

# **Regrowth vegetation code—**

On freehold and Indigenous land  
and leasehold land for agriculture  
and grazing—version 2

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# 1. Introduction

## 1.1 What is this code for?

The *Vegetation Management Act 1999* (VMA) regulates the clearing of important regrowth vegetation, which is referred to as regulated regrowth vegetation. The requirements for clearing regulated regrowth vegetation are set out in the regrowth vegetation code (the code).

To help read and understand the code, words underlined in the text are defined in the Glossary of terms. You may also view the associated Landholders' guide to the regrowth vegetation code available on the Department of Environment and Resource Management (DERM) website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)> for further assistance.

## 1.2 When the code applies

The code applies to the clearing of regulated regrowth vegetation on freehold and Indigenous land and leasehold land for agricultural and grazing. Regulated regrowth vegetation is either:

- vegetation identified on the regrowth vegetation map as high value regrowth vegetation
- native woody vegetation located within 50 metres (m) of a watercourse identified on the regrowth vegetation map as a regrowth watercourse
- contained in a category C or category 4 area shown on a Property Map of Assessable Vegetation (PMAV)

High value regrowth vegetation is vegetation shown on the regrowth vegetation map, which has not been cleared since 31 December 1989, and which forms part of an endangered, of concern, or least concern regional ecosystem.

Regrowth watercourse vegetation is native woody vegetation located within 50 m of a watercourse identified on the regrowth vegetation map as a regrowth watercourse. Regrowth watercourses are particular watercourses in the Burdekin, Mackay Whitsunday and Wet Tropics Great Barrier Reef catchments.

To determine if you have regulated regrowth vegetation on your property, you will need to view a copy of the regrowth vegetation map for your property. You can download a free copy of the regrowth vegetation map from DERM's website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. Note that you will need property lot or plan numbers and a return email address to request a map. Maps are also available from your local DERM service centre (a fee applies to custom made maps).

## 1.3 When the code does not apply

The code does not apply to clearing:

- areas that are remnant vegetation
- areas that are shown on a PMAV as a category A, category B, or category X
- areas where the VMA does not apply (such as a national park, state forest or forest entitlement area)
- on tenures that are **not** freehold land, Indigenous land, and leasehold land for agriculture and grazing
- areas of high value regrowth vegetation that are\*:
  - not a regional ecosystem; or
  - a regional ecosystem, but have been cleared since 31 December 1989
- for an extractive industry within a key resource area in areas of regulated regrowth vegetation
- for a significant community project in areas of regulated regrowth vegetation
- areas of regulated regrowth vegetation which may be cleared under another exemption in the Sustainable Planning Regulation Schedule 24, such as clearing:
  - certain widths for fire management lines, fire breaks and fences
  - to maintain infrastructure such as existing fences, infrastructure and roads.

A guide to exemptions is available on DERM's website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

\* **Note** that if you are proposing to clear an area which is mapped as high value regrowth vegetation, but which is not a regional ecosystem, or is a regional ecosystem but has been cleared since 31 December 1989, you must still notify DERM on the regrowth vegetation code clearing notification form. While you are still required to notify, in these areas, the code requirements do not apply when clearing as the vegetation is not a regional ecosystem or has been cleared since 31 December 1989. Fact sheets are available on the DERM website at <www.derm.qld.gov.au> on managing regulated regrowth vegetation, and interpreting the regrowth vegetation map. These fact sheets contain information on options available (such as applying for a PMAV) in areas where the mapping may be incorrect.

## 1.4 Parts of the code

The code contains two parts that define the minimum requirements for clearing regulated regrowth vegetation. These are:

- clearing requirements for regulated regrowth vegetation (Part 2)
- exchange areas (Part 3)

Parts 2 and 3 define the required outcomes and practices that must be achieved to comply with the code.

In certain circumstances clearing regulated regrowth vegetation can only occur where an exchange area is provided to replace the regulated regrowth vegetation that will be cleared. The exchange area can be an area of regulated regrowth vegetation that can be cleared without restriction under the code or an area of native woody regrowth vegetation not currently regulated. Details on whether or not an exchange area is required and requirements for them are provided in Part 3 of the code.

The code also outlines a number of recommended actions—Part 4 (Maintain and enhance the natural resources on your property)—which may assist you to improve environmental and production outcomes on your property. These actions are voluntary, and are not a requirement of the code. However, Part 4 may assist you to achieve environmental outcomes which exceed the minimum requirements set out in parts 2 and 3.

The code also contains seven schedules, which provide additional requirements for clearing in certain areas, or for certain purposes, and a Glossary which defines the key terms used in the code.

Once it is determined that you have regulated regrowth vegetation on your property, you will need to determine which part(s) of the code apply to your proposed clearing.

## 1.5 Applying to clear regulated regrowth vegetation

If clearing complies with the minimum requirements of the code and DERM is notified of the clearing, the clearing of regulated regrowth vegetation does not require a development approval for clearing native vegetation under Schedule 24 of the Sustainable Planning Regulation 2009. If the proposed clearing does not comply with the code, it cannot lawfully proceed.

This means that to clear regulated regrowth vegetation you do not need to apply for a permit to clear vegetation, as long as:

- you notify DERM of the proposed clearing on the *Regrowth vegetation code clearing notification form* (notification form); and
- clearing is consistent with the minimum requirements of the code.

DERM must be notified before clearing starts in order to meet this exemption.

### 1.5.1 Commercial timber requirements on leasehold land

Although you do not need to apply for a permit before clearing regulated regrowth vegetation on leasehold land for agriculture and grazing, the State's commercial timber interests must first be considered. This means that clearing of commercial timber species cannot occur without first receiving written confirmation, or conditions on the clearing, from DERM.

## 1.5.2 Other legislative requirements

The code does not affect current legislative arrangements under the VMA for clearing remnant vegetation, and vegetation that is a Category A or B area on a PMAV. It also does not affect the protection of native woody vegetation on other State land tenures including: leases other than for agriculture and grazing purposes; and unallocated State land, roads and reserves under the *Land Act 1994*.

It is important to note that the code does not give approval for clearing which may require approval under other legislation including, but not limited to: the *Nature Conservation Act 1992*, *Water Act 2000*, *Environment Protection and Biodiversity Conservation Act 1999*; or other laws administered by local, state or federal governments.

## 1.6 Landholder responsibilities

Clearing of regulated regrowth vegetation can only occur once the landholder notifies DERM of their intention to clear on the notification form. After this occurs, the landholder can clear their regulated regrowth vegetation in accordance with the code, without the need to apply for permits or other approvals relating to the VMA. Therefore, it is important to understand and conduct clearing in a way that complies with the code.

The notification form includes the:

- requirements to identify the location and extent of proposed clearing
- purpose of clearing activity (e.g. broadacre purposes, thinning, encroachment, infrastructure and public safety)
- location of an exchange area, if one is required.

The notification form is available on DERM's website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. Landholders have the option to notify DERM for a single clearing activity or for multiple clearing activities that may be undertaken.

## 1.7 Departmental responsibilities

DERM will acknowledge receipt of the notification form and whether any additional information is required. Landholders must also comply with any conditions imposed by DERM in relation to any commercial timber on leasehold land for agriculture and grazing.

DERM will keep the information supplied in the notification form and maintain a register of location details of the proposed clearing that will be made available on DERM's website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. A PMAV may be made for any exchange areas identified in the notification form. Clearing that does not comply with the code is unlawful and may be subject to a compliance response including the possibility of prosecution or an order to restore the cleared area.

If you are not sure if the code applies, fact sheets and landholder guides are available on DERM's website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. You may also contact a Vegetation Management Officer at your local DERM business centre.

## 1.8 Financial hardship

If a landholder who is carrying out a primary production business can prove that complying with the code causes financial hardship, to an extent that would stop the business from operating, they may apply to DERM before 8 October 2011 for an authorisation to clear regulated regrowth vegetation.

Any consideration of financial hardship will be subject to detailed review of financial statements and similar material. Further information about the authorisation to clear under the financial hardship arrangements is available on DERM's website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

## 2. Clearing requirements for regulated regrowth vegetation

This part defines the minimum requirements for clearing high value regrowth vegetation and category C (category 4) areas on a PMAV, and regrowth watercourse vegetation. The requirements for clearing are dependant on the land tenure, the vegetation type, and the clearing purpose.

Table 1 lists the requirements (R) from R1 to R9. To determine what requirements apply to a proposed clearing activity: view Table 1, take note of the requirement(s) which apply, and view the full description of the requirement(s) below Table 1. Refer to the code schedules 1–7 for further clarification.

**Table 1 Minimum requirements for clearing regulated regrowth vegetation**

Vegetation type and clearing purpose	Freehold and Indigenous land	Leasehold land (Agriculture and Grazing)
<b>High value regrowth vegetation that is an endangered regional ecosystem</b>		
• Clearing for any purpose	R1	R1 AND R6
• Clearing to the extent necessary for any of the following: <ul style="list-style-type: none"> <li>- extractive industry</li> <li>- to establish a fence, firebreak, road or vehicular track, or to construct necessary built infrastructure.</li> </ul>	R1 or R2	R1 or R2 AND R6
• Clearing for any of the following: <ul style="list-style-type: none"> <li>- public safety</li> <li>- encroachment</li> <li>- thinning</li> <li>- control of non-native plants or declared pests.</li> </ul>	R1 or R3	R1 or R3 AND R6
<b>High value regrowth vegetation that is an of concern regional ecosystem</b>		
• Clearing for any purpose	R4	R1 AND R6
• Clearing to the extent necessary for any of the following: <ul style="list-style-type: none"> <li>- extractive industry</li> <li>- to establish a fence, firebreak, road or vehicular track, or to construct necessary built infrastructure.</li> </ul>	R4 or R5	R1 or R2 AND R6
• Clearing for any of the following: <ul style="list-style-type: none"> <li>- public safety</li> <li>- encroachment</li> <li>- thinning</li> <li>- control of non-native plants or declared pests.</li> </ul>	R3 or R4	R1 or R3 AND R6
<b>High value regrowth vegetation that is a least concern regional ecosystem</b>		
• Clearing for any purpose	R4	R4 AND R6
• Clearing to the extent necessary for any of the following: <ul style="list-style-type: none"> <li>- extractive industry</li> <li>- to establish a fence, firebreak, road or vehicular track, or to construct necessary built infrastructure.</li> </ul>	R4 or R5	R4 or R5 AND R6

<ul style="list-style-type: none"> <li>• Clearing for any of the following: <ul style="list-style-type: none"> <li>- public safety</li> <li>- encroachment</li> <li>- thinning</li> <li>- control of non-native plants or declared pests.</li> </ul> </li> </ul>	R3 or R4	R3 or R4 AND R6
<b>Regrowth watercourse vegetation</b>		
<ul style="list-style-type: none"> <li>• Clearing for any purpose</li> </ul>	R7 or R8	R6 AND R7 or R8
<ul style="list-style-type: none"> <li>• Clearing for any of the following: <ul style="list-style-type: none"> <li>- public safety</li> <li>- to establish a fence, firebreak, road, or vehicular track, or to construct necessary built infrastructure</li> <li>- for an extractive industry</li> <li>- encroachment</li> <li>- thinning</li> <li>- control of non-native plants or declared pests.</li> </ul> </li> </ul>	R7 or R8 or R9	R6 AND R7 or R8 or R9

## Requirement 1 (R1)

Clearing is permitted where an exchange area is provided in accordance with Part 3 (Exchange areas) of the code and the clearing is:

- a. a patch of vegetation located wholly or partially on a property and is less than four hectares (coastal areas) or eight hectares (western areas); and
- b. more than 500 m from the following areas:
  - i. high value regrowth vegetation on the regrowth vegetation map
  - i. remnant vegetation on a remnant vegetation map
  - i. a remnant regional ecosystem on a regional ecosystem map
  - ii. a category A area, category B area or category C area on a PMAV; and
- c. **not** any of the following:
  - i. essential regrowth habitat
  - ii. within stream protection zones specified in Schedule 1
  - iii. within a Great Barrier Reef wetland protection area
  - iv. in or within 100 m of a wetland
  - v. on slopes greater than 12 per cent.

## Requirement 2 (R2)

Clearing is permitted if an exchange area is provided in accordance with Part 3 (Exchange areas) and the clearing is for any of the following:

- a. to establish a necessary fence, firebreak, road or vehicular track, or constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised and the activity is conducted in a manner consistent with Schedule 2 (Public safety and infrastructure)
- b. to the extent necessary for an extractive industry where the activity is consistent with Schedule 6 (Extractive industry).

## Requirement 3 (R3)

Clearing is permitted for any of the following:

- a. to ensure public safety where the activity is conducted in manner consistent with Schedule 2 (Public safety and infrastructure)
- b. for encroachment where the clearing is consistent with Schedule 3 (Encroachment)
- c. for thinning where the clearing is consistent with Schedule 4 (Thinning)
- d. to control non-native plants or declared pests where the clearing is consistent with Schedule 5 (Non-native plants or declared pests).

## Requirement 4 (R4)

Clearing is permitted provided the clearing is not any of the following:

- a. essential regrowth habitat
- b. within stream protection zones specified in Schedule 1
- c. within a Great Barrier Reef wetland protection area
- d. in or within 100 m of a wetland
- e. on slopes greater than 12 per cent.

## Requirement 5 (R5)

Clearing is permitted in essential regrowth habitat, stream protection zones specified in Schedule 1, within a Great Barrier Reef wetland protection area, in or within 100 m of a wetland, or on slopes greater than 12 per cent if an exchange area is provided in accordance with Part 3 (Exchange areas) and the clearing is for any of the following:

- a. to establish a necessary fence, firebreak, road or vehicular track, or constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised and the activity is conducted in a manner consistent with Schedule 2 (Public safety and infrastructure)
- b. to the extent necessary for extractive industry where the activity is consistent with Schedule 6 (Extractive industry).

## Requirement 6 (R6)

Clearing is **not** permitted for any of the following:

- a. removing or disturbing *Santalum lanceolatum* (sandalwood)
- b. In a commercial timber local authority area listed in Schedule 7—unless all of the following are complied with:
  - i. DERM has been advised that clearing is proposed in an area that may include commercial timber
  - ii. a written response is received from DERM advising that the proposed area of clearing has been assessed for commercial timber
  - iii. clearing is consistent with any conditions imposed by DERM in relation to commercial timber.

## Requirement 7 (R7)

Clearing is permitted outside the stream protection zone

## Requirement 8 (R8)

Clearing is permitted within the stream protection zone where:

- a. vegetation is less than two metres in height; and
- b. the vegetation is located 10 m or more from any of the following:
  - i. remnant vegetation on a remnant vegetation map
  - ii. remnant regional ecosystem on a regional ecosystem map
  - iii. category A, category B, or category C area on a PMAV
  - iv. high value regrowth vegetation on the regrowth vegetation map
  - v. stream protection zone vegetation that is two metres or more in height; and
- c. clearing is not within five metres of the defining bank.

## Requirement 9 (R9)

Clearing is permitted within the stream protection zone for any of the following:

- a. to ensure public safety provided the activity is conducted in a manner consistent with Schedule 2 (Public safety and infrastructure)
- b. to establish a necessary fence, firebreak, road or necessary to construct built infrastructure and the clearing for the infrastructure can not reasonably be avoided or minimised provided the activity is conducted in a manner consistent with Schedule 2 (Public safety and infrastructure)
- c. to the extent necessary for an extractive industry provided the activity is conducted in a manner consistent with Schedule 6 (Extractive industry)
- d. for encroachment provided the activity is conducted in a manner consistent with Schedule 3 (Encroachment)
- e. for thinning provided the activity is conducted in a manner consistent with Schedule 4 (Thinning)
- f. to control non-native plants or declared pests provided the activity is conducted in a manner consistent with Schedule 5 (Non-native plants or declared pests).

### 3. Exchange areas

Part 3 defines the requirements for exchange areas. Certain areas of regulated regrowth vegetation can only be cleared if an exchange area is provided. Table 2 lists the minimum requirements for exchange areas. The exchange area replaces the regulated regrowth vegetation that will be cleared. Exchange areas will be shown by DERM as a Category A area on a PMAV, which restricts clearing in these areas.

**Table 2 Minimum requirements for exchange areas**

Regulated regrowth vegetation type	Minimum requirements Clearing must comply with the minimum requirement of the code
<p><u>Cleared endangered regional ecosystems</u></p> <p><u>Of concern regional ecosystems</u></p> <p><u>Least concern regional ecosystems</u></p> <p>that require an exchange area as a result of Part 2.</p>	<p><u>Exchange areas</u> must meet all of the following requirements:</p> <p>3.1 <u>High value regrowth vegetation</u> or areas shown as a category C (category 4) area on a <u>PMAV</u> can only be exchanged for:</p> <ul style="list-style-type: none"> <li>a. vegetation that would ordinarily be able to be cleared under Part 2, Requirement 4 of the code; or</li> <li>b. non-regulated regrowth vegetation that has not been cleared in the last 10 years or is two metres or more in height.</li> </ul> <p>3.2 The ratio of the size of the <u>exchange area</u> to the size of the area cleared must be a minimum of 2:1 (for example an <u>exchange area</u> of 1 hectare for a clearing area of 0.5 of a hectare).</p> <p>3.3 Exchange vegetation must be no less than 50 metres wide and the total <u>exchange area</u> is a minimum of 1 hectare.</p>

## 4. Maintain and enhance the natural resources on your property

Part 4 provides a list of recommended actions which may assist you to improve environmental and production outcomes on your property (refer to Table 3). These actions are voluntary, and are not a requirement of the code, but may assist you to achieve outcomes which exceed the minimum requirements in the code.

Before clearing vegetation on your property, you should consider the following important issues:

- *Can you gain better financial return or production outcomes by developing another area of your property instead of this area?*
- *Is the clearing activity critical to your production or could your money be better utilised by further developing an already cleared area, by improving pasture or drainage, weeding or fencing?*

*If opportunities do not exist to develop elsewhere on your property where vegetation impacts will be less, and your proposed clearing meets ALL legislative requirements, you may wish to consider the following simple activities that will improve environmental outcomes and may reduce clearing costs.*

**Table 3 Recommended actions to improve environmental and production outcomes on a property**

Clearing generally
Walk the area before clearing and mark out/highlight natural features (such as animal hollows in trees) that assist in maintaining the landscape function, to ensure they are protected during the clearing process.
Selectively clear vegetation, rather than clearing all vegetation, which will assist to maintain natural processes and mitigate potential environmental degradation. Remember, weeds develop in recently disturbed areas and will spread quickly if not controlled—clear what you know you can keep up with and develop successfully.
Leave patches of vegetation, or assist the revegetation of areas, which could be used as a corridor for wildlife to move between adjoining areas of vegetation. These areas may also provide shelter and protection from extreme weather events, and create microclimate variation opportunities.
Retain areas of regrowth that could legally be cleared but have little value for enhancing production. Areas which should be given priority for retention include wildlife habitat, corridors between larger patches, and areas vulnerable to land degradation processes (such as erosion, weed invasion or landslip).
Ensure grass and herbage/groundcover is maintained to slow cross country flow of soil and water.
Use low impact selective clearing methods rather than mechanical clearing to minimise soil disturbance.
Revegetate surrounding areas to increase the functional size of vegetation communities.
Manage vegetation communities to restore the community to its regional ecosystem type, such as through thinning and control of non-native plants and declared pests, according to legal requirements.
Protect unmapped regrowth by voluntary agreement to increase the viability of regrowth vegetation areas.

### **Clearing near watercourses and wetlands**

When managing vegetation on or near watercourses and wetlands it is critical to consider the importance of healthy waterways, and the adverse affects on production if degradation of waterways occur (such as through siltation, erosion, turbidity and temperature changes). By monitoring riparian areas and taking necessary action to prevent, stabilise and/or repair land degradation the overall condition of the waterway and seasonal availability will be enhanced.

Increase stream protection zone distances beyond what is required by the code to include additional vegetation important to the functioning of the riparian area.

Retain regenerating vegetation to improve the functioning of the riparian area.

Allow vegetation in the stream protection zone to thicken and act as a filter zone along waterways. This slows cross country water flow, ensuring water has the opportunity to recharge the soil and leave topsoil on your land rather than in the creek.

Apply stream protection zones to all waterways on your property even in areas that do not legally require them. This will slow water and allow for water retention on pasture and run-off water quality to be enhanced.

In areas with minimal woody vegetation or non remnant vegetation, use grass and forbs to create a filter zone similar in size to the stream protection zone required for similar watercourses. A filter or buffer zone will slow the cross country flow of water and filter the water before it enters the watercourse.

Increase ground cover where the land type and soil condition can exacerbate the negative impacts of clearing.

Seek funding/government assistance for off stream watering points and riparian fencing to ensure the stream bank zone is protected. Local Landcare and Natural Resource Management groups can assist you with funding opportunities. If there is not an active group in your region get together with your neighbours and start your own.

Increase the wetland buffer distance to include all vegetation important to the functioning of the wetland.

Manage stock access to the waterway. By keeping stock more than 10 m from the defining bank the area is less likely to become eroded or unstable.

Manage riparian vegetation to restore the regional ecosystem including, if necessary, the use of weed control and thinning.

Monitor riparian areas and take necessary actions to prevent, stabilise and/or repair land degradation.

### **Exchange areas**

If attempting to identify and manage an exchange area the following simple practices will assist to improve the environmental outcomes in the area.

Place the exchange area in a location adjacent to other protected vegetation or in a corridor that will connect two pieces of protected vegetation. This will increase the size of a vegetation community and provide corridors for wildlife to cross between areas.

Develop and implement a management plan to prevent land degradation and promote the regeneration and healthy functioning of the area by:

- controlling weeds and pests
- increasing ground cover to prevent erosion
- revegetating the area with species characteristic of the regional ecosystem
- managing fire
- managing grazing.

Revegetate surrounding areas to improve the ability for the area to return to a functioning ecosystem.

## Schedule 1—Stream protection zones

Stream protection zones are to be established on all watercourses identified on the regrowth vegetation map, in accordance with Table 4 (below). Stream protection zones may also include a zone extending out from a stream on an adjacent property.

Table 4 Stream protection zones

Stream order	Minimum stream protection distance (metres) to be established on either side of the stream and measured from the defining bank
1	10
2 and 3	20
4 and 5	30
Above 5	50

Stream order will be identified on the regrowth vegetation map in most instances. Where it is not identified on the map, the stream order will need to be determined manually. To manually determine stream orders identify the relevant stream on the regrowth vegetation map. When two streams of the same order join, the resulting stream becomes one stream order larger. If two streams of different order join, the resultant stream order is that of the larger stream.

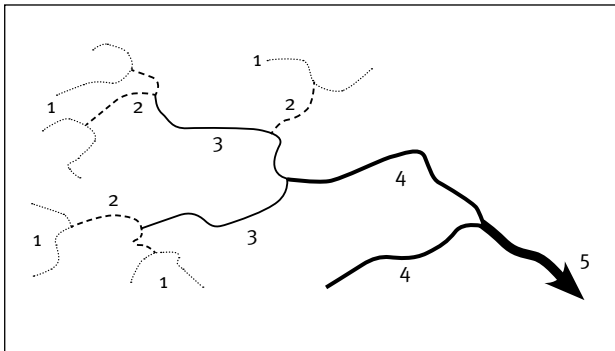


Figure 1: Diagrammatic view of stream ordering

Where multiple streams/gullies occur in an area shown as a single stream on the regrowth vegetation map, apply specified protection to the largest stream.

## Schedule 2—Public safety and infrastructure

Public safety refers to clearing to ensure that the vegetation poses no risk to public safety or that clearing is required in conjunction with other actions being undertaken to ensure public safety.

Infrastructure refers to clearing for establishing a necessary fence, firebreak, road or vehicular track, or for constructing necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised.

The following required outcomes must be achieved:

1. Clearing is limited to the extent necessary to:
  - a. ensure public safety; or
  - b. establish a necessary fence, firebreak, road or vehicular track, or construct necessary built infrastructure, and the clearing for the infrastructure can not reasonably be avoided or minimised.
2. The effect of clearing regulated regrowth must not result in:
  - mass movement
  - rill erosion
  - stream bank erosion
  - scalding
  - gully erosion
  - sheet erosion
  - wind erosion
  - any associated loss of chemical, physical or biological fertility.

## Schedule 3—Encroachment

Encroachment refers to the invasion of a grassland by native, woody vegetation to the extent that the area is no longer consistent with the description of the regional ecosystem.

Clearing of encroachment within regulated regrowth vegetation must comply with the following:

1. Clearing of encroachment is not permitted in South East Queensland, Wet Tropics or Central Queensland Coast bioregions. Bioregions are explained further on the DERM website at <www.derm.qld.gov.au>.
2. Clearing is limited to the regional ecosystems in Table 5.
3. Clearing is limited to native woody vegetation where:
  - a. species are less than 20 centimetres (cm) diameter at breast height listed for that regional ecosystem; or
  - b. species are not listed in the regional ecosystem.
4. Mechanical clearing for encroachment must not occur within five metres of the defining bank of any stream or wetland.

**Table 5 Regional ecosystems which may be cleared for encroachment**

Regional ecosystem	
<b>4.4.2</b>	<i>Astrebla</i> and <i>Iseilema</i> grassland.
<b>4.9.7</b>	<i>Astrebla</i> spp. grassland wooded with <i>Acacia tephрина</i> ± <i>A. cambagei</i> and <i>Atalaya hemiglauca</i> on Cretaceous sediments.
<b>4.9.20</b>	<i>Astrebla lappacea</i> ± <i>Aristida latifolia</i> ± <i>Panicum decompositum</i> grassland on Cretaceous sediments.
<b>11.4.11</b>	<i>Dichanthium sericeum</i> , <i>Astrebla</i> spp. and <i>Acacia harpophylla</i> , <i>Eucalyptus coolabah</i> on Cainozoic clay plains.
<b>11.8.11</b>	<i>Dichanthium sericeum</i> grassland on Cainozoic igneous rocks.
<b>11.9.3</b>	<i>Dichanthium</i> spp., <i>Astrebla</i> spp. grassland on fine-grained sedimentary rocks.
<b>3.3.56</b>	<i>Eriachne</i> spp. ± <i>Aristida</i> spp. closed tussock grassland in longitudinal drainage depressions.
<b>3.12.32</b>	<i>Schizachyrium</i> spp. ± <i>Eriachne</i> spp. tussock grassland on rocky ranges and rock pavements.
<b>4.9.8</b>	<i>Astrebla</i> spp. grassland wooded with <i>Atalaya hemiglauca</i> ± <i>Alectryon oleifolius</i> ± <i>Flindersia maculosa</i> on Cretaceous sediments.
<b>4.9.9</b>	<i>Astrebla</i> spp. grassland wooded with <i>Acacia sutherlandii</i> or <i>A. victoriae</i> on Cretaceous sediments.
<b>5.7.9</b>	<i>Aristida</i> spp., <i>Eriachne pulchella</i> open grassland wooded with <i>Eucalyptus</i> spp. ± <i>Acacia stowardii</i> on plains.
<b>5.7.10</b>	<i>Aristida latifolia</i> and <i>A. contorta</i> sparse grassland wooded with <i>Acacia tetragonophylla</i> ± <i>Senna</i> spp. on Cretaceous sediments.
<b>6.7.17</b>	<i>Eriachne mucronata</i> open grassland wooded with <i>Acacia aneura</i> and/or <i>Corymbia terminalis</i> on plains or flat tops of residuals.
<b>9.8.5</b>	<i>Astrebla</i> spp. ± <i>Iseilema vaginiflorum</i> tussock grassland ± emergent <i>Corymbia terminalis</i> on basalt plains.
<b>9.12.41</b>	<i>Heteropogon triticeus</i> , <i>H. contortus</i> grassland sparsely wooded with <i>Cochlospermum gillivraei</i> , <i>Eucalyptus tetrodonta</i> and <i>Corymbia hylandii</i> on skeletal soils on crests of hills.
<b>9.12.42</b>	<i>Dichanthium sericeum</i> , <i>Heteropogon contortus</i> , <i>Aristida</i> spp. grassland very sparsely wooded with <i>Corymbia</i> spp. and <i>Terminalia</i> spp. on rolling hills of acid volcanics.
<b>10.3.7</b>	<i>Astrebla</i> spp., <i>Iseilema vaginiflorum</i> and/or <i>Dichanthium fecundum</i> or <i>Bothriochloa ewartiana</i> tussock grassland on alluvial plains.
<b>10.3.8</b>	<i>Aristida latifolia</i> and <i>Brachyachne convergens</i> sparse-tussock grassland or <i>Sclerolaena</i> spp. dwarf open shrubland on alluvial plains.
<b>11.9.3</b>	<i>Dichanthium</i> spp., <i>Astrebla</i> spp. grassland on fine-grained sedimentary rocks.

Note: Each regional ecosystem is given a unique 3 part number. A full description of the each regional ecosystem is provided on DERM's website.

## Schedule 4—Thinning

Thinning refers to the selective clearing of regrowth vegetation at a locality to restore the regional ecosystem to the floristic composition and range of densities typical of the regional ecosystem surrounding that locality.

1. Thinning must **not** occur in rainforest, heathland and dry scrub regional ecosystems, as listed in Table 6.
2. Thinning must conserve regrowth vegetation by:
  - a. retaining all native, woody trees over 20 cm diameter at breast height; and
  - b. retaining a density of native woody trees less than 20 cm diameter at breast height, evenly over each 50 x 50 metre area that equates to:
    - i. 125 trees per quarter hectare (0.25 ha) in coastal areas
    - ii. 50 trees per quarter (0.25 ha) hectare in western areas.
3. However thinning can be carried out on native species that are not indigenous to the bioregion.
4. Mechanical clearing for thinning must not occur within five metres of the defining bank of any stream or wetland.

**Table 6 Regional ecosystems that are rainforest, heathland and dry scrub**

Brigalow Belt and New England Tablelands bioregions		Coastal bioregions			South East Queensland bioregion		Western bioregions		
7.12.11	11.9.4	3.11.3	7.12.45	7.8.12	11.11.18	12.8.22	3.10.1	3.3.38	9.8.3
7.12.16	11.9.8	3.3.2	7.12.46	7.8.13	11.11.5	12.8.3	3.10.2	3.3.39	9.8.7
8.11.2	12.11.11	7.11.1	7.12.47	7.8.14	11.12.4	12.8.4	3.10.3	3.3.4	10.3.16
8.12.10	12.11.12	7.11.12	7.12.48	7.8.2	11.3.11	12.8.5	3.10.5	3.3.40	10.3.29
8.12.11	12.11.4	7.11.14	7.12.49	7.8.3	11.5.15	12.8.6	3.11.1	3.3.5	10.5.6
8.12.16	12.12.10	7.11.2	7.12.5	7.8.4	11.8.3	12.8.7	3.11.2	3.3.6	10.7.7
8.12.3	12.12.13	7.11.23	7.12.50	8.11.2	11.9.4	12.9-10.15	3.11.3	3.3.68	10.7.8
8.2.2	12.12.18	7.11.24	7.12.54	8.11.7	12.11.1	12.9-10.16	3.12.1	3.3.7	11.11.5
8.2.4	12.12.19	7.11.25	7.12.57	8.12.1	12.11.10	12.9-10.9	3.12.2	3.5.20	11.12.18
8.3.1	12.3.1	7.11.26	7.12.6	8.12.10	12.11.11		3.12.20	3.5.3	11.12.4
9.11.8	12.8.13	7.11.27	7.12.64	8.12.11	12.11.12		3.12.21	3.5.4	
9.12.34	12.8.19	7.11.28	7.12.65	8.12.16	12.11.13		3.12.22	3.7.1	
9.12.8	12.8.21	7.11.29	7.12.66	8.12.17	12.11.4		3.12.28	3.8.1	
10.7.7	12.8.4	7.11.3	7.12.68	8.12.18	12.12.1		3.12.3	3.8.2	
11.10.8	12.8.5	7.11.30	7.12.7	8.12.19	12.12.10		3.12.35	3.8.5	
11.11.18	12.9-10.15	7.11.36	7.2.1	8.12.2	12.12.13		3.12.36	5.7.12	
11.11.21	12.9-10.16	7.11.7	7.2.10	8.12.28	12.12.16		3.12.4	7.11.3	
11.11.5	13.11.7	7.12.1	7.2.2	8.12.3	12.12.17		3.12.5	7.11.7	

11.12.18	13.12.6	7.12.10	7.2.5	8.12.30	12.12.18		3.12.6	7.12.10	
11.12.4		7.12.11	7.2.6	8.2.2	12.12.19		3.2.1	7.12.16	
11.2.3		7.12.12*	7.3.10	8.2.4	12.2.1		3.2.11	7.12.57	
11.3.11		7.12.16	7.3.17	8.2.5	12.2.12		3.2.12	7.12.6	
11.4.1		7.12.17	7.3.23	8.3.1	12.2.2		3.2.13	7.12.7	
11.5.10		7.12.19	7.3.3	8.3.10	12.2.3		3.2.17	7.3.23	
11.5.11		7.12.2	7.3.35*	8.3.9	12.3.1		3.2.2	9.11.30	
11.5.15		7.12.20	7.3.36	8.8.1	12.3.13		3.2.21	9.11.8	
11.5.18		7.12.39	7.3.37	9.12.34	12.5.13		3.2.28	9.11.9	
11.7.5		7.12.40	7.3.38	9.12.8	12.5.9		3.2.29	9.12.34	
11.8.13		7.12.41	7.3.4	11.11.5	12.8.13		3.2.31	9.12.36	
11.8.3		7.12.42	7.3.49	11.2.3	12.8.18		3.3.1	9.12.8	
11.8.6		7.12.43	7.8.1	11.3.11	12.8.19		3.3.2	9.12.9	
11.8.7		7.12.44	7.8.11		12.8.21		3.3.3	9.5.2	

\*Parts of these regional ecosystems may contain rainforest vegetation communities. Thinning is permitted in these regional ecosystems, except in areas that contain rainforest vegetation communities.

Note: Each regional ecosystem is given a unique 3 part number. A full description of the each regional ecosystem is provided on DERM's website.

## Schedule 5—Clearing regulated regrowth vegetation to control non-native plants or declared pests

Clearing regulated regrowth vegetation to control non-native plants or declared pests (which includes declared plants and animals) must comply with all of the following:

1. Clearing to control non-native plants or declared pests is limited to the extent necessary to:
  - a. control the non-native plants or declared pests
  - b. provide access for control of non-native plants or declared pests if no alternative route exists.
2. Clearing to control non-native plants or declared pests must conserve regulated regrowth vegetation by:
  - a. retaining all regulated regrowth vegetation over 20 cm diameter at breast height
  - b. retaining regulated regrowth vegetation less than 20 cm diameter at breast height as indicated in Table 7—except where clearing is essential to provide access for control of non-native plants or declared pests.

**Table 7 Retention requirements for clearing native vegetation to control non-native plants or declared pests**

Weed cover (percentage)	Clearing limitations for trees less than <u>20 cm diameter at breast height</u>
Less than 10% non-native woody species crown cover	Retain 80% of trees less than <u>20 cm diameter at breast height</u>
10–50% non-native woody species crown cover	Retain at least 50% of trees less than <u>20 cm diameter at breast height</u>
More than 50% non-native woody species crown cover	Clear up to 100% of trees less than <u>20 cm diameter at breast height</u>

## Schedule 6—Extractive industry

Schedule 6 applies to clearing for an extractive industry that is **not** in a key resource area. Clearing of regulated regrowth vegetation for an extractive industry in a key resource area is exempt and the code does not apply.

The following required outcomes must be achieved when clearing for an extractive industry that is **not** in a key resource area:

1. Clearing is only permitted where no alternative extractive sites or access routes exist on the lot(s) where clearing of native vegetation can be avoided.
2. Clearing is limited to the extent necessary for any of the following:
  - a. dredging material from the bed of any waters
  - b. extracting rock, sand, clay, gravel, loam or other material, from a pit or quarry
  - c. screening, washing, grinding, milling, sizing or separating material extracted from a pit or quarry
  - d. establishing infrastructure to permit access and any necessary screening, washing, grinding, milling, storage, dams and containment ponds reasonably associated with the extraction and processing of the material.
3. Clearing must:
  - a. be staged in line with operational needs in a way that restricts clearing to the current operational area; and
  - b. not occur until all required permits or authorities have been obtained under other relevant legislation.
4. Clearing in stream protection zones, Great Barrier Reef protection area or within 100 m of a wetland must maintain bank stability and water quality.

## Schedule 7—Commercial timber local authority areas

If on leasehold land for agriculture and grazing in the following shires you must contact DERM before clearing in areas which may contain commercial timber (including sandalwood). Part 2, Requirement 6 outlines the requirements for clearing regulated regrowth vegetation that contains commercial timber.

### Local authority areas

- Banana
- Blackall Tambo Regional
- Bundaberg Regional
- Central Highlands Regional
- Charters Towers Regional
- Cook
- Fraser Coast Regional
- Gladstone Regional
- Goondiwindi Regional
- Gympie Regional
- Isaac Regional
- Mackay Regional
- Maranoa Regional
- Murweh
- North Burnett Regional
- Rockhampton Regional
- Somerset Regional
- South Burnett Regional
- Southern Downs Regional
- Tablelands Regional
- Toowoomba Regional
- Western Downs Regional
- Whitsunday Regional.

# Glossary of terms

## Coastal areas

Coastal areas include:

- a. Brigalow Belt subregions 1 (Townsville Plains), 2 (Bogie River Hills) and 14 (Marlborough Plains)
- b. Cape York Peninsula subregion 2 (Starke Coastal Lowlands)
- c. Einasleigh Uplands subregion 3 (Hodgkinson Basin)
- d. Central Queensland Coast bioregion
- e. Southeast Queensland bioregion
- f. Wet Tropics bioregion.

Advice can be sought from DERM in identifying whether land is within a coastal area.

## Declared pests

Pests declared under the *Land Protection (Pest and Stock Route Management) Act 2002*. Declared pests can be plants or animals.

## Defining bank

The defining bank is one of the following:

- a. the bank or terrace that confines water before flooding
- b. the point where water is confined before flooding, if there is no bank or terrace.

## Diameter at breast height

The diameter of a tree at 1.3 metres above ground level. Add the diameter of all multi stems more than five centimetres and divide by the total number of stems to get an average of the diameter.

## Endangered regional ecosystem

A regional ecosystem declared to be an endangered regional ecosystem under section 22LA of the *Vegetation Management Act 1999*.

## Essential regrowth habitat

Essential regrowth habitat for protected wildlife means an area of vegetation shown on the regrowth vegetation map as high value regrowth vegetation:

- a. that has at least three essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential regrowth habitat database; or
- b. in which the protected wildlife, at any stage of its life cycle, is located.

## Essential regrowth habitat database

A database, listing essential habitat factors for protected wildlife certified by the chief executive of DERM that administers the *Vegetation Management Act 1999* as an essential regrowth habitat database.

## Essential habitat factor

For protected wildlife is a component of the wildlife's habitat, including, for example, a landform, pollinator, regional ecosystem, soil and water, that is necessary or desirable for the wildlife at any stage of its lifecycle.

## Exchange area

An exchange area means an area of vegetation that must be protected in the way provided under the regrowth vegetation code in exchange for clearing of regulated regrowth vegetation.

## Freehold land

Freehold land includes land in a freeholding lease under the *Land Act 1994*.

## Great Barrier Reef wetland protection area

An area shown as a Great Barrier Reef wetland protection area on a regrowth vegetation map, which contains a wetland.

## High value regrowth vegetation

High value regrowth vegetation is defined as:

- a. any of the following:
  - i. an endangered regional ecosystem
  - ii. an of concern regional ecosystem
  - iii. a least concern regional ecosystem; and
- b. has not been cleared since 31 December 1989; and
- c. is shown on a regrowth vegetation map.

## Indigenous land

For the purpose of regulating the clearing of vegetation, this means land held under one of the following Acts by, or on behalf of or for the benefit of, Aboriginal or Torres Strait Islander inhabitants or purposes:

- a. *Local Government (Aboriginal Lands) Act 1978*
- b. *Aborigines and Torres Strait Islanders (Land Holding) Act 1985*
- c. *Aboriginal Land Act 1991*
- d. *Torres Strait Islander Land Act 1991*
- e. *Land Act 1994*.

## Key Resource Areas

An area identified as a Key Resource Area in the *State Planning Policy 2/07 Protection of Extractive Resources*, a State planning policy under the *Sustainable Planning Act 2009* (SPA) that took effect on 3 September 2007.

## Leasehold land for agriculture and grazing

Land subject to a lease under the *Land Act 1994* for agriculture or grazing purposes.

## Least concern regional ecosystem

A regional ecosystem declared to be a least concern regional ecosystem under section 22LC of the *Vegetation Management Act 1999*.

## Mechanical clearing

The clearing of vegetation using machinery which disturbs the soil surface or uproots woody vegetation.

## Of concern regional ecosystem

A regional ecosystem declared to be an of concern regional ecosystem under section 22LB of the *Vegetation Management Act 1999*.

## Property Map of Assessable Vegetation (PMAV)

1. A PMAV is a map certified by the chief executive, that can show the following areas:
  - a. category A areas
  - b. category B areas
  - c. category C areas
  - d. category X areas
  - e. areas subject to a regional ecosystem map, remnant vegetation map or regrowth vegetation map.
2. The PMAV may also show for the area the location of the boundaries of, and the regional ecosystem number for, each regional ecosystem in the area.
3. Each of category A area, category B area, category C area and category X area is called a vegetation category area.

## Regional ecosystem

A regional ecosystem is a vegetation community in a bioregion that is consistently associated with a particular combination of geology, landform and soil.

Refer to DERM's website for more information on regional ecosystems.

## Regional ecosystem map

Is a map certified by the chief executive as the regional ecosystem map of the State for a part of the State and showing for the part:

- a. areas of remnant vegetation that are any of the following—
  - i. an endangered regional ecosystem
  - ii. an of concern regional ecosystem
  - iii. a least concern regional ecosystem; and
- b. the regional ecosystem number for each of the regional ecosystems mentioned in paragraph (a); and
- c. areas the chief executive decides under section 20AH to show on the map as remnant vegetation.

## Regrowth vegetation map

The regrowth vegetation map is a map certified by the chief executive as the regrowth vegetation map for the State and showing for the State:

- a. areas of regrowth vegetation, identified on the map as high value regrowth vegetation, that—
  - i. are any of the following:
    - A. an endangered regional ecosystem
    - B. an of concern regional ecosystem
    - C. a least concern regional ecosystem; and
  - ii. have not been cleared since 31 December 1989; and
- b. particular watercourses in the Burdekin, Mackay Whitsunday and Wet Tropics catchments, identified on the map as regrowth watercourses; and
- c. areas the chief executive decides under section 20AI to show on the map as high value regrowth vegetation.

## Regulated regrowth vegetation

Regulated regrowth vegetation is regrowth vegetation:

- a. identified on the regrowth vegetation map as high value regrowth vegetation; or
- b. located within 50 m of a watercourse identified on the regrowth vegetation map as a regrowth watercourse; or
- c. contained in a category C area shown on a PMAV.

The exact location of a watercourse mentioned above depends upon the location of the watercourse from time to time.

## Regrowth watercourse vegetation

Regrowth vegetation located within 50 m of a watercourse identified on the regrowth vegetation map as a regrowth watercourse.

## Regrowth watercourse

A watercourse identified on the regrowth vegetation map as a regrowth watercourse.

## Remnant vegetation map

A remnant vegetation map is a map certified by the chief executive as the remnant vegetation map for the part of the State to which the regional ecosystem map does not apply and showing for that part:

- a. areas of remnant vegetation; and
- b. areas the chief executive decides under section 20AH to show on the map as remnant vegetation.

## Remnant vegetation

Remnant vegetation means vegetation, part of which forms the predominant canopy of the vegetation, that:

- a. covers more than 50 per cent of the undisturbed predominant canopy; and
- b. averages more than 70 per cent of the vegetation's undisturbed height; and
- c. comprises species characteristic of the vegetation's undisturbed predominant canopy.

## Significant community project

A project the chief executive considers has an aesthetic, conservation, cultural or economic benefit to a local or regional community or the State, including a project that:

- a. serves an essential need of the community; and
- b. significantly improves the community's access to services.

## Slopes greater than 12 per cent

Slope is a measure of the upward or downward incline of the land surface over any 30 m length.

Slopes greater than 12 per cent indicate an area that on average for every 30 m, the land increases or decreases in height by four metres or more.

Here is a simple method to help estimate the percentage of slope for a section of land.

### Method

If you are of average height (1.6 to 1.8 m) place a marker on the ground and walk down the slope approximately 15 m. If you are looking down at the marker the slope over that distance will be less than 12 per cent. You may also use a device that determines the slope of an area, such as a clinometer.

Advice can be sought from DERM on determining slope.

## Stream protection zone

An area identified in Schedule 1.

## Western areas

Western areas are those other than coastal areas.

Advice can be sought from DERM in identifying whether land is within a western area.

## Wetland

An area of land that supports plants or is associated with plants that are adapted to and dependent on living in wet conditions for at least part of their life cycle, and is not riparian vegetation associated with a stream creek or river.

