

Table of exemptions

The requirement to obtain a permit does not apply to:

Dead canopy tree	A canopy tree that is dead.
Emergency works	A canopy tree that is to be removed, destroyed or lopped: - in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or - where it presents an immediate risk of personal injury or damage to property. Only that part of the canopy tree that presents the immediate risk may be removed, destroyed or lopped under this exemption.
Extractive industry	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.
Fire protection	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to carry out the following fire protection activities: - fire fighting; - planned burning; - making or maintenance of a fuel break or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres; - the making of a strategic fuel break up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuel break plan approved by the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987); - in accordance with a fire prevention notice issued under either: - section 87 of the Fire Rescue Victoria Act 1958; - section 65 of the Forests Act 1958; or - section 41 of the Country Fire Authority Act 1958; or - keeping a canopy tree clear of, or minimising risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;

The requirement to obtain a permit does not apply to:

- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.

Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.

Geothermal energy exploration and extraction	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Geothermal Energy Resources Act 2005</i> .
Greenhouse gas sequestration and exploration	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Greenhouse Gas Geological Sequestration Act 2008</i> .
Land management and directions notice	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <i>Catchment and Land Protection Act 1994</i> .
Land use conditions	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i> .
Lopping and pruning for maintenance	Lopping or pruning a canopy tree, for maintenance only, provided no more than 1/3 of the foliage of the tree is lopped or pruned. This exemption does not apply to: ■ the pruning or lopping of the trunk of a canopy tree; ■ pruning or lopping that would reduce the height of the tree to less than 5 metres or the canopy diameter of the tree to less than 4 metres.
Mineral exploration and extraction	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990: ■ that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or ■ in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.

MANNINGHAM PLANNING SCHEME

The requirement to obtain a permit does not apply to:

Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of a native tree that may be removed as part of low impact exploration.

Noxious and environmental weeds

A canopy tree that is identified as a noxious weed in:

- a declaration under section 58 or section 58A of the *Catchment and Land Protection Act 1994*. This exemption does not apply to Australian Dodder (*Cuscuta australis*); or
- a planning scheme.

Public land manager

A canopy tree that is to be removed, destroyed or lopped by or on behalf of a public land manager.

Railways

A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road.

Traditional owners

A canopy tree that is to be removed, destroyed or lopped by a person acting under, and in accordance with:

- a natural resources agreement under Part 6 of the *Traditional Owner Settlement Act 2010*; or
- an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional Owners Settlement Amendment Act in 2016 (1 May 2017)*.

Transport system

A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or a municipal council to construct or maintain the transport system.
