

Landholders' guide to the regrowth vegetation code

October 2009



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Vegetation Management
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1. What is this guide about?

The Landholders' guide to the regrowth vegetation code has been prepared by the Department of Environment and Resource Management (DERM) to assist landholders understand and implement new arrangements for protecting regulated regrowth vegetation.

The new arrangements apply to clearing high-value regrowth vegetation on freehold and Indigenous land and leasehold land used for agriculture and grazing. It also applies to regulated regrowth vegetation within 50 metres of identified watercourses in priority reef catchments of the Burdekin, Mackay/Whitsunday and Wet Tropics.

This guide explains what is meant by regulated regrowth vegetation, how to determine if your property is affected by regrowth regulations, if the code applies to the clearing you want to undertake, and the process to follow to ensure you undertake your clearing activity in compliance with the code.

The guide provides an introduction to how the code operates under the *Vegetation Management Act 1999* (VMA) and provides information to help landholders interpret the code. A copy of the regrowth vegetation code is provided at Appendix 3.

The guide should always be read in conjunction with the code to ensure any clearing of regulated regrowth vegetation is undertaken in compliance with the code. Penalties apply to any unlawful clearing under the code.

Table 1 What category 4 areas on a property map of assessable vegetation (PMAV) will refer to in the guide and code

What area may be on your PMAV	What the guide and code will refer to for the same PMAV
Category 4 area (brown areas)	Category C area

Before reading more about the new regrowth regulations, it may be useful to first check that your proposed clearing comes under the regrowth regulations and not another part of the vegetation management framework.



2. Which part of the vegetation management framework applies?

Queensland’s vegetation management framework regulates the clearing of native vegetation. It protects the State’s biodiversity and, by conserving native vegetation, addresses land degradation problems such as salinity, soil degradation, erosion and declining water quality.

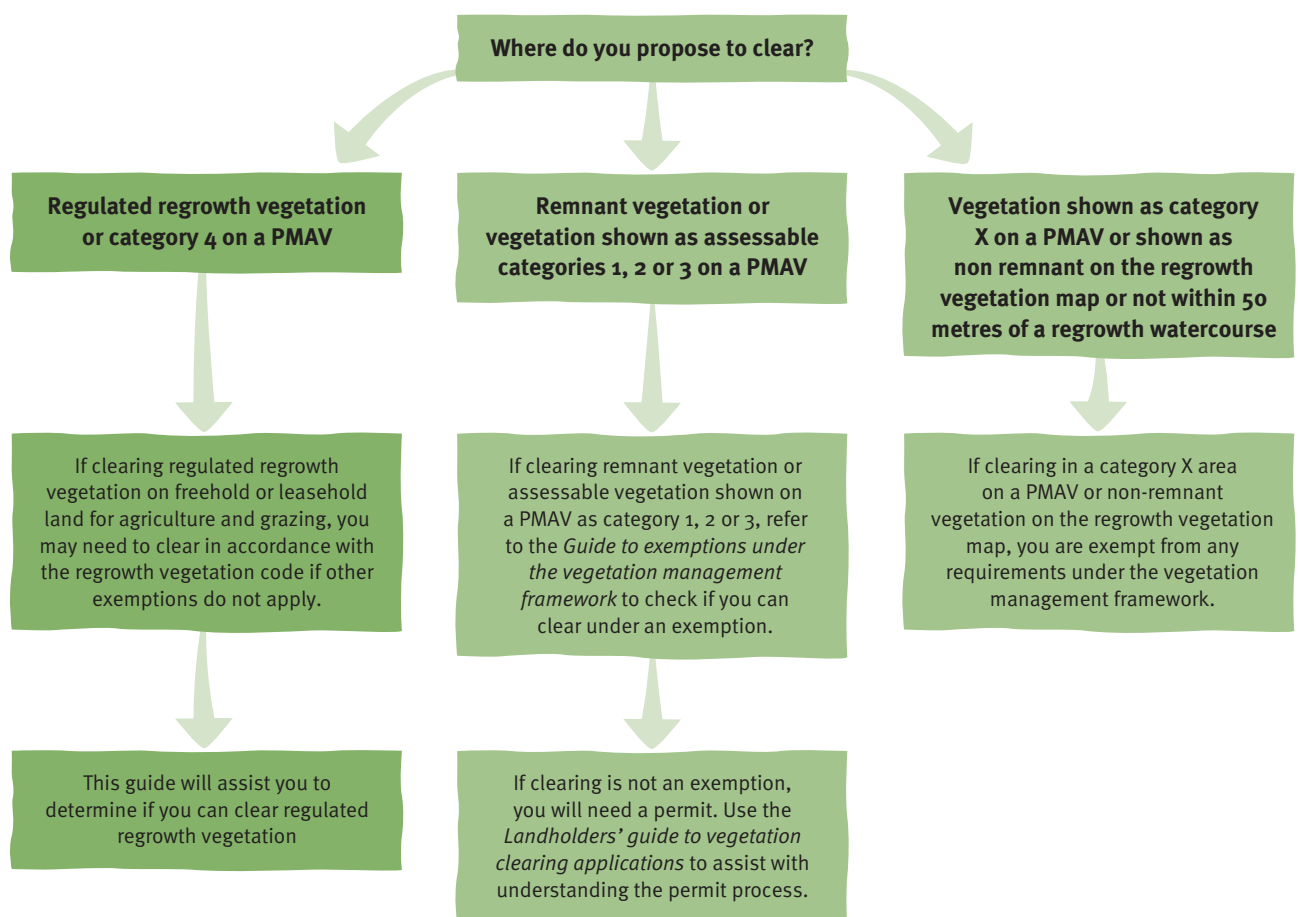
Under the framework, the Queensland Government phased out broadscale clearing of remnant vegetation in December 2006. However, vegetation clearing is still allowed for certain purposes.

With the introduction of the new regrowth arrangements, the vegetation management framework now protects both native woody vegetation mapped as remnant vegetation, and non-remnant vegetation mapped as high-value and watercourse regrowth vegetation.

Areas that are white on the regrowth vegetation map and not within 50 metres of a regrowth watercourse is not regulated by the vegetation management laws. Category X on a PMAV is also unaffected by these laws.

The framework operates by requiring landholders to seek approval to clear protected vegetation for some purposes, while allowing clearing for other purposes without approval, or as an *exemption*, as it is referred to under the framework.

The following flow chart will help you to determine which part of the vegetation management framework is relevant to the vegetation you want to clear. It will also help you decide whether you need to continue reading this guide and if you are affected by the regrowth vegetation code.





3. Introduction to the regrowth vegetation code

Since its introduction, the VMA has regulated the clearing of remnant vegetation and certain regrowth vegetation.

Recent monitoring of changes in vegetation cover showed significant clearing of high-value regrowth vegetation in areas outside of current vegetation clearing laws. In response to this information, in April 2009 the Queensland Government introduced a temporary moratorium on clearing high-value regrowth vegetation and watercourse regrowth in reef catchments while it consulted with stakeholders on improving the protection laws for important regrowth vegetation in the future.

Based on the consultation, there are now broader regulations under the VMA controlling the clearing of high-value and watercourse regrowth vegetation. These regulations came into effect on 8 October 2009. They replace the moratorium on clearing high-value regrowth vegetation and provide a consistent framework for the protection of important regrowth vegetation across all freehold, Indigenous and leasehold tenures.

Under these arrangements, the clearing of regulated regrowth vegetation is now regulated by the regrowth vegetation code (the code). The code applies to clearing regulated regrowth vegetation unless the clearing can be undertaken under another exemption under the *Integrated Planning Act 1997* (IPA).

Under the new arrangements, landholders wanting to clear regulated regrowth vegetation must now do so by following the requirements set out in the code.

This means that if the area you wish to clear is now regulated regrowth, and you can't clear the vegetation under any other exemption under the IPA, you must comply with the code to ensure your clearing activity is lawful. In this way, the code works as an exemption under the IPA—meaning that if a landholder clears regrowth vegetation in compliance with the code, they are exempt from requiring any other authorisation, such as a development permit, to clear that regrowth under the VMA.

While no permit is required to authorise clearing under the new arrangements, the code does however require landholders to notify the Department of Environment and Resource Management (DERM) of their intention to clear before they start any clearing activity.

The code also sets out rules for protecting sensitive parts of the landscape such as wetlands, streams, essential habitat for protected species and steep slopes. These are collectively referred to as restricted areas in the guide.

The remainder of the guide explains each of the key aspects of the code in more detail.

3.1 Types of regulated regrowth vegetation

Regulated regrowth vegetation is regrowth vegetation that is one of the following:

- identified on the regrowth vegetation map as **high-value regrowth** vegetation
- located within 50m of a watercourse identified on the regrowth vegetation map as a **regrowth watercourse**
- contained in a **category C** area shown on a PMAV (previously shown as a category 4 area).

The regrowth vegetation map

The regrowth vegetation map can be downloaded for free from the DERM website at <www.derm.qld.gov.au>. The map shows both high-value regrowth areas and regrowth watercourses on freehold and Indigenous land, and leasehold land used for agriculture and grazing.

High-value regrowth

High-value regrowth vegetation comprises regional ecosystems that are endangered, of concern and least concern, and have not been cleared since 31 December 1989.

High-value regrowth vegetation is shown on the regrowth vegetation map as follows:

- pink—endangered high-value regrowth vegetation
- orange—of concern high-value regrowth vegetation
- green—least concern high-value regrowth vegetation.

Sometimes regrowth regional ecosystems may be mapped together in what is known as a mixed polygon on the regrowth vegetation map. For example, even if the map shows endangered regional ecosystems, this area may also contain of concern and least concern regional ecosystems. Knowing what regional ecosystems are contained in each polygon will allow you to work out where you can clear under the code. For example, an area mapped as endangered could be cleared because on the ground it actually contains least concern regional ecosystems.

If you are interested in identifying the individual regional ecosystems that have been mapped together in an area of regrowth vegetation on your property, you will need to get a copy of the Regional Ecosystem Description Database (REDD) description for each of the regional ecosystems in the mixed polygon. A vegetation management officer at your local departmental business centre can provide you with a list of regrowth vegetation regional ecosystems that apply to your property.

This will allow you to identify and separate endangered, of concern and least concern regional ecosystems that are subject to different controls under the code. By looking for areas where the species composition differs from other areas of vegetation, and comparing these to the REDD descriptions of the various ecosystems, you may be able to map out the boundary between the different regional ecosystems.

More information about separating regional ecosystems mapped together is provided in the *Determining regional ecosystems* fact sheet, available on the DERM website <www.derm.qld.gov.au>.

Regrowth watercourse vegetation

Regrowth watercourse vegetation is all native woody vegetation that is located within 50 metres of identified regrowth watercourses. This excludes vegetation that is either mapped as remnant regional ecosystems or mapped as high-value regrowth.

If there is no native woody vegetation, the code does not apply. For example, if the only plants in the area are non-native (such as *Leucaena*), these can be cleared without having to refer to the code.

The identified regrowth watercourses are in priority reef catchments that are shown on the regrowth vegetation map as maroon lines.

PMAVs and category C areas (category 4 areas)

PMAVs are property scale maps that show the location, boundary and status of assessable vegetation. They include areas such as category X but also include areas of assessable vegetation.

If the PMAV shows the area as a category C area (or previously a category 4 area), any clearing in those areas must comply with the code requirements unless other exemptions apply.

3.2 How the code works

The code sets out rules for areas where clearing can occur. It is presented in three parts that identify the requirements for:

- clearing high-value regrowth (part 2 of the code)
- clearing regrowth watercourse vegetation (part 3 of the code)
- exchange areas (part 4 of the code).

Each part defines the required outcomes and practices that must be achieved to comply with the code. These are termed minimum requirements in the code.

The code also outlines recommended best-management practices, which are voluntary actions that can be undertaken to enhance vegetation management outcomes. Further explanation of the code including the clearing purposes that can occur, is outlined in section 5.

The following information will help you navigate through the guide and code and assist you in determining whether you can clear.

How to navigate the code and guide:

Step 1—Check whether any other exemption under the vegetation management framework applies to your proposed clearing?

If other exemptions exist for your proposed clearing, you may be able to clear without notifying DERM. Refer to the *Guide to exemptions under the vegetation management framework*, available at <www.derm.qld.gov.au> for a full list of exemptions.

Step 2—Determine the type of regulated regrowth vegetation you are proposing to clear:

- high-value regrowth vegetation or category C on a PMAV (part 2 of the code)

- regrowth watercourse vegetation (part 3 of the code).

The code is provided at the end of the guide (Appendix 3). Section 3.1 of the guide explains the different types of regulated regrowth vegetation.

Step 3—Can your proposed clearing occur for any purpose:

- on freehold or Indigenous land (see part 2.2.1 of the code)
- on leasehold land for agricultural or grazing purposes (see part 2.5.1 of the code)
- in regrowth watercourse vegetation (see part 3.2.1 of the code).

Section 5.1 of the guide provides additional information to identify areas of regulated regrowth vegetation that can be cleared for any purpose.

Step 4—For what other purposes can clearing occur under the code if the clearing does not meet the requirements in step 3?

Section 5.2–5.7 of the guide provides an explanation of other purposes for which clearing can occur under the code.

Step 5—Is your proposed clearing in a restricted area?

Section 6 of the guide provides an explanation of restricted areas.

Step 6—Do you need to provide an exchange area?

Section 7 of the guide provides further explanation of an exchange area and what requirements it must meet.

Step 7—If the clearing meets all the requirements of the code, you must notify DERM and provide the location and extent of the clearing and any exchange areas.

Appendix 1 of the guide shows some examples of how to provide the location and extent for any clearing/exchange areas. The notification form is available at <www.derm.qld.gov.au>.

Step 8—What to do after you have notified DERM.

Section 8 of the guide provides suggestions of what to do after you have notified.

3.3 Preparing your notification

Once you have determined that your clearing meets all the minimum requirements of the code, you should follow the steps below to prepare the notification form:

- Determine the location of the area you intend to clear and, where required, the exchange area

You will need to provide information that will allow DERM to accurately record the location and extent of both the area you want to clear and any exchange area that may also be required under the code. This means supplying enough GPS points (coordinates and zone references) to define the boundaries of these areas.

If you need more information on how to do this, an explanation is provided at the end of this guide. Alternatively, you can contact your local departmental business centre for assistance. A list of business centres is available at <www.derm.qld.gov.au>.

- **Check for existing requirements or conditions**

Leaseholders must contact DERM Forest Products on (07) 3234 1890 to determine any requirements or conditions on the proposed clearing.

The following shires are not required to follow this step: Barcoo Shire, Boulia Shire, Bulloo Shire, Burke Shire, Cloncurry Shire, Diamantina Shire, Doomadgee Aboriginal Shire, Longreach Regional, McKinlay Shire, Mount Isa City, Quiplie Shire, Richmond Shire and Winton Shire.

Leaseholders must not clear commercial sandalwood species *Santalum lanceolatum* or *Santalum leptocladum* on leasehold land, in any shires.

- **Notify DERM**

Complete a regrowth vegetation code clearing notification form, available on the DERM website <www.derm.qld.gov.au>.

If you need to provide an exchange area, you will also have to provide the exchange area boundaries as part of your notification.

Before clearing it may be wise to retain certain areas as future exchange areas.

- **DERM will register all notifications**

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 <www.derm.qld.gov.au>.

DERM has a responsibility to ensure compliance with the code. The information supplied in the form may be used to check whether any clearing complied with the code and the suitability of any exchange areas.



4. Overview of clearing permitted under the regrowth vegetation code

The table below provides an overview of what clearing is permitted under the code. Before any clearing is undertaken, it is recommended that you read the code carefully to check that the clearing you wish to do is permitted under the code.

✓ = Clearing is permitted

✗ = Clearing is not permitted

Table 2 Overview of clearing permitted under the code

High-value regrowth on freehold and Indigenous land			
Clearing activity	Endangered regional ecosystem	Of concern regional ecosystem	Least concern regional ecosystem
Clearing for any purpose.	✗	✓ except within restricted area*	✓ except within restricted area.*
Clearing where the vegetation is in isolated patches that are: <ul style="list-style-type: none"> less than 4ha (coastal areas) less than 8ha (western areas) more than 500 metres from other isolated areas. 	✓ except within restricted area*. Must provide an exchange area.	✓ except within restricted area*	✓ except within restricted area*
Clearing: <ul style="list-style-type: none"> to establish necessary fence, firebreak, road or vehicular track, construct necessary built infrastructure (consistent with Schedule 2) the extent necessary for extractive industry (consistent with Schedule 6). 	✓ must provide exchange area	✓ except within restricted area*	✓ except within restricted area*
		✓ if inside restricted area* must provide exchange area	✓ if inside restricted area* must provide exchange area
Clearing: <ul style="list-style-type: none"> to ensure public safety (consistent with Schedule 2) for encroachment (see Schedule 3) for thinning (see Schedule 4) to control non-native plants or declared pests (see Schedule 5). 	✓	✓	✓
* Restricted areas are: <ul style="list-style-type: none"> essential regrowth habitat stream protection zones within wetland protection areas on slopes greater than 12% 			

High-value regrowth on leasehold land (agriculture and grazing)

Clearing activity	Endangered regional ecosystem	Of concern regional ecosystem	Least concern regional ecosystem
Clearing commercial timber species. See Part 2 of the code for details	X	X	X
Clearing for any purpose	X	X	✓ except within restricted area.*
Clearing where the vegetation is in isolated patches that are: <ul style="list-style-type: none"> • less than 4ha (coastal) • less than 8ha (western) • more than 500 m from other isolated areas. 	✓ except within restricted area*. Must provide an exchange area.	✓ except within restricted area*. Must provide an exchange area.	✓ except within restricted area.*
Clearing to: <ul style="list-style-type: none"> • establish necessary fence, firebreak, road or vehicular track, construct necessary built infrastructure (consistent with Schedule 2) • the extent necessary for extractive industry (consistent with Schedule 6). 	✓ must provide exchange area	✓ must provide exchange area	✓ except within restricted area.*
			✓ if inside restricted area* must provide exchange area
Clearing to: <ul style="list-style-type: none"> • ensure public safety (consistent with Schedule 2) • for encroachment (see Schedule 3) • for thinning (see Schedule 4) • to control non-native plants or declared pests (see Schedule 5). 	✓	✓	✓
<p>* Restricted areas are:</p> <ul style="list-style-type: none"> • essential regrowth habitat • stream protection zones • within wetland protection areas • on slopes greater than 12%. 			

Regrowth watercourse vegetation	
Clearing activity	Watercourse vegetation
Clearing is not permitted on leasehold land used for agriculture and grazing if clearing of commercial timber species occur. See part 3 of the code for full details on commercial timber.	X
Clearing is permitted outside the stream protection zone for the watercourse listed in Schedule 1.	✓
Clearing is permitted within the stream protection zone where the vegetation is isolated, less than two metres in height and not close to the defining bank. See part 3 of the code for more details.	✓
Clearing permitted within the stream protection zone to: <ol style="list-style-type: none"> 1. ensure public safety (consistent with Schedule 2) 2. establish necessary fence, firebreak, road or vehicular track, construct necessary built infrastructure (consistent with Schedule 2) 3. the extent necessary for extractive industry (consistent with Schedule 6) 4. for encroachment (see Schedule 3) 5. for thinning (see Schedule 4) 6. to control non-native plants or declared pests (see Schedule 5). 	✓
See Schedule 1 of the code for an explanation of stream protection zones.	





5. Clearing purposes that can occur under the regrowth vegetation code

The code allows clearing for certain purposes such as clearing for property management activities and in some circumstances for any purpose (similar to broadscale clearing).

This section provides further explanation of the following clearing purposes:

- clearing for any purpose
- clearing for public safety and infrastructure
- clearing for an extractive industry
- clearing vegetation that is isolated
- clearing to control non-native plants or declared pests
- clearing for thinning
- clearing for encroachment.

5.1 Clearing for any purpose

Clearing for any purpose could include clearing for agricultural or grazing activities (pasture improvement) and for any other purpose required in the area (infrastructure and fences).

There are three main areas where clearing for any purpose can occur. These are dependent on the tenure, the type of regulated regrowth vegetation and if the vegetation is outside certain restricted areas (ie. stream protection zones and wetlands).

The table below outlines the scenarios where clearing for any purpose can be carried out.

Table 3 Scenarios where clearing can occur for any purpose

Tenure		Clearing permitted	Exception
High-value regrowth vegetation	Freehold	Can carry out clearing for any purpose in: <ul style="list-style-type: none"> • of concern regional ecosystems (orange) • least concern regional ecosystems (green). 	Clearing can not occur in: <ul style="list-style-type: none"> • essential regrowth habitat • stream protection zones • within wetland protection areas • on slopes greater than 12%.
	Leasehold for agricultural and grazing purposes	Can carry out clearing for any purpose in least concern regional ecosystems (green).	
Regrowth watercourse vegetation	Freehold and leasehold for agricultural and grazing purposes	Can carry out clearing for any purpose outside the stream protection zone if it is not high-value regrowth or remnant.	Nil

For further information on the restricted areas and how they can be determined, see section 5 of the guide.

As part of any clearing activities, you should also check to see if the vegetation is protected under any other legislation. If clearing is for any purpose, you must still notify DERM.

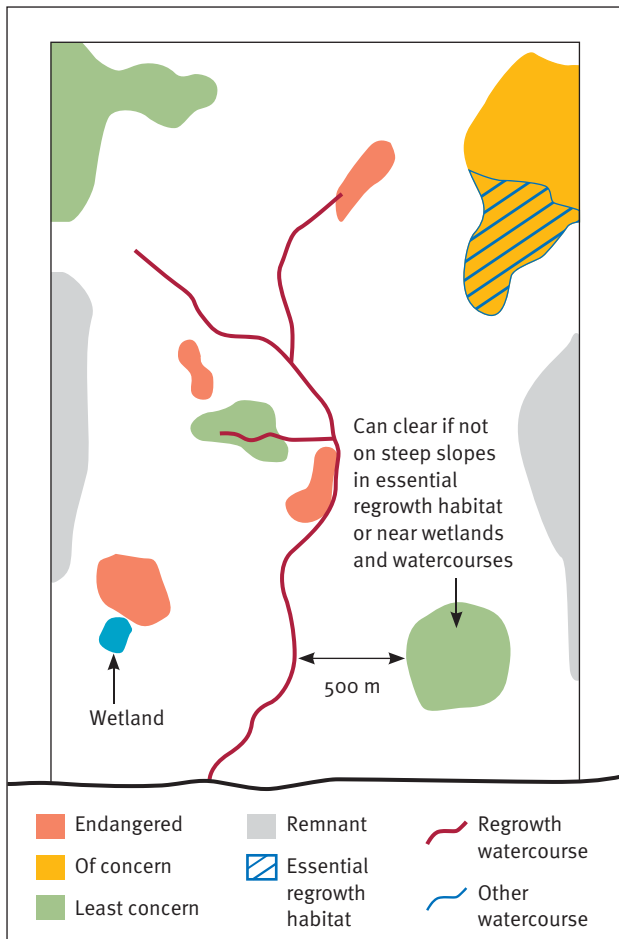


Figure 1 Clearing in least concern high-value regrowth for any purpose

5.2 Clearing for public safety and infrastructure

There are situations where clearing of regulated regrowth vegetation will be necessary to ensure public safety or to build necessary infrastructure.

Current IPA exemptions provide for situations to remove or reduce the imminent risk that vegetation poses of serious personal injury or damage to infrastructure.

With built infrastructure, IPA exemptions provide for a range of situations. For example, exemptions exist to:

- construct a single residence and associated infrastructure
- establish a firebreak to protect a building (not a fence, road or track) if clearing is limited to 1.5 times the tree height or 20 metres, whichever is greater

- establish a fire management line if the width is limited to 10 metres e.g. to provide access to a water supply for fire fighting or a track to break up an area into manageable units for fuel reduction burning
- maintain infrastructure such as airstrips, buildings, fences, roads, stock yards, vehicular tracks, watering facilities and drains other than contour banks
- maintain a garden or orchard
- source construction material to repair infrastructure
- construct a fence, road or track if clearing is limited to 10 metres
- construct necessary built infrastructure other than contour banks, fences, roads or tracks if the clearing is not to source construction material and the total extent of clearing is a maximum of two hectares.

If the proposed clearing does not meet one of the above exemptions or cannot be carried out as part of clearing for any purpose, the code also permits clearing to ensure public safety and to build necessary infrastructure.

Any clearing must be consistent with Schedule 2 of the code. The primary intent is to provide for necessary clearing to:

- ensure public safety
- establish a necessary fence, firebreak, road or other built infrastructure, if there is no suitable, alternative site.

If the clearing is for infrastructure in high-value regrowth vegetation, an 'exchange area' must be provided. See section 7 for an explanation on the process of how to provide an exchange. However, if the clearing is in regrowth watercourse vegetation, or the clearing is for public safety, no exchange area is required.

When carrying out the clearing, you must ensure that you prevent any land degradation associated with the clearing. Measures that could be implemented to assist this include sediment erosion control fences, and stabilising areas once clearing operations have been finished (replanting or using mulch where appropriate).

5.3 Clearing for an extractive industry

There are situations where, because of the location of the resource, clearing of high-value regrowth vegetation or regrowth watercourse vegetation may be necessary to permit the development of an extractive industry. The code permits clearing to establish an extractive industry in an area that is not in a Key Resource Area for extraction and processing of material.

Any clearing for an extractive industry must only be carried out to the extent necessary to conduct the activity. Activities may include:

- a quarry or access to a quarry or processing areas
- the dredging of a stream, access to a stream, or processing of dredged material where no specific exemptions are provided under the IPA.

Clearing must be staged in line with operational needs that restrict clearing to the current operational area. This means that clearing should only be carried out when it is required. It is also important that all other required permits or authorities are obtained before any clearing is carried out.

Clearing in stream protection zones or restricted areas associated with wetlands must maintain bank stability and water quality. It is the responsibility of the person who is carrying out the clearing to take measures to maintain bank stability and water quality. This includes but is not limited to implementing sediment and erosion control plans to ensure the area is stable and water quality is not adversely affected by any clearing activity.

Any clearing for an extractive industry must be consistent with Schedule 6 of the code and in some circumstances an exchange area is required.

5.4 Clearing vegetation that is isolated

There are two general scenarios where clearing can occur in relation to isolated vegetation. The first is for small isolated patches mapped as high-value regrowth and the second is for vegetation that is less than two metres high and is part of the regrowth watercourse vegetation.

5.4.1. Clearing isolated patches of high-value regrowth vegetation

Regrowth mapping may include some very small and isolated patches of regrowth vegetation. These patches may be subject to edge effects such as weed infestation and may not be viable in the long term as a regional ecosystem. The code permits small areas of certain regional ecosystems to be cleared that couldn't be cleared for any other purpose (see section 5.1). This includes endangered regional ecosystems on freehold land and endangered and of concern regional ecosystems on leasehold land.

The code permits clearing of these isolated regional ecosystems where the area is:

- an isolated area or part of an isolated area of regrowth vegetation
- less than four hectares (coastal) or eight hectares (western) in size
- more than 500 metres from any other remnant or regulated regrowth vegetation.

However clearing of isolated vegetation cannot occur in any restricted areas such as stream protection zones, within wetland protection areas, slopes greater than 12 per cent or essential regrowth habitat.

If the clearing can occur under the code, an exchange area must be provided. Figure 2 below shows a scenario of isolated clearing with a suitable exchange area. See section 7 for the requirements for an exchange area.

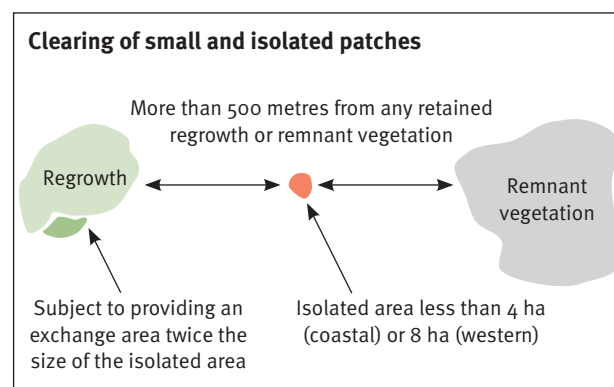


Figure 2 Clearing small isolated patches with an exchange area

5.4.2. Clearing vegetation that is isolated and less than two metres high in regrowth watercourse vegetation

Clearing of vegetation in the regrowth watercourse vegetation can already occur in areas outside the stream protection zone (See Schedule 1, Table 1 for distances). In addition to this, there may be scenarios where isolated native vegetation less than two metres high occur. The code permits this vegetation to be cleared if it is not close to other intact vegetation. This ensures that landholders can manage the riparian zones more easily and prevent operations being affected by young regrowth.

As a result, the code allows clearing within the stream protection zone if:

- the vegetation is less than two metres high; and
- is located more than 10 metres away from other intact vegetation such as remnant vegetation or stream protection zone vegetation greater than two metres in height.

However, any clearing of vegetation that meets this requirement must not occur within five metres of the defining bank. This area is especially important for riparian zone functioning to maintain both bank stability and water quality. All vegetation must be retained within five metres of the defining bank irrespective of its height.

The figure below shows an example of how this scenario works.

5.5 Clearing to control non-native plants or declared pests

Controlling declared pests is a basic management need and the code provides for clearing to control declared pests where necessary. In many situations, controlling declared pests can be undertaken without needing to clear native woody vegetation. However in some situations such as dense rubber vine or lantana, a landholder may have little alternative but to clear vegetation in order to undertake appropriate control.

The code permits the clearing of regrowth vegetation where this is necessary to control non-native plants and declared pests or to provide necessary access to undertake the control. A list and description of declared plants and pests is available at www.dpi.qld.gov.au.



Example of thick rubbervine

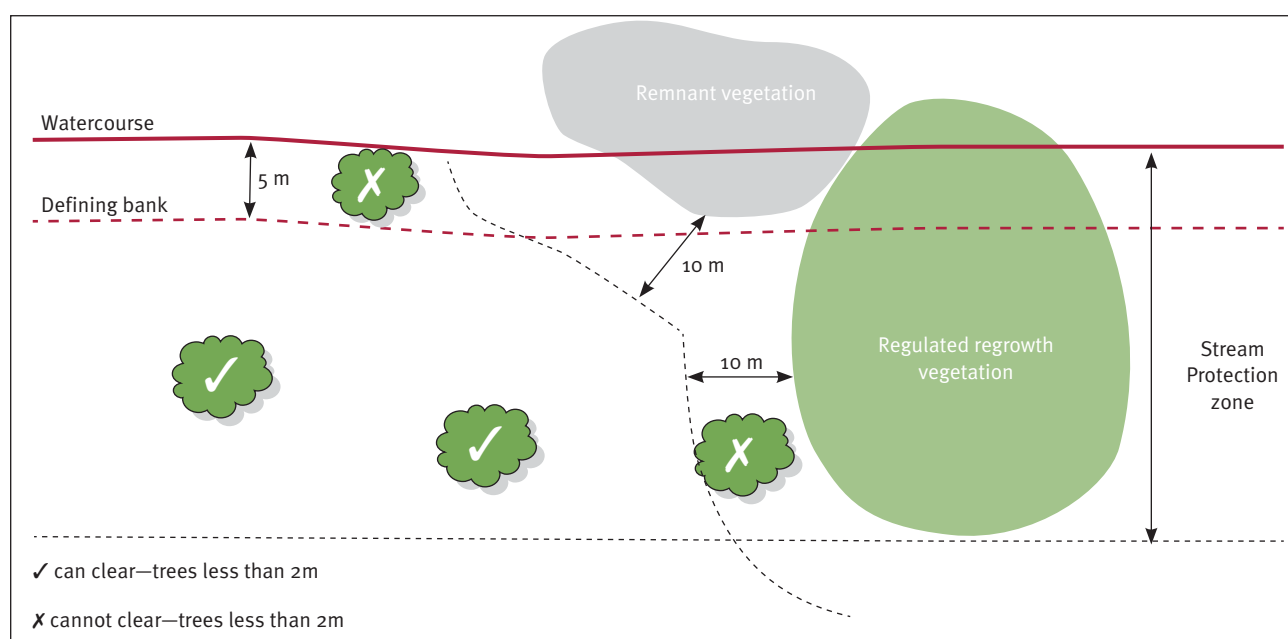


Figure 3 Clearing isolated vegetation in regrowth watercourse vegetation

Any clearing carried out for this purpose must be consistent with Schedule 5 of the code. This schedule ensures any clearing of vegetation is carried out in proportion to the severity of the weed infestation and retains vegetation that is greater than 20 cm diameter at breast height (dbh). Any clearing must at least retain the level of trees less than 20 cm dbh indicated in Schedule 5 of the code.

If you require advice on carrying out weed and pest control programs, it is recommended you contact your local government weed officer or visit www.dpi.qld.gov.au to view available pest and weed control methods.

Overall, DERM will support any weed or pest control program if it is carried out in accordance with the code and follows recommended control methods proportional to the weed control problem (extent, height and density).

It is important to remember that any clearing for weed or pest control should be limited to that necessary for controlling the weeds or pests, or for providing access to carry out the control where no alternative access exists.

5.6 Clearing for thinning

Thinning refers to the selective clearing of regrowth vegetation to restore the vegetation to a more natural state in terms of species composition and/or tree density. Regrowth vegetation can become dense and it is desirable to thin such vegetation to return the regrowth to a more natural state and promote its development.

In some circumstances natural processes such as prolonged dry periods or fire will reduce the density of vegetation without the need for any other intervention. However, natural processes will not always be able to maintain desirable thicknesses and for this reason the code allows for the thinning of certain types of regrowth vegetation.

The requirements for thinning under the code are explained in Schedule 4. As part of any clearing for this purpose, all trees over 20 cm dbh must be retained. However, thinning can occur for vegetation less than 20 cm dbh as long as a certain density is retained. The density must be retained evenly across the area. It is important to remember that any thinning should be to return the area to a range of densities typical of the regional ecosystem.

Table 4 explains the densities of vegetation less than 20 cm dbh that need to be retained under the code.

Table 4 Stem densities required for vegetation less than 20 cm dbh.

Area	Density per quarter hectare (0.25 ha)	Dbh	What does that mean on the ground
Coastal area	125 stems	500	1 stem every 4 x 5 metres
Western area	50 stems	200	1 stem every 7 x 7 metres

Any mechanical thinning must not occur within five metres of any defining bank of any stream or wetland. See section 6.2 for an explanation of the defining bank. Preventing mechanical clearing in these areas minimises the chances of sediment or erosion affecting the water quality of streams or wetlands.

5.7 Clearing for 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. A full list of grassland regional ecosystems in which clearing is permitted is provided in Table 2 in Schedule 3 of the code.

Clearing of encroachment within regulated regrowth vegetation must not occur in South East Queensland, Wet Tropics or Central Queensland coast bioregions. You can find out what bioregion you are in by visiting the DERM website www.derm.qld.gov.au.

In addition clearing must be limited to either species less than 20 cm dbh or for species that are not part of the regional ecosystem. The full list of species for the relevant regional ecosystem is available on the DERM website www.derm.qld.gov.au. You can access this by entering the unique regional ecosystem number (i.e. 4.9.7) for a list of species found in that regional ecosystem.

No clearing of encroachment is to occur within five metres of a stream protection zone or within a wetland. This is to ensure that water quality of any wetland or stream is not affected by the clearing operations.



6. Restricted areas

The code protects critical parts of the landscape by specifying areas where regulated regrowth vegetation must be retained. These restricted areas comprise:

- essential regrowth habitat
- stream protection zones
- wetlands
- steep slopes.

Information to help identify and locate these restricted areas on your property is provided below.

6.1 Essential regrowth habitat

Essential regrowth habitat are areas of vegetation that provide important habitat for species listed as endangered, vulnerable, rare or near threatened under the Nature Conservation (Wildlife) Regulation 1994.

The code protects these areas by only allowing clearing for a limited range of specific purposes, such as for public safety, to establish necessary infrastructure and to thin or clear for encroachment or for declared pests.

Areas of regulated regrowth vegetation that are essential regrowth habitat are shown on the regrowth vegetation map as hatched areas (diagonal lines running at a 45 degree angle). The hatching will appear over the top of the pink, orange or green areas on the map.

When checking the regrowth map to see if the area of regrowth you want to clear is regulated, you should also check if the area you want to clear is shown with hatching on it. If it is, you will need to refer to the rules in the code for the clearing activity permitted in essential habitat for that particular regional ecosystem.

However, if land is mapped as essential habitat, it does not necessarily mean that the regrowth vegetation on it cannot be cleared for a relevant purpose permitted in the code. This is because an area of mapped essential habitat is defined on the basis that the vegetation contains either:

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

Therefore, a landholder can clear essential regrowth habitat in accordance with the code requirements if they can prove that:

- less than three of the essential habitat factors, including any mandatory factor(s), apply to the area
- the species at any stage of its life cycle does not occur within the proposed clearing area.

For more information about essential habitat factors and the essential regrowth habitat database, go to the DERM website <www.derm.qld.gov.au>.

6.2 Stream protection zones

Vegetation along creeks, streams and rivers plays an important role in bank stability, maintaining water quality, providing wildlife habitat and maintaining biodiversity and ecological processes. The code protects these areas of regrowth vegetation by establishing stream protection zones where clearing of regulated regrowth vegetation is restricted in terms of both location and extent, and the purpose of the clearing.

The size of stream protection zones and the rules for clearing within them vary according to the size of the stream. The larger the stream, the larger the protection zone needs to be to adequately protect it.

Stream size is typically represented by stream order, which is a numerical ordering system of each stream section based on its position in a catchment. Small streams that start in catchment headwaters are first order streams, and as they join other streams further down the catchment, they progressively get larger and become higher order streams.

If a stream runs through the area of regulated regrowth vegetation you want to clear, you will need to establish a stream protection zone along that stream section according to the rules in the code.

Step 1—Determine the stream order

In most cases you will be able to determine the stream order of the relevant stream section by checking the regrowth map, which will have stream orders marked for each stream section. Stream orders are indicated by numbers 1, 2, 3, 4, 5 or 6 next to a stream section on the regrowth map.

If there is no stream order identified on the map, you will need to determine the stream order manually. To do this, identify the relevant stream on the regrowth vegetation map (available at www.derm.qld.gov.au). Stream order is determined 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. Refer to Figure 1 in Schedule 1 of the code for a diagrammatic explanation of stream ordering.

DERM can advise on determining stream order. Contact a departmental business centre for details.

Step 2—Determine the required width of the stream protection zone

Once you know the stream order of the relevant stream section, you can determine the required width of the stream protection zone from Table 1 in Schedule 1 of the code.

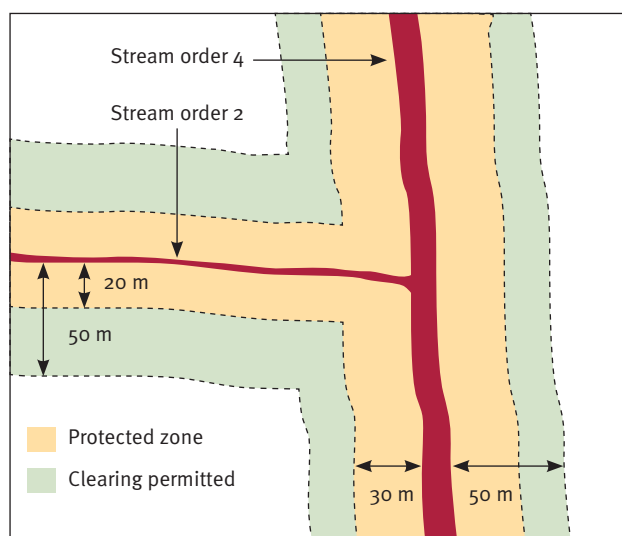


Figure 4 Clearing outside stream protection zone in watercourse regrowth vegetation

Step 3—Identify the defining bank

When you are ready to mark out this zone in the field, you will first need to identify and locate the defining bank from which you measure the protection zone.

The defining bank is the bank or terrace or, if there is no bank or terrace, the point on the flood plain that confines the level reached by the flood that comes on average every one to two years. This may be the high bank, low bank or some bank in between. It is the point above which the stream is considered to be in flood.

The seasonal high waterline is a point which represents the level reached by a one or two year flood and is identified by a zone of deposition, debris or characteristic vegetation.

Landholders should use their local knowledge together with the visual evidence provided by banks, deposition zones and flood debris to determine the defining bank. Streams can be variable, so pick a mean line along the bank from which to measure the prescribed distance.



Step 4—Measure out the prescribed stream protection zone distance

Landholders should walk along the stream and periodically measure out the prescribed distance from the defining bank. This will define the outer boundary of the protection zone. In defining this protection zone, apply the following rules:

- where multiple streams/gullies occur in an area shown as a single stream on the watercourse map, apply specified protection to the largest stream
- anabranches must be assigned the same stream order as the main stream
- flood plains—sections of streams (mapped or unmapped) across flood plains—must be protected to the level of the stream that enters the flood plain.

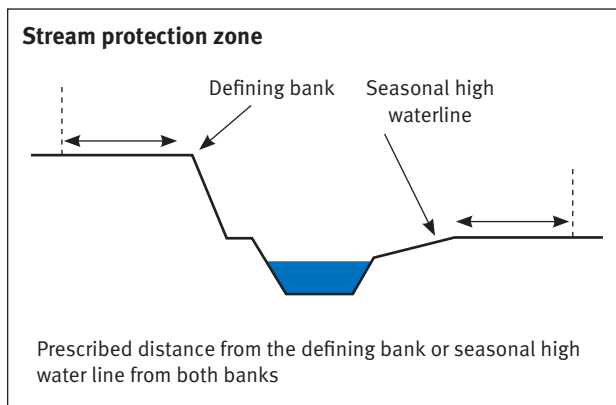


Figure 5 Stream protection zones and defining banks

6.3 Wetlands

Wetlands perform important functions in the landscape, providing aquatic and terrestrial habitat, and filtering sediments, nutrients and other pollutants before entering watercourses. As such, the code requires that all Great Barrier Reef wetlands are protected through certain buffer distances, and all other wetlands in regulated regrowth vegetation are protected through the establishment of a wetland protection area that measures 100 metres in width around the wetland.

Wetlands include features such as a lake, swamp, marsh, wetland, waterhole, pool, billabong or spring.

Landholders must establish protection areas around all wetlands located within regulated regrowth vegetation that they wish to clear. Great Barrier Reef wetlands and their buffer distances are shown on the regrowth map.

For all other wetlands, the 100 metre protection area must be applied to any wetland you identify on the ground within the regulated regrowth vegetation you want to clear. The code only permits limited clearing activity within wetland protection areas. Landholders must follow these requirements for any wetland that occurs on their property.

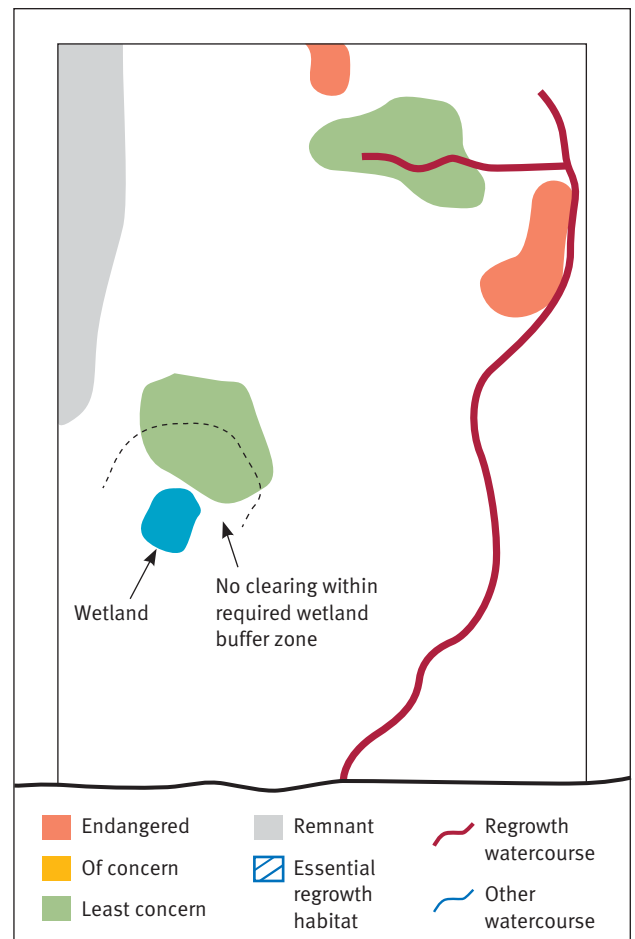


Figure 6 Representation of protection areas associated with wetlands

The wetland protection zone should be measured out onto the floodplain from the defining bank, or if no clear defining bank is present, from the seasonal high waterline, which is commonly indicated by a border of sedges (or high water mark if tidal). The defining bank or seasonal high waterline can be identified in the field using a similar approach to that used in stream protection areas.

Wetlands are typically associated with characteristic vegetation that is adapted to and dependent on living in wet conditions. These include species on the:

- bed of the wetland such as water couch, rushes, sedges and reeds
- wetland bank such as tea trees, bottlebrushes, palms, casuarinas or forest/river red gum.





Please note that existing requirements under the VMA still apply to any wetlands that occur in other mapped vegetation types (i.e. remnant regional ecosystems).

6.4 Steep slopes

Steep slopes are those with a slope of over 12 per cent. The code regulates clearing regrowth vegetation on steep slopes due to the risk of land degradation that this might cause. It can also be unsafe to operate machinery on steep slopes. Where steep slopes occur in areas of erodible soils, the risk of soil disturbance can increase. Caution should be exercised in these situations.

There are a variety of ways to measure or estimate slope steepness. You may have your own method of doing this. If you don't, here are three simple methods to help you estimate the percentage of slope for a section of land.

Method 1

If you are of average height (1.6 metres to 1.8 metres) place a marker on the ground (your hat for example), and walk down the slope approximately 15 metres. If you are looking down at the marker, it is fair to assume that the slope over that distance will be less than 12 per cent.

If this is the case, you can clear regulated regrowth in this area according to the requirements in the code. Alternatively, if you are looking up at the marker, the slope will be more than 12 per cent and clearing regulated regrowth in that area is not permitted by the code.

Method 2

Use a device that can determine the slope of the area (such as a clinometer).

Method 3

1. Place a marker on the ground and walk down the slope until your eye is level with the marker.
2. Measure the distance over the ground between the point where you are standing and the marker.
3. Measure your eye height.
4. Using Table 5, apply your eye height and the distance measured in step 2 and identify the slope that corresponds closest to your eye height and the distance measured.

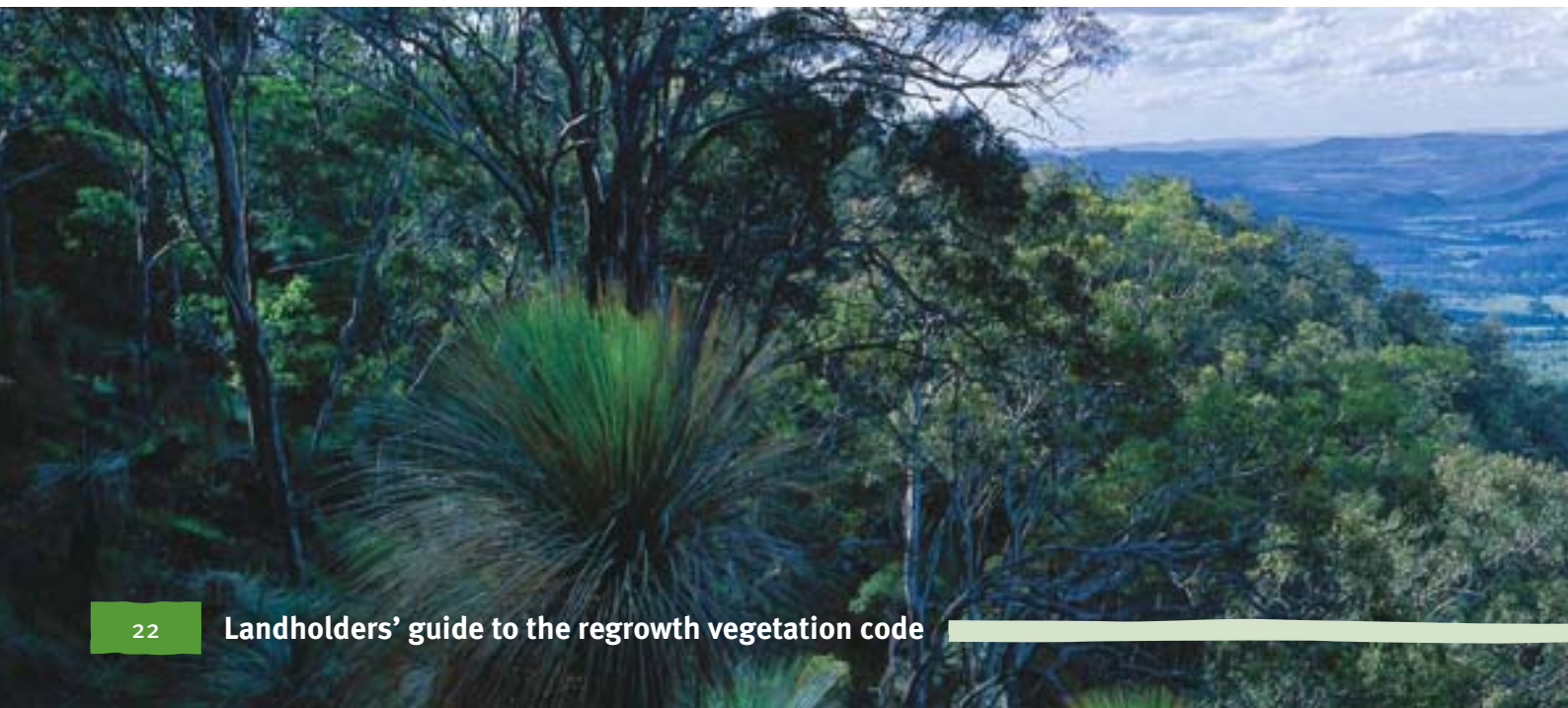


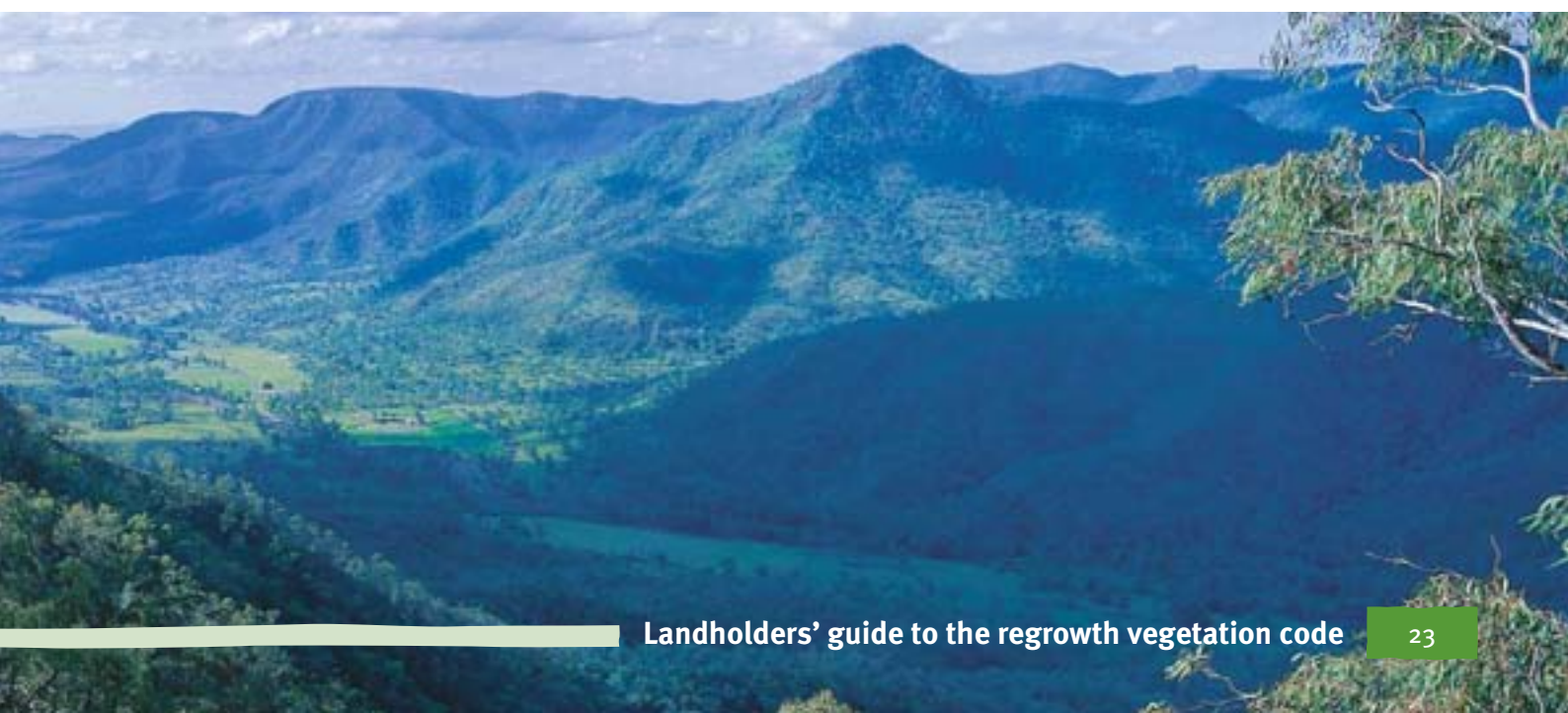
Table 5 Estimating percentage slope

Eye Height	Slope								
	15%	14%	13%	12%	11%	10%	9%	8%	7%
1.5	10.1m	10.8m	11.6m	12.6m	13.7m	15.1m	16.7m	18.8m	21.5m
1.55	10.4m	11.2m	12.0m	13.0m	14.2m	15.6m	17.3m	19.4m	22.2m
1.6	10.8m	11.5m	12.4m	13.4m	14.6m	16.1m	17.8m	20.1m	22.9m
1.65	11.1m	11.9m	12.8m	13.8m	15.1m	16.6m	18.4m	20.7m	23.6m
1.7	11.5m	12.3m	13.2m	14.3m	15.5m	17.1m	19.0m	21.3m	24.3m
1.75	11.8m	12.6m	13.6m	15.0m	16.0m	17.6m	19.5m	21.9m	25.1m
1.8	12.1m	13.0m	14.0m	15.1m	16.5m	18.1m	20.1m	22.6m	15.8m

Example

If you measure your eye height as 1.64 metres and the distance you have walked is 12 metres, you would use the shaded row and column in the table and take the estimated slope to be 14 per cent—too steep for clearing.

Eye Height	Slope								
	15%	14%	13%	12%	11%	10%	9%	8%	7%
1.5	10.1m	10.8m	11.6m	12.6m	13.7m	15.1m	16.7m	18.8m	21.5m
1.55	10.4m	11.2m	12.0m	13.0m	14.2m	15.6m	17.3m	19.4m	22.2m
1.6	10.8m	11.5m	12.4m	13.4m	14.6m	16.1m	17.8m	20.1m	22.9m
1.65	11.1m	11.9m	12.8m	13.8m	15.1m	16.6m	18.4m	20.7m	23.6m
1.7	11.5m	12.3m	13.2m	14.3m	15.5m	17.1m	19.0m	21.3m	24.3m
1.75	11.8m	12.6m	13.6m	15.0m	16.0m	17.6m	19.5m	21.9m	25.1m
1.8	12.1m	13.0m	14.0m	15.1m	16.5m	18.1m	20.1m	22.6m	15.8m





7. Exchange areas

In some circumstances the code recognises the need to clear certain areas on a property for a purpose such as built infrastructure. This is acceptable provided the area lost is replaced by an exchange area.

The code sets out the minimum requirements that must be met to ensure that the regrowth selected as an exchange area will result in improved property or regional environmental outcomes.

7.1 Requirements for exchange areas

Requirement 1

High-value regrowth vegetation or category C vegetation on a PMAV can only be exchanged for either:

- vegetation where clearing would comply with the code in sections 2.2.1 and/or 2.5.1 (see Table 6 below)
- non-regulated regrowth vegetation that has not been cleared in the last 10 years or is 2 metres or more in height.



Table 6

Part of the code	Tenure	Type of regulated regrowth vegetation	Exception
2.2.1	Freehold	Can carry out clearing for any purpose in: of concern; and least concern regional ecosystems.	However clearing can not occur in: <ul style="list-style-type: none"> • essential regrowth habitat; or • stream protection zones
2.5.1	Leasehold for agricultural and grazing purposes	Can carry out clearing for any purpose in least concern regional ecosystems.	<ul style="list-style-type: none"> • wetland protection areas • on slopes greater than 12%.

This requirement ensures that the selected exchange area is not within any of the restricted areas where clearing is not permitted.

It also ensures that the selected exchange area comprises regrowth vegetation that is mature enough and has the features of a functioning ecosystem that will enable it to develop into remnant vegetation

over time. Regrowth at least 10 years old has these qualities.

Landholders should note that this requirement allows for areas of category X vegetation on a PMAV to be selected as an exchange area if it has not been cleared in the last 10 years.

Requirement 2

The ratio of the size of the exchange area to the size of the area cleared must be a minimum of 2:1 e.g. an exchange area of one hectare for a clearing area of 0.5 of a hectare.

This requirement ensures that the size of the exchange area provided is suitable and will adequately replace any cleared vegetation.

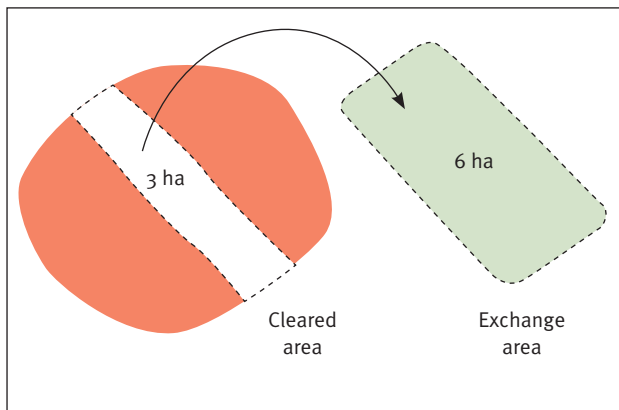


Figure 7: Example of an exchange area



Requirement 3

Exchange vegetation must be no less than 50 metres wide and the total exchange area is a minimum of one hectare.

This requirement is based on scientific data about the size and shape of patches of vegetation that provide the best opportunity for viability and ecological functioning over time. This data suggests the following:

- wider areas of vegetation are more effective as corridors or connecting links than narrower areas. This is because narrow areas have longer edges and these areas tend to suffer more from damage from fire, weeds, insects, wind and other threats
- larger areas have a better chance of surviving than smaller areas, for similar reasons.

In deciding which area of regrowth vegetation to select as an exchange area, the following factors should be considered to ensure the area chosen provides an acceptable environmental outcome. The viability and ecological functioning of an area will be promoted if the selected area:

- retains or provides a corridor or link between remnant or regrowth vegetation
- increases the effective area of a patch of remnant or protected regrowth vegetation by retaining regrowth vegetation around or adjacent to protected vegetation
- establishes a stream or wetland protection area on a stream or wetland that is not currently protected.

7.2 PMAVs for exchange areas

Once an exchange is provided, a PMAV can be made and it will show this area as a category A area. This will ensure that the exchange area is protected and that any clearing is done in accordance with the requirements under the vegetation management framework. The PMAV will also create a record of the exchange area as part of DERM's ongoing monitoring of compliance with the code.

8. Responsibilities after notification

The code has been developed to regulate clearing in a way that conserves regrowth vegetation and DERM will audit compliance against the code. This section explains responsibilities after notification.

8.1 Landholders' responsibilities

The landholder is responsible for complying with all aspects of the code. As such, they are responsible for development on their land, and must demonstrate:

- that they have made sufficient effort to make their staff and contractors aware of the code
- supervise staff and contractors to ensure that they comply with their directions and the code.

It is not a defence for landholders to claim that they did not know what they had to do or that they made a mistake. Nor is it a defence to claim that the clearing was undertaken in contravention of their instructions unless they can provide evidence to support this claim.

Record keeping

Landholders and contractors are strongly advised to keep records showing their decision-making processes. These records may be in the form of plans, watercourse protection assessments, diary notes of discussions/directions given to operators, contracts, meeting notes, advice received at the time, and weather conditions.

It is recommended that these documents be filed in a clean and safe place that is readily accessible to you. In the event of any dispute or investigation of compliance with the code, these records can often be very valuable in supporting a person's defence of decisions that were made many months before and under very different circumstances to those prevailing at the time of any investigation.

Contractors' responsibilities

Contractors may be liable if they have breached the requirements of the code. This applies if they have physically committed the act or omission, or if they have in some way influenced another person to contravene the code.

If landholders or contractors are in doubt about the contents of the code, or obligations under it, they should contact DERM before carrying out any clearing operations.

8.2 DERM's responsibilities

DERM is responsible for ensuring compliance with the code. Voluntary compliance by landholders and contractors is DERM's preferred method of ensuring the new regrowth laws are complied with. However, DERM has a regulatory obligation to monitor and investigate non-compliance with the code and any other legislation it administers. As such, the department may from time to time, perform audits of the cleared sites.

When investigating a possible breach of the code, compliance officers will closely examine the actions taken by those involved and consider them in the context of the overall compliance with the code. This assessment will assist compliance officers in deciding whether regulatory action is required and, if so, to what extent.

Compliance actions could include a formal warning, restoration of the area or legal proceedings.

Appendix 1 Providing location and extent details of the clearing or exchange area as part of the notification

As part of any notification, landholders must provide sufficient information to accurately describe the location and extent of any clearing or exchange areas. The methods that a landholder could use to do this may vary based on the circumstances of the clearing. For example, if clearing was linear in nature (for a fenceline), then reference coordinates of the proposed clearing would be preferred. However, if clearing was to occur throughout an entire polygon on the regrowth vegetation map, it would be preferred if the landholder marked the exact polygon on the map as the location and extent of the clearing.

The examples below indicate how this information could be provided. These include:

- using an image base to show the area to be cleared/exchanged and five reference coordinates (GPS points) for DERM to spatially reference the area
- providing reference coordinates (GPS points) around the entire area of the clearing or exchange area
- providing a digital mapping layer of the clearing or exchange area—suitable for use in a Geographic Information System
- labelling a regrowth vegetation map with the proposed clearing/exchange areas. This may include marking an entire polygon as ‘Area A—subject to thinning’.

Example 1—Using an image map to show the location and extent of proposed clearing by defining the boundary of the area to be cleared on an image base.

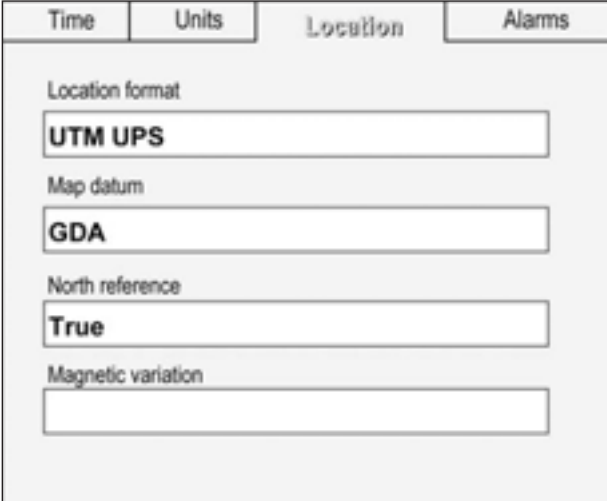
An image base is a real life image e.g. an aerial photograph or satellite image. You do not have to submit an original of the map—a colour photocopy is acceptable. The map should identify and include:

- grid coordinates for five or more fixed point features that are visible on the image base e.g. the coordinates of property boundary corners, crossroads, dams and houses

- a description of the features that each point represents
- the boundary of the area proposed for clearing.

You can determine the grid coordinates using a GPS unit.

To acquire the grid coordinates, check your GPS manual to ensure that your unit is in Map Grid of Australia 1994 coordinates (MGA94) mode, or World Geodetic System 1984 (WGS84) mode, and provide ‘grid coordinates or zone references’ for each point.



The image shows a screenshot of a GPS device's settings menu. At the top, there are four tabs: 'Time', 'Units', 'Location', and 'Alarms'. The 'Location' tab is selected. Below the tabs, there are four settings, each with a text input field:

- Location format: UTM UPS
- Map datum: GDA
- North reference: True
- Magnetic variation: (empty field)

Figure 1: A set-up screen of a Garmin 76 GPS showing location format and map datum settings

To display coordinates in the correct format on your GPS, set the:

- *datum* or *map datum* to GDA94 or GDA (or WGS84 if you have an old GPS)—in either case, you must state the datum used
- *units*, *position format*, or *location format* (depending on what type of GPS you have) to UTM or UTM/UPS (see Figure 1).

The coordinate display will be similar to that in Figure 2. Not all units display a letter after the zone reference (J in the example shown below). You can include this in your application with the zone reference numeral (55 in the example shown below), but only the zone reference is essential.

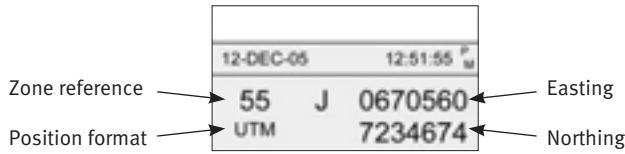


Figure 2: MGA94 coordinates displayed on a Garmin 76 GPS

Provide this information to DERM in a format similar to that shown below.

Point	Description	Easting	Northing	Zone
1	NE corner of property boundary	0670560	7234674	55
2	Road crossing southern boundary fence	358438	7356704	55

Together with your map, these coordinates give DERM the information they need to determine exactly where you propose to clear and any exchange areas required under the code. All map details should be clearly visible with the naked eye and, wherever possible, should include:

- title (e.g. the property name)
- author's or applicant's name
- border
- north arrow
- legend describing exactly what the elements of the map represent
- scale bar or reference to help DERM to read the map.

Example 2—Define every boundary of the area you propose to clear using MGA94 coordinates

If you are unable to provide a map of the area you wish to clear or the required exchange area, you can use example 2. This includes providing DERM with information about the exact location of the area by either:

- providing a drawing, and a table of MGA94 coordinates and zone references, which define the clearing area. If this is a square, only four coordinates are required, one for each corner. If the area is a more complex shape, you will need more coordinates to outline it (as in a dot to dot drawing); or
- providing a digital copy of a tracklog from a GPS unit defining the boundary of the area. You can provide this file digitally on a CD.

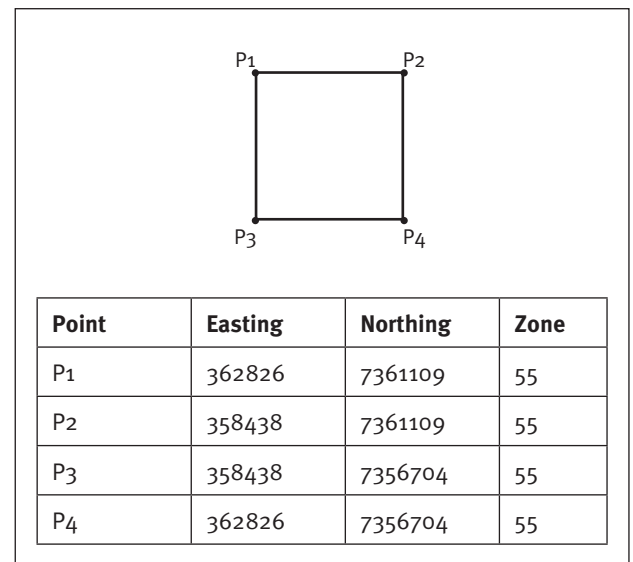


Figure 3: MGA94 coordinates and zone references

Coordinates on Boundary of the Western Area Proposed to be Cleared	Coordinates on Boundary of the Eastern Area Proposed to be Cleared
55 J 0570965	55 J 0545654
7246098	7373567
55 J 0570450	55 J 0543289
7245433	7323145
55 J 0570023	55 J 0547689
7246897	7322123
55 J 0569876	55 J 0544567
7241123	7367895
55 J 0569423	55 J 0547898
7232122	7354999
55 J 0571123	55 J 0531298
7219989	7454321
55 J 0571698	55 J 0532857
7254345	7443212
55 J 0572034	55 J 0538688
7254678	7389009
55 J 0571985	55 J 0538898
7245678	7321939
55 J 0567889	55 J 0546671
7248932	7396732
	55 J 0547412
	7346979
	55 J 0559087
	7345456
	55 J 0550909
	7332324

Figure 4. Using grid coordinates to describe every boundary of the proposed area of clearing.

Example 3—Provide a digital mapping layer of the clearing area, suitable for use in a GPS.

If possible, you are encouraged to provide digital mapping data as this reduces the time DERM needs to register your regrowth notification information. Digital mapping information supplied to the department must meet the following specifications:

- It must be projected using MGA94.
- File formats for line-work, polygons and points (vector data sets) must be one of the following:
 - ESRI shapefile or coverage
 - Mapinfo
 - CAD DXF
 - KML.
- File formats for graphics (e.g. aerial photographs, satellite imagery, other raster data sets like DEMs) must be one of the following:
 - Tiff or GeoTiff
 - Jpg or Geojpg
 - Erdas Imagine IMG format (no BMP)
 - Arc grid.

AgForward, a program managed by AgForce Queensland and supported by DERM, provides training and workshops on computer mapping and using GPS. For further information call 3236 3100 or visit the AgForward website at <www.agforward.org.au>.

Example 4—Label the polygons on the regrowth vegetation map where clearing/exchange areas are.

This method should be used where clearing activities or exchange areas occur over entire polygons and no precise separation is required within the polygons. Examples of this situation may occur where an entire polygon is to be cleared for thinning. In that situation, the polygon to be thinned can be simply be marked on the regrowth vegetation map as ‘Area A’. The map can then be included as part of the notification.

Similarly, this method could occur for exchange areas that are being proposed as part of a notification. If an entire polygon is to be exchanged because it could be cleared under any other purpose (see section 5.1), it could simply be marked as ‘Area B—area for exchange’ on the regrowth vegetation map.

However if areas to be cleared or exchanged are only partially within a polygon, this method is not recommended.



Appendix 2

Other legislation

Other legislation, including the Acts listed below, may affect clearing activities. You should contact the business units below to determine if your clearing activity will be affected.

Note that all native plants in Queensland are protected under the *Nature Conservation Act 1992*. You must contact the nature conservation area in DERM before clearing vegetation.

Act(s)	Agency	Contact details
<ul style="list-style-type: none"> • <i>Water Act 2000</i> • <i>Wild Rivers Act 2005</i> • <i>Soil Conservation Act 1986</i> • <i>Aboriginal Cultural Heritage Act 2003</i> • <i>Torres Strait Islander Cultural Heritage Act 2003</i> 	Department of Environment and Resource Management	Ph: 13 13 04
<ul style="list-style-type: none"> • <i>Nature Conservation Act 1992</i> • <i>Environmental Protection Act 1994</i> • <i>Coastal Protection and Management Act 1995</i> • <i>Queensland Heritage Act 1992</i> 	Department of Environment and Resource Management	Ph: 1300 368 326 Email: eco.access@epa.qld.gov.au
<ul style="list-style-type: none"> • <i>Fisheries Act 1994</i> 	Department of Employment, Economic Development and Innovation	Ph: 13 25 23 Email: callweb@dpi.qld.gov.au
<ul style="list-style-type: none"> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> 	Australian Government's Department of the Environment, Water, Heritage and the Arts	Ph: (02) 6274 1111
<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Integrated Planning Act 1997</i> 	Local Government	Contact your nearest local government office.



Appendix 3. Regrowth vegetation code—

On freehold and Indigenous land and leasehold
land for agriculture and grazing—version 1



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1. Introduction

1.1 General

The clearing of important regrowth vegetation is regulated under the *Vegetation Management Act 1999* (VMA). Regulated regrowth includes native woody vegetation within 50 metres of identified regrowth watercourses in the Mackay Whitsunday, Burdekin and Wet Tropics reef catchments and high-value regrowth in rural areas on freehold, Indigenous and leasehold land for agriculture and grazing. These areas have been mapped and copies of these maps are available on the Department of Environment and Resource Management (DERM) website <www.derm.qld.gov.au>.

Improving the water quality along water courses is important to improving the overall sustainability of reef waterways. The code restricts clearing within 50 metres of a watercourse, with the specific distance depending on the stream order marked on the regrowth vegetation map. Regulating the clearing of regrowth watercourse vegetation supports the Queensland Government's commitment to improve the water quality of the Great Barrier Reef. Protecting high-value regrowth is important because it has the highest potential of becoming remnant vegetation.

The regrowth vegetation code (the code) applies to the clearing of regulated regrowth vegetation on freehold and Indigenous land, and leasehold land used for agriculture and grazing if other exemptions do not apply. Clearing that is consistent with the code is exempt. Landholders determine for themselves whether the clearing is consistent with the code.

Where permitted, clearing of regulated regrowth vegetation can only occur once the landholder notifies DERM of their intention to clear. Landholders have the option to notify for a single clearing activity or for multiple clearing activities that may be undertaken. Once landholders have notified DERM, they can clear their regulated regrowth vegetation in accordance with the code without the need to apply for permits or other approvals relating to the *Vegetation Management Act 1999*. Therefore it is important to understand this code and clear in a way that complies with it. To help read and understand the code, words underlined in the text are defined in the Glossary of terms.

Clearing that does not comply with the code is unlawful and may be subject to a compliance response including the possibility of prosecution or the restoration of the cleared area.

If you are not sure if the code applies to you, fact sheets and landholder guides are available on the departmental website <www.derm.qld.gov.au>. You may also contact a Vegetation Management Officer at your local departmental business centre.

1.2 Regulatory background

The clearing of regulated regrowth vegetation is exempt from requiring a development approval for clearing native vegetation under Schedule 8, Part 1, Table 4, items 1A and 1B of the *Integrated Planning Act 1997* (IPA), if clearing complies with the minimum requirements outlined in this code.

The code does not affect current legislative arrangements under the VMA for clearing regrowth vegetation in declared wild river high preservation areas.

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

1.3 Application of the code

1.3.1 Where the code applies

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

- identified on the regrowth vegetation map as high-value regrowth vegetation
- located within 50 metres of a watercourse identified on the regrowth vegetation map as a regrowth watercourse (regrowth watercourse vegetation)
- contained in a category C or category 4 area on a property map of assessable vegetation (PMAV).

1.3.2 When the code does not apply

The code does not apply to areas that are:

- remnant vegetation; or
- shown on a PMAV as a category A or a category B area.

The code does not affect other exemptions for regrowth provided in the IPA. Examples of exemptions that exist under the IPA include:

- clearing certain widths for fire management lines, fire breaks and fences.

- clearing to maintain infrastructure such as existing fences, infrastructure and roads.
- clearing for an extractive industry within a Key Resource Area or for a Significant Community Project is also exempt from any regrowth controls.

A guide to exemptions is available online at www.derm.qld.gov.au.

1.3.3 Clearing requirements under the code

The code provides rules where clearing can occur for specific purposes such as broadscale clearing, thinning and to establish infrastructure.

In certain circumstances clearing regulated regrowth vegetation can only occur where an exchange area that replaces the regulated regrowth vegetation cleared is provided. The exchange area can be an area of regulated regrowth vegetation that can be cleared without restriction under this 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 4 of the code.

Before clearing regulated regrowth vegetation on leasehold land for agriculture and grazing, the State's commercial timber interests must first be considered and not occur unless it complies with specific requirements in the code. Refer to part 2 for commercial timber requirements.

1.4 Parts of the code

The code contains three parts that define the minimum requirements for any clearing. These are:

- clearing high-value regrowth vegetation (Part 2)
- clearing regrowth watercourse vegetation (Part 3)
- exchange areas (Part 4).

Each part defines the required outcomes and practices, which are termed minimum requirements that must be achieved to comply with the code.

The code also outlines recommended best management practices, which are voluntary actions that can be undertaken to enhance vegetation management outcomes.

1.5 Notification requirements to clear regulated regrowth vegetation

1.5.1 Landholder responsibilities

DERM must be notified of the intention to clear regulated regrowth vegetation where the clearing meets the minimum requirements of the code and is not listed as another exemption. The notification must contain sufficient information to clearly indicate the exact location and extent of the proposed clearing and any exchange areas required by this code.

The notification form is available on the DERM website www.derm.qld.gov.au. DERM will notify the receipt of the form and whether any additional information is required.

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

1.5.2 Departmental responsibilities

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 the website www.derm.qld.gov.au. A PMAV may be made for any exchange areas identified in the notification form.

The information supplied in the form may be used to check whether clearing activities complied with the code and the suitability of any exchange areas.

1.6 Financial hardship

A landholder who is carrying out a primary production business, and if complying with the code causes financial hardship to an extent that would stop the business from operating, may apply 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 is available on the departmental website.

2. Clearing high-value regrowth vegetation

This part defines the requirements for clearing in high-value regrowth vegetation and category C (category 4) areas on a PMAV. The purpose of this part of the code is to ensure that clearing of high-value regrowth vegetation will advance the purposes of the *Vegetation Management Act 1999*.

Regulated regrowth vegetation type	Minimum requirements Clearing must comply with the minimum requirement of the code	Recommended best management practice
<u>Freehold and Indigenous land</u>		
<u>Endangered regional ecosystems</u>	<p>2.1</p> <p>2.1.1 Clearing is permitted where an <u>exchange area</u> is provided in accordance with part 4 and the clearing is:</p> <ol style="list-style-type: none"> a. a patch of vegetation located wholly or partially on a property and is less than 4 hectares (<u>coastal areas</u>) or 8 hectares (<u>western areas</u>); and b. more than 500 metres from other areas of <u>remnant vegetation</u> or <u>high-value regrowth vegetation</u>; and c. <i>not</i> an area: <ol style="list-style-type: none"> i. of <u>essential regrowth habitat</u>; or ii. within <u>stream protection zones</u> specified in Schedule 1; or iii. within a <u>Great Barrier Reef wetland protection area</u>; or iv. in or within 100 metres of a <u>wetland</u>; or v. on <u>slopes greater than 12%</u>. <p>2.1.2 Clearing is permitted if an <u>exchange area</u> is provided in accordance with part 4 and the clearing is for one of the following:</p> <ol style="list-style-type: none"> 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; or b. to the extent necessary for extractive industry where the activity is consistent with Schedule 6; <p>2.1.3 Clearing is permitted:</p> <ol style="list-style-type: none"> a. to ensure public safety where the activity is conducted in manner consistent with Schedule 2; or b. for encroachment where the clearing is consistent with Schedule 3; or c. for thinning where the clearing is consistent with Schedule 4; or d. to control non-native plants or declared pests where the clearing is consistent with Schedule 5. 	<p>If clearing <u>endangered regional ecosystems</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> • Retaining regrowth that can be cleared under 2.1 and revegetating the surrounding area to increase it to a functional size.

<p><u>Of concern regional ecosystems</u></p> <p><u>Least concern regional ecosystems</u></p>	<p>2.2</p> <p>2.2.1 Clearing is permitted provided the clearing does not occur in areas:</p> <ol style="list-style-type: none"> of <u>essential regrowth habitat</u>; or within <u>stream protection zones</u> specified in Schedule 1 ; or within a <u>Great Barrier Reef wetland protection area</u>; or in or within 100 metres of a <u>wetland</u>; or on <u>slopes greater than 12%</u>. <p>2.2.2 However clearing is permitted in <u>essential regrowth habitat</u>, <u>stream protection zones</u> specified in Schedule 1, within a <u>Great Barrier Reef wetland protection area</u>, in or within 100 metres of a <u>wetland</u> or on <u>slopes greater than 12%</u> if:</p> <p>2.2.2a An <u>exchange area</u> is provided in accordance with part 4 and the clearing is for any of the following:</p> <ol style="list-style-type: none"> 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; or to the extent necessary for extractive industry where the activity is consistent with Schedule 6; <p>OR</p> <p>2.2.2b The clearing is for one of the following:</p> <ol style="list-style-type: none"> to ensure public safety where the activity is conducted in manner consistent with Schedule 2; or for encroachment where the clearing is consistent with Schedule 3; or for thinning where the clearing is consistent with Schedule 4; or to control non-native plants or declared pests where the clearing is consistent with Schedule 5. 	<p>If clearing of <u>concern or least concern regional ecosystems</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> Retaining <u>regrowth vegetation</u> that can be cleared under part 2.2.1 and manage this to restore the <u>regional ecosystem</u> by <u>thinning</u> in accordance with Schedule 4 or controlling non-native plants and <u>declared pests</u> in accordance with Schedule 5. Retaining and promoting revegetation of areas to maintain or improve connectivity with <u>remnant vegetation</u> or other <u>retained regulated regrowth vegetation</u>. Increasing <u>stream protection zone</u> distances to include all vegetation important to the functioning of the riparian area. Applying <u>stream protection zones</u> to <u>streams</u> not mapped as a watercourse. Increasing the <u>wetland</u> buffer distance to include all vegetation important to the functioning of the <u>wetland</u>. Protecting unmapped regrowth by voluntary agreement to increase the viability of regrowth vegetation areas.
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Regulated regrowth vegetation type	Minimum requirements Clearing must comply with the minimum requirement of the code	Recommended best management practice
<u>Leasehold land (agriculture and grazing)</u>		
<u>Endangered regional ecosystems</u> <u>Of concern regional ecosystems</u> <u>Least concern regional ecosystems</u>	2.3 2.3.1 Clearing is not permitted if: <ol style="list-style-type: none"> a. it removes or disturbs <i>Santalum lanceolatum</i> or <i>Santalum leptocladum</i> (commercial sandalwood species); or b. in a local authority area not listed in Schedule 7 (non-commercial timber local authority areas) unless: <ol style="list-style-type: none"> i. contact is made with a departmental Forest Officer prior to clearing commencing; and ii. clearing is consistent with conditions imposed by the Forest Officer. 	Not applicable
<u>Endangered regional ecosystems</u> <u>Of concern regional ecosystems</u>	2.4 Subject to part 2.3.1: 2.4.1 Clearing is permitted where an <u>exchange area</u> is provide in accordance with part 4 and is: <ol style="list-style-type: none"> a. a patch of vegetation located wholly or partially on a property and is less than 4 hectares (<u>coastal areas</u>) or 8 hectares (<u>western areas</u>); and b. more than 500 metres from other areas of <u>remnant vegetation</u> or <u>high-value regrowth vegetation</u>; and c. is <i>not</i> an area: <ol style="list-style-type: none"> i. of <u>essential regrowth habitat</u>; or ii. within <u>stream protection zones</u> specified in Schedule 1; or iii. within a <u>Great Barrier Reef wetland protection area</u>; or iv. in or within 100 metres of a <u>wetland</u>; or v. on <u>slopes greater than 12%</u>. 2.4.2 Clearing is permitted where an <u>exchange area</u> is provided in accordance with part 4 and the clearing is for one of the following: <ol style="list-style-type: none"> 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; or b. To the extent necessary for extractive industry where the activity is consistent with Schedule 6. 2.4.3 Clearing is permitted: <ol style="list-style-type: none"> a. To ensure public safety where the activity is conducted in manner consistent with Schedule 2; or b. For encroachment where the clearing is consistent with Schedule 3; or c. For thinning where the clearing is consistent with Schedule 4; or d. To control non-native plants or declared pests where the clearing is consistent with Schedule 5. 	If clearing <u>endangered</u> or <u>of concern regional ecosystems</u> , recommended best management practice includes: <ul style="list-style-type: none"> • Retaining regrowth that can be cleared under part 2.4.1 and revegetating the surrounding area to increase it to a functional size.

<p><u>Least concern regional ecosystems</u></p>	<p>2.5 Subject to part 2.3:</p> <p>2.5.1 Clearing is permitted provided the clearing does not occur in areas:</p> <ol style="list-style-type: none"> of <u>essential regrowth habitat</u>; or within <u>stream protection zones</u> specified in Schedule 1; or within a <u>Great Barrier Reef wetland protection area</u>; or in or within 100 metres of a <u>wetland</u>; or on <u>slopes greater than 12%</u>. <p>2.5.2 However clearing is permitted where the clearing is in an area of <u>essential regrowth habitat</u>, <u>stream protection zones</u> specified in Schedule 1, within a <u>Great Barrier Reef wetland protection area</u>, in or within 100 metres of a <u>wetland</u> or on <u>slopes greater than 12%</u> if:</p> <p>2.5.2a An <u>exchange area</u> is provided in accordance with part 4 and the clearing is for any of the following:</p> <ol style="list-style-type: none"> 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; or to the extent necessary for extractive industry where the activity is consistent with Schedule 6; <p>OR</p> <p>2.5.2b The clearing is:</p> <ol style="list-style-type: none"> to ensure public safety where the activity is conducted in manner consistent with Schedule 2; or for encroachment where the clearing is consistent with Schedule 3; or for thinning where the clearing is consistent with Schedule 4; or to control non-native plants or <u>declared pests</u> where the clearing is consistent with Schedule 5. 	<p>If clearing least concern regrowth, recommended best management practice includes:</p> <ul style="list-style-type: none"> Retaining regrowth vegetation that can be cleared under part 2.5.1 and manage this to restore the <u>regional ecosystem</u> by thinning in accordance with Schedule 4 or controlling non-native plants and declared pests in accordance with Schedule 5. Retaining and promoting revegetation of areas to maintain or improve connectivity with <u>remnant vegetation</u> or other <u>retained regulated regrowth vegetation</u>. Increasing <u>stream protection zone</u> distances to include all vegetation important to functioning of the riparian area. Applying <u>stream protection zones</u> to streams not mapped on the watercourse map Increasing <u>wetland buffer</u> distances to include all vegetation important to the functioning of the <u>wetland area</u> Protecting unmapped regrowth by voluntary agreement to increase the viability of regrowth vegetation areas.
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3. Clearing of regrowth watercourse vegetation

Part 3 defines the requirements for clearing regrowth watercourse vegetation in both freehold and leasehold land used for agriculture and grazing purposes. The purpose of this part of the code is to ensure that clearing of regrowth watercourse vegetation will advance the purposes of the *Vegetation Management Act 1999*.

Regulated regrowth vegetation type	Minimum requirements Clearing must comply with the minimum requirement of the code	Recommended best management practice
<u>Regrowth watercourse vegetation</u>	<p>3.1 Clearing is not permitted on leasehold land used for agriculture and grazing if:</p> <ol style="list-style-type: none"> a. it removes or disturbs <i>Santalum lanceolatum</i> or <i>Santalum leptocladum</i> (commercial sandalwood species); or b. in a local authority area not listed in Schedule 7 (non-commercial timber local authority areas) unless: <ol style="list-style-type: none"> i. contact is made with a departmental Forest Officer prior to clearing commencing; and ii. clearing is consistent with conditions imposed by the Forest Officer. 	<p>Not applicable</p>
	<p>3.2 Subject to part 3.1:</p> <p>3.2.1 Clearing is permitted outside the <u>stream protection zone</u>.</p> <p>3.2.2 Clearing is permitted within the <u>stream protection zone</u> where:</p> <ol style="list-style-type: none"> a. vegetation is less than 2 metres in height; and b. the vegetation is located 10 metres or more from <ol style="list-style-type: none"> i. <u>other remnant vegetation</u>; or ii. <u>stream protection zone</u> vegetation that is 2 metres or more in height; and c. clearing is not within 5 metres of the <u>defining bank</u>. <p>3.2.3 Clearing is permitted within the <u>stream protection zone</u>:</p> <ol style="list-style-type: none"> a. to ensure public safety provided the activity is conducted in a manner consistent with Schedule 2; or 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; or c. to the extent necessary for an extractive industry provided the activity is conducted in a manner consistent with Schedule 6; or d. for encroachment provided the activity is conducted in a manner consistent with Schedule 3; or e. for thinning provided the activity is conducted in a manner consistent with Schedule 4; or f. to control non-native plants or <u>declared pests</u> provided the activity is conducted in a manner consistent with Schedule 5. 	<p>If clearing or managing <u>regrowth watercourse vegetation</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> • Retain all regenerating vegetation to improve the functioning of the riparian area. <p>If clearing or managing <u>regrowth watercourse vegetation</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> • Increasing <u>stream protection zones</u> distances to include all vegetation important to the ecological functioning of the riparian area. • Managing riparian regrowth vegetation to restore the <u>regional ecosystem</u> including, where necessary, the use of weed control and thinning. • Managing stock within 10 metres from the <u>defining bank</u> to prevent <u>bank damage</u>. • Limiting the extent of clearing to that which is necessary for the clearing purpose and no more. • Monitoring riparian areas and taking necessary action to prevent, stabilise and/or repair land degradation.

4. Exchange areas

Part 4 defines the requirements for an exchange area. The purpose of this part of the code is to ensure that any exchange area will advance the purposes of the *Vegetation Management Act 1999*.

Regulated regrowth vegetation type	Minimum requirements Clearing must comply with the minimum requirement of the code	Recommended best management practice
<p>Cleared <u>endangered regional ecosystems</u></p> <p><u>Of concern regional ecosystems</u></p> <p><u>Least concern regional ecosystems</u> that require an <u>exchange area</u> as a result of part 2</p>	<p><u>Exchange areas</u> must meet all of the following requirements:</p> <p>4.1 High-value regrowth vegetation or areas shown as a category C (category 4) area on PMAV can only be exchanged for:</p> <ol style="list-style-type: none"> a. vegetation that would ordinarily be able to be cleared under parts 2.2.1 and/or 2.5.1 of this code; or b. non-regulated regrowth vegetation that has not been cleared in the last 10 years or is 2 metres or more in height. <p>AND</p> <p>4.2 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>AND</p> <p>4.3 Exchange vegetation must be no less than 50 metres wide and the total <u>exchange area</u> is a minimum of 1 hectare.</p>	<p>If identifying an <u>exchange area</u>, recommended best management practice includes:</p> <ul style="list-style-type: none"> • Placing the <u>exchange area</u> in a location adjacent to other protected vegetation or in a corridor that will connect two pieces of protected vegetation. • Developing a management plan that outlines fire management principles, weed and pest control and grazing management approaches to promote the regrowth vegetation. • Managing the <u>exchange area</u> to prevent land degradation • Carrying out supplementary planting 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 1. Stream protection zones may also include a zone extending out from a stream on an adjacent property.

Table 1 Stream protection zones

Stream order	Minimum stream protection distance (metres) to be established on either side of the stream and measured from the <u>defining bank</u>
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 provides a diagrammatic explanation of stream ordering.

Advice can be sought from the department on determining stream order.

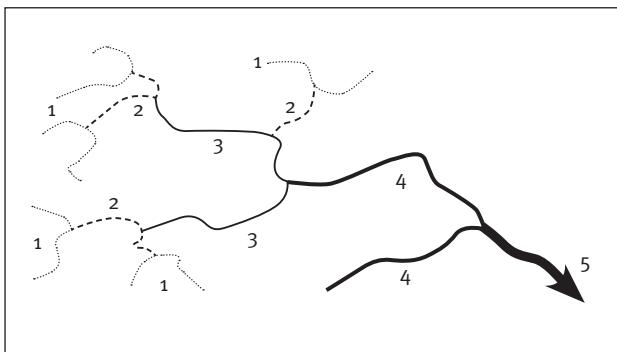


Figure 1: Diagrammatic view of stream ordering

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 and infrastructure refers to clearing for establishing 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.

The following required outcomes must be achieved:

1. Clearing is limited to the extent necessary to:
 - a. ensure public safety; or
 - b. for establishing 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.

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 <www.derm.qld.gov.au>.
2. Clearing is limited to the regional ecosystems in table 4.
3. Clearing is limited to native woody vegetation where:
 - a. species are less than 20 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 5 metres of a stream protection zone or a wetland.

Table 2: Regional ecosystems which may be cleared for encroachment

Regional ecosystem
4.9.7 <i>Astrebla</i> spp. grassland wooded with <i>Acacia tephрина</i> ± <i>A. cambagei</i> and <i>Atalaya hemiglauca</i> on Cretaceous sediments.
11.4.11 <i>Dichanthium sericeum</i> , <i>Astrebla</i> spp. and <i>Acacia harpophylla</i> , <i>Eucalyptus coolabah</i> on Cainozoic clay plains.
11.8.11 <i>Dichanthium sericeum</i> grassland on Cainozoic igneous rocks.
11.9.3 <i>Dichanthium</i> spp., <i>Astrebla</i> spp. grassland on fine-grained sedimentary rocks.
3.3.56 <i>Eriachne</i> spp. ± <i>Aristida</i> spp. closed tussock grassland in longitudinal drainage depressions.
3.12.32 <i>Schizachyrium</i> spp. ± <i>Eriachne</i> spp. tussock grassland on rocky ranges and rock pavements.
4.9.8 <i>Astrebla</i> spp. grassland wooded with <i>Atalaya hemiglauca</i> ± <i>Alectryon oleifolius</i> ± <i>Flindersia maculosa</i> on Cretaceous sediments.
4.9.9 <i>Astrebla</i> spp. grassland wooded with <i>Acacia sutherlandii</i> or <i>A. victoriae</i> on Cretaceous Sediments.
5.7.9 <i>Aristida</i> spp., <i>Eriachne pulchella</i> open grassland wooded with <i>Eucalyptus</i> spp. ± <i>Acacia stowardii</i> on plains.
5.7.10 <i>Aristida latifolia</i> and <i>A. contorta</i> sparse grassland wooded with <i>Acacia tetragonophylla</i> ± <i>Senna</i> spp. on Cretaceous sediments.
6.7.17 <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.
9.8.5 <i>Astrebla</i> spp. ± <i>Iseilema vaginiflorum</i> tussock grassland ± emergent <i>Corymbia terminalis</i> on basalt plains.
9.12.41 <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.
9.12.42 <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.
10.3.7 <i>Astrebla</i> spp., <i>Iseilema vaginiflorum</i> and/or <i>Dichanthium fecundum</i> or <i>Bothriochloa ewartiana</i> tussock grassland on alluvial plains.
10.3.8 <i>Aristida latifolia</i> and <i>Brachyachne convergens</i> sparse-tussock grassland or <i>Sclerolaena</i> spp. dwarf open shrubland on alluvial plains.
11.9.3 <i>Dichanthium</i> spp., <i>Astrebla</i> spp. grassland on fine-grained sedimentary rocks.

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.
2. Thinning must conserve regrowth vegetation by:
 - a. retaining all native, woody trees over 20cm diameter at breast height; and
 - b. retaining a density of native woody trees less than 20cm 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 5 metres of the defining bank of any stream or wetland.

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 must comply with 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; and
 - 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; and
 - b. retaining regulated regrowth vegetation less than 20 cm diameter at breast height as indicated in Table 3 except where clearing is essential to provide access for control of non-native plants or declared pests.

Table 3 Retention requirements for clearing native vegetation to control non-native plants or declared pests.

Weed cover (percentage)	Clearing limitations for trees less than 20 cm <u>diameter at breast height</u>
Less than 10% non-native woody species crown cover	Retain 80% of trees less than 20 cm <u>diameter at breast height</u>
10-50% non-native woody species crown cover	Retain at least 50% of trees less than 20 cm <u>diameter at breast height</u>
More than 50% non-native woody species crown cover	Clear up to 100% of trees less than 20 cm <u>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 for extractive industry in a key resource area is exempt and this code does not apply.

The following required outcomes must be achieved:

1. Clearing is only permitted where no alternative sites or access routes exists.
2. Clearing is limited to the extent necessary for the following:
 - a. dredging material from the bed of any waters; or
 - b. extracting rock, sand, clay, gravel, loam or other material, from a pit or quarry; or
 - c. screening, washing, grinding, milling, sizing or separating material extracted from a pit or quarry; or
 - 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.
4. Clearing in stream protection zones, Great Barrier Reef protection area or within 100 metres of a wetland must maintain bank stability and water quality.

Schedule 7—Non-commercial timber local authority areas

- Barcoo Shire
- Boulia Shire
- Bulloo Shire
- Burke Shire
- Cloncurry Shire
- Diamantina Shire
- Doomadgee Aboriginal Shire
- Longreach Regional
- McKinlay Shire
- Mount Isa City
- Quilpie Shire
- Richmond Shire
- Winton Shire

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 the department in identifying whether land is within a coastal area.

Declared pests

Pests declared under the *Land Protection (Pest and Stock Route Management) Act 2002*.

Defining bank

The defining bank is the bank or terrace or, if there is no bank or terrace, the point on the flood plain that confines the peak average flow.

Diameter breast height

The diameter of a tree at 1.3 metres above ground level. Add the diameters of all stems more than 5 cm in diameter for multi-stemmed plants.

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 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 the department 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 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.

High-value regrowth vegetation

High value regrowth vegetation is

- a. any of the following:
 - i. an endangered regional ecosystem;
 - ii. an of concern regional ecosystem;
 - iii. a least concern regional ecosystem; and
- b. have 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 IPA that took effect on 3 September 2007.

Leasehold land for agriculture and grazing

State land that is leased in perpetuity or for a term of years for agricultural, grazing or pastoral purposes, but excludes leases over land within a reserve, State forest, timber reserve, and any of the following granted under the *Nature Conservation Act 1992*:

- national park
- conservation park
- resources reserve
- forest reserve.

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 property map of assessable vegetation (or PMAV) is a map certified by the chief executive as a PMAV for an area and showing for the area the following:
 - 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 map or regrowth vegetation map.

2. The map 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.

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—
 - i. an endangered regional ecosystem; or
 - ii. an of concern regional ecosystem; or
 - 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 in paragraph 1(b) 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 Map

Is a map certified by the chief executive as the remnant map for the part of the state to which the regional ecosystem map does not apply and showing for the 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:

- a. covering more than 50% of the undisturbed predominant canopy; and
- b. averaging more than 70% of the vegetation's undisturbed height; and
- c. composed of 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. a project that serves an essential need of the community;
- and
- b. a project that significantly improves the community's access to services.

Slopes greater than 12%

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

Slopes greater than 12% indicate an area that on average for every 30 metres, the land increases or decreases in height by 4 metres or more.

There are three simple methods to help estimate the percentage of slope for a section of land.

Method 1

If you are of average height (1.6 metres to 1.8 metres) place a marker on the ground and walk down the slope approximately 15 metres. If you are looking down at the marker the slope over that distance will be less than 12%.

Method 2

Use a device that can determine the slope of the area (such as a clinometer).

Method 3

1. Place a marker on the ground and walk down the slope until your eye is level with the marker.
2. Measure the distance over the ground between the point where you are standing and the marker.
3. Measure your eye height.
4. Using table 3—apply your eye height and the distance measured in step 2 and identify the slope that corresponds closest to your eye height and the distance measured.

Table 4: Estimating percentage slope

Eye Height	Slope								
	15%	14%	13%	12%	11%	10%	9%	8%	7%
1.5	10.1m	10.8m	11.6m	12.6m	13.7m	15.1m	16.7m	18.8m	21.5m
1.55	10.4m	11.2m	12.0m	13.0m	14.2m	15.6m	17.3m	19.4m	22.2m
1.6	10.8m	11.5m	12.4m	13.4m	14.6m	16.1m	17.8m	20.1m	22.9m
1.65	11.1m	11.9m	12.8m	13.8m	15.1m	16.6m	18.4m	20.7m	23.6m
1.7	11.5m	12.3m	13.2m	14.3m	15.5m	17.1m	19.0m	21.3m	24.3m
1.75	11.8m	12.6m	13.6m	15.0m	16.0m	17.6m	19.5m	21.9m	25.1m
1.8	12.1m	13.0m	14.0m	15.1m	16.5m	18.1m	20.1m	22.6m	15.8m

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.

