I do on my property?***

Is the Vegetation assessable?



Exemptions?



Self-assessable codes?

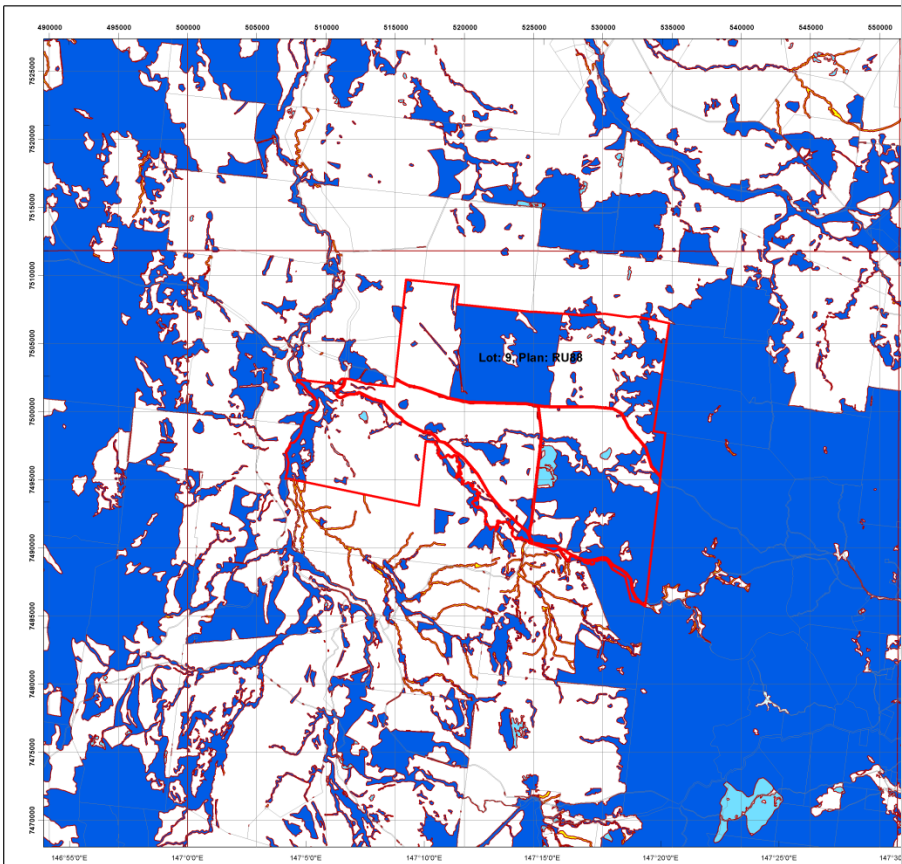


Area Management Plan?



Further assessment.

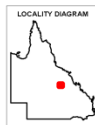




## Regulated Vegetation Management Map

### Legend

- Lot and Plan
- Category A area
- Category B area
- Category C area
- Category R area
- Category X area
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only



0 3,300 6,600 9,900 12,200 15,500 m

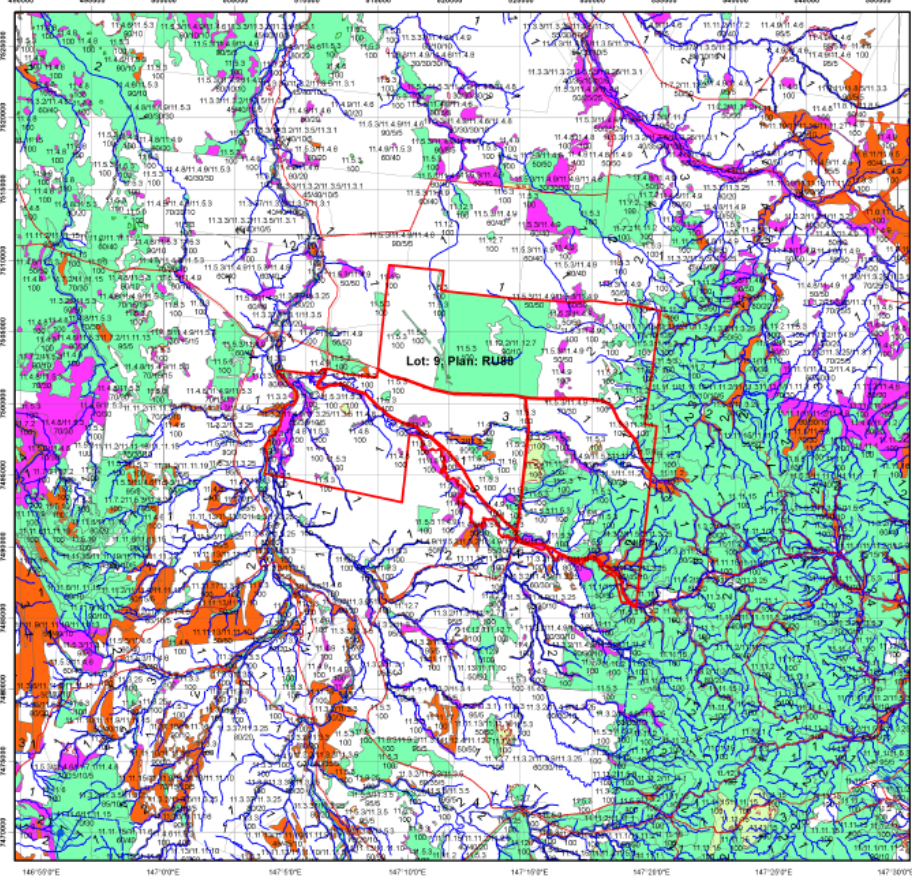
This product is projected into:  
GDA 1994 MGA Zone 55

**Disclaimer:**  
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources and Mines makes no representation or warranties about its accuracy, reliability, completeness or suitability or any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

Additional information required for the assessment of vegetation value is provided in the accompanying "Vegetation Management Supporting Map". For further information go to the web site: [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au) or contact the Department of Natural Resources and Mines.

Digital data for the regulated vegetation management map is available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

This map is updated on a monthly basis to ensure new PMAVs are included as they are approved.



## Vegetation Management Supporting Map

### Legend

- Lot and Plan
- Category A or B area containing endangered regional ecosystems
- Category A or B area containing of concern regional ecosystems
- Category A or B area that is a least concern regional ecosystem
- Category A or B area containing remnant vegetation
- Category A or B area under Section 20AH
- Category A or B area containing endangered regional ecosystems
- Category C area containing of concern regional ecosystems
- Category C area that is a least concern regional ecosystem
- Category C area containing high value regrowth vegetation
- Category C area under Section 20AI
- These areas are edged in purple and filled with the remnant RE Status
- Non Remnant
- Water
- Wetland on the vegetation management wetlands map
- Essential habitat on the essential habitat map
- Essential habitat species record
- Watercourse on the vegetation management watercourse map
- (Stream order shown as black number against stream where available)
- Roads
- © Pitney Bowes Software Pty Ltd
- National Parks, State Forest and other reserves
- Cadastral line
- Property boundaries shown are provided as a locational aid only



0 2,400 4,800 7,200 9,600 12,000 m

This product is projected into:  
GDA 1994 MGA Zone 55

Labels for Essential Habitat are centred on the area of enquiry.

Regional ecosystem linework has been compiled at a scale of 1:100 000, except in designated areas where a compilation scale of 1:50 000 is available. Linework should be used as a guide only. The positional accuracy of RE data mapped at a scale of 1:100 000 is +/- 100 metres.

**Disclaimer:**  
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources and Mines and Pitney Bowes Software, makes no representations or warranties about its accuracy, reliability, completeness or suitability or any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

Additional information may be required for the purposes of land clearing or assessment of a regional ecosystem map or PMAV applications. For further information go to the web site: [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au) or contact the Department of Natural Resources and Mines.

Digital data for the vegetation management watercourse map, vegetation management wetlands map, essential habitat map and the vegetation management remnant and regional ecosystem map are available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

## Common exemptions

Clearing purpose	Vegetation type	Details
All purposes	Category X	All clearing on this land is exempt.
Firebreaks	All	To establish or maintain a necessary firebreak to protect infrastructure (other than fences, roads and tracks) to a maximum width of <b>20m or 1.5 times</b> the height of the tallest adjacent tree, whichever is the greater.
Fire management line	All	Clearing for a necessary fire management line to a maximum width of <b>10m</b> .
Hazardous fuel load reduction	All	Clearing by fire to reduce hazardous fuel load under the <i>Fire and Rescue Service Act 1990</i> .
Risk to people or infrastructure	All	Clearing necessary to remove or reduce the imminent risk the vegetation poses to people or infrastructure.
Maintain existing infrastructure	All	<p>Clearing necessary to maintain existing infrastructure, including buildings, fences, roads and watering points.</p> <p>Clearing to source construction timber to maintain existing infrastructure on the land.</p>

- Self-assessable codes for:
  - Thinning
  - Encroachment
  - Weeds
  - Fodder harvesting
  - Infrastructure
  - Improving operational efficiency
  - Category R and Category C



## 3. Notification and compliance

### 3.1 Notification

#### Practice

Landholders intending to thin remnant vegetation under this code must notify DNRM before thinning.

#### Guidance

Prior to clearing vegetation for thinning, you must notify DNRM. Refer to the DNRM website ([www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)) for options and instructions on how to notify DNRM. There is no notification fee. DNRM will give you a receipt of the notification.

If your property is sold, the new landholder must notify DNRM if they wish to manage thickened vegetation under this code.

### 3.2 Compliance

#### Practice

Landholders thinning remnant vegetation must comply with the practices in this code.

#### Guidance

You are required to comply with the practices specified in this code (shaded blue), and summarised in Appendix 1. Before thinning, you should consult the DNRM website to ensure you are operating under the current version of the code. Compliance with this code does not exempt land from requirements under other legislation (see Appendix 3 for a list of other relevant legislation).

## Appendix 1: Summary of practices

Practice	Page
Landholders intending to thin remnant vegetation under this Code must notify the Department of Natural Resources and Mines (DNRM) before thinning.	3
Landholders thinning remnant vegetation are required to comply with the practices in this code.	3
Thinning of trees and tall shrubs (greater than 2 metres) must only occur in the regional ecosystems listed in Table 1.	5
The density of mature and immature trees must be measured prior to thinning.	6
Thinning of trees and tall shrubs must retain the density of trees specified in Table 3 for the regional ecosystem.	8
Thinning of trees and tall shrubs: <ul style="list-style-type: none"> <li>• must retain all habitat trees</li> <li>• must retain all mature trees, unless the number of mature trees exceeds the tree retention requirement specified in Table 3</li> <li>• must retain sufficient immature trees to satisfy the retained density ( mature, habitat and immature trees listed in Table 3, Retained immature trees must: <ul style="list-style-type: none"> <li>◦ be comprised of all tree species in proportion to their natural occurrence in the regional ecosystem;</li> <li>◦ be comprised of a range of sizes; and</li> <li>◦ be spaced across the area as evenly as the natural distribution of immature trees permits</li> </ul> </li> <li>• must not clear all vegetation in one area, on the basis of leaving additional vegetation in another area</li> <li>• may remove non-native species and native species which do not belong in that regional ecosystem.</li> </ul>	9
Chemical thinning of trees and tall shrubs must not occur by aerial application or application of a soil absorbed, broad spectrum herbicide.	11
Mechanical thinning of trees and tall shrubs must not: <ul style="list-style-type: none"> <li>• involve the use of two tractors pulling a cable or chain</li> <li>• occur within 5 metres of the trunk of a mature tree</li> <li>• damage a retained or habitat tree</li> <li>• stack debris against a retained or habitat tree</li> <li>• in a regional ecosystem listed in Table 5, occur within 50 metres of a scarp or an area of instability</li> <li>• cause accelerated soil erosion</li> <li>• occur in a no machinery zone of a wetland or watercourse (in accordance with Table 6 and as shown in Figure 7).</li> </ul>	12
Thinning of low shrubs (less than 2 metres high) and vegetation in the ground layer can only occur where their ground cover exceeds 50%. Mechanical thinning of low shrubs (less than 2 metres high) and the ground layer must: <ul style="list-style-type: none"> <li>• not involve the use of two tractors pulling a cable or chain</li> <li>• not occur within 5 metres of a mature tree</li> <li>• not damage a mature or habitat tree or stack debris against a mature or habitat tree</li> <li>• in a regional ecosystem listed in Table 5, not occur within 50 metres of a scarp or an area of instability</li> <li>• not cause accelerated soil erosion</li> <li>• not occur in a no machinery zone of a wetland or watercourse (as specified in Table 6 and shown in Figure 7).</li> </ul> Chemical thinning of low shrubs and vegetation in the ground layer must not occur by aerial application or application of a soil absorbed, broad spectrum herbicide.	20

[Titles and valuations](#)[Accessing and using land](#)[Surveying](#)[Place names](#)[Native title and Indigenous lands](#)**[Vegetation management](#)**[Changes to vegetation management laws](#)[Clearing of native vegetation in Queensland](#)[Vegetation maps](#)[Clearing exemptions](#)[Self-assessable vegetation clearing codes](#)[Area management plans \(AMPs\)](#)[Development approvals](#)[Clearing for high-value and irrigated high-value agriculture](#)[Clearing for environmental works](#)[Auditing and monitoring](#)[Vegetation management contacts](#)

## Vegetation management

### Changes to vegetation management laws

Overview of recent changes to the vegetation management laws in Queensland.

### Vegetation maps

Request a map | Correcting vegetation maps | Which map to choose

### Self-assessable vegetation clearing codes

Clearing activities that can be undertaken using a simple notification process.

### Development approvals

How to apply for approval to clear remnant (Category B) vegetation.

### Clearing for environmental works

Clearing regrowth and remnant vegetation for necessary environmental purposes.

### Vegetation management contacts

Contact us for enquiries about clearing and vegetation management.

Last updated 29 Januarv 2014

### Clearing of native vegetation in Queensland

General information on exemptions, self-assessable codes, AMPs and development approvals.

### Clearing exemptions

Routine clearing activities that do not require an approval or notification.

### Area management plans (AMPs)

Information on using and applying for an area management plan.

### Clearing for high-value and irrigated high-value agriculture

Development approvals to clear for agricultural development.

### Auditing and monitoring

How we monitor compliance with Queensland's vegetation management laws.

- [Vegetation clearing notification form](#)
- [Vegetation map request](#)
- [Property maps of assessable vegetation \(PMAVs\)](#)

# VMA: *Area Management Plans*

- An alternative approval system
- Use for specific vegetation management activities not covered by a SAC.
- Designed for groups of landholders wanting to undertake the same activity.
- AMPs have an application fee which varies depending on the number of properties involved.



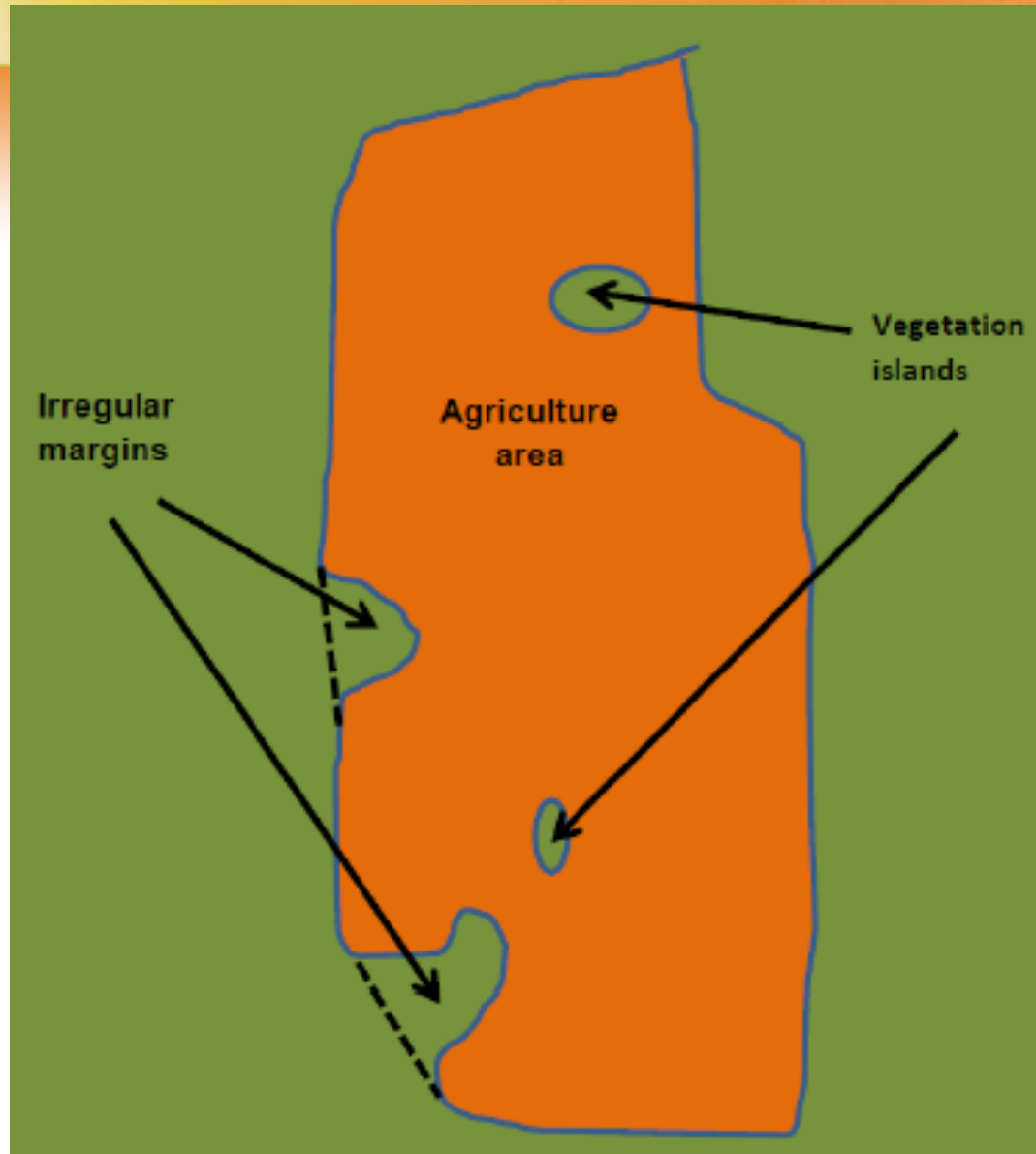
# VMA: *High Value & Irrigated High Value Agriculture*

Activity	High-value agriculture	Irrigated high-value agriculture
<b>Broadacre cropping (including sugar cane)</b>	Yes	Yes
<b>Annual horticulture</b>	Yes	Yes
<b>Perennial horticulture</b>	Yes	Yes
<b>Grazing</b>	No	Yes (irrigated pasture)
<b>Plantation forestry</b>	No	No

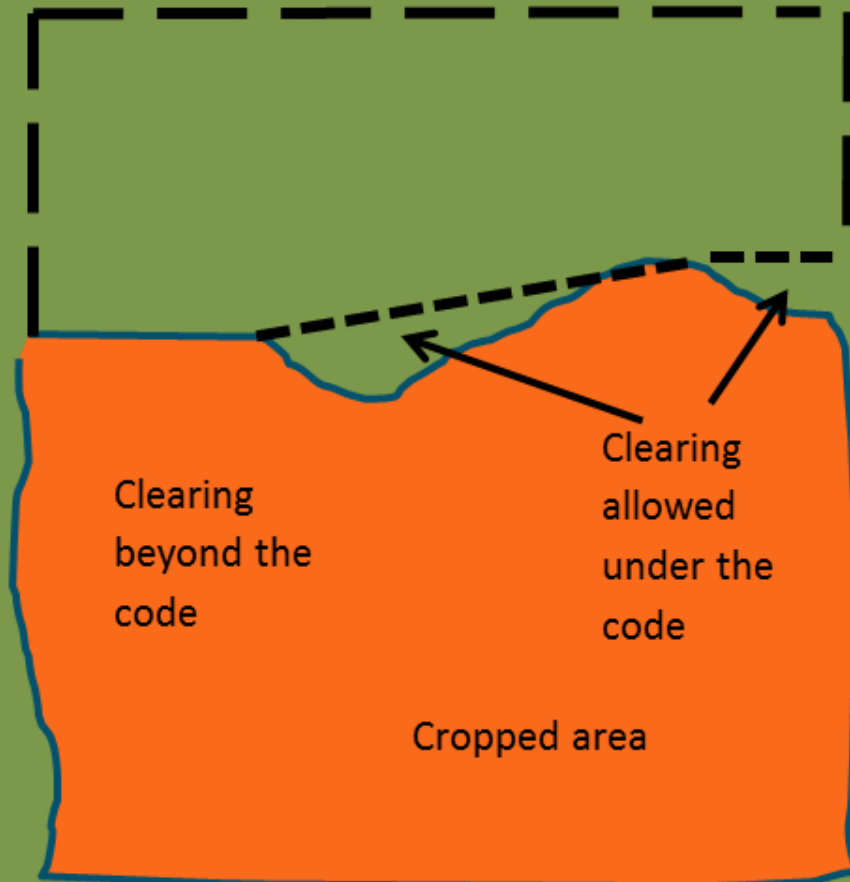
## **VMA: *Improving Operational Efficiency SAC***

- Limited to veg either within or adjacent to existing crop
- Similar soil type and slope to existing crop
- Limited to 5ha or 10% of existing crop up to 100ha
- Not in essential habitat, wetland or watercourse protection area
- Slope limits depending on cultivation type
- Endangered or of concern REs require an exchange area
- Must not cause accelerated soil erosion, release of acid sulphate soils or salinity.

# Improving Operational Efficiency SAC



## Edge Straightening



# VMA: where to now?

- Regrowth
- High Value Agriculture
- PMAV security

# Thank you

Questions?

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