

Regulated regrowth vegetation

Frequently asked questions

Why do we have new regrowth vegetation laws?

Results of the 2006–07 Statewide Landcover and Trees Study (SLATS) report of changes in vegetation cover across Queensland, showed significant clearing of regrowth vegetation, particularly on freehold land.

In response to these findings, the Queensland Government introduced a temporary moratorium on clearing regrowth vegetation. During the moratorium, the Queensland Government consulted with stakeholders with a view to improving vegetation clearing laws in Queensland to protect this high-value regrowth vegetation in the future.

Based on the consultation, there are now broader laws governing the clearing of regrowth vegetation across the State.

What vegetation will be affected?

Clearing in category X areas on property maps of assessable vegetation (PMAV) is unaffected by the regrowth laws.

High-value regrowth vegetation and regrowth watercourses on freehold and Indigenous land and leasehold land for agricultural and grazing, is now regulated.

These areas of regulated regrowth vegetation are shown on a regrowth vegetation map, which is available on the Department of Environment and Resource Management's (DERM) website <www.derm.qld.gov.au> or at a departmental business centre.

Areas of vegetation shown as category 4 on a PMAV are also regulated.

The regrowth vegetation map identifies two types of regulated regrowth vegetation:

- high-value regrowth—mature native vegetation that hasn't been cleared since 31 December 1989. High-value regrowth can be classified as either endangered, of concern, or least concern regional ecosystems and is shown on the map in different colours
- regrowth watercourse vegetation—all native woody vegetation located within 50 metres of identified regrowth watercourses.

It is recommended that landholders check on the regrowth vegetation map whether vegetation on their property is affected by the new laws. Any clearing that is not exempt must be carried out under the regrowth vegetation code (the code). Landholders determine for themselves whether the clearing is consistent with the code.

When do the new laws take effect?

The new regrowth laws take effect on 8 October 2009. From this day, the clearing of regulated regrowth vegetation must comply with the code unless other exemptions exist.

The code sets out where regulated regrowth vegetation can and can't be cleared. The code is available on DERM's website <www.derm.qld.gov.au> or at your nearest departmental business centre.

Penalties apply for clearing that does not comply with the code.

How do the new laws affect the moratorium on clearing regrowth?

The moratorium on clearing high-value regrowth ended on 7 October 2009. The new arrangements protecting regrowth vegetation take effect from 8 October 2009.

How do the new laws affect the regrowth clearing provisions under the regional vegetation management codes?

The code also replaces the requirements for clearing regrowth on leasehold land under the *Land Act 1994* for agriculture or grazing purposes contained in Section R of the regional vegetation management codes. The regrowth requirements will be removed in the updated regional vegetation management codes to reflect that clearing regrowth vegetation is now regulated by the code.

What is different under the new laws compared to how regrowth was regulated before?

The new laws provide for a more consistent approach to protecting regrowth vegetation across tenures. For example, the current protection of regrowth vegetation on leasehold land continues, but the new laws now extend to protecting regrowth vegetation on freehold and Indigenous land as well.

Instead of receiving permits to clear regrowth vegetation, landholders can clear if the clearing is consistent with the code. Landholders determine for themselves whether the clearing is consistent with the code and no permits are required.

The other key difference is that all native regrowth vegetation along priority reef watercourses is now also protected under the new laws. Regulating the clearing of this vegetation to reduce sedimentation, nutrient run-off, and to maintain biodiversity will improve the water quality and ecosystem health of the Great Barrier Reef.

Can any clearing continue?

Yes, the new laws do not prevent clearing in all areas of regulated regrowth vegetation. Rather, they provide rules for where regrowth can be cleared for specific purposes.

For example, most clearing can occur in 'of concern' and 'least concern' regional ecosystems on freehold land. It can also occur in most areas of 'least concern' regional ecosystems on leasehold land for agriculture and grazing purposes.

However, the code protects habitat for threatened species, vegetation near creeks and wetlands, and on steep slopes. The code also protects native vegetation up to 50 metres from regrowth watercourses.

Clearing for infrastructure, weed control, thinning and encroachment is permitted under the code.

In addition, the code allows for limited clearing of certain regulated regrowth vegetation in exchange for protecting another area of vegetation on the landholder's property.

Regrowth clearing not affected by the code

There are some circumstances where clearing of regulated regrowth vegetation is not regulated by the code:

- The code does not affect other exemptions for regrowth provided in the *Integrated Planning Act 1997*.
- Clearing for exemptions like fire management lines, fire breaks, fences and others can still occur in regulated regrowth vegetation areas.

- Clearing in an area of regrowth for an extractive industry within a key resource area or for a significant community project is also exempt from any regrowth controls.

What do the new laws mean for landholders?

If landholders want to clear regrowth vegetation, the first place to look is the regrowth vegetation map.

It is important to note the satellite images that were used to create these maps may have been taken of areas that have since been legitimately cleared. This means that in some cases, areas may not contain a regional ecosystem.

The maps must not be read in isolation and should be considered with the legislation and what is on the ground. Landholders can apply for a PMAV if they want to clarify what is on the ground. If landholders have any concerns they should contact DERM.

Landholders will also need to check whether they have a PMAV on their property.

If the area you want to clear is shown on the regrowth map as either high-value regrowth vegetation or regrowth watercourse vegetation or as category 4 (category C) on a PMAV, you will need to check what exemptions exist for clearing regulated regrowth. A full list is provided in the *Guide to exemptions under the vegetation management framework*, available on the DERM website.

One exemption includes clearing under the code. The code sets out minimum requirements you need to follow to ensure you clear the regulated regrowth vegetation lawfully. If you are going to clear under the code you will need to notify DERM.

Notifying the department

Any clearing that is not exempt must be carried out under the code. Landholders don't need to apply for a permit to clear regulated regrowth vegetation under the code—they only need to send a completed notification form to DERM and then follow the requirements set out in the code.

Landholders can commence clearing once they have lodged the notification form. There is no fee for notification. The notification form can be found on the DERM website <www.derm.qld.gov.au>.

Landholders on leasehold land for agriculture and grazing also need to comply with any conditions imposed by the department in relation to commercial timber.

Why is 50 metres of watercourse vegetation being protected?

Improving the water quality along water courses is important to improving the overall sustainability of reef waterways.

Current science indicates that retention of vegetation either side of a watercourse on riparian areas can assist with improving bank stability and reducing pollutants within a water system. A vegetation buffer up to 50 metres of native vegetation either side of a watercourse can provide for improved bank stability and reduced pollutants, as well as enhanced biodiversity benefits.

The purpose of this part of the code is to ensure that any clearing within riparian regrowth vegetation along streams in priority reef catchments occurs in a way that does not adversely affect the quality of the water leaving these catchments and entering reef waterways.

Under the code, certain clearing activities can occur within 50 metres of the watercourse.

Why protect regrowth regional ecosystems?

Different levels of protection exist for the different statuses of regrowth regional ecosystems. For example, endangered vegetation has been the most affected by past broad-scale clearing practices and is most in need of protection.

It is protected the most under the framework because less than 10 per cent of each endangered regional ecosystem remains across the landscape in its mature form. This means that 90 per cent or more of the regional ecosystem has already been cleared.

The vegetation protected by the code has the qualities of a functioning ecosystem and can make a significant contribution to biodiversity and recovery of endangered ecosystems.

Protecting other regional ecosystems such as of concern and least concern can also play an important role in landscape processes. For example, their retention in aquatic and riparian zones assist in the ongoing functioning of these communities and helps contribute to a stable landscape.

The Regional Ecosystem Description Database (REDD) provides a description of each regional ecosystem across Queensland and can be accessed via DERM's website <www.derm.qld.gov.au>.

Do the new laws affect my existing development approval?

No, the regrowth laws do not affect any existing development approval where clearing is a necessary part. Clearing under existing development approvals can continue as outlined on your approval.

Do the new laws affect my existing PMAV?

A PMAV is a map that shows what vegetation is assessable at the property scale.

If you have a PMAV and it contains areas of category 4—the new laws will affect these areas. Any clearing in a category 4 area must be in accordance with the code if the clearing is not exempt. If the clearing is to be carried out under the code, you will be required to notify DERM of your intention to clear.

If your PMAV contains areas that are shown as category 1, 2 or 3—the new regrowth laws will not apply. However, any clearing in these areas can only be carried out if it is exempt or if you have a development approval.

How do the new laws affect the PMAV application I have already lodged?

If you have lodged a PMAV application before 26 March 2009—it will be assessed based on the law at the date of application and will not be affected by the new regrowth provisions.

For applications lodged after the 26 March 2009 and before 8 October 2009—the area will be made category X if it is either consistent with the moratorium act or if it meets the definition for category X under the new laws.

If you lodged your PMAV application on or after 8 October 2009 it will be assessed under the new laws.

Landholders will still have certainty about managing regrowth vegetation on their property if it is within areas identified as category X on a certified PMAV.

Can I still apply for a PMAV?

Yes, the regrowth laws have not changed your ability to apply for a PMAV under the vegetation management framework.

Applications for PMAVs lodged after 8 October 2009 will be assessed under the new regrowth laws. This is because these new laws will be in force from this day, and will replace any previous rules regarding the clearing of regrowth vegetation (such as the moratorium).

Can I still apply for a category X 'lock it in' PMAV?

Yes, however your application will be assessed to ensure that it is consistent with the new laws.

Do the new laws affect existing exemptions?

Existing exemptions from the vegetation management framework for remnant vegetation will still apply.

Many exemptions apply to the new regrowth laws, including some new exemptions. Exemptions include:

- clearing regrowth vegetation for routine management and essential management (e.g. fire management lines, fire breaks and fences)
- establishing necessary built infrastructure in areas less than 2 hectares
- clearing areas of regulated regrowth vegetation for extractive industry within a key resource area or for a significant community project
- burning vegetation to reduce hazardous fuel loads.

The full list of exemptions is contained in the *Guide to exemptions from the vegetation management framework* (PDF, kB)*, available on DERM's website <www.derm.qld.gov.au>, from a departmental business centre, or by calling the department on 13 13 04

Further information

Further information about the regrowth vegetation code is available on DERM's website <www.derm.qld.gov.au> or by calling 13 13 04 (8:30 am to 4:30 pm, Monday to Friday).