

# Regrowth vegetation code—

On freehold and Indigenous land and leasehold  
land for agriculture and grazing—version 1





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# 1. Introduction

## 1.1 General

The clearing of important regrowth vegetation is regulated under the *Vegetation Management Act 1999* (VMA). Regulated regrowth includes native woody vegetation within 50 metres of identified regrowth watercourses in the Mackay Whitsunday, Burdekin and Wet Tropics reef catchments and high-value regrowth in rural areas on freehold, Indigenous and leasehold land for agriculture and grazing. These areas have been mapped and copies of these maps are available on the Department of Environment and Resource Management (DERM) website <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

Improving the water quality along water courses is important to improving the overall sustainability of reef waterways. The code restricts clearing within 50 metres of a watercourse, with the specific distance depending on the stream order marked on the regrowth vegetation map. Regulating the clearing of regrowth watercourse vegetation supports the Queensland Government's commitment to improve the water quality of the Great Barrier Reef. Protecting high-value regrowth is important because it has the highest potential of becoming remnant vegetation.

The regrowth vegetation code (the code) applies to the clearing of regulated regrowth vegetation on freehold and Indigenous land, and leasehold land used for agriculture and grazing if other exemptions do not apply. Clearing that is consistent with the code is exempt. Landholders determine for themselves whether the clearing is consistent with the code.

Where permitted, clearing of regulated regrowth vegetation can only occur once the landholder notifies DERM of their intention to clear. Landholders have the option to notify for a single clearing activity or for multiple clearing activities that may be undertaken. Once landholders have notified DERM, they can clear their regulated regrowth vegetation in accordance with the code without the need to apply for permits or other approvals relating to the *Vegetation Management Act 1999*. Therefore it is important to understand this code and clear in a way that complies with it. To help read and understand the code, words underlined in the text are defined in the Glossary of terms.

Clearing that does not comply with the code is unlawful and may be subject to a compliance response including the possibility of prosecution or the restoration of the cleared area.

If you are not sure if the code applies to you, fact sheets and landholder guides are available on the departmental website <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. You may also contact a Vegetation Management Officer at your local departmental business centre.

## 1.2 Regulatory background

The clearing of regulated regrowth vegetation is exempt from requiring a development approval for clearing native vegetation under Schedule 8, Part 1, Table 4, items 1A and 1B of the *Integrated Planning Act 1997* (IPA), if clearing complies with the minimum requirements outlined in this code.

The code does not affect current legislative arrangements under the VMA for clearing regrowth vegetation in declared wild river high preservation areas.

It is important to note that this code does not give approval for clearing which may be required under other legislation including but not limited to the *Nature Conservation Act 1992*, *Water Act 2000*, *Environment Protection and Biodiversity Conservation Act 1999* or under laws administered by local government.

## 1.3 Application of the code

### 1.3.1 Where the code applies

The code applies to regulated regrowth vegetation on freehold and Indigenous land and leasehold land for agricultural and grazing. Regulated regrowth vegetation includes regrowth vegetation that is either:

- identified on the regrowth vegetation map as high-value regrowth vegetation
- located within 50 metres of a watercourse identified on the regrowth vegetation map as a regrowth watercourse (regrowth watercourse vegetation)
- contained in a category C or category 4 area on a property map of assessable vegetation (PMAV).

### 1.3.2 When the code does not apply

The code does not apply to areas that are:

- remnant vegetation; or
- shown on a PMAV as a category A or a category B area.

The code does not affect other exemptions for regrowth provided in the IPA. Examples of exemptions that exist under the IPA include:

- clearing certain widths for fire management lines, fire breaks and fences.

- clearing to maintain infrastructure such as existing fences, infrastructure and roads.
- clearing for an extractive industry within a Key Resource Area or for a Significant Community Project is also exempt from any regrowth controls.

A guide to exemptions is available online at [www.derm.qld.gov.au](http://www.derm.qld.gov.au).

### 1.3.3 Clearing requirements under the code

The code provides rules where clearing can occur for specific purposes such as broadscale clearing, thinning and to establish infrastructure.

In certain circumstances clearing regulated regrowth vegetation can only occur where an exchange area that replaces the regulated regrowth vegetation cleared is provided. The exchange area can be an area of regulated regrowth vegetation that can be cleared without restriction under this code or an area of native woody regrowth vegetation not currently regulated. Details on whether or not an exchange area is required and requirements for them are provided in part 4 of the code.

Before clearing regulated regrowth vegetation on leasehold land for agriculture and grazing, the State's commercial timber interests must first be considered and not occur unless it complies with specific requirements in the code. Refer to part 2 for commercial timber requirements.

## 1.4 Parts of the code

The code contains three parts that define the minimum requirements for any clearing. These are:

- clearing high-value regrowth vegetation (Part 2)
- clearing regrowth watercourse vegetation (Part 3)
- exchange areas (Part 4).

Each part defines the required outcomes and practices, which are termed minimum requirements that must be achieved to comply with the code.

The code also outlines recommended best management practices, which are voluntary actions that can be undertaken to enhance vegetation management outcomes.

## 1.5 Notification requirements to clear regulated regrowth vegetation

### 1.5.1 Landholder responsibilities

DERM must be notified of the intention to clear regulated regrowth vegetation where the clearing meets the minimum requirements of the code and is not listed as another exemption. The notification must contain sufficient information to clearly indicate the exact location and extent of the proposed clearing and any exchange areas required by this code.

The notification form is available on the DERM website [www.derm.qld.gov.au](http://www.derm.qld.gov.au). DERM will notify the receipt of the form and whether any additional information is required.

Landholders must also comply with any conditions imposed by the department in relation to any commercial timber on leasehold land for agriculture and grazing.

### 1.5.2 Departmental responsibilities

DERM will keep the information supplied in the notification form and maintain a register of location details of the proposed clearing that will be made available on the website [www.derm.qld.gov.au](http://www.derm.qld.gov.au). A PMAV may be made for any exchange areas identified in the notification form.

The information supplied in the form may be used to check whether clearing activities complied with the code and the suitability of any exchange areas.

## 1.6 Financial hardship

A landholder who is carrying out a primary production business, and if complying with the code causes financial hardship to an extent that would stop the business from operating, may apply for an authorisation to clear regulated regrowth vegetation.

Any consideration of financial hardship will be subject to detailed review of financial statements and similar material.

Further information about the authorisation to clear is available on the departmental website.

## 2. Clearing high-value regrowth vegetation

This part defines the requirements for clearing in high-value regrowth vegetation and category C (category 4) areas on a PMAV. The purpose of this part of the code is to ensure that clearing of high-value regrowth vegetation will advance the purposes of the *Vegetation Management Act 1999*.

Regulated regrowth vegetation type	Minimum requirements Clearing must comply with the minimum requirement of the code	Recommended best management practice
<u>Freehold and Indigenous land</u>		
<u>Endangered regional ecosystems</u>	<p>2.1</p> <p>2.1.1 Clearing is permitted where an <u>exchange area</u> is provided in accordance with part 4 and the clearing is:</p> <ol style="list-style-type: none"> <li>a. a patch of vegetation located wholly or partially on a property and is less than 4 hectares (<u>coastal areas</u>) or 8 hectares (<u>western areas</u>); and</li> <li>b. more than 500 metres from other areas of <u>remnant vegetation</u> or <u>high-value regrowth vegetation</u>; and</li> <li>c. <i>not</i> an area:               <ol style="list-style-type: none"> <li>i. of <u>essential regrowth habitat</u>; or</li> <li>ii. within <u>stream protection zones</u> specified in Schedule 1; or</li> <li>iii. within a <u>Great Barrier Reef wetland protection area</u>; or</li> <li>iv. in or within 100 metres of a <u>wetland</u>; or</li> <li>v. on <u>slopes greater than 12%</u>.</li> </ol> </li> </ol> <p>2.1.2 Clearing is permitted if an <u>exchange area</u> is provided in accordance with part 4 and the clearing is for one of the following:</p> <ol style="list-style-type: none"> <li>a. to establish a necessary fence, firebreak, road or vehicular track, or constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised and the activity is conducted in a manner consistent with Schedule 2; or</li> <li>b. to the extent necessary for extractive industry where the activity is consistent with Schedule 6;</li> </ol> <p>2.1.3 Clearing is permitted:</p> <ol style="list-style-type: none"> <li>a. to ensure public safety where the activity is conducted in manner consistent with Schedule 2; or</li> <li>b. for encroachment where the clearing is consistent with Schedule 3; or</li> <li>c. for thinning where the clearing is consistent with Schedule 4; or</li> <li>d. to control non-native plants or declared pests where the clearing is consistent with Schedule 5.</li> </ol>	<p>If clearing <u>endangered regional ecosystems</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> <li>• Retaining regrowth that can be cleared under 2.1 and revegetating the surrounding area to increase it to a functional size.</li> </ul>

<p><u>Of concern regional ecosystems</u></p> <p><u>Least concern regional ecosystems</u></p>	<p>2.2</p> <p>2.2.1 Clearing is permitted provided the clearing does not occur in areas:</p> <ol style="list-style-type: none"> <li>of <u>essential regrowth habitat</u>; or</li> <li>within <u>stream protection zones</u> specified in Schedule 1 ; or</li> <li>within a <u>Great Barrier Reef wetland protection area</u>; or</li> <li>in or within 100 metres of a <u>wetland</u>; or</li> <li>on <u>slopes greater than 12%</u>.</li> </ol> <p>2.2.2 However clearing is permitted in <u>essential regrowth habitat</u>, <u>stream protection zones</u> specified in Schedule 1, within a <u>Great Barrier Reef wetland protection area</u>, in or within 100 metres of a <u>wetland</u> or on <u>slopes greater than 12%</u> if:</p> <p>2.2.2a An <u>exchange area</u> is provided in accordance with part 4 and the clearing is for any of the following:</p> <ol style="list-style-type: none"> <li>to establish a necessary fence, firebreak, road or vehicular track, or constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised and the activity is conducted in a manner consistent with Schedule 2; or</li> <li>to the extent necessary for extractive industry where the activity is consistent with Schedule 6;</li> </ol> <p>OR</p> <p>2.2.2b The clearing is for one of the following:</p> <ol style="list-style-type: none"> <li>to ensure public safety where the activity is conducted in manner consistent with Schedule 2; or</li> <li>for encroachment where the clearing is consistent with Schedule 3; or</li> <li>for thinning where the clearing is consistent with Schedule 4; or</li> <li>to control non-native plants or declared pests where the clearing is consistent with Schedule 5.</li> </ol>	<p>If clearing of concern or least concern regional ecosystems, recommended best management practice includes:</p> <ul style="list-style-type: none"> <li>Retaining regrowth vegetation that can be cleared under part 2.2.1 and manage this to restore the <u>regional ecosystem</u> by <u>thinning</u> in accordance with Schedule 4 or controlling non-native plants and <u>declared pests</u> in accordance with Schedule 5.</li> <li>Retaining and promoting revegetation of areas to maintain or improve connectivity with <u>remnant vegetation</u> or other <u>retained regulated regrowth vegetation</u>.</li> <li>Increasing <u>stream protection zone</u> distances to include all vegetation important to the functioning of the riparian area.</li> <li>Applying <u>stream protection zones</u> to <u>streams</u> not mapped as a watercourse.</li> <li>Increasing the <u>wetland</u> buffer distance to include all vegetation important to the functioning of the <u>wetland</u>.</li> <li>Protecting unmapped regrowth by voluntary agreement to increase the viability of regrowth vegetation areas.</li> </ul>
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Regulated regrowth vegetation type	Minimum requirements Clearing must comply with the minimum requirement of the code	Recommended best management practice
<u>Leasehold land (agriculture and grazing)</u>		
<u>Endangered regional ecosystems</u> <u>Of concern regional ecosystems</u> <u>Least concern regional ecosystems</u>	2.3 2.3.1 Clearing is not permitted if: <ol style="list-style-type: none"> <li>a. it removes or disturbs <i>Santalum lanceolatum</i> or <i>Santalum leptocladum</i> (commercial sandalwood species); or</li> <li>b. in a local authority area not listed in Schedule 7 (non-commercial timber local authority areas) unless:               <ol style="list-style-type: none"> <li>i. contact is made with a departmental Forest Officer prior to clearing commencing; and</li> <li>ii. clearing is consistent with conditions imposed by the Forest Officer.</li> </ol> </li> </ol>	Not applicable
<u>Endangered regional ecosystems</u> <u>Of concern regional ecosystems</u>	2.4 Subject to part 2.3.1: 2.4.1 Clearing is permitted where an <u>exchange area</u> is provide in accordance with part 4 and is: <ol style="list-style-type: none"> <li>a. a patch of vegetation located wholly or partially on a property and is less than 4 hectares (<u>coastal areas</u>) or 8 hectares (<u>western areas</u>); and</li> <li>b. more than 500 metres from other areas of <u>remnant vegetation</u> or <u>high-value regrowth vegetation</u>; and</li> <li>c. is <i>not</i> an area:               <ol style="list-style-type: none"> <li>i. of <u>essential regrowth habitat</u>; or</li> <li>ii. within <u>stream protection zones</u> specified in Schedule 1; or</li> <li>iii. within a <u>Great Barrier Reef wetland protection area</u>; or</li> <li>iv. in or within 100 metres of a <u>wetland</u>; or</li> <li>v. on <u>slopes greater than 12%</u>.</li> </ol> </li> </ol> 2.4.2 Clearing is permitted where an <u>exchange area</u> is provided in accordance with part 4 and the clearing is for one of the following: <ol style="list-style-type: none"> <li>a. To establish a necessary fence, firebreak, road or vehicular track, or constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised and the activity is conducted in a manner consistent with Schedule 2; or</li> <li>b. To the extent necessary for extractive industry where the activity is consistent with Schedule 6.</li> </ol> 2.4.3 Clearing is permitted: <ol style="list-style-type: none"> <li>a. To ensure public safety where the activity is conducted in manner consistent with Schedule 2; or</li> <li>b. For encroachment where the clearing is consistent with Schedule 3; or</li> <li>c. For thinning where the clearing is consistent with Schedule 4; or</li> <li>d. To control non-native plants or declared pests where the clearing is consistent with Schedule 5.</li> </ol>	If clearing <u>endangered</u> or <u>of concern regional ecosystems</u> , recommended best management practice includes: <ul style="list-style-type: none"> <li>• Retaining regrowth that can be cleared under part 2.4.1 and revegetating the surrounding area to increase it to a functional size.</li> </ul>

<p><u>Least concern regional ecosystems</u></p>	<p>2.5 Subject to part 2.3:</p> <p>2.5.1 Clearing is permitted provided the clearing does not occur in areas:</p> <ol style="list-style-type: none"> <li>of <u>essential regrowth habitat</u>; or</li> <li>within <u>stream protection zones</u> specified in Schedule 1; or</li> <li>within a <u>Great Barrier Reef wetland protection area</u>; or</li> <li>in or within 100 metres of a <u>wetland</u>; or</li> <li>on <u>slopes greater than 12%</u>.</li> </ol> <p>2.5.2 However clearing is permitted where the clearing is in an area of <u>essential regrowth habitat</u>, <u>stream protection zones</u> specified in Schedule 1, within a <u>Great Barrier Reef wetland protection area</u>, in or within 100 metres of a <u>wetland</u> or on <u>slopes greater than 12%</u> if:</p> <p>2.5.2a An <u>exchange area</u> is provided in accordance with part 4 and the clearing is for any of the following:</p> <ol style="list-style-type: none"> <li>to establish a necessary fence, firebreak, road or vehicular track, or constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised and the activity is conducted in a manner consistent with Schedule 2; or</li> <li>to the extent necessary for extractive industry where the activity is consistent with Schedule 6;</li> </ol> <p>OR</p> <p>2.5.2b The clearing is:</p> <ol style="list-style-type: none"> <li>to ensure public safety where the activity is conducted in manner consistent with Schedule 2; or</li> <li>for encroachment where the clearing is consistent with Schedule 3; or</li> <li>for thinning where the clearing is consistent with Schedule 4; or</li> <li>to control non-native plants or <u>declared pests</u> where the clearing is consistent with Schedule 5.</li> </ol>	<p>If clearing least concern regrowth, recommended best management practice includes:</p> <ul style="list-style-type: none"> <li>Retaining regrowth vegetation that can be cleared under part 2.5.1 and manage this to restore the <u>regional ecosystem</u> by thinning in accordance with Schedule 4 or controlling non-native plants and declared pests in accordance with Schedule 5.</li> <li>Retaining and promoting revegetation of areas to maintain or improve connectivity with <u>remnant vegetation</u> or other <u>retained regulated regrowth vegetation</u>.</li> <li>Increasing <u>stream protection zone</u> distances to include all vegetation important to functioning of the riparian area.</li> <li>Applying <u>stream protection zones</u> to streams not mapped on the watercourse map</li> <li>Increasing <u>wetland buffer</u> distances to include all vegetation important to the functioning of the <u>wetland area</u></li> <li>Protecting unmapped regrowth by voluntary agreement to increase the viability of regrowth vegetation areas.</li> </ul>
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### 3. Clearing of regrowth watercourse vegetation

Part 3 defines the requirements for clearing regrowth watercourse vegetation in both freehold and leasehold land used for agriculture and grazing purposes. The purpose of this part of the code is to ensure that clearing of regrowth watercourse vegetation will advance the purposes of the *Vegetation Management Act 1999*.

Regulated regrowth vegetation type	Minimum requirements Clearing must comply with the minimum requirement of the code	Recommended best management practice
<u>Regrowth watercourse vegetation</u>	<p>3.1 Clearing is not permitted on leasehold land used for agriculture and grazing if:</p> <ol style="list-style-type: none"> <li>a. it removes or disturbs <i>Santalum lanceolatum</i> or <i>Santalum leptocladum</i> (commercial sandalwood species); or</li> <li>b. in a local authority area not listed in Schedule 7 (non-commercial timber local authority areas) unless:               <ol style="list-style-type: none"> <li>i. contact is made with a departmental Forest Officer prior to clearing commencing; and</li> <li>ii. clearing is consistent with conditions imposed by the Forest Officer.</li> </ol> </li> </ol>	<p>Not applicable</p>
	<p>3.2 Subject to part 3.1:</p> <p>3.2.1 Clearing is permitted outside the <u>stream protection zone</u>.</p> <p>3.2.2 Clearing is permitted within the <u>stream protection zone</u> where:</p> <ol style="list-style-type: none"> <li>a. vegetation is less than 2 metres in height; and</li> <li>b. the vegetation is located 10 metres or more from               <ol style="list-style-type: none"> <li>i. <u>other remnant vegetation</u>; or</li> <li>ii. <u>stream protection zone</u> vegetation that is 2 metres or more in height; and</li> </ol> </li> <li>c. clearing is not within 5 metres of the <u>defining bank</u>.</li> </ol> <p>3.2.3 Clearing is permitted within the <u>stream protection zone</u>:</p> <ol style="list-style-type: none"> <li>a. to ensure public safety provided the activity is conducted in a manner consistent with Schedule 2; or</li> <li>b. to establish a necessary fence, firebreak, road or necessary to construct built infrastructure and the clearing for the infrastructure can not reasonably be avoided or minimised provided the activity is conducted in a manner consistent with Schedule 2; or</li> <li>c. to the extent necessary for an extractive industry provided the activity is conducted in a manner consistent with Schedule 6; or</li> <li>d. for encroachment provided the activity is conducted in a manner consistent with Schedule 3; or</li> <li>e. for thinning provided the activity is conducted in a manner consistent with Schedule 4; or</li> <li>f. to control non-native plants or <u>declared pests</u> provided the activity is conducted in a manner consistent with Schedule 5.</li> </ol>	<p>If clearing or managing <u>regrowth watercourse vegetation</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> <li>• Retain all regenerating vegetation to improve the functioning of the riparian area.</li> </ul> <p>If clearing or managing <u>regrowth watercourse vegetation</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> <li>• Increasing <u>stream protection zones</u> distances to include all vegetation important to the ecological functioning of the riparian area.</li> <li>• Managing riparian regrowth vegetation to restore the <u>regional ecosystem</u> including, where necessary, the use of weed control and thinning.</li> <li>• Managing stock within 10 metres from the <u>defining bank</u> to prevent <u>bank damage</u>.</li> <li>• Limiting the extent of clearing to that which is necessary for the clearing purpose and no more.</li> <li>• Monitoring riparian areas and taking necessary action to prevent, stabilise and/or repair land degradation.</li> </ul>

## 4. Exchange areas

Part 4 defines the requirements for an exchange area. The purpose of this part of the code is to ensure that any exchange area will advance the purposes of the *Vegetation Management Act 1999*.

<b>Regulated regrowth vegetation type</b>	<b>Minimum requirements</b> <b>Clearing must comply with the minimum requirement of the code</b>	<b>Recommended best management practice</b>
<p>Cleared <u>endangered regional ecosystems</u></p> <p><u>Of concern regional ecosystems</u></p> <p><u>Least concern regional ecosystems</u> that require an <u>exchange area</u> as a result of part 2</p>	<p><u>Exchange areas</u> must meet all of the following requirements:</p> <p>4.1 High-value regrowth vegetation or areas shown as a category C (category 4) area on PMAV can only be exchanged for:</p> <ol style="list-style-type: none"> <li>vegetation that would ordinarily be able to be cleared under parts 2.2.1 and/or 2.5.1 of this code; or</li> <li>non-regulated regrowth vegetation that has not been cleared in the last 10 years or is 2 metres or more in height.</li> </ol> <p>AND</p> <p>4.2 The ratio of the size of the <u>exchange area</u> to the size of the area cleared must be a minimum of 2:1 (for example an <u>exchange area</u> of 1 hectare for a clearing area of 0.5 of a hectare).</p> <p>AND</p> <p>4.3 Exchange vegetation must be no less than 50 metres wide and the total <u>exchange area</u> is a minimum of 1 hectare.</p>	<p>If identifying an <u>exchange area</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> <li>Placing the <u>exchange area</u> in a location adjacent to other protected vegetation or in a corridor that will connect two pieces of protected vegetation.</li> <li>Developing a management plan that outlines fire management principles, weed and pest control and grazing management approaches to promote the regrowth vegetation.</li> <li>Managing the <u>exchange area</u> to prevent land degradation</li> <li>Carrying out supplementary planting to improve the ability for the area to return to a functioning ecosystem.</li> </ul>

## Schedule 1—Stream protection zones

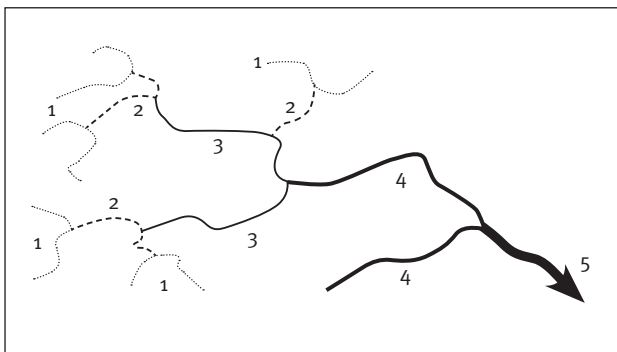
Stream protection zones are to be established on all watercourses, identified on the regrowth vegetation map, in accordance with Table 1. Stream protection zones may also include a zone extending out from a stream on an adjacent property.

**Table 1** Stream protection zones

Stream order	Minimum stream protection distance (metres) to be established on either side of the stream and measured from the <u>defining bank</u>
1	10
2 and 3	20
4 and 5	30
Above 5	50

Stream order will be identified on the regrowth vegetation map in most instances. Where it is not identified on the map, the stream order will need to be determined manually. To manually determine stream orders identify the relevant stream on the regrowth vegetation map. When two streams of the same order join, the resulting stream becomes one stream order larger. If two streams of different order join, the resultant stream order is that of the larger stream. Figure 1 provides a diagrammatic explanation of stream ordering.

Advice can be sought from the department on determining stream order.



**Figure 1:** Diagrammatic view of stream ordering

Where multiple streams/gullies occur in an area shown as a single stream on the regrowth vegetation map, apply specified protection to the largest stream.

## Schedule 2—Public safety and infrastructure

Public safety and infrastructure refers to clearing for establishing a necessary fence, firebreak, road or vehicular track, or constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised.

The following required outcomes must be achieved:

1. Clearing is limited to the extent necessary to:
  - a. ensure public safety; or
  - b. for establishing a necessary fence, firebreak, road or vehicular track, or constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised.

2. The effect of clearing regulated regrowth must not result in:
  - mass movement
  - rill erosion
  - stream bank erosion
  - scalding
  - gully erosion
  - sheet erosion
  - wind erosion
  - any associated loss of chemical, physical or biological fertility.

## Schedule 3—Encroachment

Encroachment refers to the invasion of a grassland by native, woody vegetation to the extent that the area is no longer consistent with the description of the regional ecosystem.

Clearing of encroachment within regulated regrowth vegetation must comply with the following:

1. Clearing of encroachment is not permitted in South East Queensland, Wet tropics or Central Queensland Coast bioregions. Bioregions are explained further on the DERM website <www.derm.qld.gov.au>.
2. Clearing is limited to the regional ecosystems in table 4.
3. Clearing is limited to native woody vegetation where:
  - a. species are less than 20 cm diameter at breast height listed for that regional ecosystem; or
  - b. species are not listed in the regional ecosystem.
4. Mechanical clearing for encroachment must not occur within 5 metres of a stream protection zone or a wetland.

**Table 2:Regional ecosystems which may be cleared for encroachment**

Regional ecosystem
4.9.7 <i>Astrebla</i> spp. grassland wooded with <i>Acacia tephрина</i> ± <i>A. cambagei</i> and <i>Atalaya hemiglauca</i> on Cretaceous sediments.
11.4.11 <i>Dichanthium sericeum</i> , <i>Astrebla</i> spp. and <i>Acacia harpophylla</i> , <i>Eucalyptus coolabah</i> on Cainozoic clay plains.
11.8.11 <i>Dichanthium sericeum</i> grassland on Cainozoic igneous rocks.
11.9.3 <i>Dichanthium</i> spp., <i>Astrebla</i> spp. grassland on fine-grained sedimentary rocks.
3.3.56 <i>Eriachne</i> spp. ± <i>Aristida</i> spp. closed tussock grassland in longitudinal drainage depressions.
3.12.32 <i>Schizachyrium</i> spp. ± <i>Eriachne</i> spp. tussock grassland on rocky ranges and rock pavements.
4.9.8 <i>Astrebla</i> spp. grassland wooded with <i>Atalaya hemiglauca</i> ± <i>Alectryon oleifolius</i> ± <i>Flindersia maculosa</i> on Cretaceous sediments.
4.9.9 <i>Astrebla</i> spp. grassland wooded with <i>Acacia sutherlandii</i> or <i>A. victoriae</i> on Cretaceous Sediments.
5.7.9 <i>Aristida</i> spp., <i>Eriachne pulchella</i> open grassland wooded with <i>Eucalyptus</i> spp. ± <i>Acacia stowardii</i> on plains.
5.7.10 <i>Aristida latifolia</i> and <i>A. contorta</i> sparse grassland wooded with <i>Acacia tetragonophylla</i> ± <i>Senna</i> spp. on Cretaceous sediments.
6.7.17 <i>Eriachne mucronata</i> open grassland wooded with <i>Acacia aneura</i> and/or <i>Corymbia terminalis</i> on plains or flat tops of residuals.
9.8.5 <i>Astrebla</i> spp. ± <i>Iseilema vaginiflorum</i> tussock grassland ± emergent <i>Corymbia terminalis</i> on basalt plains.
9.12.41 <i>Heteropogon triticeus</i> , <i>H. contortus</i> grassland sparsely wooded with <i>Cochlospermum gillivraei</i> , <i>Eucalyptus tetrodonta</i> and <i>Corymbia hylandii</i> on skeletal soils on crests of hills.
9.12.42 <i>Dichanthium sericeum</i> , <i>Heteropogon contortus</i> , <i>Aristida</i> spp. grassland very sparsely wooded with <i>Corymbia</i> spp. and <i>Terminalia</i> spp. on rolling hills of acid volcanics.
10.3.7 <i>Astrebla</i> spp., <i>Iseilema vaginiflorum</i> and/or <i>Dichanthium fecundum</i> or <i>Bothriochloa ewartiana</i> tussock grassland on alluvial plains.
10.3.8 <i>Aristida latifolia</i> and <i>Brachyachne convergens</i> sparse-tussock grassland or <i>Sclerolaena</i> spp. dwarf open shrubland on alluvial plains.
11.9.3 <i>Dichanthium</i> spp., <i>Astrebla</i> spp. grassland on fine-grained sedimentary rocks.

## Schedule 4—Thinning

Thinning refers to the selective clearing of regrowth vegetation at a locality to restore the regional ecosystem to the floristic composition and range of densities typical of the regional ecosystem surrounding that locality.

1. Thinning must not occur in rainforest, heathland and dry scrub.
2. Thinning must conserve regrowth vegetation by:
  - a. retaining all native, woody trees over 20cm diameter at breast height; and
  - b. retaining a density of native woody trees less than 20cm diameter at breast height, evenly over each 50 x 50 metre area that equates to:
    - i. 125 trees per quarter hectare (0.25 ha) in coastal areas
    - ii. 50 trees per quarter (0.25 ha) hectare in western areas.
3. However thinning can be carried out on native species that are not indigenous to the bioregion.
4. Mechanical clearing for thinning must not occur within 5 metres of the defining bank of any stream or wetland.

## Schedule 5—Clearing regulated regrowth vegetation to control non-native plants or declared pests

Clearing regulated regrowth vegetation to control non-native plants or declared pests must comply with the following:

1. Clearing to control non-native plants or declared pests is limited to the extent necessary to:
  - a. control the non-native plants or declared pests; and
  - b. provide access for control of non-native plants or declared pests if no alternative route exists.
2. Clearing to control non-native plants or declared pests must conserve regulated regrowth vegetation by:
  - a. retaining all regulated regrowth vegetation over 20 cm diameter at breast height; and
  - b. retaining regulated regrowth vegetation less than 20 cm diameter at breast height as indicated in Table 3 except where clearing is essential to provide access for control of non-native plants or declared pests.

**Table 3 Retention requirements for clearing native vegetation to control non-native plants or declared pests.**

<b>Weed cover (percentage)</b>	<b>Clearing limitations for trees less than 20 cm diameter at breast height</b>
Less than 10% non-native woody species crown cover	Retain 80% of trees less than 20 cm <u>diameter at breast height</u>
10-50% non-native woody species crown cover	Retain at least 50% of trees less than 20 cm <u>diameter at breast height</u>
More than 50% non-native woody species crown cover	Clear up to 100% of trees less than 20 cm <u>diameter at breast height</u>

## Schedule 6—Extractive industry

Schedule 6 applies to clearing for an extractive industry that is not in a key resource area. Clearing for extractive industry in a key resource area is exempt and this code does not apply.

The following required outcomes must be achieved:

1. Clearing is only permitted where no alternative sites or access routes exists.
2. Clearing is limited to the extent necessary for the following:
  - a. dredging material from the bed of any waters; or
  - b. extracting rock, sand, clay, gravel, loam or other material, from a pit or quarry; or
  - c. screening, washing, grinding, milling, sizing or separating material extracted from a pit or quarry; or
  - d. establishing infrastructure to permit access and any necessary screening, washing, grinding, milling, storage, dams and containment ponds reasonably associated with the extraction and processing of the material.
3. Clearing must:
  - a. be staged in line with operational needs in a way that restricts clearing to the current operational area; and
  - b. not occur until all required permits or authorities have been obtained.
4. Clearing in stream protection zones, Great Barrier Reef protection area or within 100 metres of a wetland must maintain bank stability and water quality.

## Schedule 7—Non-commercial timber local authority areas

- Barcoo Shire
- Boulia Shire
- Bulloo Shire
- Burke Shire
- Cloncurry Shire
- Diamantina Shire
- Doomadgee Aboriginal Shire
- Longreach Regional
- McKinlay Shire
- Mount Isa City
- Quilpie Shire
- Richmond Shire
- Winton Shire

# Glossary of terms

## Coastal areas

Coastal areas include:

- a. Brigalow Belt subregions 1 (Townsville Plains), 2 (Bogie River Hills) and 14 (Marlborough Plains);
- b. Cape York Peninsula subregion 2 (Starke Coastal Lowlands);
- c. Einasleigh Uplands subregion 3 (Hodgkinson Basin);
- d. Central Queensland Coast bioregion;
- e. Southeast Queensland bioregion;
- f. Wet Tropics bioregion

Advice can be sought from the department in identifying whether land is within a coastal area.

## Declared pests

Pests declared under the *Land Protection (Pest and Stock Route Management) Act 2002*.

## Defining bank

The defining bank is the bank or terrace or, if there is no bank or terrace, the point on the flood plain that confines the peak average flow.

## Diameter breast height

The diameter of a tree at 1.3 metres above ground level. Add the diameters of all stems more than 5 cm in diameter for multi-stemmed plants.

## Endangered regional ecosystem

A regional ecosystem declared to be an endangered regional ecosystem under section 22LA of the *Vegetation Management Act 1999*.

## Essential regrowth habitat

Essential regrowth habitat for protected wildlife means an area of regrowth vegetation:

- a. that has at least three essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential regrowth habitat database; or
- b. in which the protected wildlife, at any stage of its life cycle, is located.

## Essential regrowth habitat database

A database, listing essential habitat factors for protected wildlife certified by the chief executive of the department that administers the *Vegetation Management Act 1999* as an essential regrowth habitat database.

## Essential habitat factor

For protected wildlife is a component of the wildlife's habitat, including, for example, a landform, pollinator, regional ecosystem, soil and water, that is necessary or desirable for the wildlife at any stage of its lifecycle.

## Exchange area

An exchange area means an area of vegetation that must be protected in the way provided under the regrowth vegetation code in exchange for clearing regulated regrowth vegetation.

## Freehold land

Freehold land includes land in a freeholding lease under the *Land Act 1994*.

## Great Barrier Reef wetland protection area

An area shown as a Great Barrier Reef wetland protection area on a regrowth vegetation map.

## High-value regrowth vegetation

High value regrowth vegetation is

- a. any of the following:
  - i. an endangered regional ecosystem;
  - ii. an of concern regional ecosystem;
  - iii. a least concern regional ecosystem; and
- b. have not been cleared since 31 December 1989; and
- c. is shown on a regrowth vegetation map.

## Indigenous land

For the purpose of regulating the clearing of vegetation, this means land held under one of the following Acts by, or on behalf of or for the benefit of, Aboriginal or Torres Strait Islander inhabitants or purposes:

- a. *Local Government (Aboriginal Lands) Act 1978*;
- b. *Aborigines and Torres Strait Islanders (Land Holding) Act 1985*;

- c. *Aboriginal Land Act 1991*;
- d. *Torres Strait Islander Land Act 1991*;
- e. *Land Act 1994*.

## Key Resource Areas

An area identified as a Key Resource Area in the *State Planning Policy 2/07 Protection of Extractive Resources*, a state planning policy under the IPA that took effect on 3 September 2007.

## Leasehold land for agriculture and grazing

State land that is leased in perpetuity or for a term of years for agricultural, grazing or pastoral purposes, but excludes leases over land within a reserve, State forest, timber reserve, and any of the following granted under the *Nature Conservation Act 1992*:

- national park
- conservation park
- resources reserve
- forest reserve.

## Least concern regional ecosystem

A regional ecosystem declared to be a least concern regional ecosystem under section 22LC of the *Vegetation Management Act 1999*.

## Mechanical clearing

The clearing of vegetation using machinery which disturbs the soil surface or uproots woody vegetation.

## Of concern regional ecosystem

A regional ecosystem declared to be an of concern regional ecosystem under section 22LB (of the *Vegetation Management Act 1999*).

## Property Map of Assessable Vegetation (PMAV)

1. A property map of assessable vegetation (or PMAV) is a map certified by the chief executive as a PMAV for an area and showing for the area the following:
  - a. category A areas
  - b. category B areas
  - c. category C areas
  - d. category X areas
  - e. areas subject to a regional ecosystem map, remnant map or regrowth vegetation map.

2. The map may also show for the area the location of the boundaries of, and the regional ecosystem number for, each regional ecosystem in the area.
3. Each of category A area, category B area, category C area and category X area is called a vegetation category area.

## Regional ecosystem

A regional ecosystem is a vegetation community in a bioregion that is consistently associated with a particular combination of geology, landform and soil.

## Regional ecosystem map

Is a map certified by the chief executive as the regional ecosystem map of the state for a part of the state and showing for the part:

- a. areas of remnant vegetation that are—
  - i. an endangered regional ecosystem; or
  - ii. an of concern regional ecosystem; or
  - iii. a least concern regional ecosystem; and
- b. the regional ecosystem number for each of the regional ecosystems mentioned in paragraph (a); and
- c. areas the chief executive decides under section 20AH to show on the map as remnant vegetation.

## Regrowth vegetation map

The regrowth vegetation map is a map certified by the chief executive as the regrowth vegetation map for the State and showing for the State:

- a. areas of regrowth vegetation, identified on the map as high-value regrowth vegetation, that—
  - i. are any of the following:
    - A. an endangered regional ecosystem;
    - B. an of concern regional ecosystem;
    - C. a least concern regional ecosystem;
 and
  - ii. have not been cleared since 31 December 1989;
 and
- b. particular watercourses in the Burdekin, Mackay Whitsunday and Wet Tropics catchments, identified on the map as regrowth watercourses; and
- c. areas the chief executive decides under section 20AI to show on the map as high-value regrowth vegetation.

## Regulated regrowth vegetation

Regulated regrowth vegetation is regrowth vegetation:

- a. identified on the regrowth vegetation map as high-value regrowth vegetation; or
- b. located within 50 m of a watercourse identified on the regrowth vegetation map as a regrowth watercourse; or
- c. contained in a category C area shown on a PMAV

The exact location of a watercourse mentioned in paragraph 1(b) depends upon the location of the watercourse from time to time.

## Regrowth watercourse vegetation

Regrowth vegetation located within 50 m of a watercourse identified on the regrowth vegetation map as a regrowth watercourse.

## Regrowth watercourse

A watercourse identified on the regrowth vegetation map as a regrowth watercourse.

## Remnant Map

Is a map certified by the chief executive as the remnant map for the part of the state to which the regional ecosystem map does not apply and showing for the part:

- a. areas of remnant vegetation; and
- b. areas the chief executive decides under section 20AH to show on the map as remnant vegetation.

## Remnant vegetation

Remnant vegetation means vegetation, part of which forms the predominant canopy of the vegetation:

- a. covering more than 50% of the undisturbed predominant canopy; and
- b. averaging more than 70% of the vegetation's undisturbed height; and
- c. composed of species characteristic of the vegetation's undisturbed predominant canopy.

## Significant community project

A project the chief executive considers has an aesthetic, conservation, cultural or economic benefit to a local or regional community or the State, including:

- a. a project that serves an essential need of the community;
- and
- b. a project that significantly improves the community's access to services.

## Slopes greater than 12%

Slope is a measure of the upward or downward incline of the land surface over any 30 metre length.

Slopes greater than 12% indicate an area that on average for every 30 metres, the land increases or decreases in height by 4 metres or more.

There are three simple methods to help estimate the percentage of slope for a section of land.

### Method 1

If you are of average height (1.6 metres to 1.8 metres) place a marker on the ground and walk down the slope approximately 15 metres. If you are looking down at the marker the slope over that distance will be less than 12%.

### Method 2

Use a device that can determine the slope of the area (such as a clinometer).

### Method 3

1. Place a marker on the ground and walk down the slope until your eye is level with the marker.
2. Measure the distance over the ground between the point where you are standing and the marker.
3. Measure your eye height.
4. Using table 3—apply your eye height and the distance measured in step 2 and identify the slope that corresponds closest to your eye height and the distance measured.

**Table 4: Estimating percentage slope**

Eye Height	Slope								
	15%	14%	13%	12%	11%	10%	9%	8%	7%
1.5	10.1m	10.8m	11.6m	12.6m	13.7m	15.1m	16.7m	18.8m	21.5m
1.55	10.4m	11.2m	12.0m	13.0m	14.2m	15.6m	17.3m	19.4m	22.2m
1.6	10.8m	11.5m	12.4m	13.4m	14.6m	16.1m	17.8m	20.1m	22.9m
1.65	11.1m	11.9m	12.8m	13.8m	15.1m	16.6m	18.4m	20.7m	23.6m
1.7	11.5m	12.3m	13.2m	14.3m	15.5m	17.1m	19.0m	21.3m	24.3m
1.75	11.8m	12.6m	13.6m	15.0m	16.0m	17.6m	19.5m	21.9m	25.1m
1.8	12.1m	13.0m	14.0m	15.1m	16.5m	18.1m	20.1m	22.6m	15.8m

Advice can be sought from DERM on determining slope.

### **Stream protection zone**

An area identified in Schedule 1.

### **Western areas**

Western areas are those other than coastal areas.

Advice can be sought from DERM in identifying whether land is within a western area.

### **Wetland**

An area of land that supports plants or is associated with plants that are adapted to and dependent on living in wet conditions for at least part of their life cycle, and is not riparian vegetation associated with a stream creek or river.

