

Concurrence Agency Policy for
Material Change of Use (MCU) – version 2

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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), or the *Sustainable Planning Act 2009* (SPA)¹ once in effect, where the applications have been referred for assessment against the purpose of the *Vegetation Management Act 1999* (VMA).

The concurrence agency policy is approved under section 3AA (1) of the Vegetation Management Regulation 2000, prepared pursuant to division 2A subdivision 1 of the VMA. It is for the purposes identified in section 3.3.15 (1) of IPA, or section 282 (1) of SPA², 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 Environment and Resource Management (DERM)—is responsible for making and applying this policy. The policy may be amended or replaced by the Chief Executive but the amendment or replacement does not take effect until approved by a regulation.

In accordance with section 10B of the VMA the concurrence agency policy may provide for any matter about assessing and responding as a concurrence agency to a referred MCU development application that the Chief Executive considers necessary or desirable for achieving the purpose of the VMA. The policy provides criteria for assessing the referred application, including the clearing of native vegetation made assessable under the Planning Act, or that becomes exempt development under the Planning Act if the development application is approved. This policy states the circumstances in which the Chief Executive must in its referral agency response to an application direct the assessment manager to refuse the application. The concurrence agency policy must not be inconsistent with the State Policy for Vegetation Management.

This policy is consistent with the South East Queensland and Far North Queensland Regional Plans, which endorse the protection of biodiversity through measures such as maintaining habitat connectivity, conserving regional ecosystems, and protecting regional biodiversity.

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, table 4 of IPA, or the equivalent under SPA once in effect. 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 DERM by the *Integrated Planning Regulation 1998* (IPR), or the equivalent under SPA once in effect; or
- the proposed clearing of vegetation is under a MCU approval that was not referred to DERM as a concurrence agency; or
- the proposed clearing is not in accordance with the conditions of approval imposed by DERM 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 Planning Act, the definition that is in the VMA, or the Planning Act, applies to the policy.

Scope of applications assessed under the policy

This policy is used to assess the component of a development application referred to DERM under the vegetation management referral agency trigger under Schedule 2, table 3, item 11 of IPR, or the equivalent under SPA once in effect.

¹ For the purposes of this policy, the *Integrated Planning Act 1997* and the *Sustainable Planning Act 2009* will be collectively referred to as 'the Planning Act' unless reference is made to specific sections of the respective pieces of legislation.

² Section 3.3.15 (1) and section 282 (1) referral agency assesses application.

Policy

1. Assessment of Material Change of Use (MCU) applications by DERM 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 to construct built 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 DERM that confirms that an alternative firebreak width is required that is consistent with the State Planning Policy (SPP) 1/03 Guideline, or where a planning scheme is consistent with the SPP, the local planning scheme.
 - 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 DERM is provided with evidence that confirms that it is reasonable to constrain clearing for firebreaks to a width that is less than that described above where introducing a constraint on clearing for fire management is seen as justifiable in light of assessment of the proposal against the SPP 1/03 Guideline, or where a planning scheme is consistent with the SPP, the local planning scheme.
 - In the case of evidence being presented that demonstrates constraints on clearing for fire management as being reasonably imposed and not inconsistent with SPP 1/03 or relevant planning scheme, DERM may condition the development so that the full extent of exempt clearing prescribed for essential management under Schedule 8, table 4 of IPA, or the equivalent under SPA once in effect, 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. In accordance with section 22DA of the VMA, applications for MCU are required to be accompanied by a property vegetation management plan (PVMP) for the area to which the application relates in addition to items mentioned in IPA section 3.3.3 (1), or SPA section 272 (1), that the applicant is required to provide to a referral agency. In the PVMP the applicant should identify the location and extent of:
 - the area proposed to be cleared;
 - infrastructure, which includes buildings, fences, roads and electrical, telecommunication or sewerage services; and
 - firebreaks and fire management lines.

In accordance with section 22DF of the VMA, where infrastructure or building envelopes are to be located close to allotment boundaries, the Chief Executive will consider any clearing of vegetation that may be required on the adjoining land for establishing or maintaining necessary firebreaks to protect infrastructure, or for establishing a necessary fire management line.

Further, if an offset is proposed to satisfy any outcome under this policy, the PVMP should provide details of how the clearing of vegetation has been avoided or minimised, and details of how the proposed offset complies with the offsets policy.

4. DERM 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, of IPA, or the equivalent under SPA once in effect, without the MCU being approved.
5. DERM will allow clearing as a result of the MCU if a development application complies with the assessment criteria outlined in this policy.
6. DERM will assess clearing as a result of the MCU using **Assessment Table 1** of this policy, which describes a range of development scenarios (use/purpose) and the corresponding assessment criteria that must be addressed for each scenario (see **application of the policy** 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 **Assessment Table 1**.
7. Where directed in **Assessment Table 1**, DERM will assess clearing as a result of the MCU against **Criteria Tables A, B, C, D, E, F and G**. **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 <u>assessable vegetation</u>
Criteria Table B	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 C	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 D	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 E	Performance requirements for <u>clearing as a result of the MCU</u> applications involving a <u>significant community project</u>
Criteria Table F	Performance requirements for <u>clearing as a result of the MCU</u> for any other purpose
Criteria Table G	Performance requirements for <u>clearing as a result of the MCU</u> in <u>vegetation</u> that is not vegetation shown as remnant vegetation on a regional ecosystem or remnant map on <u>State Land</u> for any other purpose

8. Where directed by **Assessment Table 1**, DERM 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 performance requirement will generally link to a corresponding acceptable solution. If clearing is not constrained by any part of an acceptable solution, the application will meet the performance requirement. Applications that are constrained by an acceptable solution (i.e. do not meet an acceptable solution), must demonstrate how the corresponding performance requirement will be achieved through an alternative 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.
14. The Chief Executive may in its referral agency's response to a concurrence agency application direct the assessment manager to refuse an application or impose conditions if:
 - a PMAV applying to the relevant land or part of the land has been made under section 20B and has not been revoked; or
 - if the relevant land is subject to:
 - i) a restoration notice;
 - ii) a compliance notice containing conditions about the restoration of vegetation;
 - iii) a Land Act notice;
 - iv) a trespass notice if the trespass related act under the *Land Act 1994* for the notice is the clearing of vegetation on the relevant land; or
 - v) an enforcement notice under the Planning Act issued for a vegetation clearing office; or
 - to the extent that the development applied for is inconsistent with an offset or another agreement related to an offset.
15. Where a concurrence agency application is for a MCU on State land and the Chief Executive is satisfied that there is commercial timber on the land, the Chief Executive in its referral agency's response to the application must direct the assessment manager to refuse the application to the extent that the development affects the commercial timber, or any conditions in relation to the commercial timber that must attach to the development approval.
16. The application must be for a relevant purpose under section 22A of the VMA, where the Chief Executive is not satisfied that the development applied for under a concurrence agency application is for a relevant purpose under section 22A, the Chief Executive must in accordance with section 22DE of the VMA direct the assessment manager to refuse the application.
17. Where regulated regrowth is present on the land the subject of the development application, and the referral agency response does not direct refusal of the application, the application must be conditioned to ensure that any clearing of regulated regrowth complies with the regrowth vegetation code. Clearing of regulated regrowth as a result of development cannot be approved under this Policy.

Purpose of the Policy

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 has been prepared under Division 2A Subdivision 1 of the VMA and approved by the Vegetation Management Regulation 2000 to achieve the purpose of the VMA. The purpose of the VMA is achieved through assessment against the **Assessment Tables**, the **Criteria Tables** and the relevant codes.

To achieve the purpose of the VMA, the **Criteria Tables** also contain certain performance requirements which are linked to the relevant code and the Vegetation Management Offsets Policy. In accordance with section 22DH of the VMA an offset can be imposed as a condition on a development approval.

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 under the purpose of the VMA and is consistent with the outcomes of the State Policy for Vegetation Management.

Application of the Policy

The policy contains an Assessment Table and seven Criteria Tables designated **Assessment Table 1** and **Criteria Tables A, B, C, D, E, F and G**.

Assessment Table 1 contains three columns to direct the assessment of an application against this policy. The first column sorts clearing of vegetation into application type. 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.

An MCU application for a relevant purpose under section 22A must be assessed under one of the **Criteria Tables** identified in **Assessment Table 1**. Where an application is not for a relevant purpose, the referral agency will direct the assessment manager to refuse the application in accordance with section 22DE of the VMA.

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, table 4, of IPA, or the equivalent under SPA once in effect, without, or prior to a MCU approval being given, will not be restricted by this policy.

Criteria Tables A and B 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.

The **Criteria Tables** applied through **Assessment Table 1** include consideration of the use or purpose that leads to the clearing.

- Applications for a development where clearing as a result of the MCU will not occur within assessable vegetation will be assessed against Criteria Table A.
- Applications for a development where clearing as a result of the MCU could be done under an exemption for the purposes of the development without the MCU being approved will be assessed against Criteria Table B.
- Applications for a project deemed to be a project declared to be a significant project under *the State Development and Public Works Organisation Act 1971*, section 26, on freehold, indigenous or state land will be assessed against Criteria Table C.
- Applications for an extractive industry in a key resource area will be assessed against Criteria Table D.
- Applications for a significant community project will be assessed against Criteria Table E.
- Applications for any other relevant purpose will be assessed under Criteria table F.
- Applications for any other purpose in vegetation that is not vegetation shown as remnant vegetation on a regional ecosystem or remnant map on State land will be assessed under Criteria table G.

The first performance requirement in **Criteria Tables E, F-1, and F-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 A or Category B area on a Property Map of Assessable Vegetation (PMAV) OR an area to which a <u>PMAV category</u> does not apply— <u>vegetation</u> shown on a regional ecosystem or remnant map as remnant vegetation	(b) 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 IPA, or the equivalent under SPA once in effect) prior to the MCU application being approved	(b) Criteria Table B of this Policy
	(c) Applications for a project declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i> , section 26	(c) Criteria Table C of this Policy
	(d) Applications for an extractive industry in a <u>Key Resource Area</u>	(d) Criteria Table D of this Policy
	(e) Applications for a <u>significant community project</u> ³	(e) Criteria Table E of this Policy
	(f) Applications for any other purpose.	(f) Criteria Table F – 1 or F – 2 of this Policy
(c) <u>Clearing as a result of the MCU</u> in: <u>Vegetation</u> that is not vegetation shown as remnant vegetation on a regional ecosystem or remnant map (on <u>State Land</u> only) that is <u>assessable vegetation</u> .	(f) Applications for which <u>clearing as a result of the MCU</u> is for any purpose.	(g) Criteria Table G of this 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 A1 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 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 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 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 of IPA, or the equivalent under SPA once in effect) without the MCU application being approved.

CRITERIA TABLE C. 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 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
PR C1

³ 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.

Clearing as a result of the MCU assessed under this Table may occur only where the MCU meets all the performance requirements contained in the relevant code, Part S.

CRITERIA TABLE D. 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 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
PR D1 <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 E. Performance requirements for clearing as a result of the MCU for a significant community project

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 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 the applicant has demonstrated that the development has first avoided and minimised the impacts of the development.
PR E2 <u>Clearing as a result of the MCU</u> assessed under this Table may occur only where the MCU meets: 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 F. Performance requirements for clearing as a result of the MCU for any other purpose.

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

All performance requirements in Table F-1 must be met where the clearing as a result of the MCU involves clearing of an *endangered* or *of concern* regional ecosystem. All performance requirements in Table F-2 must be met where the clearing as a result of the MCU involves *least concern* regional ecosystems. No other solutions comply with the policy.

If the application involves clearing of assessable vegetation that does not contain an *endangered*, or *of concern* regional ecosystem – as defined in the VMA – then the clearing satisfies Criteria Table F-1. If the application involves clearing of assessable vegetation that does not contain *least concern* regional ecosystem – as defined in the VMA – then the clearing satisfies Criteria Table F-2.

If the application does not meet the performance requirements in **Table F-1** or **F-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 F-1. Clearing as a result of the MCU involves clearing of *endangered* or *of concern* regional ecosystems

Performance requirements
<p>PR F1 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 the applicant has demonstrated that the development has first avoided and minimised the impacts of the development.</p>
<p>PR F2 <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 development significantly exceeds the extent and value of the area proposed to be cleared. This can only be achieved by meeting the requirements of the Policy for Vegetation Management Offsets.</p>
<p>PR F3 <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 purpose⁴; or b. Performance Requirements 2 to 10 of the <u>relevant code</u>, Part P for all other purposes⁵.

⁴ Where the relevant code allows an offset to be proposed in accordance with the Policy for Vegetation Management Offsets, performance requirement F2 of Table F-1 will override this requirement.

⁵ Where the relevant code allows an offset to be proposed in accordance with the Policy for Vegetation Management Offsets, performance requirement F2 of Table F-1 will override this requirement.

Table F- 2. Clearing as a result of the MCU involves clearing of *least concern* regional ecosystems

Performance requirements
<p>PR F1 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 the applicant has demonstrated that the development has first avoided and minimised the impacts of the development.</p> <p>PR F2 <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 G. Performance requirements for clearing as a result of the MCU in vegetation that is not vegetation shown as remnant vegetation on a regional ecosystem or remnant map on State Land for any purpose.

An application should only be assessed against Criteria Table G where indicated by the **Assessment Table**. The 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 <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 relevant code, 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 <u>vegetation</u> shown as remnant vegetation on a regional ecosystem or remnant map unless Category X on a PMAV Category A or B area on a PMAV
Leasehold land used for agriculture or grazing	<ul style="list-style-type: none"> All <u>vegetation</u> shown as remnant vegetation on a regional ecosystem or remnant map unless Category X area on a PMAV Categories A or B area 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 A, B, or C area on a PMAV <u>Vegetation</u> that is NOT vegetation shown as remnant vegetation on a regional ecosystem or remnant map 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> – an <i>endangered</i> regional ecosystem shown as remnant vegetation on a regional ecosystem or remnant map, and a <i>of concern</i> regional ecosystem shown as remnant vegetation on a regional ecosystem map or remnant map in an <u>urban area</u>
Trust land	<ul style="list-style-type: none"> All <u>vegetation</u> shown as remnant vegetation on a regional ecosystem or remnant map unless Category X on a PMAV Categories A, B, or C area on a PMAV If the clearing will be undertaken by someone other than the trustee – vegetation that is not remnant vegetation shown on a regional ecosystem or remnant map.
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 Planning Act –

- 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.

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 Planning Act 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 Planning Act.

PMAV category—

is a category A area, category B area, category C area, or category X area.

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 DERM Concurrence Agency Policy for Reconfiguring a Lot – version 2.

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.

Significant Community Project—

Means projects the Chief Executive considers have an aesthetic, conservation, cultural or economic benefit to a local or regional community of the State, including:

- (a) a project that serves an essential need of the community e.g. essential infrastructure, school; and
- (b) a project that significantly improves the community's access to services e.g. hospital, State or local government library or museum

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.

State Land—

is land other than freehold or Indigenous land.

Urban area—

is an urban area as defined in the Planning Act

Urban purpose—

is an urban purpose as defined in the Planning Act.

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 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 remnant vegetation that is the following:
 - i) an endangered regional ecosystem; or
 - ii) an of concern regional ecosystem; or
 - iii) a least concern regional ecosystem; and
 - (b) conserves vegetation in declared areas; and
 - (c) ensures the clearing does not cause land degradation; and
 - (d) prevents the loss of biodiversity; and
 - (e) maintains ecological processes; and
 - (f) manages the environmental effects of the clearing to achieve the matters mentioned in paragraphs (a) to (e); and
 - (g) reduces greenhouse gas emissions.
- (2) The purpose is achieved mainly by providing for—
- (a) codes for the *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,
 - (f) the management of particular regrowth vegetation.
- (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.’

