

Concurrence Agency Policy

for

Material Change of Use

27 June 2005



Material Change of Use Policy for Vegetation Clearing

Regulatory background

This is a concurrence agency policy consistent with the purposes of the *Vegetation Management Act 1999* (VMA). It is to be used for the assessment of material change of use (MCU) development applications under the *Integrated Planning Act 1997* (IPA) where such applications trigger referral as prescribed at Schedule 2 Table 2 Item 4 of the *Integrated Planning Regulation 1998*.

The Chief Executive of the Department that administers the VMA (currently Natural Resources and Mines) is responsible for applying this policy. This policy is a policy reasonably identifiable as a policy applied by the referral agency.

The *Integrated Planning Regulation 1998* triggers concurrence agency assessment for material change of use if:

- (i) the lot contains –
 - a. a category 1, 2 or 3 area shown on a property map of assessable vegetation; or
 - b. if there is no property map of assessable vegetation for the lot - remnant vegetation; and
- (ii) the existing use¹ is a rural or environmental use; and
- (iii) the size of the land² is 2 hectares or larger.

For the purposes of this policy, an “environmental use” 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 or non-urban area. A “rural use” is taken to include any use that is not an urban purpose³ or an environmental use as defined herein.

Where an MCU application is assessed against this policy and approved, clearing of native vegetation under that approval is exempt under Schedule 8, Part 1 of IPA as a specified activity. However, if:

- the proposed clearing of native vegetation is under a MCU approval for an application that was not triggered under the *Integrated Planning Regulation 1998* to the Chief Executive as a concurrence agency; or

¹ The use refers to the activity occurring on the land (whether approved under IPA or enjoying existing use rights), and does not necessarily reflect the preferred use indicated in the planning scheme.

² The area of the land (in hectares) on which activities associated with the use will occur, determined as, the area (in hectares) of an area spatially defined (e.g. metes and bounds; GPS points; map that shows boundary of MCU with specific reference to the cadastral boundary of the property) on one or more lots and identified in the application as the area to which the MCU applies; or if no such area is defined in the application, the entire area of the lot or lots to which the application refers.

³ IPA defines an urban purpose as a purpose for which land is used in cities or towns, including residential, industrial, sporting, recreation and commercial purposes, but not including environmental, conservation, rural, natural or wilderness area purposes.

- the proposed clearing of native vegetation is under a MCU approval that was not referred by the Assessment Manager to the Chief Executive as a concurrence agency; or
- the proposed clearing is not in accordance with the conditions of approval imposed by the Chief Executive acting as a Concurrence Agency for the MCU approval;

then a separate approval for operational works to clear native vegetation may be required before any clearing of this vegetation can be undertaken.

Purpose of the policy

The purpose of the policy is to achieve the purpose of the *Vegetation Management Act 1999*. This includes ensuring that clearing of assessable vegetation associated with the MCU occurs only to the extent for which an application could be made under Section 22A of the *Vegetation Management Act 1999* and approved under the relevant Ongoing Regional Vegetation Management Code.

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 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.’

Policy

This policy assesses the impacts of the MCU and any associated future clearing of native vegetation required to undertake that use. In effect it assesses the operational works component of the MCU at the time the MCU application is made.

The policy also assesses the impact of any clearing that in the absence of an approval is not exempt but which may become exempt as a consequence of the approval, for example by approving the location of new infrastructure thereby creating a need for firebreaks for which the clearing would be exempt under Schedule 8 of IPA.

However this policy does not restrict clearing as a result of the MCU, where the clearing would already be exempt under Schedule 8 of IPA in the absence of, or prior to the MCU approval.

This policy allows clearing under an MCU if an application could be made under Section 22A of the *Vegetation Management Act 1999* and approved under the relevant Ongoing Regional Vegetation Management Code.

The policy contains 6 parts, A through to F. Figure 1 assists to determine the part of the Policy that is applicable to an application.

Part A of the policy contains performance requirements that must be met by an MCU application if:

- the land contains remnant vegetation, or
- the land contains category 1, 2, or 3 area on a relevant property map of assessable vegetation (PMAV).

Part B of the policy contains performance requirements that must be met by an MCU application for an urban purpose, on freehold land, that is an urban area, if the area of the application contains remnant vegetation that is an endangered regional ecosystem, or a ‘category 1 area’ shown on a Property Map of Assessable Vegetation.

Part C of the policy contains performance requirements that must be met by an MCU application where there is no clearing of assessable vegetation.

Part D of the policy contains performance requirements that must be met by an MCU application where clearing for the proposed use is already exempt under Schedule 8, *Integrated Planning Act 1997*.

Part E of the policy contains performance requirements that must be met by an MCU application for urban purposes, on freehold land that is an urban area, where such land

does NOT contain an Endangered regional ecosystem or Category 1 area shown on a PMAV.

Part F of the policy contains performance requirements that must be met by an MCU application for a forest practice on freehold land. If an MCU application is for development including a forest practice, all components that are consistent with the definition of a forest practice under the *Integrated Planning Act 1997* must comply with Part F.

In every case, (i.e. Parts A through to F), where all performance requirements are met, the Chief Executive will not direct that the MCU application be refused.

Where an acceptable solution is stated, the acceptable solution represents one way in which the relevant performance requirement is met. Applications that do not meet the acceptable solution must demonstrate how the performance requirements will be met. 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.

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

If the Chief Executive considers that the application contains insufficient information to determine that Part C, D, E or F applies, the application must be assessed against Part A or Part B of the Policy.

Similarly, if an application assessed against Part C, D, E or F fails to meet the Performance Requirements then this is conclusive evidence that the Part does not apply. In this case, return to Figure 1 to determine the applicable Part.

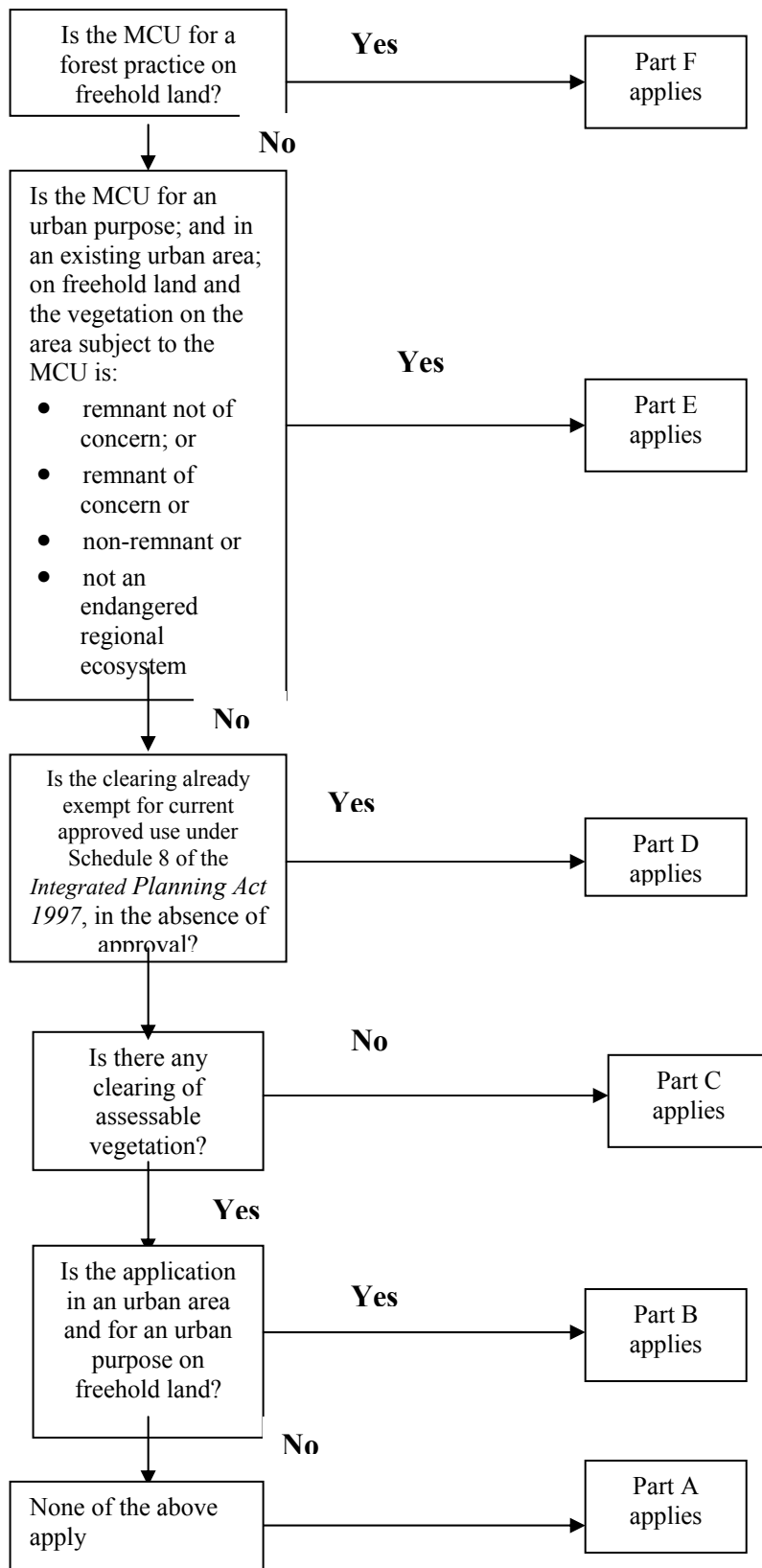


Figure 1 - Parts of the Policy

Parts

Part A: Requirements for Material Change of Use applications for land that contains remnant vegetation, or the land contains a category 1, 2, or 3 area shown on a property map of assessable vegetation (PMAV), and for which Parts B through to F do not apply.

The performance requirements in Part A1 of this policy must be met. No other solutions comply with the policy.

PR A1.1

To conserve remnant endangered regional ecosystems and protect biodiversity, clearing as a result of a MCU does not occur in any “category 1 area” on a property map of assessable vegetation (PMAV), or in an area to which a PMAV does not apply, in any area of remnant vegetation that contains an endangered regional ecosystem, except where the Chief Executive is satisfied that the clearing is for:

- a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- community infrastructure if there is no suitable alternative site for meeting the community need for the community infrastructure; or
- an extractive industry in a resource processing area or transport route in a Key Resource Area; or
- an MCU from a rural to an environmental use.

PR A1.2

To conserve remnant of concern regional ecosystems and protect biodiversity, clearing as a result of a MCU does not occur in any “category 2 area” on a property map of assessable vegetation (PMAV), or in an area to which a PMAV does not apply, in any area of remnant vegetation that contains an of concern regional ecosystem except where the Chief Executive is satisfied that the clearing is for:

- a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- community infrastructure if there is no suitable alternative site for meeting the community need for the community infrastructure; or
- an extractive industry in a resource processing area or transport route in a Key Resource Area; or
- an MCU from a rural to an environmental use.

PR A1.3

To conserve remnant not of concern regional ecosystems and protect biodiversity, clearing as a result of a MCU does not occur in any “category 3 area” on a property map of assessable vegetation (PMAV), or in an area to which a PMAV does not apply, in any area of remnant vegetation that contains a not of concern regional ecosystem except where the Chief Executive is satisfied that the clearing is for:

- a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- community infrastructure if there is no suitable alternative site for meeting the community need for the community infrastructure; or
- the establishment of necessary built infrastructure (with the exception of infrastructure used for irrigation), associated with the MCU, where no suitable alternative site exists; or
- an extractive industry; or
- an MCU from a rural to environmental use.

Part A2

Part A2 applies to applications for a MCU for land that has met the requirements under A1.

The performance requirements must be met, either by providing the acceptable solution, or by providing an alternative solution that meets the performance requirement. The following Performance Requirements and Acceptable Solutions relate to areas of assessable vegetation subject to the material change of use.

Performance Requirement	Acceptable solution
PR A2.1 Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.	AS A2.1 Any clearing of assessable vegetation as a result of the MCU does not occur in or within the following areas: <ul style="list-style-type: none">• natural wetlands, lakes and springs; and• 50 metres of the static high water mark for natural wetlands, lakes and springs.

<p>PR A2.2 To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. 	<p>AS A2.2 Any clearing of assessable vegetation as a result of the MCU does not occur in or within the following areas:</p> <p><i>For a coastal area:</i></p> <ul style="list-style-type: none"> • 50 metres of each high bank of each stream of order 5 and above; and • 25 metres of each high bank of each stream of order 3 and 4; and • 10 metres of each high bank of each stream of order 1 and 2. <p><i>In all other areas:</i></p> <ul style="list-style-type: none"> • 200 metres from each high bank of each stream order 5 or greater; and • 100 metres width from each high bank of each stream order 3 to 4; and • 50 metres from each bank of each stream order 1 or 2.
<p>PR A2.3 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS A2.3 Any clearing of assessable vegetation as a result of the MCU does not occur in or within the following areas:</p> <ul style="list-style-type: none"> • on slopes greater than 5%; or • on dispersible soils.

PR A2.4

To ensure clearing does not cause land degradation and to maintain ecological processes, increased salinity and waterlogging and the salinisation of ground and surface water are prevented.

AS A 2.4.1

Any clearing of assessable vegetation as a result of the MCU does not occur in or within the following areas:

- existing or potential discharge areas; and
- within 50 metres of an existing or potential discharge area; and
- areas subject to waterlogging or areas at risk of waterlogging as a result of clearing.

AND

AS A2.4.2

Any clearing of remnant vegetation as a result of the MCU does not reduce the extent of remnant vegetation to less than 50% of the pre-clearing extent of remnant vegetation in a contributing catchment; with vegetation preferentially retained in priority recharge areas.

AND

AS A2.4.3

An MCU will not result in clearing of assessable vegetation in Drainage Basin Sub Areas that have less than 30% of the area covered with remnant vegetation.

PR A2.5

To ensure clearing does not cause land degradation and to maintain ecological processes, the release of acid and associated metal contaminants into the environment from the disturbance of acid sulfate soils (ASS) is avoided.

AS A 2. 5.1

Any clearing of assessable vegetation as a result of the MCU does not occur in or within low-lying coastal areas below 5 metres Australian High Datum and in land zones 1, 2, and 3 unless:

- clearing does not disturb or expose acid sulfate soils or change the hydrology of the site in a way that is likely to result in aeration of horizons containing iron sulfides or mobilisation of acid and metals; or
- clearing is conducted in accordance with an Acid Sulfate Soil Environmental Management Plan prepared in accordance with the *State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils* and Guideline.

AND

AS A2.5.2

Any clearing of assessable vegetation as a result of the MCU does not occur in areas with a high probability of acid sulfate soils unless the clearing is conducted in accordance with an Acid Sulfate Soil Environmental Management Plan prepared in accordance with the *State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils* and Guideline.

PR A2.6

To conserve remnant endangered regional ecosystems, remnant of concern regional ecosystems, and remnant not of concern regional ecosystems, the current extent of endangered, of concern and not of concern regional ecosystems and category 1, category 2 and category 3 areas shown on a property map of assessable vegetation are maintained.

AS A2.6.1

Any clearing of assessable vegetation as a result of the MCU does not occur in or within the following areas:

- a category 1 area or category 2 area shown on a property map of assessable vegetation (PMAV), and
- where a PMAV does not apply, a remnant endangered or of concern regional ecosystem.

AND

AS A2.6.2

A road, fence, built infrastructure or building envelope associated with the MCU will not be located in or near to the following areas, if it will require a firebreak⁴ and the firebreak would be located wholly or in part in the following areas:

- a category 1 area, category 2 area shown on a property map of assessable vegetation, and
- where a PMAV does not apply, an endangered, or of concern regional ecosystem.

AND

AS A2.6.3

Any clearing of a remnant not of concern regional ecosystem as a result of the MCU does not occur if the clearing would happen to the extent that:

- the remnant extent of a not of concern regional ecosystem falls below 30% of its pre-clearing extent or 10 000 hectares in the bioregion.

AND

AS A2.6.4

Clearing of assessable vegetation as a result of the MCU is limited to the extent that is reasonably necessary for the construction of infrastructure⁵ and is staged to restrict clearing to the area required at any one time.

OR

⁴ Requirements for a firebreak are to be determined using the methodology within SPP 1/03 -- *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* and *Schedule 8, Integrated Planning Act 1997* – where an inconsistency may exist between the two methodologies, the greater firebreak distance is to be adopted.

⁵ Reasonably necessary means clearing for the infrastructure and 5m adjacent to the infrastructure.

	<p>AS A2.6.5</p> <p>Where clearing of assessable vegetation as a result of the MCU occurs in areas described in AS A2.6.1, AS A2.6.2, or AS A2.6.3 the clearing is offset by protecting another area of non-remnant vegetation⁶ (other than a category 1, category 2, category 3 or category 4 area on a property map of assessable vegetation) that achieves the following:</p> <ul style="list-style-type: none">• the regional ecosystem to be restored is the same regional ecosystem as the regional ecosystem to be cleared; and• the area of the regional ecosystem to be restored is at least equal to the area to be cleared; and• there is a demonstrated high probability that within 20 years the area being restored will be capable of being mapped as remnant vegetation.
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⁶ Other than vegetation that would be required to be retained under the conditions of a development approval.

<p>PR A2.7</p> <p>To prevent the loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat maintained.</p>	<p>AS A2.7.1</p> <p>Any clearing of assessable vegetation as a result of the MCU does not occur in an area which is identified on a map⁷ prepared by the chief executive of the agency which administers the <i>Nature Conservation Act 1992</i> and certified for use for the purposes of this policy by the chief executive of NR&M as an area of essential habitat for a species of wildlife listed as vulnerable, rare, near threatened or endangered under that Act.</p> <p>AND</p> <p>AS A2.7.2</p> <p>In the areas to which the New England Tableland, South East Queensland, Southern Brigalow Region, Coastal Wide Bay and Inland Burnett Codes for Ongoing Clearing Purposes apply:</p> <ul style="list-style-type: none"> • any clearing of assessable vegetation as a result of the MCU does not occur in or within State Wildlife Corridors. <p>AND</p>
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⁷ The map is held in digital form by the Department of Natural Resources and Mines and may be reduced or enlarged to show the essential habitat for a particular area.

AS A2.7.3

On properties greater than 100 hectares, any clearing of assessable vegetation as a result of the MCU does not occur unless vegetation is retained in clumps greater than 10 hectares with a perimeter (m) to area (ha) ratio of less than 200:1; and:

- a) the clumps are connected by corridors of retained vegetation greater than 200 metres wide; and
- b) where retained vegetation adjoins the property, clumps within the property are connected to the adjoining retained vegetation by corridors of greater than 200 metres.

OR

On properties less than 100 hectares, any clearing of assessable vegetation as a result of the MCU does not occur unless vegetation is retained in clumps with a perimeter (metres) to area (hectares) ratio of less than 200:1; and:

- a) the clumps are connected by corridors of retained vegetation; and
- b) where retained vegetation adjoins the property, clumps within the property are connected to the adjoining vegetation by corridors.

Part B: Requirements must be met by an MCU application for an urban purpose in an urban area, if the freehold land contains vegetation that is an endangered regional ecosystem (whether shown on the certified regional ecosystem map or not), or is in a category 1 area shown on a PMAV, and for which Part A and Parts C through to F do not apply.

Part B1

Part B1 applies to applications for a MCU on freehold land that is in an urban area and for which Parts A and C through to F do not apply.

The performance requirements in Part B1 of this policy must be met. No other solutions comply with the policy.

PR B.1

To conserve remnant endangered regional ecosystems and protect biodiversity, clearing as a result of the MCU does not occur in any “category 1 area” on a property map of assessable vegetation (PMAV), or in an area to which a PMAV does not apply, in any area of remnant vegetation that contains an endangered regional ecosystems except where the chief executive is satisfied that the MCU is for:

- a project declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26; or
- community infrastructure if there is no suitable alternative site for meeting the community need for the essential community infrastructure; or
- an extractive industry in a resource processing area or transport route in a Key Resource Area; or
- an MCU from a rural to an environmental use.

Part B2

Part B2 applies to applications for a MCU for land that is in an urban area, that have met the requirements under B1, and are for land that contains a category 1 area on a property map of assessable vegetation or, for an area to which a PMAV does not apply, an endangered regional ecosystem.

The performance requirements must be met, either by providing the acceptable solution, or by providing an alternative solution that meets the performance requirement.

Performance Requirement	Acceptable solution
<p>PR B2.1</p> <p>Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p>	<p>AS B.2.1</p> <p>Any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem that is in or within:</p> <ul style="list-style-type: none"> • natural wetlands, lakes and springs; and • 50 metres of the static high water mark for natural wetlands, lakes and springs.
<p>PR B2.2</p> <p>To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ol style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. 	<p>AS B.2.2</p> <p>Any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem that is in or within:</p> <p><i>For a coastal area:</i></p> <ul style="list-style-type: none"> • 50 metres of each high bank of each stream of order 5 and above; and • 25 metres of each high bank of each stream of order 3 and 4; and • 10 metres of each high bank of each stream of order 1 and 2. <p><i>In all other areas:</i></p> <ul style="list-style-type: none"> • 200 metres from each high bank of each stream order 5 or greater; and • 100 metres width from each high bank of each stream order 3 to 4; and • 50 metres from each bank of each stream order 1 or 2.
<p>PR B2.3</p> <p>To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p>	<p>AS B.2.3</p> <p>Any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem that is:</p> <ul style="list-style-type: none"> • on slopes greater than 5%; or • on dispersible soils.

PR B2.4

To ensure clearing does not cause land degradation and to maintain ecological processes, increased salinity and waterlogging and the salinisation of ground and surface water are prevented.

AS B2.4.1

Any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem that is in or within:

- existing or potential discharge areas; and
- within 50 metres of an existing or potential discharge area; and
- in areas subject to waterlogging or areas at risk of waterlogging as a result of clearing.

AND

AS B2.4.2

Any clearing in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem as a result of the MCU does not reduce the extent of remnant vegetation to less than 50% of the pre-clearing extent of remnant vegetation in a contributing catchment; with vegetation preferentially retained in priority recharge areas.

AND

AS B2.4.3

Clearing as a result of the MCU will not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem that is in or within Drainage Basin Sub Areas that have less than 30% of the area covered with remnant vegetation.

PR B2.5

To ensure clearing does not cause land degradation and to maintain ecological processes, the release of acid and associated metal contaminants into the environment from the disturbance of acid sulfate soils (ASS) is avoided.

AS B2.5.1

Any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem that is in or within low-lying coastal areas below 5 metres Australian Height Datum and in land zones 1, 2 and 3 unless:

- clearing does not disturb or expose acid sulfate soils or change the hydrology of the site in a way that is likely to result in aeration of horizons containing iron sulfides or mobilisation of acid and metals; or
- clearing is conducted in accordance with an Acid Sulfate Soil Environmental Management Plan prepared in accordance with the *State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils* and Guideline.

AND

AS B2.5.2

Any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem that is in or within areas with a high probability of acid sulfate unless:

- the clearing is conducted in accordance with an Acid Sulfate Soil Environmental Management Plan prepared in accordance with the *State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils* and Guideline.

PR B2.6

To conserve remnant endangered regional ecosystems the current extent of endangered regional ecosystems and category 1 areas shown on a Property Map of Assessable Vegetation are maintained.

AS B2.6.1

Any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem;

AND

AS B2.6.2

A road, fence, built infrastructure or building envelope associated with the MCU will not be located in or near to the following areas, if it will require a firebreak⁸ and the firebreak would be located wholly or in part in the following areas:

- a “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, an endangered regional ecosystem;

OR

AS B2.6.3

Where clearing as a result of the MCU occurs in areas described in AS B2.6.1 and AS B2.6.2, the clearing is offset by protecting another area of non-remnant vegetation⁹ (other than a category 1, category 2, category 3 or category 4 area on a property map of assessable vegetation) that achieves the following:

- the regional ecosystem to be restored is the same regional ecosystem as the regional ecosystem to be cleared; and
- the area of the regional ecosystem to be restored is at least equal to the area to be cleared; and
- there is a demonstrated high probability that within 20 years the area being restored will be capable of being mapped as remnant vegetation.

⁸ Requirements for a firebreak are to be determined using the methodology within SPP 1/03 -- *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* and *Schedule 8, Integrated Planning Act 1997* – where an inconsistency may exist between the two methodologies, the greater firebreak distance is to be adopted.

⁹ Other than vegetation that would be required to be retained under the conditions of a development approval.

PR B2.7

To prevent the loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained.

AS B2.7.1

Any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem that is in or within an area which is identified on a map¹⁰ prepared by the chief executive of the agency which administers the *Nature Conservation Act 1992* and certified for use for the purposes of this policy by the chief executive of NR&M, as an area of essential habitat for a species of wildlife listed as vulnerable, rare, near threatened or endangered under that Act.

AND

AS B2.7.2

In the areas of the New England Tableland, South East Queensland, Southern Brigalow Region, Coastal Wide Bay and Inland Burnett Codes for Ongoing Clearing Purposes:

- any clearing as a result of the MCU will not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply , in an endangered regional ecosystem that is in or within State Wildlife Corridors.

AND

¹⁰ The map is held in digital form by the Department of Natural Resources and Mines and may be reduced or enlarged to show the essential habitat for a particular area.

	<p>AS B2.7.3</p> <p>On properties greater than 100 hectares, any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem unless vegetation is retained in clumps greater than 10 hectares with a perimeter (m) to area (ha) ratio of less than 200:1; and:</p> <ul style="list-style-type: none">a) the clumps are connected by corridors of retained vegetation greater than 200 metres wide; andb) where retained vegetation adjoins the property, clumps within the property are connected to the adjoining retained vegetation by corridors of greater than 200 metres. <p>OR</p> <p>On properties less than 100 hectares, any clearing as a result of the MCU does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem unless vegetation is retained in clumps with a perimeter (metres) to area (hectares) ratio of less than 200:1; and:</p> <ul style="list-style-type: none">(a) the clumps are connected by corridors of retained vegetation; and(b) where retained vegetation adjoins the property, clumps within the property are connected to the adjoining vegetation by corridors.
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PART C: Requirements for Material Change of Use applications where there is no clearing of assessable vegetation

The Performance requirements in Part C of this policy must be met. No other solutions comply with the policy.

PR C1

A MCU assessed under this Part may occur only where:

- (a) infrastructure is not located in assessable vegetation where that infrastructure would require clearing for any reason including, but not limited to, construction, maintenance, safety, firebreaks; and
- (b) infrastructure, other than a fence or road, is located in the area outside of assessable vegetation and associated buffer area; and
- (c) clearing of assessable vegetation does not occur unless it is already exempt under Schedule 8 of *Integrated Planning Act 1997* in the absence of an approval for the MCU.

PART D: Requirements for Material Change of Use applications where clearing is already exempt for current approved use (not the use subject of the current application) under Schedule 8 of *Integrated Planning Act 1998*.

The Performance requirements in Part D of this policy must be met, either by providing the acceptable solution, or by providing an alternative solution that meets the performance requirement.

<p>PR D1</p> <p>A MCU involving clearing can occur where the clearing is limited to clearing that would be exempt under <i>Schedule 8 of Integrated Planning Act 1997</i>, in the absence of the MCU approval.</p>	<p>AS.D1 (single residence on a lot) Any clearing of assessable vegetation as a result of the MCU is to the extent necessary for building a single residence, and any reasonably associated building or structure, for which a building development permit exists¹¹.</p> <p>OR</p> <p>AS.D.2 (specified activity) Any clearing of assessable vegetation as a result of the MCU is for a specified activity¹².</p> <p>OR</p> <p>AS.D.3 (routine management for necessary built infrastructure less than 2ha)¹³ (a) Any clearing of assessable vegetation: does not occur in a category 1 or category 2 area on a PMAV, or where there is no PMAV, in an endangered or of concern regional ecosystem; and (b) the size of the necessary built infrastructure or clearing required to establish the necessary built infrastructure does not exceed two hectares.</p>
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¹¹ Refer to Schedule 8, Part 1, Table 4 Item 1A(c)

¹² Refer to Schedule 8, Part 1, Table 4 Item 1A (j)

¹³ Refer to Schedule 8, Part 1, Table 4 Item 1A (h)

PART E: Requirements that must be met where an MCU application is for urban purposes, in an urban area, on freehold land, where the land does NOT contain an Endangered regional ecosystem or category 1 area shown on a PMAV.

The Performance requirements in Part E of this policy must met. No other solutions comply with the policy.

PR E1

To conserve remnant endangered regional ecosystems, the MCU is for an urban purpose and is in an urban area that does not contain remnant vegetation that is category 1 shown on a PMAV, or where a PMAV does not apply, an endangered regional ecosystem.

Part F: Requirements for Material Change of Use development applications for a forest practice on freehold land.

Part F applies to applications for a MCU for a forest practice, on freehold land, and to components of an MCU application that are consistent with the definition of a forest practice under IPA.

The performance requirements in Part F of this policy must be met. No other solutions comply with the policy.

PR F1

An MCU for a forest practice may occur only if the forest practice:

- (a) is in an established plantation; or
- (b) is in a native forest, if, in the native forest—
 - (i) all the activities are conducted in a way that is consistent with a code applying to a native forest practice; or
 - (ii) if there is no code, all activities are conducted in a way that—
 - (A) ensures restoration of a similar type, and to the extent, of the removed trees; and
 - (B) ensures trees are only felled for the purpose of being sawn into timber or processed into another value added product (other than woodchips for an export market); and
 - (C) does not cause land degradation as defined under the *Vegetation Management Act 1999*; and
- (c) the practice includes carrying out limited associated work, including, for example: drainage, road construction and maintenance, and other necessary engineering works; and
- (d) does not include clearing of remnant vegetation for the initial establishment of a plantation; or
- (e) is in an area that does not contain remnant vegetation.

Dictionary

Assessable vegetation:

Land Tenure	Assessable Vegetation
Freehold	<ul style="list-style-type: none"> All remnant vegetation unless Category X on PMAV or Categories 1, 2, 3 on a PMAV
Leasehold land used for agriculture or grazing	<ul style="list-style-type: none"> All remnant vegetation unless Category X on a PMAV or Categories 1, 2, 3 & 4 on a PMAV or Vegetation that is NOT 'remnant vegetation' in an area that has not been cleared since 31 December 1989 which is not on a PMAV
Leasehold land other than for agriculture or grazing	<ul style="list-style-type: none"> All vegetation unless Category X on a PMAV or Categories 1, 2, 3, & 4 on a PMAV or Vegetation that is NOT 'remnant vegetation' 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> which is not on a PMAV
Road (<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 vegetation; or If the clearing will be undertaken by local government - all native vegetation in a non-urban area; or Remnant endangered regional ecosystem and remnant of concern regional ecosystem in an urban area
Trust land	<ul style="list-style-type: none"> All remnant vegetation unless Category X on a PMAV or Categories 1,2, 3 & 4 on a PMAV
Unallocated State land	<ul style="list-style-type: none"> All vegetation
Land subject to a licence or permit (<i>Land Act 1994</i>)	<ul style="list-style-type: none"> All vegetation

For definitions of vegetation and remnant vegetation see Dictionary, *Vegetation Management Act 1999*

Buffer Area: 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 the SPP 1/03 on *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* or *Schedule 8, Integrated Planning Act 1997*, whichever is the greatest.

Building envelope: a boundary on a plan in which infrastructure is permitted as part of the MCU. Future building is not permitted outside of the boundary.

Clearing as a result of the MCU includes the following:

- a) clearing for roads, firebreaks, fences or infrastructure, or
- b) the sourcing of construction timber; or
- c) clearing that is the natural and ordinary consequence of the MCU (*example: clearing for a golf course that is part of a Tourist development*).

Coastal Area: means land contained within the following bioregions: Coastal Queensland Coast, Wet Tropics Bioregions, South East Queensland bioregion.

Category 1 area on a property map of assessable vegetation means an area shown as a category 1 area on a certified property map of assessable vegetation.

Clumps: are areas of native vegetation that are capable of being mapped on the certified regional ecosystem map or remnant map for the area.

Contributing Catchment means, for:

- a) a local ground water flow system, the area of the surface catchment measured above a point 5 km downstream from an existing or potential discharge area;
- b) an intermediate groundwater flow system, the area encompassed by a 15km radius from an existing or potential discharge area;
- c) a regional groundwater flow system:
 - i). the area with the relevant drainage basin sub area at a higher elevation than an existing or potential discharge area; or
 - ii). for the Coastal Wide Bay Region Code, the Inland Burnett Region Code and the South East Queensland Region Code, the area encompassed by a 30km radius from an existing or potential discharge area.

Corridors: are continuous strips of vegetation; that link larger tracts of native vegetation.

Discharge area is:

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

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

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

Community infrastructure: means infrastructure listed in schedule 5 of the *Integrated Planning Act 1997* as community infrastructure.

Environmental Use: 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 or non-urban area.

- Existing use: in relation to premises, 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.
- Groundwater flow system: is a zone with hydrogeological characteristics that influence the occurrence of dryland salinity. The hydrogeological characteristics relate to the movement of groundwater from a recharge area, through a transmission zone, to a discharge area or a potential discharge area.
- High bank: is the terrace or bank or, if no bank is present, the point on the active floodplain which confines the average annual peak flow, and which is either permanent or intermittent. High bank in tidal areas means the high water springs that is the long term average of the heights of two successive high waters during a period of 24 hours when the range of tide is greatest, at full and new moon.
- Intermediate groundwater flow system: is a ground water flow system where the distance between a discharge area and the closest recharge area is between 5km and 15km.
- Lake: is a lagoon, billabong, or other natural area of open water, whether permanent or intermittent.
- Land zones 1 – 12: are as defined in the regional ecosystem database available through the department and appearing on the department’s website.
- Local ground water flow system: is a ground water flow system where the distance between a discharge area and the closest recharge area is less than 5km.
- 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.
- PMAV means a Property Map of Assessable Vegetation under the VMA.
- Pre-clearing extent: for a regional ecosystem, means the extent of the regional ecosystem before it was cleared, which is shown on the most recently released version of a digital map of the pre-clearing extent of regional ecosystems prepared by the Queensland Herbarium.
- Priority recharge areas are areas: identified as moderate-high or high on the recharge layer of an approved Salinity Hazard Map of the Department of Natural Resources and Mines ; or identified using an assessment process as outlined in the document: *Salinity Management Handbook, Queensland Department of Natural Resources, 1997.*
- Recharge areas: are identified by either-

- a) an assessment process that is consistent with the document: *Salinity Management Handbook*, Queensland Department of Natural Resources, 1997; or
- b) a salinity hazard map approved by the chief executive of the Department of Natural Resources and Mines.

Regional groundwater flow system: is a ground water flow system where the distance between a discharge and the closest recharge area is greater than 15km.

Retained vegetation: is

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

Rural use means any use that is not an urban purpose or an environmental use.

Rural residential use: a form of low-density residential developments characterised by large lots usually between 2,000m² to five hectares in a rural or semi-rural setting and with a net residential density of less than four dwellings or residential lots per hectare.

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

Springs: are –

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

State Wildlife Corridors: are areas identified on a map² prepared by the chief executive of Environmental Protection Agency and certified by the chief executive of the Department of Natural Resources and Mines for the purposes of this policy as State Wildlife Corridors. The map is held in digital form by the Department of Natural Resources and Mines.

Suitable alternative site for community infrastructure: means any site that would meet the community infrastructure need and is either presently owned by the proponent, or could be acquired at a reasonable net cost to the proponent.

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

Stream order: is a numerical ordering classification of each watercourse segment according to its position within a catchment. Stream orders are determined using digital layers held by the Department of Natural Resources at a scale of 1:250,000 topographic series in all areas except for the South East Queensland Region and the Brisbane Valley Sub Region; Inland Burnett Region; and the Coastal Wide Bay Region, where stream orders are determined using 1:100,000 topographic series. When two streams of the same order join, the resulting watercourse becomes one stream order larger. If two streams of different order join, the resultant stream order is that of the larger stream, according to Figure 1.

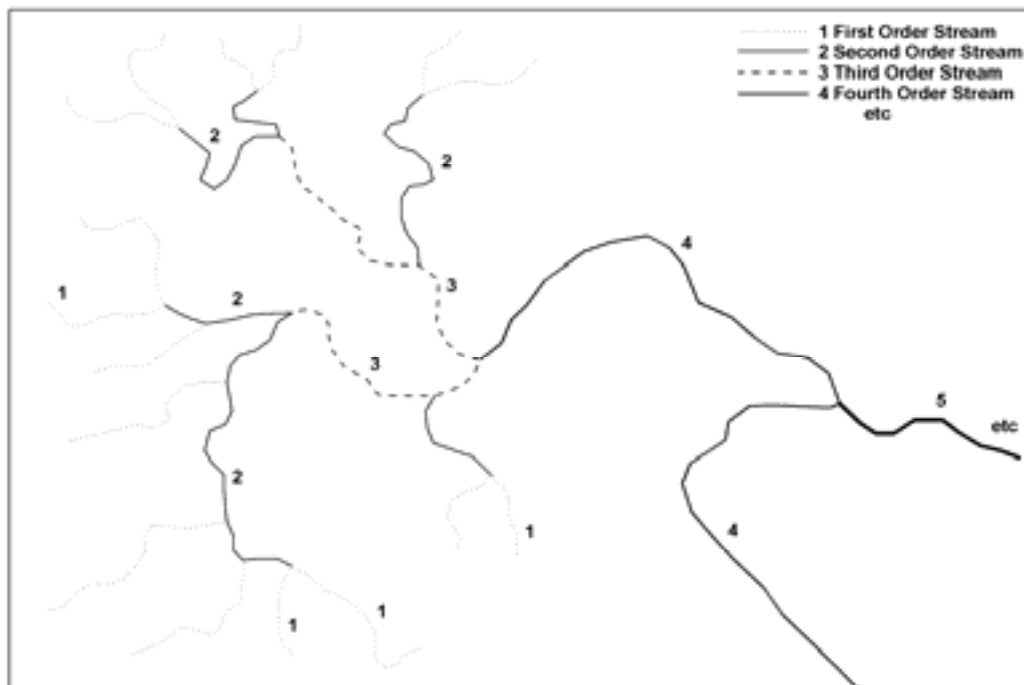


Figure 1

Urban Area means:

- (a) an area identified as a priority infrastructure area in a priority infrastructure plan; or
- (b) if no priority infrastructure area exists, an area identified in a gazette notice by the chief executive under VMA as an urban area; or
- (c) if no priority infrastructure area under (a) exists or no gazette notice under (b) has been published—an area identified on a map in a planning scheme as an area for urban purposes, including future urban purposes, but not rural residential or future rural residential purposes.

Urban purpose means: a purpose for which land is used in cities or towns, including residential, industrial, sporting, recreation and commercial purposes, but not including environmental, conservation, rural, natural or wilderness area purposes.

Viable network: areas of vegetation that exhibit high levels of connectivity, are representative of all regional ecosystems on the property, are large enough to allow ecosystem functioning, are self generating and able to remain in the landscape in spite of threatening processes.

Waterlogging: is the saturation of soil by soil water.

Watercourse: a river, creek or stream in which water flows permanently or intermittently –

- (a) in a natural channel, whether artificially improved or not; or
- (b) in an artificial channel that has changed the course of the water course.

Watercourse includes the beds and banks and any other element of a river, creek or stream confining or containing water.

Wetlands: are one or more of the following -

- a) areas of permanent or periodic/intermittent inundation, with water that is static or flowing fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed 6 metres. To be a wetland the area must have one or more of the following attributes:
 - i. at least periodically the land supports plants and animals that are adapted to and dependent on living in wet conditions for at least part of their life cycle.
 - ii. the substratum is predominantly undrained soils that are saturated, flooded or ponded long enough to develop anaerobic conditions in the upper levels.
 - iii. the substratum is not soil and is saturated with water, or covered by water at some time; and
- b) those areas shown as a swamp, lake, marsh, waterhole, wetland, billabong, pool or spring on the latest Sunmap or Commonwealth of Australia 1:100000 topographic map series; and
- c) lands that incorporate a declared Fish Habitat Area under the *Fisheries Act 1994*; and
- d) Ramsar wetlands; and
- e) those identified in Environment of Australia (2001) *A Directory of Important Wetlands in Australia, Third Edition*. Environment of Australia, Canberra.

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

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.