

Regional

Vegetation Management Code

for

Ongoing Clearing Purposes

New England Tablelands Bioregion

25 June 2004



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1. Description of Region

This regional vegetation management code applies to the New England Tablelands Bioregion. The boundary of the New England Tablelands Bioregion is defined in digital form held by the Department of Natural Resources, Mines and Energy, and is illustrated in Figure 1.

The bioregion includes all of Stanthorpe Shire, the eastern half of Inglewood Shire and the southern parts of Warwick Shire where these shires are bisected by bioregional boundaries as defined by the Queensland Herbarium. Major towns include Stanthorpe and Texas. Other smaller centres include Karara and Gore.

2. Regulatory background

This is a regional vegetation management code to be used for the assessment of development applications for clearing vegetation under the *Integrated Planning Act 1997*. It is prepared in accordance with provisions set out in the *Vegetation Management Act 1999* (VMA) and is to be applied in the circumstances where the VMA allows that an application for assessable clearing be accepted.

The Chief Executive of the Department that administers the *Vegetation Management Act 1999* is responsible for assessing clearing applications made under that Act.

This code provides the basis, consistent with the purposes of the *Vegetation Management Act 1999*, for making decisions about vegetation.

Purpose of the *Vegetation Management Act 1999*

The *Vegetation Management Act 1999* states:

- ‘(1) The purpose of this Act is to regulate the clearing of vegetation in a way that—
- (a) conserves the following:
 - (i) Remnant endangered regional ecosystems
 - (ii) Remnant of concern regional ecosystems
 - (iii) Remnant not of concern regional ecosystems; and
 - (b) conserves vegetation in declared areas; and
 - (c) ensures the clearing does not cause land degradation; and
 - (d) prevents the loss of biodiversity; and
 - (e) maintains ecological processes; and
 - (f) manages the environmental effects of the clearing to achieve the matters mentioned in paragraphs (a) to (e); and
 - (g) reduces greenhouse gas emissions.
- (2) The purpose is achieved mainly by providing for—
- (a) codes for the Planning Act relating to the clearing of vegetation that are applicable codes for the assessment of vegetation clearing applications under IDAS; and
 - (b) the enforcement of vegetation clearing provisions; and
 - (c) declared areas; and

- (d) a framework for decision making that, in achieving this Act’s purpose in relation to subsection (1) (a) to (e), applies the precautionary principle that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage; and
 - (e) the phasing out of broadscale clearing of remnant vegetation by 31 December 2006.
- (3) In this section—
- “environment”** includes—
- (a) ecosystems and their constituent parts including people and communities; and
 - (b) all natural and physical resources; and
 - (c) those qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
 - (d) the social, economic, aesthetic and cultural conditions affecting the matters in paragraphs (a) to (c) or affected by those matters.’

3. Purpose of the code

The purpose of the Code is to provide performance requirements and, where appropriate, acceptable solutions that achieve the purpose of the *Vegetation Management Act 1999*.

4. Amendments of this code

Section 15 of the *Vegetation Management Act 1999* (VMA) states that the Minister may amend a regional vegetation management code without undertaking the required consultation if:

- ‘(a) the amendment is only to correct a minor error in the code, or make another change that is not a change of substance; or
- (b) the code states that an amendment of a stated type may be made to the code by amendment under this section and the amendment is of the stated type.’

The type of amendment that can be made to this code under Section 15 (b) of the VMA is:

- Protection of vegetation associated with rivers identified under legislation regulating wild rivers.

5. Scope of applications assessed by this code

A vegetation clearing application will be assessed under this code if the applicant has satisfied the chief executive that the development applied for is for a relevant purpose listed in S.22A of the *Vegetation Management Act 1999*. The relevant purposes are:

- a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26;

- necessary to control non-native plants or declared pests;
- to ensure public safety;
- for establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure;
- a natural and ordinary consequence of other assessable development for which a development approval as defined under the *Integrated Planning Act 1997* was given, or a development application as defined under the *Integrated Planning Act 1997* was made, before 16 May 2003;
- for fodder harvesting;
- for thinning;
- for an extractive industry;
- for clearing regrowth on leases issued under the *Land Act 1994* for agriculture grazing purposes.

6. How to use this Code

The code is comprised of nine parts shown in Table 1.

Part A of the code contains performance requirements that must be met by all applications; no acceptable solutions are given.

Parts S, W, M, F, T, E, X and R of the code contain performance requirements that must be met by applications for particular purposes as shown in Table 1. The parts also contain acceptable solutions for meeting those requirements. The stated acceptable solution represents one way in which the relevant performance requirement may be met. Applicants who do not adopt the acceptable solution must show how they will meet the performance requirement. An applicant must meet each Performance Requirement by either:

- a) complying with the acceptable solution; or
- b) satisfying the assessment manager that the performance requirement is met through another solution proposed by the applicant.

Table 1 shows which parts of the code are used for each application purpose. Where the application is for multiple purposes over the same area, the applicant must meet all performance requirements for all of the purposes of the clearing. However, an application that is for clearing in regrowth on leasehold land for one or more of the purposes S, W, M, F, T, E, or X will be assessed under the code for the relevant purpose, and not under the part of the code for regrowth on leasehold land.

In determining whether an application meets the acceptable solution or another solution provided by the applicant meets a performance requirement, the precautionary principle will be applied.

Properly made Development Applications for clearing vegetation made under the *Integrated Planning Act 1997* (IPA) are assessed using:

- Matters mentioned in Section 3.5.4(2) and (3) of IPA, which include:
 - The appropriate part of the code which relates to the purpose of the application; and
 - The laws that are administered by, and the relevant policies that are applied by, the Assessment Manager
 - The common material as defined in IPA
- The Property Vegetation Management Plan provided by the applicant;
- If there is a Property Map of Assessable Vegetation over the area which is the subject of the application, that Property Map of Assessable Vegetation;
- Regional Ecosystem or Remnant maps that apply to the area of land that is the subject of the application;
- Any further relevant information supplied by the applicant.

Table 1: Parts of the code

Purpose of application	Part of Code	Part
All applications	Mandatory Requirements for All Clearing	A
A project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i> , section 26	Requirements for Clearing for Significant Projects	S
Necessary to control non-native plants or declared pests	Requirements for Clearing for Weed or Pest Management	W
For establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure.	Requirements for Clearing for Management Activities	M
Clearing that is a natural and ordinary consequence of other assessable development for which a development approval as defined under the <i>Integrated Planning Act 1997</i> was given, or a development application as defined under the <i>Integrated Planning Act 1997</i> was made, before 16 May 2003.	Requirements for Clearing for Management Activities	M
To ensure public safety.	Requirements for Clearing for Management Activities	M
For fodder harvesting	Requirements for Fodder Harvesting	F
For thinning	Requirements for Thinning	T
For an extractive industry	Requirements for Clearing for an Extractive Industry	X
For clearing regrowth on leases issued under the <i>Land Act 1994</i> for agriculture or grazing purposes, other than clearing for any other purpose.	Requirements for Clearing Regrowth	R

7. Assessment codes

The performance requirements in Part A of this code must be met. No other solutions comply with this part of the code.

Part A: Mandatory Requirements for All Clearing

Performance Requirement
<p>PR A.1</p> <p>To conserve remnant endangered regional ecosystems, clearing does not occur in any “category 1 area” on a Property Map of Assessable Vegetation (PMAV), or where there is no PMAV, in any remnant endangered regional ecosystems except where the Chief Executive is satisfied that the clearing is:</p> <ul style="list-style-type: none"> • for a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26; or • necessary to control non-native plants or declared pests; or • to ensure public safety; or • for establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure; or • for thinning; or • for an extractive industry.
<p>PR A.2</p> <p>To conserve remnant of concern regional ecosystems, clearing does not occur in any area shown as a “category 2 area” on a Property Map of Assessable Vegetation, or where there is no PMAV, in any remnant of concern regional ecosystems except where the Chief Executive is satisfied that the clearing is:</p> <ul style="list-style-type: none"> • for a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26; or • necessary to control non-native plants or declared pests; or • to ensure public safety; or • for establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure; or • a natural and ordinary consequence of other assessable development for which a development approval as defined under the <i>Integrated Planning Act 1997</i> was given, or a development application as defined under the <i>Integrated Planning Act 1997</i> was made, before 16 May 2003; or • for thinning; or • for an extractive industry.

Performance Requirement

PR A.3

To prevent the loss of biodiversity, clearing does not occur to the extent that:

- the remnant extent of a not of concern regional ecosystem falls below 30% of its pre-clearing extent or 10 000 hectares in the bioregion; and
- the remnant extent of an of concern regional ecosystem falls below 10% of its pre-clearing extent; and
- the remnant extent of an of concern regional ecosystem falls below 30% of its pre-clearing extent where its remnant extent is less than 10 000 hectares,

except where the Chief Executive is satisfied that the clearing is:

- for a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- necessary to control non-native plants or declared pests; or
- to ensure public safety; or
- for establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure; or
- for an extractive industry.

Performance Requirement

PR A.4

To prevent the loss of biodiversity, clearing does not reduce the total extent of remnant vegetation in the New England Tableland Bioregion to less than 30% of the pre-clearing extent of remnant vegetation of the Bioregion except where the Chief Executive is satisfied that the clearing is:

- for a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- necessary to control non-native plants or declared pests; or
- to ensure public safety; or
- for establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure; or
- for an extractive industry.

PR A.5

To prevent loss of biodiversity, clearing does not occur in an area which is identified on a map¹ approved by the chief executive of the agency which administers the *Nature Conservation Act 1992* and certified for use for the purposes of this code by the chief executive of the Department of Natural Resources, Mines & Energy, as an area of essential habitat for a species of wildlife listed as vulnerable, rare, near threatened or endangered under that Act, except where the Chief Executive is satisfied that the clearing is:

- for a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- necessary to control non-native plants or declared pests; or
- to ensure public safety; or
- for establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure; or
- for thinning.

¹ The map is held in digital form by the Department of Natural Resources, Mines & Energy and may be reduced or enlarged to show the essential habitat for a particular area.

Performance Requirement

PR A.6

To ensure clearing does not cause land degradation and to maintain ecological processes, clearing does not occur in Drainage Basin Sub Areas that have less than 30% remnant vegetation except where the Chief Executive is satisfied that the clearing is:

- for a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- necessary to control non-native plants or declared pests; or
- to ensure public safety; or
- for establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure; or
- for thinning; or
- for fodder harvesting; or
- to remove encroachment; or
- for clearing regrowth on leases issued under the *Land Act 1994* for agriculture or grazing purposes.

PR A.7

To prevent loss of biodiversity, clearing does not occur in sub regions within the New England Tablelands Bioregion that have less than 30% remnant vegetation as a percentage of the total area of the subregion which in this region is the *Nandewar subregion*, except where the Chief Executive is satisfied that the clearing is:

- necessary for a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- necessary to control non-native plants or declared pests; or
- to ensure public safety; or
- for establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure; or
- for thinning.

Part S: Requirements for Clearing for Significant Projects²

Performance Requirement	Acceptable Solution
<p>PR S.1 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS S.1 Clearing does not occur in, or within 100 metres of, the static high water mark of natural wetlands, lakes and springs.</p>
<p>PR S.2 To prevent loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained</p>	<p>AS S2</p> <p>S.2.1 Remnant vegetation is retained in clumps that:</p> <ul style="list-style-type: none"> a) are each greater than 10 hectares with a perimeter (metre) to area (hectare) ratio of less than 200:1; and b) are connected by corridors of remnant vegetation at least 200 metres wide; and c) where retained vegetation adjoins the property, are connected by corridors of remnant vegetation at least 200 metres wide to that retained vegetation. <p>AND</p> <p>S.2.2 Clearing does not occur in an area which is identified on a map³ prepared by the chief executive of the agency which administers the <i>Nature Conservation Act 1992</i> and certified for use for the purposes of this code by the chief executive of NRM&E, as an area of essential habitat for a species of wildlife listed as vulnerable, rare, near threatened or endangered under that Act.</p> <p>AND</p> <p>S.2.3 Clearing does not occur in subregions that have less than 30% remnant vegetation coverage as a percentage of the total subregion; which in this bioregion is the Nandewar subregion.</p> <p>AND</p> <p>S.2.4 Clearing does not occur in State Wildlife Corridors.</p>

² Significant projects are those declared to be a significant project under the *State Development and Public Works Organisation Act 1971*.

³ The map is held in digital form by the Department of Natural Resources, Mines & Energy and may be reduced or enlarged to show the essential habitat for a particular area.

Performance Requirement	Acceptable Solution
<p>PR S.3 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. 	<p>AS S3 Clearing does not occur within:</p> <ul style="list-style-type: none"> a) 200 metres from each high bank of each stream of order greater than 5; and b) 100 metres width from each bank of each stream of order 3 to 4; and c) 50 metres from each bank of each stream of order 1 to 2.
<p>PR S.4 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>PR S.4 S.4.1 Clearing must not be undertaken in a manner that allows negative environmental effects from soil erosion caused by the clearing to occur outside the permit area.</p> <p>AND S.4.2 Clearing does not occur on slopes greater than 5%, except for regional ecosystem 13.11.2 on which clearing does not occur on slopes greater than 8%.</p> <p>AND S.4.3 Clearing does not occur in the following regional ecosystems – 13.12.1; 13.12.2 and 13.12.5.</p>
<p>PR S.5 To ensure clearing does not cause land degradation and to maintain ecological processes and to manage environmental effects of clearing, the landscape is protected against increased salinity and waterlogging and the salinisation of ground and surface water is prevented.</p>	<p>AS S.5 S 5.1 Clearing does not occur:</p> <ul style="list-style-type: none"> a) in existing or potential discharge areas; and b) within 150 metres of existing or potential discharge areas; and c) in areas known to have a high risk of scalding; and d) in areas subject to waterlogging or areas at risk of waterlogging as a result of clearing. <p>AND S.5.2 Clearing does not reduce the extent of remnant vegetation to:</p> <ul style="list-style-type: none"> a) less than 50% of the pre-clearing extent

Performance Requirement	Acceptable Solution
	<p>of remnant vegetation in the contributing catchment for intermediate or local groundwater flow systems; and</p> <p>b) less than 30% of the pre-clearing extent of remnant vegetation in the contributing catchment for a regional groundwater flow system; and</p> <p>c) vegetation is retained in priority recharge areas.</p>
<p>PR S.6 To prevent the loss of biodiversity, adequate representation of regional ecosystems is maintained across the bioregion.</p>	<p>AS S.6 S.6.1 Clearing does not reduce the extent of a regional ecosystem to less than 30% of the pre-clearing extent of that regional ecosystem on the property;</p> <p>OR</p> <p>S.6.2 Where clearing reduces the extent of a regional ecosystem to less than 30% of the pre-clearing extent of that regional ecosystem on the property, the clearing is offset by protecting another area of non-remnant vegetation ⁴ (other than a category 1, category 2, category 3 or category 4 area on a PMAV) that achieves the following:</p> <p>a) the regional ecosystem to be restored is the same regional ecosystem as the regional ecosystem to be cleared; and</p> <p>b) the area of the regional ecosystem to be restored is at least equal to the area to be cleared; and</p> <p>c) there is a demonstrated high probability that within 20 years the area being restored will be capable of being mapped as remnant vegetation.</p>
<p>PR S.7 To conserve remnant endangered regional ecosystems and remnant of concern regional ecosystems, the current extent of endangered and of concern regional ecosystems and category 1 and category 2 areas shown on a Property Map of Assessable Vegetation are maintained.</p>	<p>AS S.7 S.7.1 Clearing does not occur in endangered regional ecosystems or of concern regional ecosystems or in category 1 and category 2 areas shown on a Property Map of Assessable Vegetation;</p> <p>OR</p> <p>S.7.2 Where clearing occurs in areas mentioned in S.7.1, the clearing is offset by protecting another area of non-remnant vegetation ⁵</p>

⁴ Other than vegetation that would be required to be retained under the conditions of a development approval.

⁵ Other than vegetation that would be required to be retained under the conditions of a development approval.

Performance Requirement	Acceptable Solution
	<p>(other than a category 1, category 2, category 3 or category 4 area on a PMAV) that achieves the following:</p> <ul style="list-style-type: none"> d) the regional ecosystem to be restored is the same regional ecosystem as the regional ecosystem to be cleared; and e) the area of the regional ecosystem to be restored is at least equal to the area to be cleared; and f) there is a demonstrated high probability that within 20 years the area being restored will be capable of being mapped as remnant vegetation.
<p>PR S.8 Conserve remnant vegetation, prevent loss of biodiversity, maintain ecological processes, ensure clearing does not cause land degradation and to manage the environmental effects of clearing.</p>	<p>AS S.8 S.8.1 Clearing does not occur in an area of vegetation retained as a condition of a previous development permit on the property. S.8.2 Clearing is limited to the extent that is reasonably necessary for the construction and operation of the significant project.</p>

Part W: Requirements for Clearing Vegetation for Weed or Pest Management⁶

Performance requirements	Acceptable solutions
<p>PR W.1 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS W.1 Mechanical clearing does not occur in, and within 100 metres of the static high water mark of natural wetlands, lakes and springs.</p>
<p>PR W.2 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. 	<p>AS W.2 Mechanical clearing does not occur in, or within:</p> <ul style="list-style-type: none"> a) 200 metres from each high bank of each stream of order greater than 5; and b) 100 metres width from each bank of each stream of order 3 to 4; and c) 50 metres from each bank of each stream of order 1 to 2.
<p>PR W.3 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS W.3 Mechanical clearing does not occur on:</p> <ul style="list-style-type: none"> a) soils with dispersible soils in the B horizon, or with hardsetting characteristics and with an A horizon that extends to a depth of less than 20 centimetres; and b) soils with a depth less than 20 centimetres; and c) soils with greater than 20% rock; and d) slopes greater than 5%, except for regional ecosystem 13.11.2 on which mechanical clearing does not occur on slopes greater than 8%.

⁶ Weed or pest management means clearing to control non-native plants or pests declared under the *Land Protection (Pest and Stock Route Management) Act 2002*.

Performance requirements	Acceptable solutions
<p>PR W.4 To ensure clearing does not cause land degradation and to maintain ecological processes and to manage environmental effects of clearing, the landscape is protected against increased salinity and waterlogging and the salinisation of ground and surface water is prevented.</p>	<p>AS W.4 Mechanical clearing or the aerial application of herbicide does not occur:</p> <ul style="list-style-type: none"> a) in existing or potential groundwater discharge areas; and b) within 150 metres of existing or potential discharge areas; and c) in areas subject to waterlogging or areas at risk of waterlogging as a result of clearing.
<p>PR W.5 To prevent the loss of biodiversity, the natural floristic composition and range of densities of the regional ecosystem at that locality are maintained.</p>	<p>AS W.5 Clearing in all remnant regional ecosystems:</p> <ul style="list-style-type: none"> a) is limited to the extent reasonably necessary for the removal of non-native plants or declared pests; and b) maintains viable populations of each native species present and listed in the regional ecosystem description.
<p>PR W.6 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, the environmental effects of clearing for control of non-native plants and declared pests are minimised.</p>	<p>AS W6 W.6.1 Mechanical clearing only occurs where:</p> <ul style="list-style-type: none"> a) the infested area to be cleared is greater than 250m²; and b) clearing is required to provide immediate access to the area of non-native species or declared pests if no alternative route exists; and c) greater than 60% of the total foliage cover (including shrub and canopy layers) is composed of a non-native plant or declared pest; or d) the area contains a rabbit warren complex and the clearing is limited to a perimeter of 3 metres around each hole. <p>AND</p> <p>W.6.2 Clearing using aerial application of herbicide only occurs where:</p> <ul style="list-style-type: none"> a) greater than 60% of the total foliage cover (including shrub and canopy layers) is composed of a non-native plant or declared pest, and b) the area to be cleared is greater than 1 hectare. <p>AND</p> <p>W.6.3 Clearing by other means is limited to:</p> <ul style="list-style-type: none"> a) the extent of the pest infestation plus 1 metre buffer around the extent of the pest infestation; and

Performance requirements	Acceptable solutions
	b) the extent necessary to provide access to the area of non native species or declared pests, if no alternative route exists.

Part M: Requirements for Clearing for Management Activities⁷

Performance Requirement	Acceptable Solution
<p>PR M.1 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS M.1 Clearing does not occur in, or within 100 metres of the static high water mark of natural wetlands, lakes and springs.</p>
<p>PR M.2 To prevent loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained.</p>	<p>AS M.2</p> <p>M.2.1 Remnant vegetation is retained in clumps that:</p> <ul style="list-style-type: none"> a) are each greater than 10 hectares with a perimeter (metre) to area (hectare) ratio of less than 200:1; and b) are connected by corridors of remnant vegetation at least 200 metres wide; and c) where retained vegetation adjoins the property, are connected by corridors of remnant vegetation of at least 200 metres width to that retained vegetation. <p>AND</p> <p>M.2.2 Clearing does not occur in an area which is identified on a map⁸ prepared by the chief executive of the agency which administers the <i>Nature Conservation Act 1992</i> and certified for use for the purposes of this code by the chief executive of NRM&E, as an area of essential habitat for a species of wildlife listed as vulnerable, rare, near threatened or endangered under that Act.</p> <p>AND</p> <p>M.2.3 Clearing does not occur in subregions that have less than 30%remnant vegetation coverage as a percentage of the total subregion; which in this bioregion is the Nandewar subregion.</p> <p>AND</p>

⁷ Management Activities include clearing that is:

- a) For establishing a necessary fence, firebreak, road or other built infrastructure, if there is no suitable alternative site for the fence, firebreak, road or infrastructure; or
- b) a natural and ordinary consequence of other assessable development for which a development approval as defined under the *Integrated Planning Act 1997* (IPA) was given, or a development application as defined under IPA was made, before 16 May 2003; or
- c) to ensure public safety.

⁸ The map is held in digital form by the Department of Natural Resources, Mines & Energy and may be reduced or enlarged to show the essential habitat for a particular area.

Performance Requirement	Acceptable Solution
	M.2.4 Clearing does not occur in State Wildlife Corridors.
<p>PR M.3 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. 	<p>AS M.3 M.3.1 Clearing does not occur in, or within:</p> <ul style="list-style-type: none"> a) 200 metres from each high bank of each stream of order 5 or greater; and b) 100 metres width from each bank of each stream of order 3 to 4; and c) 50 metres from each bank of each stream of order 1 to 2.
<p>PR M.4 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS M.4 M.4.1 Clearing does not occur:</p> <ul style="list-style-type: none"> a) on soils with dispersible soils in the B horizon, or with hardsetting characteristics and with an A horizon that extends to a depth of less than 20 centimetres; or b) on soils with a depth less than 20 centimetres; or c) on soils with greater than 20% rock; or d) on slopes greater than 5%, except for regional ecosystem 13.11.2 on which clearing does not occur on slopes greater than 8%. <p>AND</p> <p>M.4.2 Clearing does not occur in the regional ecosystems listed below: 13.12.1; 13.12.2; and 13.12.5.</p>
<p>PR M.5 To ensure clearing does not cause land degradation and to maintain ecological processes and to manage environmental effects of clearing, the landscape is protected against increased salinity and waterlogging and the salinisation of ground and surface</p>	<p>AS M.5 M.5.1 Clearing for built infrastructure where the clearing exceeds 2 hectares does not occur:</p> <ul style="list-style-type: none"> a) in existing or potential discharge areas; and b) within 150 metres of existing or potential discharge areas; and c) in areas known to have a high risk of scalding; and

Performance Requirement	Acceptable Solution
<p>water is prevented.</p>	<p>d) in recharge areas with soils of medium to high permeability</p> <p>AND</p> <p>M.5.2 Clearing for built infrastructure where the clearing exceeds 2 hectares does not reduce the extent of remnant vegetation to:</p> <p>(a) less than 50% of the pre-clearing extent of remnant vegetation in the contributing catchment for intermediate or local groundwater flow systems; and</p> <p>(b) less than 30% of the pre-clearing extent of remnant vegetation in the contributing catchment for a regional groundwater flow system; and</p> <p>(c) remnant vegetation is preferentially retained in priority recharge areas;</p> <p>AND</p> <p>M.5.3 Clearing does not occur in areas subject to waterlogging or areas at risk of waterlogging as a result of clearing.</p>
<p>PR M.6 To conserve remnant endangered regional ecosystems and remnant of concern regional ecosystems, the current extent of endangered and of concern regional ecosystems is and category 1 and category 2 areas shown on a Property Map of Assessable Vegetation are maintained.</p>	<p>AS M.6 Clearing does not occur in remnant endangered regional ecosystems or remnant of concern regional ecosystems or in category 1 and category 2 areas shown on a Property Map of Assessable Vegetation.</p>
<p>PR M.7 To prevent the loss of biodiversity, adequate representation of regional ecosystems is maintained across the bioregion.</p>	<p>AS M.7 M.7.1 Clearing does not reduce the extent of a regional ecosystem to less than 30% of the pre-clearing extent of that regional ecosystem on the property;</p> <p>AND</p> <p>M.7.2 Clearing does not reduce the extent of regional ecosystem 13.11.1 to less than 50% of the pre-clearing extent of that regional ecosystem on the property.</p>
<p>PR M.8 Conserve remnant vegetation, prevent loss of biodiversity, maintain ecological processes, ensure clearing does not cause</p>	<p>AS M.8 M.8.1 Clearing does not occur in an area of vegetation retained as a condition of a previous development permit on the property.</p>

Performance Requirement	Acceptable Solution
land degradation and to manage the environmental effects of clearing.	AND M.8.2 Clearing is limited to the extent that is reasonably necessary for the construction of the fence, road, firebreak or built infrastructure, or for public safety.

Part F: Requirements for Fodder Harvesting⁹

Performance Requirement PR F.1	
To ensure clearing does not cause land degradation, to maintain ecological processes and to prevent the loss of biodiversity, clearing for fodder harvesting does not occur unless the property or area in which the property is located is drought declared on or after 25 June 2004.	

Performance Requirement	Acceptable Solution
<p>PR F.2 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS F.2 Fodder harvesting does not occur in, or within 100 metres from the static high water mark of, wetlands, lakes and springs.</p>
<p>PR F.3 To prevent loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained.</p>	<p>AS F.3 Remnant vegetation is retained in clumps that:</p> <ul style="list-style-type: none"> a) are each greater than 10 hectares with a perimeter (metre) to area (hectare) ratio of less than 200:1; and b) are connected by corridors of remnant vegetation at least 200 metres wide; and c) where retained vegetation adjoins the property, are connected by corridors of remnant vegetation at least 200 metres wide to that retained vegetation.
<p>PR F.4 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. 	<p>AS F.4 Fodder harvesting does not occur within:</p> <ul style="list-style-type: none"> a) 200 metres from each high bank of each stream of order greater than 5; and b) 100 metres width from each bank of each stream of order 3 to 4; and c) 50 metres from each bank of each stream of order 1 to 2

⁹ Fodder harvesting is the clearing of woody native plants suitable for browse fodder. Lopping for fodder harvesting does not require approval. Lopping means cutting or pruning branches, but not removing a trunk, or cutting or pruning so severely that the tree is likely to die.

Performance Requirement	Acceptable Solution
<p>PR F.5 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS F.5 F.5.1 Fodder harvesting does not occur on slopes greater than 5%, except for the following regional ecosystems which have maximum slope limits of 8%: 13.11.2 AND F.5.2 Fodder harvesting does not occur: a) on soils with dispersible soils in the B horizon, or with hardsetting characteristics and with an A horizon that extends to a depth of less than 20 centimetres; and b) on soils with a depth less than 20 centimetres; and c) on soils with greater than 20% rock; AND F.5.3 Harvested trees must remain where they fall.</p>
<p>PR F.6 To ensure clearing does not cause land degradation and to maintain ecological processes, increased salinity and waterlogging and the salinisation of ground and surface water are prevented.</p>	<p>AS F.6 Fodder harvesting does not occur: a) in existing or potential groundwater discharge areas; and b) within 150 metres of existing or potential discharge areas; and c) in areas known to have a high risk of scalding; and d) in areas subject to waterlogging or areas at risk of waterlogging as a result of clearing.</p>
<p>PR F.7 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity, to maintain ecological processes, the environmental effects of fodder harvesting are minimised.</p>	<p>AS F.7 F.7.1 Fodder harvesting: a) occurs by selective felling, cutting or breaking¹⁰; and b) is limited to suitable fodder species only; and c) does not remove plants that are not suitable fodder species; and d) does not reduce the total canopy cover to less than 50% of the undisturbed predominant canopy of the regional ecosystem or a minimum of 50 living mature fodder trees per hectare, (which ever is the greater) within the harvested area.</p>

¹⁰ Selective felling, cutting or breaking involves the harvesting of individual trees only.

Part T: Requirements for Thinning¹¹

Performance requirements	Acceptable solutions
<p>PR T.1 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS T.1 Mechanical clearing does not occur in, or within 100 metres of the static high water mark of, natural wetlands, lakes and springs.</p>
<p>PR T.2 To prevent loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained</p>	<p>AS T.2 T.2.1 Clearing:</p> <ul style="list-style-type: none"> a) does not clear mature trees; and b) does not alter species composition or densities of the regional ecosystem typical of the regional ecosystem surrounding that locality; and c) does not occur in pre-existing thick patches of vegetation; and d) maintains viable populations of each species present and listed in the regional ecosystem description¹². <p>AND</p> <p>T.2.2 Clearing achieves a mosaic pattern that includes the protection of patches and strips of remnant vegetation representative of a range of densities of the regional ecosystem surrounding that locality.</p>
<p>PR T.3 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic 	<p>AS T.3 Mechanical clearing does not occur in, or within:</p> <ul style="list-style-type: none"> a) 200 metres from each high bank of each stream of order of 5 or greater; and b) 100 metres width from each bank of each stream of order from 3 to 4; and c) 50 metres from each bank of each stream of order 1 to 2.

¹¹ Thinning means the selective clearing of vegetation at a locality to restore a regional ecosystem to the floristic composition and range of densities typical of the regional ecosystem surrounding that locality. The term does not include using a chain or cable linked between 2 tractors, bulldozers or other traction engines.

¹² The Regional Ecosystem description is the full description of the regional ecosystem that appears in the Regional Ecosystem Description Database published by the Environmental Protection Agency.

Performance requirements	Acceptable solutions
<p>ecosystems; and e) maintain wildlife habitat.</p>	
<p>PR T.4 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS T.4 Mechanical clearing does not occur:</p> <ul style="list-style-type: none"> a) on soils with dispersible soils in the B horizon, or with hardsetting characteristics and with an A horizon that extends to a depth of less than 20 centimetres; and b) on soils with a depth less than 20 centimetres; and c) on soils with greater than 20% rock; and d) on slopes greater than 5%, except for regional ecosystem 13.11.2 on which clearing does not occur on slopes greater than 8%.
<p>PR T.5 To ensure clearing does not cause land degradation and to maintain ecological processes and to manage environmental effects of clearing, the landscape is protected against increased salinity and waterlogging and the salinisation of ground and surface water are prevented.</p>	<p>AS T.5 Clearing does not occur:</p> <ul style="list-style-type: none"> a) in existing or potential discharge areas; and b) within 150 metres of existing or potential discharge areas; and c) in areas known to have a high risk of scalding.
<p>PR T.6 To prevent the loss of biodiversity, thinning only occurs in areas where demonstrated thickening has occurred.</p>	<p>AS T.6 T.6.1 Clearing only occurs in areas where it is demonstrated that the density of the vegetation has thickened. AND T.6.2 Clearing only occurs in areas of thickening which is demonstrated by:</p> <ul style="list-style-type: none"> a) comparing the density of remnant vegetation in the earliest available aerial photography that includes the subject area with the most recent available aerial photography that shows the same area; and b) finding that there is an increase in the density or extent of vegetation that is inconsistent with of the range of densities of the regional ecosystem surrounding

Performance requirements	Acceptable solutions
	<p>that locality; or</p> <p>c) finding that the species is not listed in the description of the regional ecosystem¹³.</p>
<p>PR T.7 To prevent the loss of biodiversity, the natural floristic composition and range of densities of the regional ecosystem at that locality are maintained.</p>	<p>AS T.7 Clearing:</p> <p>a) does not remove mature trees; and</p> <p>b) attains the species composition, size classes and densities typical of the regional ecosystem surrounding that locality; and</p> <p>c) maintains viable populations of each species present and listed in the regional ecosystem description⁹; and</p> <p>d) does not occur in pre-existing thick patches of vegetation; and</p> <p>e) achieves a mosaic pattern representative of the range of densities of the regional ecosystem surrounding that locality.</p>

¹³ The Regional Ecosystem description is the full description of the regional ecosystem that appears in the Regional Ecosystem Description Database published by the Environmental Protection Agency.

Part E: Requirements for Clearing Encroachment¹⁴

Performance Requirement	Acceptable Solution
<p>PR E.1 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS E.1 Mechanical clearing does not occur in, or within 100 metres of the static high water mark of, natural wetlands, lakes and springs</p>
<p>PR E.2 To prevent loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained.</p>	<p>AS E.2 Clearing:</p> <ul style="list-style-type: none"> a) does not alter species composition or densities typical of the regional ecosystem; and b) maintains viable populations of each species present and listed in the regional ecosystem description¹⁵.
<p>PR E.3 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat 	<p>PR E.3 Mechanical clearing does not occur in, or within:</p> <ul style="list-style-type: none"> a) 200 metres from each high bank of each stream of order greater than 5; and b) 100 metres width from each bank of each stream of order 3 to 4; and c) 50 metres from each bank of each stream of order 1 to 2.

¹⁴ Encroachment means a woody species that has invaded an area of a grassland regional ecosystem to the extent the area is no longer consistent with the description of the regional ecosystem.

¹⁵ The Regional Ecosystem description is the full description of the regional ecosystem that appears in the Regional Ecosystem Description Database published by the Environmental Protection Agency.

Performance Requirement	Acceptable Solution
<p>PR E.4 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS E.4 Mechanical clearing does not occur on:</p> <ul style="list-style-type: none"> a) soils with dispersible soils in the B horizon, or with hardsetting characteristics and with an A horizon that extends to a depth of less than 20 centimetres ; or b) soils with a depth less than 20 centimetres; or c) soils with greater than 20% rock; or d) slopes greater than 5%.
<p>PR E.5 To ensure clearing does not cause land degradation and to maintain ecological processes, increased salinity and waterlogging and the salinisation of ground and surface water are prevented.</p>	<p>AS E.5 Clearing does not occur:</p> <ul style="list-style-type: none"> a) in existing or potential discharge areas; and b) within 150 metres of existing or potential discharge areas; and c) in areas subject to waterlogging or areas at risk of waterlogging as a result of clearing.
<p>PR E.6 To prevent the loss of biodiversity, clearing for encroachment only occurs in areas where demonstrated encroachment has occurred.</p>	<p>AS E.6 E.6.1 Clearing for encroachment only occurs in a regional ecosystem for which an application for clearing of encroachment may be accepted under the <i>Vegetation Management Act 1999</i> section 22A(2);</p> <p>AND</p> <p>E.6.2 Clearing only occurs in areas of encroachment which is demonstrated by:</p> <ul style="list-style-type: none"> a) comparing the density of woody remnant vegetation in the earliest available aerial photography that includes the subject area with the most recent available aerial photography that shows the same area; and b) finding that there is an increase in the density or extent of woody vegetation that is inconsistent with the description of the regional ecosystem¹⁶, or c) finding that the woody species is not listed in the description of the regional ecosystem.

¹⁶ The Regional Ecosystem description is the full description of the regional ecosystem that appears in the Regional Ecosystem Description Database published by the Environmental Protection Agency.

Performance Requirement	Acceptable Solution
<p>PR E.7 To prevent the loss of biodiversity, the natural floristic composition and range of densities of the regional ecosystem at that locality are restored or maintained</p>	<p>AS E.7 Clearing:</p> <ul style="list-style-type: none"> a) attains the species composition, size classes and densities typical of the regional ecosystem surrounding that locality; and b) maintains viable populations of each species present and listed in the regional ecosystem description¹⁷; and c) does not remove pre-existing thick patches of woody vegetation; and d) removes only the encroaching species.

¹⁷ The Regional Ecosystem description is the full description of the regional ecosystem that appears in the Regional Ecosystem Description Database published by the Environmental Protection Agency.

Part X: Requirements for Clearing for an Extractive Industry¹⁸

An application that is for clearing for extractive industry and is also for the purpose of clearing for a significant project declared under the *State Development and Public Works Organisation Act 1971*, section 26 will be assessed under this part of the code, and not under Part S.

An application that is for clearing for extractive industry and is also for the purpose of clearing for establishing a necessary fence, firebreak, road or other built infrastructure, or for clearing that is a natural and ordinary consequence of other assessable development for which a development approval as defined under the *Integrated Planning Act 1997* was given, or a development application as defined under the *Integrated Planning Act 1997* was made, before 16 May 2003, will be assessed under this part of the code, and not under Part M.

Performance Requirements	Acceptable Solutions
<p>PR X.1 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS X.1 Clearing does not occur in, or within 100 metres of the static high water mark of natural wetlands, lakes and springs.</p>
<p>PR X.2 To prevent loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained</p>	<p>AS X.2 X.2.1 Vegetation is retained in corridors with a 5:1 length to width ratio, which provide connectivity between:</p> <ul style="list-style-type: none"> a) clumps of retained vegetation on the property or on adjoining properties; and b) wetlands; and c) endangered or of concern regional ecosystems. <p>OR</p> <p>X.2.2 Viable networks of wildlife habitat are maintained by offsetting areas of vegetation immediately adjacent to the area of vegetation affected by the application, in a manner that meets the requirements of X.2.1.</p> <p>AND</p>

¹⁸ Extractive industry means one or more of the following:

- (a) dredging material from the bed of any waters;
- (b) extracting rock, sand, clay, gravel, loam or other material, from a pit or quarry;
- (c) screening, washing, grinding, milling, sizing or separating material extracted from a pit or quarry.

Note that sizing is taken to include crushing.

Performance Requirements	Acceptable Solutions
	X.2.3 Clearing does not occur in State Wildlife Corridors.
<p>PR X.3 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. 	<p>AS X.3 Clearing does not occur in, or within:</p> <ul style="list-style-type: none"> a) 200 metres from each high bank of each stream of order 5 or greater; and b) 100 metres width from each bank of each stream of order 3 to 4; and c) 50 metres from each bank of each stream of order 1 to 2.
<p>PR X.4 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS X.4 X.4.1 Clearing must not be undertaken in a manner that allows adverse environmental effects from soil erosion resulting from the clearing to occur outside the operational area.</p> <p>AND X 4.2 Clearing is:</p> <ul style="list-style-type: none"> a) staged in line with operational needs to restrict clearing to the operational area; and b) limited to the area from which material will be extracted within the term of the permit.
<p>PR X.5 To ensure clearing does not cause land degradation and to maintain ecological processes, increased salinity and waterlogging and the salinisation of ground and surface water are prevented.</p>	<p>AS X.5 X.5.1 Clearing does not occur:</p> <ul style="list-style-type: none"> a) in existing or potential discharge areas; and b) within 150 metres of existing or potential discharge areas; and c) in areas known to have a high risk of scalding; and d) in recharge areas with soils of medium to high permeability; <p>AND</p>

Performance Requirements	Acceptable Solutions
	<p>X.5.2 Clearing does not reduce the extent of remnant vegetation to:</p> <ul style="list-style-type: none"> a) less than 50% of the pre-clearing extent of remnant vegetation in the contributing catchment for intermediate or local groundwater flow systems; and b) less than 30% of the pre-clearing extent of remnant vegetation in the contributing catchment for a regional groundwater flow system; and c) remnant vegetation is preferentially retained in priority recharge areas; <p>AND</p> <p>X.5.3 Clearing does not occur in areas subject to waterlogging or areas at risk of waterlogging as a result of clearing.</p>
<p>PR X.6 To conserve remnant endangered regional ecosystems and remnant of concern regional ecosystems, the current extent of endangered and of concern regional ecosystems and category 1 and category 2 areas shown on a Property Map of Assessable Vegetation are maintained.</p>	<p>AS X.6 Clearing does not occur in an endangered or of concern regional ecosystem or an area shown as ‘category 1’ or ‘category 2’ on a Property Map of Assessable Vegetation, unless the clearing:</p> <ul style="list-style-type: none"> a) is in a resource/processing area or transport route of a Key Resource Area identified in a State Planning Policy on Protection of Extractive Resources, or if no State Planning Policy is made, is in a resource/processing area or transport route for an area that in the opinion of the chief executive is an extractive resource of State significance; <p>AND</p> <ul style="list-style-type: none"> b) the clearing is offset by protecting an area of non-remnant (other than a category 1, category 2, category 3 or category 4 area on a PMAV), or remnant vegetation that may otherwise be approved to be cleared under this code that achieves the following: <ul style="list-style-type: none"> i. the regional ecosystem to be restored is or will be the same regional ecosystem as the regional ecosystem to be cleared; and ii. the area of the regional ecosystem to be restored is at least equal to the area to be cleared; and iii. there is a demonstrated high probability that within 20 years the area being restored will be capable of being mapped as remnant vegetation.

Performance Requirements	Acceptable Solutions
<p>PR X.7 To prevent the loss of biodiversity, adequate representation of regional ecosystems is maintained across the bioregion.</p>	<p>AS X.7 X.7.1 Clearing does not reduce the extent of a regional ecosystem to less than 30% of the pre-clearing extent of that regional ecosystem on the property; AND X.7.2 Clearing does not reduce the extent of regional ecosystem 13.11.1 to less than 50% of the pre-clearing extent of that regional ecosystem on the property. OR X.7.3 Clearing does not occur in one of the areas mentioned in X.7.1 or X.7.2, unless the clearing is offset by protecting, to the extent possible on the applicant's holdings, another area of non-remnant (other than a category 1, category 2, category 3 or category 4 area on a PMAV) or remnant vegetation which may otherwise be approved to be cleared under this code, and which achieves the following: a) the regional ecosystem to be restored is or will be the same regional ecosystem as the regional ecosystem to be cleared; and b) the area of the regional ecosystem to be restored is at least equal to the area to be cleared; and c) there is a demonstrated high probability that within 20 years the area being restored will be capable of being mapped as remnant vegetation.</p>
<p>PR X.8 Conserve remnant vegetation, prevent loss of biodiversity, maintain ecological processes, ensure clearing does not cause land degradation and manage the environmental effects of clearing.</p>	<p>AS X.8 X.8.1 Clearing does not occur in an area of vegetation retained as a condition of a previous development permit for clearing on the property; AND X.8.2 Clearing for the construction of infrastructure associated with an extractive industry operation is limited to the extent that is reasonably necessary for the construction and operation of the infrastructure; AND</p>

Performance Requirements	Acceptable Solutions
	X.8.3 Clearing is: <ul style="list-style-type: none"><li data-bbox="794 275 1355 421">a) staged in line with operational needs to restrict clearing to the area required for active extractive activity at any one time; and<li data-bbox="794 421 1355 521">b) limited to the area from which material will be extracted within the term of the permit.

Part R: Requirements for Clearing Regrowth on Leasehold Land¹⁹

Where this part of the code refers to a regional ecosystem in the acceptable solutions, the pre-clearing extent map will be used to determine the location and extent of the regional ecosystem.

Performance requirement	Acceptable solution
<p>PR R.1 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS R.1 Clearing does not occur in, or within 100 metres of the static high water mark of, natural wetlands, lakes and springs.</p>
<p>PR R.2 To prevent loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained.</p>	<p>AS R.2: R.2.1 On properties greater than 100 hectares, vegetation is retained in clumps that:</p> <ul style="list-style-type: none"> a) are greater than 10 hectares with a perimeter (m) to area (ha) ratio of less than 200:1; and b) are connected by corridors of retained vegetation at least 200 metres wide; and c) where retained vegetation adjoins the property, are connected by corridors of at least 200 metres width to that retained vegetation. <p>AND</p> <p>R.2.2 On properties less than 100 hectares, vegetation is retained in clumps that have a perimeter (metres) to area (hectares) ratio of less than 200:1; and</p> <ul style="list-style-type: none"> a) are connected by corridors of retained vegetation with a 5:1 length to width ratio; and b) where retained vegetation adjoins the property, are connected by corridors with a 5:1 length to width ratio to that retained vegetation.

¹⁹ For the purposes of this code, regrowth is vegetation that is not remnant and has emerged following clearing undertaken on or before 31 December 1989, and is on a lease issued under the *Land Act 1994* for agriculture or grazing purposes.

Performance requirement	Acceptable solution
<p>PR R.3 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. 	<p>AS R.3 R.3.1 Clearing does not occur in, or within</p> <ul style="list-style-type: none"> a) 200 metres from each high bank of each stream of stream order 5 or greater; and b) 100 metres width from each bank of each stream of order 3 to 4; and c) 50 metres from each bank of each stream of order 1 to 2. <p>OR</p> <p>R.3.2 For any watercourse that does not form the property boundary, clearing does not occur in a corridor in which the watercourse meanders with a total width of the distance between high banks plus:</p> <ul style="list-style-type: none"> a) 400 metres for each stream of order greater than 5; and b) 200 metres for each stream of order 3 to 4; and c) 100 metres for each stream of order 1 to 2; and d) with a minimum width of 40 metres from the edge of the corridor to a high bank.
<p>PR R.4 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS R.4 Clearing does not occur</p> <ul style="list-style-type: none"> a) on soils with dispersible soils in the B horizon, or with hardsetting characteristics and with an A horizon that extends to a depth of less than 20 centimetres; and b) on soils with a depth less than 20 centimetres; and c) on soils with greater than 20% rock; and d) on slopes greater than 5%, except for regional ecosystem 13.11.2 on which clearing does not occur on slopes greater than 8%.
<p>PR R.5 To ensure clearing does not cause land degradation and to maintain ecological processes and to manage environmental effects of clearing, the landscape is protected against increased salinity and waterlogging and the salinisation of ground and surface water are prevented.</p>	<p>AS R.5 Clearing does not occur:</p> <ul style="list-style-type: none"> a) in existing or potential groundwater discharge areas; and b) within 150 metres of existing or potential discharge areas; and c) in areas subject to waterlogging or areas at risk of waterlogging as a result of clearing; and d) in priority recharge areas.

8. Dictionary

A horizon: Horizons either consisting of one or more surface mineral horizons with some organic accumulation and usually darker in colour than the underlying horizons, or consisting of surface and subsurface horizons that are lighter in colour but have a lower content of silicate clay and/or sesquioxides than the underlying horizons.

Aerial Photography: Vertical aerial photographs, identified by film number, run number and frame number, captured as part of a coordinated aerial photography program or project on which the date of photography, flying height, lens focal length and project name are specified.

Area of State Significance: is an area identified on a map²⁰ prepared by the Chief Executive of the Environmental Protection Agency and certified by the Chief Executive of Department of Natural Resources, Mines and Energy for the purposes of this code as an area of State Significance

B horizon: Horizons consisting of one or more mineral soil layers characterised by one or more of the following: a concentration of silicate clay, iron, aluminum, organic material or several of these; a structure and/or consistence unlike that of the A horizons above or of any horizons immediately below; stronger colours, usually expressed as higher chroma and /or redder hue, than those of the A horizons above or those of the horizons below.

Contributing catchment: means for-

- a) a local ground water flow system, the area of the surface catchment measured above a point 5 km downstream from an existing or potential discharge area;
- b) an intermediate groundwater flow system, the area encompassed by a 15km radius from an existing or potential discharge area;
- c) a regional groundwater flow system, the area with the relevant drainage basin sub area at a higher elevation than an existing or potential discharge area.

Corridors: are continuous strips of remnant vegetation that link clumps of remnant vegetation and are used, or capable of being used, by wildlife for movement or habitat, and are capable of being habitat in their own right.

Declared pest: is a pest declared under the *Land Protection (Pest and Stock Route Management) Act 2002*.

²⁰ The map is held in digital form by the Department of Natural Resources, Mines & Energy and may be reduced or enlarged to show the area of state significance for a particular area.

Demonstrated, for a proposed offset, includes demonstrated by reference to published literature, the written opinion of a recognised expert in the field of revegetation; or by comparison to revegetation projects in similar regional ecosystems and similar conditions.

Demonstrated encroachment: means the increase in density of woody vegetation in grassland regional ecosystems listed in the *Vegetation Management Regulation 2000* which can be proven by reference to the earliest available aerial photography that includes the subject area when compared with the most recent available aerial photography that shows the same area.

Demonstrated thickening: means the increase in the density of woody vegetation which can be proven by reference to the earliest available aerial photograph that includes the subject property when compared with the most recent available aerial photograph that includes the subject property.

Discharge area is:

- a) that part of the land surface where groundwater discharge produces a net movement of water out of the groundwater; and
- b) identified by an assessment process consistent with the document: *Salinity Management Handbook, Queensland Department of Natural Resources, 1997*; or
- c) identified by an approved salinity hazard map.

Dispersible soils: are soils in which clay material disintegrates into particles less than 2 microns when submerged in distilled water for 12 hours.

Drainage Basin Sub Area: is identified on an electronic map layer held by the Department of Natural Resources, Mines & Energy.

Encroachment: means a woody species that has invaded an area of a grassland regional ecosystem to the extent the area is no longer consistent with the description of the regional ecosystem.

Floristic composition: is determined by the Queensland Herbarium's complete description of the regional ecosystem.

Fodder harvesting: is the clearing of fodder species for the purpose of being eaten by stock.

Fodder species: are listed in the table below; or are species where the proponent can establish with published literature, to the satisfaction of the Chief Executive, that:

- a) in the local conditions, the species is suitable for browse fodder (that it is palatable, non-toxic and contributes to stock nutrition); and
- b) the species will regenerate successfully after harvesting.

Such information may be located in current scientific literature, such as Everist, SL (1985) *Use of Fodder Trees and Shrubs*, Qld Department of Primary Industries Information Series QI85015

Fodder species do NOT include Brigalow (*Acacia harpophylla*), Gidgee (*Acacia cambagei*) and all species of the genera Eucalyptus and Corymbia.

Species for fodder harvesting	
Common name	Scientific name
ironwood	<i>Acacia excelsa</i>
myall	<i>Acacia pendula</i>
red ash	<i>Alphitonia excelsa</i>
leopardwood	<i>Flindersia maculosa</i>
wilga, tree wilga	<i>Geijera parviflora</i>

Foliage cover is the percentage of the sample site occupied by the vertical projection of the foliage and woody branches.

Grassland regional ecosystem: means a grassland regional ecosystem prescribed under a regulation as a grassland regional ecosystem.

Groundwater flow system: is a zone with hydrogeological characteristics that influence the occurrence of dryland salinity. The hydrogeological characteristics relate to the movement of groundwater from a recharge area, through a transmission zone, to a discharge area or a potential discharge area.

Hard setting: is a characteristic of soils in which a compact, hard, apedal condition forms on drying, but softens in wetting. When dry, the material is hard below any surface crust or flake that may occur, and is not disturbed or indented by pressure of the forefinger

High bank: is the terrace or bank or, if no bank is present, the point on the active floodplain which confines the normal flow, and which is either permanent or intermittent.

Intermediate groundwater flow system: is a ground water flow system where the distance between a discharge area and the closest recharge area is between 5km and 15km

Key resource area: is an area identified in a State Planning Policy for Extractive Industries as a Key Resource Area.

Lake: is a lagoon, billabong, or other natural area of open water, whether permanent or intermittent.

Local ground water flow system: is a ground water flow system where the distance between a discharge area and the closest recharge area is less than 5km.

- Mature trees: are trees that:
- a) are present in the predominant canopy as dominants or co-dominants; and
 - b) have a trunk diameter, measured 1.3m above the ground, more than half of that of the largest trees of the same species in the regional ecosystem typical at that locality, **or**
 - c) have more than one hollow more than 10cm in diameter and more than 2 metres above the ground.
- Mechanical clearing: means to pull, break down, uproot, demolish or kill using
- Operational area: means the area actively being used for extractive industry at any one time.
- Pre-clearing extent: for a regional ecosystem, means the extent of the regional ecosystem before it was cleared, which is shown on the most recently released version of a digital map of the pre-clearing extent of regional ecosystems prepared by the Queensland Herbarium.
- Priority recharge areas are areas:
- a) identified as moderate-high or high on the recharge layer of an approved Salinity Hazard Map of the Department of Natural Resources, Mines and Energy; or
 - b) identified using an assessment process as outlined in the document: *Salinity Management Handbook, Queensland Department of Natural Resources, 1997*.
- Property: is a lease, a license or permit under the Land Act; a single freehold lot or an aggregation of freehold lots that are geographically contiguous and are managed as a single unit.
- Protecting: when offsetting means - the area is either: declared as an area of high nature conservation value or vulnerable to land degradation under the *Vegetation Management Act 1999*; a protected tenure under the *Nature Conservation Act 1992*; or covenanted under the *Land Title Act 1994*.
- Rabbit warren complex: is an underground place with 2 or more entry points where rabbits breed.
- Recharge areas: are identified by either:
- c) an assessment process as outlined in the document: *Salinity Management Handbook, Queensland Department of Natural Resources, 1997*; or
 - d) an approved salinity hazard map.
- Regional groundwater flow system: is a ground water flow system where the distance between a discharge and the closest recharge area is greater than 15km

Resource/processing area: means the area of an extractive resource and the operational areas associated with extraction and processing of extractive materials. For a Key Resource Area identified by a State Planning Policy on Protection of Extractive Resources, the terms means the resource/processing area defined for that Key Resource Area in that State Planning Policy

Retained vegetation: is

- an area shown as a Category 1 area, Category 2 area, Category 3 area or Category 4 area on a property map of assessable vegetation; or
- where there is no property map of assessable vegetation, is an area of remnant vegetation shown on a certified regional ecosystem map or remnant map; or
- vegetation that is not remnant vegetation on land subject to a lease issued under the *Land Act 1994* for agricultural or grazing purposes, in an area that was cleared prior to 31 December 1989.

Soil erosion: includes landslip, gully erosion, rill erosion, sheet erosion, stream bank erosion, wind erosion or scalding; and associated loss of chemical, physical or biological fertility (such as water holding capacity, soil structure, organic matter, soil biology and nutrients).

Springs: are –

- a) where water naturally rises to and flows over the surface of land; and
- b) those areas listed in: Fensham and Fairfax (2002) ‘Queensland springs distribution-assessment’.

Static high water mark: is the settled ordinary water level that occurs under average meteorological conditions. It is less than extreme levels that can be caused by storm surges.

State Wildlife Corridors: are areas identified on a map²¹ prepared by the Chief Executive of Environmental Protection Agency and certified by the Chief Executive of the Department of Natural Resources, Mines and Energy for the purposes of this code as State Wildlife Corridors.

Stream order: is a numerical ordering classification of each watercourse segment according to its position within a catchment. When two streams of the same order join, the resulting watercourse becomes one stream order larger. If two streams of different order join, the resultant stream order is that of the larger stream, as shown in Figure 2

Sub region Subregions are mapped subsets of bioregions that delineate significant differences within the bioregion in regard to landscape

²¹ The map is held in digital form by the Department of Natural Resources, Mines & Energy and may be reduced or enlarged to show the State wildlife corridors for a particular area.

pattern, usually associated with geology and geomorphology or finer climatic differences. Mapping of subregions is maintained by the Queensland Herbarium.

- Thinning: means the selective clearing of vegetation at a locality to restore a regional ecosystem to the floristic composition and range of densities typical of the regional ecosystem surrounding that locality. The term does not include using a chain or cable linked between 2 tractors, bulldozers or other traction engines.
- Transport Route: means the route used to transport²² extractive materials to markets. For a Key Resource Area identified by a State Planning Policy on Protection of Extractive Resources, the term means the transport route defined for that Key Resource Area in that State Planning Policy
- Viable network: areas of vegetation that exhibit high levels of connectivity, are representative of all regional ecosystems on the property, are large enough to allow ecosystem functioning, are self generating and able to remain in the landscape in spite of threatening processes.
- Viable populations: means maintaining a range of size classes of the species at sufficient populations to ensure its ongoing presence at that site.
- Waterlogging: is the saturation of soil by soil water.
- Wetlands: are one or more of the following -
- a) Areas of permanent or periodic/intermittent inundation, with water that is static or flowing fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed 6 metres. To be a wetland the area must have one or more of the following attributes:
 - i. at least periodically the land supports plants or animals that are adapted to and dependent on living in wet conditions for at least part of their life cycle.
 - ii. the substratum is predominantly undrained soils that are saturated, flooded or ponded long enough to develop anaerobic conditions in the upper levels.
 - iii. the substratum is not soil and is saturated with water, or covered by water at some time.
 - b) Listed in Moffatt, D.B & Thrupp, C.L. (2003). *Water bodies of Southwest Queensland – preliminary raster data on the location and permanence of surface waterbodies*. Department of Natural Resources & Mines, Toowoomba; and
 - c) Those areas shown as a swamp, lake, marsh, waterhole, wetland, billabong, pool or spring (excluding farm dams) on a

²² Generally road haulage is used to transport extractive materials, but in some circumstances could be:

- Rail transport, for example for transporting rail ballast where the extractive resource deposit is adjacent to rail (some rail ballast is trucked to a distribution centre at a rail siding); or
- Conveyor transport comprising a loading point, conveyor, and a distribution centre where there are significant rates of extraction.

the latest Sunmap or Commonwealth of Australia 1:100,000 or 1:250,000 topographic map.

- d) Regional ecosystems identified as wetlands regional ecosystems by the Queensland Herbarium.

Wildlife habitat: is the combination of factors both biotic and abiotic that meet the requirements of a particular species of native plant or animal.

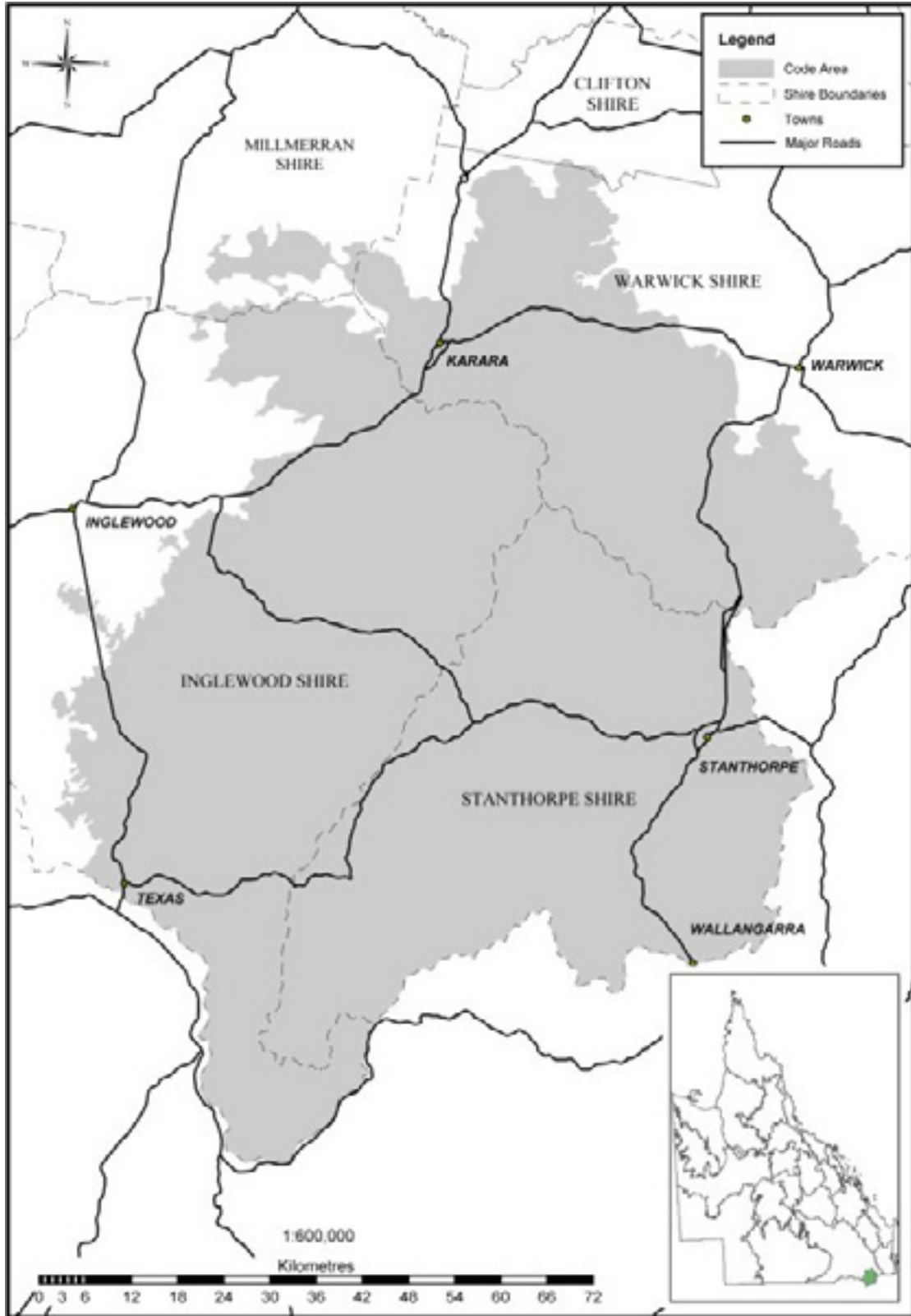


Figure 1: Location of New England Tablelands Bioregion



Figure 2: Diagrammatic view of stream ordering