



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 1 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 2.

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:
 - (i) 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.
 - (ii) 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.
 - (iii) 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:
 - i) for operational works for the use or purpose that leads to the clearing could be made under section 22A of the VMA; and
 - ii) complies with the regional vegetation management code that applies to the land subject to the MCU application.

6. NRW will assess clearing as a result of the MCU using **Assessment Tables** 1, 2, and 3. The **Assessment Tables** describe a range of development scenarios and the corresponding **Assessment Criteria** that must be addressed for each scenario. The **Assessment Tables** under this policy are as follows:

Assessment Table 1 – applies to an MCU application within an urban area on freehold or Indigenous land

Assessment Table 2 – applies to an MCU application within a non-urban area on freehold or Indigenous land

Assessment Table 3– applies to an MCU within an urban area or non-urban area on State land.

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.

7. Where clearing as a result of the MCU—or part of an MCU—is for a use or purpose which is inconsistent with those prescribed in Section 22A(2) of the VMA, the **Assessment Tables** 1, 2, and 3 **do not** specify an Assessment Criteria. Where an Assessment Criteria is not specified for a particular development scenario, the MCU fails this policy and the Chief Executive will direct the Assessment Manager to **refuse** the application—or the part of the application which is not accommodated within the **Assessment Table**.
8. Where directed in an **Assessment Table**, NRW will assess clearing as a result of the MCU against **Criteria Tables** A, B, C or D. 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 clearing as a result of the MCU will not occur within assessable vegetation

Criteria Table B – performance requirements for clearing as a result of the MCU application for urban purposes in an urban area on freehold land, where the area subject to clearing is shown on a property map of assessable vegetation (PMAV) as a ‘Category 2 area’ or ‘Category 3 area’ or where there is no PMAV, the area subject to clearing is remnant vegetation that does not contain an *endangered* regional ecosystem

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

Criteria Table D – performance requirements for clearing as a result of the MCU on freehold land and indigenous land, for building a single residence on an existing lot where no other residence exists

9. Where directed in an **Assessment Table**, NRW will assess clearing as a result of the MCU against the nominated relevant code or **Criteria Table**. All performance requirements within the relevant code or **Criteria Table** must be met by the MCU application. Where a relevant code identifies an acceptable solution for a particular performance requirement, the acceptable solution 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. Where a development application does not achieve all of the relevant performance requirements within the relevant code, clearing as a result of the development 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 also 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.

This policy does not restrict clearing as a result of the MCU, where clearing for the purpose of the proposed development is defined as *exempt development* under Schedule 8 of IPA without, or prior to a MCU approval being given.

The **Assessment Tables** are based on requirements in Schedule 8, Part 1, Table 4 of the IPA, which define clearing of vegetation as *assessable development* depending on whether the clearing is to occur:

- in an urban area on freehold or Indigenous land; or
- in a non-urban area on freehold or Indigenous; or
- on State Land.

The **Assessment Tables** ensure that clearing as a result of the MCU is permitted to occur only if:

- a development application for the use or purpose that leads to the clearing would be accepted by the Chief Executive as a relevant purpose under section 22A(2) of the VMA; and
- clearing and the proposed management of the effects of clearing, complies with the relevant code for that purpose.

This is necessary to ensure that MCU approvals are consistent with the purpose of the VMA, including to reduce greenhouse gas emissions by phasing out broadscale clearing by the end of 2006.

The **Assessment Tables** generally allow clearing for any relevant purpose (as listed in section 22A of the VMA) to be further assessed. However, for an *endangered* and *of concern regional* ecosystems, the test that built infrastructure is “necessary” is made more stringent than for *not of concern* regional ecosystems. The test requires that the infrastructure is necessary in the community interest or a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26 or an extractive industry in a Key Resource Area. For community infrastructure, it must be demonstrated that the infrastructure is necessary to support communities and the community need could not be met on another site. In the case of extractive industry, it requires that the extractive industry is in a resource processing area or a transport route identified in a Key Resource Area. These measures ensure that the State’s interest in the vegetation is appropriately balanced against other State or community interests.

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.

If an application does not satisfy a performance requirement within a Criteria Table then the application is ineligible for expedited assessment. In these cases the application must either be assessed against a relevant code or refused, as directed in the relevant **Assessment Table**.

Assessment Table 1. **Material Change of Use—Urban area on Freehold or Indigenous Land**

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. If the application involves clearing in a particular type of vegetation (Column 1) and it is not for a use or purpose listed in Column 2, no further Assessment Criteria are specified. In these circumstances the application fails the policy and the Chief Executive will direct the Assessment Manager to **refuse** the application (or part of the application).

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	(a) Criteria Table A of this Policy
(b) <u>Clearing as a result of the MCU</u> in: A “Category 1 area” on a Property Map of Assessable Vegetation (PMAV) OR In an area to which a PMAV does not apply— <u>remnant vegetation containing an endangered regional ecosystem</u>	(b) Applications for: <ul style="list-style-type: none"> • a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26 • necessary built infrastructure that is <u>community infrastructure</u> if there is no suitable alternative site for meeting the community need for the <u>community infrastructure</u> • an extractive industry in a resource processing area or transport route in a <u>Key Resource Area</u> 	(b) The <u>relevant code</u> — <ul style="list-style-type: none"> • For extractive industry—Part Xa: Requirements for clearing for an extractive industry in a <u>Key resource area</u> • For other purposes—Part P: Requirements for clearing for public safety and infrastructure, or Part S: Requirements for clearing for significant projects
	(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 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> is for building a single residence on an existing lot where no other residence exists.	(d) Criteria Table D of this Policy
	(e) Applications for which <u>clearing as a result of the MCU</u> is for any other purpose.	(e) The MCU application fails this Concurrence Agency Policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application)

<p>(c) <u>Clearing as a result of the MCU</u> in:</p> <p>A “Category 2 area” or “Category 3 area” on a Property map of assessable vegetation (PMAV)</p> <p>OR</p> <p>In an area to which a PMAV does not apply—<u>remnant vegetation containing an of concern or not of concern</u> regional ecosystem</p>	(f) Applications for all <u>urban purposes</u> as defined at Schedule 10 of the IPA.	(f) Criteria Table B of this Policy
	(g) Applications for a purpose, other than an <u>urban purpose</u> , that is: <ul style="list-style-type: none"> • a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26 • the establishment of necessary built infrastructure (with the exception of infrastructure used for irrigation), associated with the MCU, where no suitable alternative site exists • an extractive industry 	(g) The <u>relevant code</u> — <ul style="list-style-type: none"> • For extractive industry— Part X: Requirements for clearing for an extractive industry • For other purposes— Part P: Requirements for clearing for public safety and infrastructure, or Part S: Requirements for clearing for significant projects
	(h) 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 of the IPA) prior to the MCU application being approved.	(h) Criteria Table C of this Policy
	(i) Applications for which all <u>clearing as a result of the MCU</u> is for building a single residence on an existing lot where no other residence exists	(i) Criteria Table D of this Policy
	(j) Applications for which <u>clearing as a result of the MCU</u> is for any other purpose	(j) The MCU application fails this Concurrence Agency Policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application)

ASSESSMENT TABLE 2. **Material Change of Use—Non-Urban Area on Freehold or Indigenous Land**

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. If the application involves clearing in a particular type of vegetation (Column 1) and it is not for a use or purpose listed in Column 2, no further Assessment Criteria are specified. In these circumstances the application fails the policy and the Chief Executive will direct the Assessment Manager to **refuse** the application (or part of the application).

1. Type of <u>vegetation</u> subject to <u>clearing</u> as a result of the <u>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	a) Criteria Table A of this Policy
b) <u>Clearing as a result of the MCU</u> in: A “Category 1 area” or “Category 2 area” on a <u>property map of assessable vegetation</u> (PMAV) OR In an area to which a PMAV does not apply— <u>remnant vegetation</u> containing an <i>endangered</i> or <i>of concern</i> regional ecosystem	b) Applications for: <ul style="list-style-type: none"> • a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26 • necessary built infrastructure that is <u>community infrastructure</u> if there is no suitable alternative site for meeting the community need for the <u>community infrastructure</u> • an extractive industry in a resource processing area or transport route in a <u>Key Resource Area</u> 	b) The <u>relevant code</u> — <ul style="list-style-type: none"> • For extractive industry—Part Xa: Requirements for clearing for an extractive industry in a <u>Key resource area</u> • For other purposes—Part P: Requirements for clearing for public safety and infrastructure, or Part S: Requirements for clearing for significant projects
	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 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> is for building a single residence on an existing lot where no other residence exists	d) Criteria Table D of this Policy
	e) Applications for which <u>clearing as a result of the MCU</u> is for any other purpose	e) The MCU application fails this Concurrence Agency Policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application)

<p>c) <u>Clearing as a result of the MCU</u> in:</p> <p>A “Category 3 area” on a property map of assessable vegetation (PMAV)</p> <p>OR</p> <p>In an area to which a PMAV does not apply—remnant <u>vegetation</u> containing a <i>not of concern</i> regional ecosystem</p>	<p>f) Applications for:</p> <ul style="list-style-type: none"> • a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26 • the establishment of necessary built infrastructure (with the exception of infrastructure used for irrigation), associated with the MCU, where no suitable alternative site exists • an extractive industry 	<p>f) The <u>relevant code</u>—</p> <ul style="list-style-type: none"> • For extractive industry—Part X: Requirements for clearing for an extractive industry • For other purposes—Part P: Requirements for clearing for public safety and infrastructure, or Part S: Requirements for clearing for significant projects
	<p>g) 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 of the IPA) prior to the MCU application being approved.</p>	<p>g) Criteria Table C of this Policy</p>
	<p>h) Applications for which all <u>clearing as a result of the MCU</u> is for building a single residence on an existing lot where no other residence exists</p>	<p>h) Criteria Table D of this Policy</p>
	<p>i) Applications for which <u>clearing as a result of the MCU</u> is for any other purpose.</p>	<p>i) The MCU application fails this Concurrence Agency Policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application)</p>

ASSESSMENT TABLE 3. Material Change of Use—Urban area or Non-Urban Area on State land

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. If the application involves clearing in a particular type of vegetation (Column 1) and it is not for a use or purpose listed in Column 2, no further Assessment Criteria are specified. In these circumstances the application fails the policy and the Chief Executive will direct the Assessment Manager to **refuse** the application (or part of the application).

1. Type of <u>vegetation</u> subject to <u>clearing</u> as a result of the <u>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</u> as a result of the MCU in <u>assessable</u> <u>vegetation</u>	a) All uses	a) Criteria Table A of this Policy
b) <u>Clearing as a result of the MCU</u> in: A “Category 1 area” or “Category 2 area” on a property map of assessable vegetation (PMAV) OR In an area to which a PMAV does not apply— remnant <u>vegetation</u> containing an <i>endangered</i> or <i>of concern</i> regional ecosystem	b) Applications for: <ul style="list-style-type: none"> • a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26 • necessary built infrastructure that is <u>community infrastructure</u> if there is no suitable alternative site for meeting the community need for the <u>community infrastructure</u> • an extractive industry in a resource processing area or transport route in a <u>Key Resource Area</u> 	b) The <u>relevant code</u> — <ul style="list-style-type: none"> • For extractive industry— Part Xa: Requirements for clearing for an extractive industry in a <u>Key resource area</u> • For other purposes— Part P: Requirements for clearing for public safety and infrastructure, or Part S: Requirements for clearing for significant projects
	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 1B–1G of the IPA) prior to the MCU application being approved.	c) Criteria Table C of this Policy
	d) Applications for which <u>clearing as a result of the MCU</u> is for any other purpose	d) The MCU application fails this Concurrence Agency Policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application)

<p>c) <u>Clearing as a result of the MCU</u> in:</p> <p>A “Category 3 area” on a <u>property map of assessable vegetation</u> (PMAV)</p> <p>OR</p> <p>In an area to which a PMAV does not apply—remnant <u>vegetation</u> containing a <i>not of concern</i> regional ecosystem</p>	<p>e) Applications for:</p> <ul style="list-style-type: none"> • a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26 • the establishment of necessary built infrastructure (with the exception of infrastructure used for irrigation), associated with the MCU, where no suitable alternative site exists • an extractive industry 	<p>e) The <u>relevant code</u>—</p> <ul style="list-style-type: none"> • For extractive industry—Part X: Requirements for clearing for an extractive industry • For other purposes—Part P: Requirements for clearing for public safety and infrastructure, or Part S: Requirements for clearing for significant projects
	<p>f) 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.</p>	<p>f) Criteria Table C of this Policy</p>
	<p>g) Applications for which <u>clearing as a result of the MCU</u> is for any other purpose</p>	<p>g) The MCU application fails this Concurrence Agency Policy and the Chief Executive will direct that the Assessment Manager must refuse the application (or part of the application)</p>
<p>d) <u>Clearing as a result of the MCU</u> in:</p> <p>Regrowth <u>vegetation</u> that is <u>assessable vegetation</u>.</p>	<p>h) 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.</p>	<p>h) Criteria Table C of this Policy</p>
	<p>i) Applications for which <u>clearing as a result of the MCU</u> is for any other purpose</p>	<p>i) The <u>relevant code</u>—</p> <ul style="list-style-type: none"> • For extractive industry—Part X: Requirements for clearing for an extractive industry • For other purposes—Part P: Requirements for clearing for public safety and infrastructure, or Part S: Requirements for clearing for significant projects; or Part R: Requirements for Clearing Regrowth

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

The **Assessment Tables 1–3** should be consulted to determine the appropriate Criteria Table. An application should only be assessed against Criteria Table A where indicated by **Assessment Tables 1–3**.

The performance requirements in Table A must be met. No other solutions comply with the policy.

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 will not occur within 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, where the area subject to clearing is shown on a PMAV as a ‘Category 2 area’ or a ‘Category 3 area’ or if there is no PMAV – the area subject to clearing is remnant vegetation that does not contain an *endangered* regional ecosystem.

The **Assessment Tables 1–3** should be consulted to determine the appropriate Criteria Table. An application should only be assessed against Criteria Table B where indicated by **Assessment Tables 1–3**.

The performance requirements in Table B must be met. No other solutions comply with the policy.

Table B.

Performance requirement
PR B1 <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 land 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.

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

The **Assessment Tables 1–3** should be consulted to determine the appropriate Criteria Table. An application should only be assessed against Criteria Table C where indicated by **Assessment Tables 1–3**.

The performance requirements in Table C must be met.

Table C.

Performance requirement
PR C1 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 of the IPA) without the MCU application being approved.

CRITERIA TABLE D. Performance requirements for clearing as a result of the MCU on freehold land and indigenous land, for building a single residence on an existing lot – where no other residence exists on the lot.

The **Assessment Tables 1–3** should be consulted to determine the appropriate Criteria Table. An application should only be assessed against Criteria Table D where indicated by **Assessment Tables 1–3**.

The performance requirements in Table D must be met.

Table D.

Performance requirement
PR D1 All <u>clearing as a result of the MCU</u> on freehold land and indigenous land is limited to that necessary to build a single residence on an existing lot and any reasonably associated infrastructure – where no other residence exists on the lot.

Dictionary

Assessable vegetation—
is vegetation in which clearing for some or all purposes is assessable development under Schedule 8 Table 4 Items 1A – 1G of the IPA, as shown in Table 4.

Table 4: Assessable vegetation

Land Tenure	Assessable Vegetation
Freehold	<ul style="list-style-type: none"> All remnant <u>vegetation</u> unless Category X on a PMAV Categories 1, 2, 3 on a PMAV
Leasehold land used for agriculture or grazing	<ul style="list-style-type: none"> All remnant <u>vegetation</u> unless Category X on a PMAV Categories 1, 2, 3 & 4 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 Categories 1, 2, 3, & 4 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 native <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 non-urban area – remnant <i>endangered</i> regional ecosystem and remnant of <i>concern</i> regional ecosystem in an urban area
Trust land	<ul style="list-style-type: none"> All remnant <u>vegetation</u> unless Category X on a PMAV Categories 1,2, 3 & 4 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

Buffer area—

is an area adjacent to *endangered* regional ecosystem or *of concern* regional ecosystem that is of a width equal to the width of firebreak determined using either the SPP 1/03 on *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* or Schedule 8 of the IPA, whichever is the greatest.

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.

Community infrastructure—

is infrastructure listed in schedule 5 of the IPA as community infrastructure.

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—

is 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.

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.

RaL Policy—

is the NRW Concurrence Agency Policy for Reconfiguring a Lot.

Relevant Code —

is the regional vegetation management code relevant to that area of the State where the clearing is proposed.

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.

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.

Appendix 1 South East Queensland Regional Plan

Table 5 describes how this policy reflects the relevant policies contained in the South East Queensland Regional Plan.

Table 5. Effect of the policy on the South East Queensland Regional Plan

Element of regional plan ³	How this policy reflects the SEQ regional plan for the matters under IPA section 2.5A.11 ⁴
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.	<p>The purpose of this policy is to ensure that <u>clearing as a result of a Material Change of Use (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 vegetation, 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:</p> <ol style="list-style-type: none"> 1. is already exempt under Schedule 8 of the <i>Integrated Planning Act 1997</i> (IPA); or 2. is for a relevant purpose as defined by VMA, and meets the relevant performance requirements of the SEQ regional vegetation management code. <p>Performance requirements of the code 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 wildlife habitat associated with wetlands and watercourses.</p>
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 infrastructure.	<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. is for a relevant purpose as defined by VMA, and meets the relevant performance requirements of the SEQ regional vegetation management code.

³ Elements of the SEQ Regional Plan not listed in the table are not affected by this Policy.

⁴ Section 3.5A.11 Key Elements of the SEQ Regional Plan

	<p>Performance requirements of the code 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 wildlife 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. is for a relevant purpose as defined by VMA, and meets the relevant performance requirements of the SEQ regional vegetation management code. <p>Relevant purposes exclude broadscale clearing. In addition, performance requirements of the code include maintaining the extent of <i>endangered</i> and <i>of concern</i> regional ecosystems.</p>
<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. is for a relevant purpose as defined by VMA, and meets the relevant performance requirements of the SEQ regional vegetation management code. <p>The code 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. The code also requires that remnant vegetation associated with wetlands (including coastal wetlands) is protected to maintain—</p> <ol style="list-style-type: none"> a) water quality by filtering sediments, nutrients and other pollutants; b) aquatic habitat; and c) wildlife habitat.
<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. is for a relevant purpose as defined by VMA, and meets the relevant performance requirements of the SEQ regional vegetation management code. <p>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.</p>
<p>2.5.2 Protect and manage riparian areas to secure their scenic, biodiversity, ecological, recreational and corridor values.</p>	<p>See response to section 2.5.1. Acceptable solutions to the performance requirements for watercourses and wetlands are to maintain remnant vegetation within a <u>buffer area</u>.</p>
<p>2.5.3 Avoid clearing native vegetation or development within a waterway, wetland, riparian area or floodplain, and where</p>	<p>See response to section 2.5.1. Acceptable solutions to the performance requirements for watercourses and wetlands are to maintain remnant vegetation within a <u>buffer area</u>.</p>

unavoidable, mitigate adverse impacts through best practice design, rehabilitation and management.	
2.6.1 Address the potential impacts of flood, storm tide, bushfire and landslide through land use planning, development assessment and land management practices.	<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 land degradation (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. is for a relevant purpose as defined by VMA, and meets the relevant performance requirements of the SEQ regional vegetation management code. <p>The code includes performance requirements to prevent soil erosion.</p>
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.	<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 native vegetation 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.</p>
4.2.3 Identify and protect extractive and mineral resources for potential future extraction, including the provision of appropriate transport corridors and buffers.	<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 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.</p> <p>The policy also allows <u>clearing as a result of the MCU</u> where the clearing is for a relevant purpose as defined by VMA and meets the relevant performance requirements of the SEQ regional vegetation management code. Relevant purposes include extractive industry. However, to give appropriate balance between State Interests, <u>clearing as a result of the MCU</u> for extractive industry is allowed in <i>endangered and of concern</i> regional ecosystems only where the extractive industry is in a <u>Key resource area</u> identified in the SPP on Extractive Resources.</p>
Outcome 5 – Rural Futures	
5.2.3 Maintain the capacity of the region’s environmental resources to supply ecosystem services.	<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>, 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:</p> <ol style="list-style-type: none"> 1. is already exempt under IPA Schedule 8; or 2. is for a relevant purpose as defined by VMA, and meets 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.	<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> where the clearing is for a relevant purpose as defined by VMA and meets the relevant performance requirements of the SEQ regional vegetation management code. This policy allows <u>clearing as a result of the MCU</u> to occur where the clearing is already exempt development on all land tenures under Schedule 8. The VMA does not regulate clearing of non-remnant vegetation on freehold land.</p>

	Relevant purposes include fodder harvesting, managing thickening and encroachment of vegetation, managing weeds and pests, and building necessary built infrastructure, roads and fences where no suitable alternative sites exist.
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 vegetation 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 vegetation for an <u>urban area</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</i> , <i>of concern</i> and <i>not of concern</i> remnant vegetation, 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 IPA Schedule 8; or 2. is for a relevant purpose as defined by VMA, and meets the relevant performance requirements of the SEQ regional vegetation management code. A number of the Performance Requirements in the 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.	<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> where the clearing is for a relevant purpose as defined by VMA and meets the relevant performance requirements of the SEQ regional vegetation management code.</p> <p>Relevant purposes include building necessary built infrastructure where no suitable alternative sites exist. Dams and weirs are built infrastructure.</p> <p>Where clearing is required for infrastructure, offsets can be one way of achieving compliance with the relevant performance requirements of the code.</p>
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 encroachment from inappropriate development, particularly urban or rural residential development.</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 2. is for a relevant purpose as defined by VMA; and meets the relevant performance requirements of the SEQ regional vegetation management code.

	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 <i>of concern</i> regional ecosystems and major koala habitat, to protect wetland values, and to prevent land degradation that would affect rural production.
Urban footprint – Map 2 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.	Once planning schemes align with the Regional Plan, an exemption will apply to clearing for an <u>urban area</u> on freehold land in this area, unless the vegetation is a remnant <i>endangered</i> regional ecosystem. As a result this policy will generally allow clearing under an MCU for an <u>urban area</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 vegetation to be maintained.
Rural living area – Map 2 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.	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 <i>of concern</i> regional ecosystems and major koala habitat, 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.
Investigation area and Mt Lindsay/North Beaudesert study area – Maps 2 and 3 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.	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 <i>of concern</i> regional ecosystems and major koala habitat, to protect wetland values, and to prevent land degradation that would affect rural production.
Provision for Regional infrastructure	
Transport infrastructure – Maps 15, 16 and 17 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.	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 comply with the SEQ regional vegetation management code. The code includes requirements to maintain the extent of <i>endangered</i> and <i>of 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.
Key regional environmental, economic and cultural resources	
Significant biodiversity areas – Map 4 This map includes areas of state biodiversity significance. The map should be treated as	The areas of state biodiversity significance include areas shown as <i>endangered</i> and <i>of concern</i> regional ecosystem in Version 3.4 of the regional ecosystem maps. These maps, which are

<p>indicative only and subject to ongoing refinement.</p>	<p>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 vegetation actually on the site, to determine whether assessable vegetation is present in an area and the conservation status of the vegetation.</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 waterbodies.</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>

Appendix 2 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.'