



Concurrence Agency Policy for Material Change of Use (MCU)

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Concurrence Agency Policy for Material Change of Use

Regulatory background

This concurrence agency policy is used to assess development applications for a Material Change of Use (MCU) under the *Integrated Planning Act 1997* (IPA) where the applications have been referred for assessment against the purpose of the *Vegetation Management Act 1999* (VMA).

This policy is for the purposes identified in section 3.3.15 (1) of the IPA¹, and is consistent with the purpose of the VMA, which is provided in Appendix 1. The Chief Executive of the Department that administers the VMA—currently the Department of Natural Resources and Water (NRW)—is responsible for applying this policy.

In accordance with the requirements of section 2.5A.23 of the IPA², Appendix 2 states how this policy reflects the South East Queensland regional plan.

Where a MCU application is referred to the Chief Executive and approved, clearing of vegetation under that approval is exempt from needing further approval, as a specified activity under Schedule 8 of the IPA. However, a separate approval for operational works to clear vegetation may be required before clearing can commence where any of the following apply:

- the proposed clearing of vegetation is under a MCU approval for an application that was not identified as needing referral to NRW by the *Integrated Planning Regulation 1998*; or
- the proposed clearing of vegetation is under a MCU approval that was not referred to NRW as a concurrence agency; or
- the proposed clearing is not in accordance with the conditions of approval imposed by NRW as concurrence agency for the MCU approval.

Definitions

Words underlined in the text of the policy are defined in the glossary of terms. Where terms used in the policy are not defined in the policy but are defined in the VMA or the IPA, the definition that is in the VMA or the IPA applies to the policy.

Purpose of the policy

This policy will ensure that clearing as a result of the MCU achieves the purpose of the VMA, as provided in Appendix 1.

Scope of applications assessed under the policy

The *Integrated Planning Regulation 1998* Schedule 2 Table 3 Item 11 requires Material Change of Use applications to be referred to NRW if:

- (a) the lot contains –
 - (i) a category 1, 2 or 3 area shown on a property map of assessable vegetation; or
 - (ii) if there is no property map of assessable vegetation for the lot—remnant vegetation; and
- (b) the existing use is a rural use or environmental use; and
- (c) the size of the land is 2 hectares or larger.

¹ Section 3.3.15 (1) Referral agency assesses application.

² Section 2.5A.23 Effect of SEQ regional plan on other plans, policies or codes

Policy

1. Assessment of Material Change of Use (MCU) applications by NRW will consider clearing as a result of the MCU.
2. Clearing as a result of the MCU includes:
 - (a) Clearing of assessable vegetation that will result from the change in use, consisting of any of the following:
 - (i) Clearing for infrastructure—including buildings, stormwater management systems, water supply and sewerage systems—that are proposed as part of the MCU application.
 - (ii) Clearing for roads, vehicle parking, vehicle and pedestrian access, utilities corridors, services, fences, firebreaks and fire management lines that are proposed as part of the MCU application.
 - (iii) Clearing that may not be necessary for developing infrastructure but is associated with the use applied for.

AND

- (b) Clearing of assessable vegetation that will become exempt if the development application is approved. This includes any of the following examples:
 - a. Clearing for *routine management* and *essential management* purposes associated with the approved development including clearing to maintain proposed infrastructure, facilities, roads, access routes, utilities, services and fences, and clearing to maintain the safety of persons and property that will be associated with the development.
 - b. Clearing for necessary fire breaks and fire management lines associated with the development. This will be assessed as follows:
 - All built infrastructure other than underground services, roads and fences will be assessed as requiring clearing for firebreaks with a width of 1.5 times the height of the tallest vegetation adjacent to the infrastructure, or 20m, whichever is the greater. However, evidence may be provided to NRW that confirms that an alternative firebreak width is required that is consistent with the State Planning Policy (SPP) 1/03 Guideline.
 - All proposed allotment boundaries will be assessed as requiring clearing for fire management lines with a width of 10m constructed on either side of the allotment boundary, unless NRW is provided with evidence that confirms that an alternative width of fire management line is required or an alternative configuration of fire management lines are required that is consistent with the SPP 1/03 Guideline.
 - In the case of evidence being presented that demonstrates alternative fire management guidelines as being sufficient and consistent with the SPP 1/03, NRW may condition the development so that the full extent of exempt clearing prescribed for *essential management* under Schedule 8 of the IPA cannot be carried out by current or future landholders.
 - c. Where there is a concurrent application for Reconfiguring of a Lot (RaL) for the same land that has not yet been decided—clearing as a result of the RaL as set out in the RaL Policy item 2 will be assessed.
3. Applications for MCU should identify building envelopes and associated fire management requirements and include infrastructure plans or other maps that clearly identify the extent of clearing as a result of the MCU. Where infrastructure is to be located close to allotment boundaries, applications will need to consider the impact of necessary clearing of assessable vegetation for fire management and safety purposes on the adjoining allotments.
 4. NRW will allow clearing as a result of the MCU to the extent that clearing for the purpose of the development could be conducted under an exemption described in Schedule 8, Table 4, items 1A to 1G of the IPA without the MCU being approved.
 5. NRW will allow clearing as a result of the MCU if a development application complies with the assessment criteria outlined in this policy.
 6. NRW will assess clearing as a result of the MCU using the **Assessment Table** which describes a range of development scenarios (use/purpose) and the corresponding assessment criteria that must be addressed for each scenario (see **rationale section** for further explanation). The assessment

criteria are outlined in the corresponding **Criteria Table**. In order for an application to advance through to assessment against a particular **Criteria Table**, the applicant must provide sufficient evidence to demonstrate it adequately meets the development scenario in the **Assessment Table**.

7. Where directed in an **Assessment Table**, NRW will assess clearing as a result of the MCU against **Criteria Tables A, B, C, D, E, F, G, H and I**. **Criteria Tables** contain performance requirements that must be met by the MCU application. The **Criteria Tables** under this policy are as follows:

Criteria Table A	Performance requirements where <u>clearing as a result of the MCU</u> will not occur within <u>assessable vegetation</u>
Criteria Table B	Performance requirements for <u>clearing as a result of the MCU</u> application for <u>urban purposes</u> in an <u>urban area</u> on freehold or indigenous land
Criteria Table C	Performance requirements for <u>clearing as a result of the MCU</u> where all the clearing could be done under an exemption for the purpose of the development without the MCU being approved
Criteria Table D	Performance requirements for <u>clearing as a result of the MCU</u> on freehold land for building a single residence on an existing lot OR on indigenous land for building residences
Criteria Table E	Performance requirements for <u>clearing as a result of the MCU</u> application for a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i> , section 26
Criteria Table F	Performance requirements for <u>clearing as a result of the MCU</u> application for an extractive industry in a <u>Key Resource Area</u>
Criteria Table G	Performance requirements for <u>clearing as a result of the MCU</u> applications involving a <u>significant community project</u>
Criteria Table H	Performance requirements for <u>clearing as a result of the MCU</u> for any other purpose
Criteria Table I	Performance requirements for <u>clearing as a result of the MCU</u> in regrowth vegetation on <u>State Land</u> for any other purpose

8. Where directed by the **Assessment Table**, NRW will assess clearing as a result of the MCU against the nominated **Criteria Table**. Each **Criteria Table** contains performance requirements and/or may also link to performance requirements—with necessary changes for the purpose of this policy—within the relevant code. All performance requirements required by the **Criteria Table** must be met by the MCU application.
9. Where a **Criteria Table** links to performance requirements within the relevant code, the acceptable solution listed represents one way in which the relevant performance requirement can be achieved. Applications that do not adopt the acceptable solution must demonstrate how the performance requirement will be achieved through an alternative means. Consequently an application must meet each performance requirement by either complying with the acceptable solution or satisfying the Chief Executive that the performance requirement is met through another solution.
10. In determining whether an application meets the acceptable solution, or whether an alternative solution provided in the application meets a performance requirement, the precautionary principle will be applied.
11. When assessing a MCU application, a reference to “clearing” in the relevant code is taken to mean clearing as a result of the MCU as identified in item 2 of this policy.
12. If an application does not satisfy all performance requirements within a **Criteria Table** then the application is ineligible for assessment against that **Criteria Table** and must be assessed against another relevant **Criteria Table**.
13. Where a development application does not achieve all of the relevant performance requirements required by any **Criteria Table**, clearing as a result of the MCU is inconsistent with the purposes of the VMA. In these circumstances, the MCU fails this policy and the Chief Executive will direct the Assessment Manager to refuse the application.

Rationale

This policy ensures that clearing of assessable vegetation that is necessary to give effect to a MCU is assessed in a manner that is consistent with the purposes of the VMA.

This policy achieves the management of the environmental effects of clearing—section 3(1)(f) of the VMA—and the conservation and biodiversity outcomes of the VMA purposes—section 3(1)(a–e) of the VMA—through assessment against the **Assessment Tables**, the **Criteria Tables** and through linkage to the relevant codes.

To achieve section 3(1)(f) of the VMA, the **Assessment Table** and **Criteria Tables** include consideration of the use/purpose of the development and its consequences on the social, economic, conservation, aesthetic or cultural components of the environment as part of the effect of the clearing.

This ensures that while some components of the environment may be reduced in value by the development, this can only occur when balanced by an advance of other components in a way that the total value of the environment is not degraded overall by a proposed development.

To achieve section 3(1)(a–e) of the VMA, the **Criteria Tables** also contain certain performance requirements which are linked to the relevant code and the Vegetation Management Offsets Policy.

This ensures that all clearing meets the conservation of regional ecosystems, prevention of land degradation, prevention of loss of biodiversity and maintenance of ecological processes required by section 3(1)(a–e) of the VMA and is consistent with the outcomes of the State Policy for Vegetation Management.

The **Assessment Table** contain three columns to direct the assessment of an application against this policy. The first column sorts clearing of vegetation into assessable vegetation or non-assessable vegetation. The second column sorts applications by the use or purpose that leads to the clearing of the vegetation which will then determine the assessment criteria for the application which is contained in column three.

The assessment criteria determined through the **Assessment Table** will depend on the use or purpose that leads to the clearing and the rationale for these criteria is listed below:

- An MCU application, where clearing as a result of the MCU is for a use or purpose that is considered exempt development under Schedule 8 of IPA without, or prior to a MCU approval being given, will not be restricted by this policy.

Criteria Tables A, B, C and D promote expedited assessment of applications where it is demonstrated that there is no clearing as a result of the MCU or where the clearing that will result, is not subject to regulation under the VMA. Performance requirements within the **Criteria Tables** identify the nature of conditions on approvals that will be applied in these circumstances to ensure the purpose of the VMA is met by the development.

- An MCU application involving a declared significant project under the *State Development and Public Works Act 1971*, section 26 or an extractive Industry in a key resource area or a significant community project - these projects are, by their nature, of very significant benefit to a local, regional or State community due to their high economic value; strategic importance to the local, regional or state community; and provision of substantial long-term employment opportunity. Although the clearing of vegetation for these projects may have an adverse impact on some components of the environment, the balance will be restored by the benefits to the social, economic, cultural, or aesthetic components. This will ensure section 3(1)(f) of the VMA will be met and the overall components of the environment are not degraded.

This policy further directs that clearing for these uses/purposes will be further assessed against **Criteria Table E, F or G** to achieve the requirements of section 3(1)(a–e) of the VMA and the State Policy for Vegetation Management.

- An MCU for any other use/purpose will generally be considered to have a low level or no significant community benefit or the site has special and extraordinary environmental values that will be lost as a result of the MCU and this loss is not outweighed by the community benefits. Mostly, these projects are being carried out principally for personal or corporate benefit. In order to balance the unavoidable clearing impacts of the proposal on the various components of the environment, the policy requires a significantly higher level outcome for conservation of *endangered* regional ecosystems, *of concern* regional ecosystems and biodiversity. Clearing as a result of the MCU for this use or purpose will be assessed against **Criteria Table H-1** which requires the balance to the environment to be restored and that all requirements of section 3 (1)(a–e) of the VMA and the State Policy for Vegetation Management are achieved.

Where the project involves clearing a *not of concern* regional ecosystem, the proposal will need to ensure that clearing does not cause land degradation, prevents the loss of biodiversity, maintains ecological processes and conserves regional ecosystems. In these instances this policy will allow clearing as a result of the MCU to be further assessed against criteria outlined in **Criteria Table H-2** to achieve the requirements of section 3 (1)(a–e) of the VMA and the State Policy for Vegetation Management.

The first performance requirement in Criteria Tables G, H-1, and H-2 ensure that, to conserve regional ecosystems and maintain biodiversity, clearing as a result of the MCU does not occur in assessable vegetation if any other site not containing assessable vegetation is reasonably available to the proponent.

If an application does not satisfy all performance requirements within a **Criteria Table** then the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any of the relevant **Criteria Table** then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

This policy ensures that the impact on vegetation as a result of the MCU is fully assessed. This includes clearing of vegetation that is reasonably associated with the proposed use and clearing activities that will become *exempt development* as a result of a MCU approval.

Assessment Table 1. Material Change of Use

Note: For clearing in each type of assessable vegetation listed in Column 1, applications will be assessed against the Assessment Criteria specified in Column 3 if clearing as a result of the MCU is for the use or purpose listed in Column 2.

1. Type of <u>vegetation</u> subject to <u>clearing as a result of the MCU</u>	2. Type of Use or Purpose that leads to the clearing of the <u>vegetation</u>	3. Assessment Criteria
(a) No <u>clearing as a result of the MCU</u> in <u>assessable vegetation</u>	(a) Applications for any use on freehold, indigenous or <u>state land</u> .	(a) Criteria Table A of this Policy
(b) <u>Clearing as a result of the MCU</u> in: A "Category 1 area, Category 2 area and Category 3 area" on a Property Map of Assessable Vegetation (PMAV) OR In an area to which a <u>PMAV category</u> does not apply—remnant <u>vegetation</u> containing an <i>endangered, of concern or not of concern</i> regional ecosystem	(b) Applications for all <u>urban purposes</u> in an <u>urban area</u> ³ on freehold land or indigenous land as defined at Schedule 10 of the IPA.	(b) Criteria Table B of this Policy
	(c) Applications for a use or purpose for which all of the <u>clearing as a result of the MCU</u> could be done under an exemption for the use or purpose proposed (as prescribed at Schedule 8 Table 4 Item 1A to 1G of the IPA) prior to the MCU application being approved.	(c) Criteria Table C of this Policy
	(d) Applications for which all <u>clearing as a result of the MCU</u> on freehold land for building a single residence on an existing lot or on indigenous land for building residences.	(d) Criteria Table D of this Policy
	(e) Applications for a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i> , section 26 on freehold, indigenous or <u>state land</u> .	(e) Criteria Table E of this Policy
	(f) Applications for an extractive industry in a <u>Key Resource Area</u>	(f) Criteria Table F of this Policy
	(g) Applications for a <u>significant community project</u> ⁴	(g) Criteria Table G of this Policy
	(h) Applications for any other purpose.	(h) Criteria Table H – 1 or H – 2 of this Policy
(c) <u>Clearing as a result of the MCU</u> in: Regrowth <u>vegetation</u> (on <u>State Land</u> only) that is <u>assessable vegetation</u> .	(i) Applications for a use or purpose for which all of the <u>clearing as a result of the MCU</u> could be done under an exemption for the use or purpose proposed (as prescribed at Schedule 8 Table 4 Item 1B–1G of the IPA) prior to the MCU application being approved.	(i) Criteria Table C of this Policy
	(j) Applications for which <u>clearing as a result of the MCU</u> is for any purpose.	(j) Criteria Table I of this Policy

³ To establish that the area subject to a MCU is within an urban area, applications should include sufficient evidence to demonstrate that the area subject to the proposed development is located within an urban area as defined by the IPA.

⁴ To establish that the MCU is for a significant community project, applications must include sufficient evidence to demonstrate compliance with the definition of a significant community project contained within the policy.

CRITERIA TABLE A. Performance requirements where clearing as a result of the MCU will not occur within assessable vegetation

An application should only be assessed against **Criteria Table A** where indicated by the **Assessment Table**. All performance requirements in **Table A** must be met. No other solutions comply with the policy.

If the application does not meet the performance requirements in **Table A**, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant **Criteria Table** then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table A.

Performance requirement
PR A.1 A MCU assessed under this Table may occur only where <u>clearing as a result of the MCU</u> will not occur within <u>assessable vegetation</u> .

CRITERIA TABLE B. Performance requirements for clearing as a result of a MCU application for an urban purpose in an urban area on freehold land or indigenous land

An application should only be assessed against **Criteria Table B** where indicated by the **Assessment Table**. All performance requirements in Table B must be met. No other solutions comply with the policy.

If the application does not meet the performance requirements in Table B, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant **Criteria Table** then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table B.

Performance requirement
PR B1 a) <u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU is for an <u>urban purpose</u> in an <u>urban area</u> on freehold land where the area subject to the clearing is shown on a PMAV as a 'Category 2 area' or a 'Category 3 area' or if there is no PMAV for the area – the area subject to clearing is remnant <u>vegetation</u> that does not contain an <i>endangered</i> regional ecosystem; OR b) <u>Clearing as a result of the MCU</u> assessed under this Table may only occur where the MCU is for an <u>urban purpose</u> in an <u>urban area</u> in a <u>wild rivers preservation area</u> and the area subject to the clearing is remnant of concern regional ecosystems, remnant not of concern regional ecosystems or not remnant <u>vegetation</u> .

CRITERIA TABLE C. Performance requirements for clearing as a result of the MCU where all the clearing could be done under an exemption for the purpose of the development without the MCU being approved

An application should only be assessed against **Criteria Table C** where indicated by the **Assessment Table**. All performance requirements in Table C must be met. No other solutions comply with the policy.

If the application does not meet the performance requirements in Table C, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant **Criteria Table** then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table C.

Performance requirement
<p>PR C1</p> <p>All <u>clearing as a result of the MCU</u> is limited to clearing that could be done under an exemption for the purpose of the development (as prescribed at Schedule 8 Table 4 Item 1A - G of the IPA) without the MCU application being approved.</p>

CRITERIA TABLE D. Performance requirements for clearing as a result of the MCU on freehold land for building a single residence on an existing lot OR on indigenous land for building residences

An application should only be assessed against **Criteria Table D** where indicated by the **Assessment Table**. All performance requirements in Table D must be met. No other solutions comply with the policy.

If the application does not meet the performance requirements in Table D, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant **Criteria Table** then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table D.

Performance requirement
<p>PR D1</p> <p>(a) All <u>clearing as a result of the MCU</u> on freehold land is limited to that is necessary to build a single residence on an existing lot and any reasonably associated infrastructure – where no other residence exists on the lot; OR</p> <p>(b) All <u>clearing as a result of the MCU</u> on indigenous land is limited to that is necessary to build residences on an existing lot and any reasonable associated infrastructure for Aboriginal or Torres Strait Island inhabitants of the land or persons providing educational, health, police or other community services for the inhabitants</p>

CRITERIA TABLE E. Performance requirements for clearing as a result of the MCU for a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971, section 26*

An application should only be assessed against **Criteria Table E** where indicated by the **Assessment Table**. All performance requirements in Table E must be met. No other solutions comply with the policy.

If the application does not meet the performance requirements in Table E, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant **Criteria Table** then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table E.

Performance requirement
PR E1
<u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU meets all the performance requirements contained in the <u>relevant code</u> , Part S.

CRITERIA TABLE F. Performance requirements for clearing as a result of the MCU for an extractive industry in a Key Resource Area

An application should only be assessed against **Criteria Table F** where indicated by the **Assessment Table**. All performance requirements in Table F must be met. No other solutions comply with the policy.

If the application does not meet the performance requirements in Table F, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant **Criteria Table** then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table F.

Performance requirement
PR F1
<u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU meets all the performance requirements contained in the <u>relevant code</u> , Part Xa.

CRITERIA TABLE G. Performance requirements for clearing as a result of the MCU for a significant community project

An application should only be assessed against Criteria Table G where indicated by the **Assessment Table**. All performance requirements in Table G must be met. No other solutions comply with the policy.

If the application does not meet the performance requirements in Table G, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant Criteria Table then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table G.

Performance requirement
<p>PR G1 To regulate the clearing of <u>vegetation</u> in a way that ensures the conservation of regional ecosystems, <u>clearing as a result of the MCU</u> only occurs where there is no suitable alternative site.</p>
<p>PR G2 <u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU meets:</p> <ul style="list-style-type: none">a) Performance Requirements 2 to 10 of the <u>relevant code</u>, Part Xb for an extractive purpose; orb) Performance Requirements 2 to 10 of the <u>relevant code</u>, Part P for all other purposes.

CRITERIA TABLE H. Performance requirements for clearing as a result of the MCU for any other purpose.

An application should only be assessed against **Criteria Table H-1** or **H-2** where indicated by the **Assessment Table**.

All performance requirements in Table H - 1 must be met where the clearing as a result of the MCU involves clearing of an *endangered* or *of concern* regional ecosystems. All performance requirements in Table H-2 must be met where the clearing as a result of the MCU involves *not of concern* regional ecosystems. No other solutions comply with the policy.

If the application does not meet the performance requirements in **Table H-1** or **H-2** as directed above, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant **Criteria Table** then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table H – 1. Clearing as a result of the MCU involves clearing of *endangered* or *of concern* regional ecosystems

Performance requirements
<p>PR H1</p> <p>To regulate the clearing of <u>vegetation</u> in a way that ensures the conservation of regional ecosystems, <u>clearing as a result of the MCU</u> only occurs where there is no suitable alternative site.</p>
<p>PR H2</p> <p><u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU can demonstrate that the level of conservation and biodiversity outcomes ensured by the project significantly exceed the extent and value of the area proposed to be cleared and the requirements of the Vegetation Management Offsets Policy. An assessment of the following factors will be undertaken to determine the values of the site to be cleared and the proposal:</p> <ul style="list-style-type: none">➤ Size of the area➤ Location➤ Regional ecosystem type➤ Habitat values➤ Condition➤ Landscape features, including connectivity➤ The importance of the biodiversity of the area, including its value as a refugium or centre of endemism➤ The <u>environmental</u> values unique to the site
<p>PR H3</p> <p><u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU meets:</p> <ol style="list-style-type: none">a. Performance Requirements 2 to 10 of the <u>relevant code</u>, Part Xb for an extractive purpose⁵; orb. Performance Requirements 2 to 10 of the <u>relevant code</u>, Part P for all other purposes⁶.

⁵ Where the relevant code allows an offset to be proposed in accordance with the Vegetation Management Offsets Policy, performance requirement 2 of Table H-1 will override this requirement.

⁶ Where the relevant code allows an offset to be proposed in accordance with the Vegetation Management Offsets Policy, performance requirement 2 of Table H-1 will override this requirement.

Table H - 2. Clearing as a result of the MCU involves clearing of *not of concern* regional ecosystems

Performance requirements
<p>PR H1 To regulate the clearing of <u>vegetation</u> in a way that ensures the conservation of regional ecosystems, <u>clearing as a result of the MCU</u> only occurs where there is no suitable alternative site.</p>
<p>PR H2 <u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU meets:</p> <ul style="list-style-type: none"> a. Performance Requirements 2 to 10 of the <u>relevant code</u>, Part Xb for an extractive purpose; or b. Performance Requirements 2 to 10 of the <u>relevant code</u>, Part P for all other purposes.

CRITERIA TABLE I. Performance requirements for clearing as a result of the MCU in regrowth vegetation on State Land for any purpose.

An application should only be assessed against Criteria Table I where indicated by the **Assessment Table**. The performance requirements in Table I must be met. No other solutions comply with the policy.

If the application does not meet the performance requirements in Table I, the application must be assessed against another relevant **Criteria Table**. If the application is unable to meet the performance requirements of any relevant Criteria Table then the application fails this policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application).

Table I

Performance requirement
<p>PR I1 <u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU meets:</p> <ul style="list-style-type: none"> a. Performance Requirements 1 to 10 of the <u>relevant code</u>, Part Xa for an extractive industry in a <u>Key Resource Area</u>; or b. Performance Requirements 2 to 10 of the <u>relevant code</u>, Part Xb for any other extractive purpose; or c. Performance Requirements 1 to 10 of the <u>relevant code</u>, Part S for a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26 d. Performance Requirements 2 to 10 of the <u>relevant code</u>, Part P for all other purposes.

Dictionary

Assessable vegetation—

For the purpose of this policy is vegetation as shown in Table 1 below.

Table 1: Assessable vegetation

Land Tenure	Assessable Vegetation
Freehold	<ul style="list-style-type: none"> All remnant <u>vegetation</u> unless Category X on a PMAV Category 1, 2 or 3 area on a PMAV
Leasehold land used for agriculture or grazing	<ul style="list-style-type: none"> All remnant <u>vegetation</u> unless Category X area on a PMAV Categories 1, 2, 3 or 4 area on a PMAV <u>Vegetation</u> that is NOT remnant <u>vegetation</u> and is in an area that has not been cleared since 31 December 1989 and is not on a PMAV
Leasehold land other than for agriculture or grazing	<ul style="list-style-type: none"> All <u>vegetation</u> unless Category X on a PMAV Category 1, 2, 3 or 4 area on a PMAV <u>Vegetation</u> that is NOT remnant <u>vegetation</u> unless on a rental property 3.1, 3.2, 4, 5, 8.2, 9.1 or 9.2 lease under the <i>Land Regulation 1995</i> and is not on a PMAV
Road under the <i>Land Act 1994</i>	<ul style="list-style-type: none"> If the clearing will be undertaken by someone other than the local government – all <u>vegetation</u> If the clearing will be undertaken by local government: <ul style="list-style-type: none"> – all native <u>vegetation</u> in a <u>non-urban area</u> – remnant <i>endangered</i> regional ecosystem and remnant of <i>concern</i> regional ecosystem in an <u>urban area</u>
Trust land	<ul style="list-style-type: none"> All remnant <u>vegetation</u> unless Category X on a PMAV Categories 1, 2, 3 or 4 area on a PMAV If the clearing will be undertaken by someone other than the trustee – vegetation that is not remnant vegetation.
Unallocated <u>State Land</u>	<ul style="list-style-type: none"> All <u>vegetation</u>
Land subject to a licence or permit (<i>Land Act 1994</i>)	<ul style="list-style-type: none"> All <u>vegetation</u>

For definitions of vegetation and remnant vegetation see Dictionary, VMA

Clearing as a result of the MCU—

is clearing identified under item 2 of this policy. This comprises clearing under the MCU permit and clearing under additional exemptions that would apply as a result of the approval.

Environment/al —

as per the definition contained within the *Vegetation Management Act 1999* and the *Integrated Planning Act 1997* –

- ecosystems and their constituent parts including people and communities; and
- all natural and physical resources; and
- those qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed to scientific value or interest, amenity, harmony and sense of community; and
- the social, economic, aesthetic and cultural conditions affecting the matters in paragraphs (a), (b) and (c) or affected by those matters.

Environmental Use—

is a use that is principally for environmental protection or management and is taken to include conservation, natural and wilderness uses, and includes areas of remnant vegetation on an undeveloped or partially developed site, for example, vacant land, and land used as an environmental buffer regardless of whether the land is an urban area or non-urban area.

Existing use—

is the current use of premises, and includes any use or activity incidental to and necessarily associated with the use of the premises, but not necessarily reflected in the current planning scheme.

Key Resource Area—

An area identified as a Key Resource Area in the State Planning Policy: Protection of Extractive Resources adopted pursuant to the provisions of the IPA in force at the date the application was properly made.

Non-urban area—

is an area that is not an urban area as defined in the IPA.

Precautionary Principle —

is the 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.

PMAV category—

is a category 1 area, category 2 area, category 3 area, category 4 or category X area.

RaL Policy—

is the NRW Concurrence Agency Policy for Reconfiguring a Lot.

Relevant Code —

The applicable parts of the regional vegetation management code or wild rivers code—relevant to that area of the State where the clearing is proposed—are adopted with necessary changes for the purpose of this policy.

Rural use—

is a use that is not an urban purpose or an environmental use.

Rural residential—

is a form of low-density residential developments characterised by large lots usually between 2000 m² to 5 ha in a rural or semi-rural setting and with a net residential density of less than 4 dwellings or residential lots per hectare.

Significant Community Project—

These projects are able to demonstrate:

(a) a high level of benefit to a local, regional or state community in terms of economic, social, cultural, aesthetic or conservation benefits. Such projects may include but are not limited to development that:

- serves an essential community need such as a school or essential infrastructure; and/or
- significantly improves the community's access to services such as a hospital or significant museum or library.

The following projects would not generally be considered to meet section (a) of this definition:

- activities with relatively few locational requirements such as residential development and shopping centres; and/or
- where the benefits of the project are speculative.

AND

(b) the site has no special and extraordinary environmental values that will be lost as a result of the MCU or if it does, that on balance the community benefits override the loss of any environmental values to the site. Special and extraordinary environmental values are those that generally have significance to communities at a regional, state, national or international level.

Size of the land—

is the area of the land to which the MCU approval will apply as identified in the application as the area to which the MCU applies. If no such area is defined in the application, size of the land is the entire area of the lot or lots to which the application refers.

State Land—

is land other than freehold or Indigenous land.

Urban area—

is an urban area as defined in the IPA.

Urban purpose—

is an urban purpose as defined in the IPA.

Vegetation —

is a native tree or plant other than the following—

(a) grass or non-woody herbage

(b) a plant within a grassland regional ecosystem prescribed under a regulation

(c) a mangrove.

Wild Rivers Preservation Area –

Means a high preservation area under the *Wild Rivers Act 2005*.

Appendix 1 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:
 - Remnant endangered regional ecosystems
 - Remnant of concern regional ecosystems
 - Remnant not of concern regional ecosystems
 - (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 *Integrated 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 the 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.’

Appendix 2 South East Queensland Regional Plan

Table 2 describes how this policy reflects the relevant policies contained in the South East Queensland Regional Plan.

Table 2. Effect of the policy on the South East Queensland Regional Plan

Element of regional plan ⁷	How this policy reflects the SEQ regional plan for the matters under IPA section 2.5A.11 ⁸
Part 1. Outcomes and Policies	
Outcome 1 – Sustainability	
1.1.3 Monitor, review and report on sustainability indicators to inform government, industry and the community of the region’s progress towards achieving sustainability.	NRW records areas that are authorised or approved to be cleared under a condition attached to a MCU assessed under this policy.
Outcome 2 – Natural Environment	
2.1.1 Protect, manage and enhance the region’s nature conservation and biodiversity values and supporting ecological processes, including areas of state, regional and local biodiversity significance.	The purpose of this policy is to ensure that <u>clearing as a result of a Reconfiguration of a Lot (MCU)</u> achieves the purpose of the <i>Vegetation Management Act 1999</i> (VMA), which includes – to conserve <i>endangered, of concern</i> and <i>not of concern</i> remnant <u>vegetation</u> , prevent loss of biodiversity and maintain ecological processes (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> only where the clearing: <ol style="list-style-type: none"> 1. is already exempt under Schedule 8 of the <i>Integrated Planning Act 1997</i> (IPA); or 2. achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code. Performance requirements of the SEQ regional vegetation management code include maintaining the current extent of <i>endangered</i> and <i>of concern</i> regional ecosystems; maintaining connectivity; maintaining the current extent of essential habitat; and maintaining aquatic habitat and terrestrial habitat associated with wetlands and watercourses.
2.1.2 Ensure land use planning and development activities within areas of state and regional biodiversity significance respect identified biodiversity values, taking account of existing land use rights.	See response to section 2.1.1
2.1.3 Protect, manage and enhance areas of state, regional and local biodiversity significance in areas outside the Urban Footprint, having regard to the <i>Vegetation Management Act 1999</i> and existing land use rights.	See response to section 2.1.1
2.2.3 Ensure development in Koala Conservation Area and Koala Sustainability Area is compatible with the conservation of koalas, except where there are development commitments and, under certain circumstances, in areas required for extractive industry or community	The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the VMA, which includes preventing loss of biodiversity (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> only where the clearing: <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or 2. achieves section 3(1)(a-f) of the VMA by meeting

⁷ Elements of the SEQ Regional Plan not listed in the table are not affected by this Policy.

⁸ Section 3.5A.11 Key Elements of the SEQ Regional Plan

<p>infrastructure.</p>	<p>the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code. Performance requirements of the SEQ regional vegetation management code include maintaining the current extent of <i>endangered</i> and <i>of concern</i> regional ecosystems; maintaining connectivity; maintaining the current extent of essential habitat; and maintaining aquatic habitat and terrestrial habitat associated with wetlands and watercourses.</p>
<p>2.3.3 Improve energy efficiency, transport systems and land use practices to help reduce greenhouse gas emissions.</p>	<p>The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the VMA which includes reducing greenhouse gas emissions (see Appendix 1). The policy achieves this by allowing <u>clearing as a result of the MCU</u> only where the clearing:</p> <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or 2. achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code. Performance requirements of the SE Regional Vegetation Management code include maintaining the extent of <i>endangered</i> and <i>of concern</i> regional ecosystems.
<p>2.4.1 Locate, design and manage coastal development to avoid or mitigate adverse effects on coastal resources and ecologically sensitive coastal areas.</p>	<p>The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the VMA, which includes preventing loss of biodiversity (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> only where the clearing:</p> <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or 2. achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code. The SEQ regional vegetation management <u>code</u> includes performance requirements to maintain biodiversity, to prevent erosion and prevent effects of acid sulfate soils, which must be met in all areas including coastal areas. Performance requirements of the code also include maintaining the extent of <i>endangered</i> and <i>of concern</i> regional ecosystems; maintaining connectivity; maintaining the extent of essential habitat; and maintaining aquatic habitat and terrestrial habitat associated with wetlands and watercourses.
<p>2.5.1 Recognise and take account of the environmental values and natural functions of the region's waterways, wetlands, riparian areas and floodplains in land use planning, infrastructure design, natural resource management, and development assessment and decision making.</p>	<p>The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the VMA, which includes preventing loss of biodiversity (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> only where the clearing:</p> <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or 2. achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code. The Performance Requirements of the SEQ regional vegetation management code ensure that clearing is regulated in a way that prevents the loss of

	biodiversity and maintains ecological processes in wetlands and watercourses.
2.5.2 Protect and manage riparian areas to secure their scenic, biodiversity, ecological, recreational and corridor values.	See response to section 2.5.1. Acceptable solutions to the performance requirements for watercourses and wetlands are to maintain associated remnant vegetation to maintain water quality, aquatic habitats and terrestrial habitats.
2.5.3 Avoid clearing native vegetation or development within a waterway, wetland, riparian area or floodplain, and where unavoidable, mitigate adverse impacts through best practice design, rehabilitation and management.	See response to section 2.5.1. Acceptable solutions to the performance requirements for watercourses and wetlands are to maintain associated remnant vegetation to maintain water quality, aquatic habitats and terrestrial habitats..
2.6.1 Address the potential impacts of flood, storm tide, bushfire and landslide through land use planning, development assessment and land management practices.	The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the VMA, which includes preventing land degradation (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> only where the clearing: <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or 2. achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code. The SEQ regional vegetation management code includes performance requirements to prevent soil erosion.
Outcome 3 – Regional Landscape	
3.3.2 Ensure Aboriginal people’s unique landscape heritage and connection to country are identified, recognised and respected in planning processes.	This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. This includes <u>clearing native vegetation</u> for traditional Aboriginal or Torres Strait Islander cultural activities – other than a commercial activity – which is exempt development on all land tenures under Schedule 8.
4.2.3 Identify and protect extractive and mineral resources for potential future extraction, including the provision of appropriate transport corridors and buffers.	This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. This includes clearing for a mining activity or a petroleum activity as defined under the <i>Environmental Protection Act 1994</i> , which is exempt development on all land tenures under Schedule 8. The policy also allows <u>clearing as a result of the MCU</u> where the clearing is for a extractive industry in a <u>Key Resource Area</u> identified in the SPP on Extractive Resources. Where the <u>clearing as a result of a MCU</u> is for an extractive industry that is not in a <u>Key Resource Area</u> , the applicaiton is required to meet the relevant Criteria Table and/or relevant performance requirements of the SEQ regional vegetation management plan to achieve section 3(1)(a-f) of the VMA.
Outcome 5 – Rural Futures	
5.2.3 Maintain the capacity of the region’s environmental resources to supply ecosystem services.	The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the <i>Vegetation Management Act 1999</i> , which includes maintaining ecological processes (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> only where the clearing: <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or 2. achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation

	management code.
5.4.3 Ensure land use policies do not constrain the development of agriculture, agri-business, appropriate ecotourism and recreation opportunities in rural areas.	The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the <i>Vegetation Management Act 1999</i> (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> where the clearing achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code..
Outcome 7 – Engaging Aboriginal and Torres Strait Islander peoples	
7.1.2 Consider Aboriginal Traditional Owner issues in relation to land, water and natural resources in a comprehensive and coordinated way that complements other Traditional Owner land use processes and allows for recognition of their social, environmental and economic aspirations.	This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. This includes clearing native <u>vegetation</u> for traditional Aboriginal or Torres Strait Islander cultural activities – other than a commercial activity – which is exempt development on all land tenures under Schedule 8.
7.4.1 Recognise and acknowledge Aboriginal cultural values in regional and local planning processes.	See response to section 7.1.2
Outcome 8 – Urban Development	
8.1.1 Contain urban development within the Urban Footprint.	This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. This includes clearing <i>not of concern</i> and <i>of concern</i> remnant <u>vegetation</u> for <u>urban purposes</u> on freehold land in an <u>urban area</u> , which is exempt development under Schedule 8.
8.5.1 Restrict further rural residential development to the identified Rural Living Area and Urban Footprint.	See response to section 8.1.1.
Outcome 9 – Economic Development	
9.5.3 Maintain and enhance the region’s strategic freight network to link regional industries to markets, including priority linkages through the Western Corridor to the Australia Trade Coast.	This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. This includes clearing for road works carried out on a State-controlled road under the <i>Transport Infrastructure Act 1994</i> , which is exempt development on all tenures under Schedule 8 Clearing for the maintenance of rail corridors and safety purposes on various tenures is also exempt under Schedule 8.
Outcome 10 – Infrastructure	
10.5.1 Identify and prioritise additional electricity transmission lines, substations and auxiliary infrastructure required to support the preferred pattern of development.	This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. Schedule 8 includes a number of exemptions exist for electricity entities installing or maintaining infrastructure.
10.6.1 Expedite the deployment of high-speed broadband telecommunications in SEQ.	This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. The <i>Telecommunications Act 1997</i> makes telecommunications carriers exempt from the requirements of the VMA in some situations.
Outcome 11 – Water Management	
11.1.1 Base water planning in SEQ on the principles of total water cycle management.	The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the <i>Vegetation Management Act 1999</i> , which includes – to conserve <i>endangered, of concern</i> and <i>not of concern</i> remnant <u>vegetation</u> , prevent loss of biodiversity and maintain ecological processes (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> only where the

	<p>clearing:</p> <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or 2. achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code. A number of the Performance Requirements in the SEQ regional vegetation management code relate to the management of water quality including preventing salinity and maintaining values of watercourses and wetlands.
11.3.1 Develop new and upgrade existing dams and weirs as part of an integrated water supply system where appropriate.	The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the <i>Vegetation Management Act 1999</i> (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> where the clearing achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code.
11.5.1 Protect or improve the quality of receiving waters through land use planning, development standards and land management practices.	See response to section 2.5.1.
11.5.3 Ensure the potential impacts of development on water quality in receiving waters are taken into account in planning and development decisions.	See response to section 2.5.1.
Outcome 12 - Integrated Transport	
12.2.1 Develop a high quality and accessible public transport network linked to regional and sub-regional centres and services.	<p>This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. This includes clearing for road works carried out on a State-controlled road under the <i>Transport Infrastructure Act 1994</i>, which is exempt development on all tenures under Schedule 8.</p> <p>Clearing for the maintenance of rail corridors and safety purposes on various tenures is also exempt under Schedule 8.</p>
12.3.3 Develop and manage strategic road and rail linkages to regional Queensland and other states.	See response to section 12.3.3.
12.4.2 Identify, protect and manage key existing and future transport sites and corridors.	See response to section 12.3.3.
12.4.3 Improve connectivity and provide a hierarchy of alternative routes by enhancing road and public transport networks.	See response to section 12.3.3.
12.6.4 Protect and enhance the freight movement function of road and rail corridors to the Australia Trade Coast.	See response to section 12.3.3.
Part 2. Spatial structure	
Future regional Land use pattern	
<p>Regional landscape and rural production area – Map 2</p> <p>The regional landscape and rural production area identifies lands that have regional landscape, rural production or other non-urban values and protects these areas from</p>	<p>The purpose of this policy is to ensure that <u>clearing as a result of the MCU</u> achieves the purpose of the <i>Vegetation Management Act 1999</i> (see Appendix 1). This is achieved by allowing <u>clearing as a result of the MCU</u> only where the clearing:</p> <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or

<p>encroachment from inappropriate development, particularly urban or rural residential development.</p>	<p>2. achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code.</p>
<p>Urban footprint – Map 2</p> <p>The urban footprint identifies land to provide for urban development needs to 2026. It includes land to accommodate the full range of acceptable urban uses including urban open spaces. The urban footprint includes some land not available or appropriate to develop for urban purposes. These lands will continue to be protected under such legislation as the VMA.</p>	<p>Once planning schemes align with the Regional Plan, an exemption will apply to clearing for an <u>urban purpose</u> on freehold land in this area, unless the <u>vegetation</u> is a remnant <i>endangered</i> regional ecosystem. As a result this policy will generally allow clearing under a MCU for an <u>urban purpose</u> on freehold land in this area. However, it is not appropriate to develop remnant <i>endangered</i> regional ecosystems for an <u>urban purpose</u>, and this policy requires the extent of such <u>vegetation</u> to be maintained.</p>
<p>Rural living area – Map 2</p> <p>The rural living area comprises locations currently designated for rural residential development in planning schemes, and where further infill and consolidation of rural residential development is permitted. Rural residential development within the rural living area can continue to be developed for rural residential purposes.</p>	<p>Once planning schemes align with the Regional Plan, no blanket exemption will apply to development in <u>rural residential</u> areas. As a result this policy will generally require clearing under a MCU to comply with the SEQ regional vegetation management code. The code includes requirements to maintain the extent of <i>endangered</i> and of <i>concern</i> regional ecosystems, to protect wetland values, and to prevent land degradation that would affect rural production. This can be achieved by designing <u>rural residential</u> developments to avoid clearing or by providing an offset for clearing to achieve compliance with a relevant performance requirement.</p>
<p>Investigation area and Mt Lindsay/North Beaudesert study area – Maps 2 and 3</p> <p>The investigation area comprises a series of sites that provide a potential land bank for future development. In order for urban development to occur in an investigation area, the lands must be reallocated to the urban footprint.</p>	<p>Once planning schemes align with the Regional Plan, no blanket exemption will apply to urban development or to development in <u>rural residential</u> areas in this area. As a result this policy will generally require clearing under a MCU to comply with the SEQ regional vegetation management code. The code includes requirements to maintain the extent of <i>endangered</i> and of <i>concern</i> regional ecosystems and major koala habitat, to protect wetland values, and to prevent land degradation that would affect rural production.</p>
<p>Provision for Regional infrastructure</p>	
<p>Transport infrastructure – Maps 15, 16 and 17</p> <p>These maps indicate networks, roads and rail investigation areas. The information is not intended to identify parcels of land and should be treated as indicative only.</p>	<p>Establishment of road and rail corridors does not generally require MCU and so is largely outside the scope of this policy. However, some associated infrastructure may require MCU approval. To the extent relevant, this policy will generally require clearing under a MCU to achieves section 3(1)(a-f) of the VMA by meeting the requirements of the relevant Criteria Table and where directed the relevant performance requirements of the SEQ regional vegetation management code which includes requirements to maintain the extent of <i>endangered</i> and of <i>concern</i> regional ecosystems and essential habitat (including major koala habitat), to protect wetland and watercourse values, protect biodiversity and to prevent land degradation. This can be achieved by locating road and rail corridors and associated infrastructure to avoid or minimise clearing, or by providing an offset for unavoidable clearing.</p>
<p>Key regional environmental, economic and cultural resources</p>	
<p>Significant biodiversity areas – Map 4</p> <p>This map includes areas of state biodiversity significance. The map should be treated as</p>	<p>The areas of state biodiversity significance include areas shown as <i>endangered</i> and of <i>concern</i> regional ecosystem in Version 3.4 of the regional ecosystem maps. These</p>

<p>indicative only and subject to ongoing refinement.</p>	<p>maps, which are produced by the EPA, are reviewed with new versions released each year. Assessment of MCU applications under this policy will use the version of mapping current at the time of assessment, together with evidence about the type and condition of the <u>vegetation</u> actually on the site, to determine whether assessable <u>vegetation</u> is present in an area and the conservation status of the <u>vegetation</u>.</p>
<p>Koala Management Areas – Map 5 This map includes areas of koala conservation area and koala sustainability area. The map should be treated as indicative only and subject to ongoing refinement. Associated policies require that development in these areas is compatible with the conservation of koalas.</p>	<p>See response to section 2.2.3.</p>
<p>Public lands – Map 6 This map includes waterways and waterbodies. It also includes national parks, forest reserves and state forests.</p>	<p>See response to section 11.1.1 in relation to waterways and water bodies.</p> <p>In relation to national parks, forest reserves and state forests, this policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt under IPA Schedule 8. This includes clearing in national parks, forest reserves and state forests, which is exempt development on all tenures under Schedule 8. Clearing in these areas is regulated under the <i>Forestry Act</i> and the <i>Nature Conservation Act</i>.</p>
<p>Rural production and natural resources – Map 7 This map includes mineral resource areas and extractive resource areas.</p>	<p>See response to section 4.2.3.</p>