

Concurrence Agency Policy

for

Reconfiguring a Lot

27 June 2005



Reconfiguring a Lot Policy for Vegetation Clearing

Regulatory background

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

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

The *Integrated Planning Regulation 1998* triggers concurrence agency assessment for Reconfiguring a Lot if:

- (i) the lot contains –
 - a. a category 1, 2 or 3 area shown on a property map of assessable vegetation; or
 - b. if there is no property map of assessable vegetation for the lot - remnant vegetation; and
- (ii) the size of the lot before the reconfiguration is 2 hectares or larger; and
- (iii) 2 or more lots are created; and
- (iv) the size of any lot created is 25 hectares or smaller.

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

- the proposed clearing of native vegetation is under a RaL approval for an application that was not triggered under the *Integrated Planning Regulation 1998* to the Chief Executive as a concurrence agency; or
- the proposed clearing of native vegetation is under a RaL approval for an application that was not referred by the Assessment Manager to the Chief Executive as a concurrence agency or
- the proposed clearing is not in accordance with the conditions of approval imposed by the Chief Executive acting as a Concurrence Agency for the RaL approval;

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

Purpose of the policy

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

Purpose of the *Vegetation Management Act 1999*

The *Vegetation Management Act 1999* states:

- ‘(1) The purpose of this Act is to regulate the clearing of vegetation in a way that—
- (a) conserves the following:
 - 1. Remnant endangered regional ecosystems
 - 2. Remnant of concern regional ecosystems
 - 3. Remnant not of concern regional ecosystems
 - (b) conserves vegetation in declared areas; and
 - (c) ensures the clearing does not cause land degradation; and
 - (d) prevents the loss of biodiversity; and
 - (e) maintains ecological processes; and
 - (f) manages the environmental effects of the clearing to achieve the matters mentioned in paragraphs (a) to (e); and
 - (g) reduces greenhouse gas emissions.
- (2) The purpose is achieved mainly by providing for—
- (a) codes for the Planning Act relating to the clearing of vegetation that are applicable codes for the assessment of vegetation clearing applications under IDAS; and
 - (b) the enforcement of vegetation clearing provisions; and
 - (c) declared areas; and
 - (d) a framework for decision making that, in achieving the Act’s purpose in relation to subsection (1) (a) to (e), applies the precautionary principle that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage; and
 - (e) the phasing out of broadscale clearing of remnant vegetation by 31 December 2006.
- (3) In this section—
- “environment”** includes—
- (a) ecosystems and their constituent parts including people and communities; and
 - (b) all natural and physical resources; and
 - (c) those qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
 - (d) the social, economic, aesthetic and cultural conditions affecting the matters in paragraphs (a) to (c) or affected by those matters.’

Policy

This policy assesses the implications of RaL and any future clearing of native vegetation associated with RaL. In effect it assesses the operational works component of RaL at the time the RaL application is made. This avoids the need for a separate operational works approval for the clearing of native vegetation.

The policy also assesses the impact of any clearing that in the absence of an approval is not exempt but which may become exempt as a consequence of the approval. While a RaL may only involve lot boundary realignments on a plan (for which no clearing is required), the act of amending the boundary alignment can lead to previously assessable vegetation being exempt to an extent that could adversely affect the ecological viability of the regional ecosystem.

The policy ensures that clearing of assessable vegetation under the RaL occurs only to the extent for which an application could be made under Section 22A of the *Vegetation Management Act 1999* and approved under the relevant Ongoing Regional Vegetation Management Code. The policy contains 5 parts, A through to E. Figure 1 assists to determine the part of the Policy that is applicable to an application.

Part A of the policy contains performance requirements that must be met by a RaL application in an area that is not an urban area as defined by IPA, or in an urban area if the clearing is not for an urban purpose or is not on freehold land.

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

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

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

Part E of the policy contains performance requirements that must be met by a RaL application for urban purposes, on freehold land, that is an urban area, if the land does NOT contain an Endangered regional ecosystem or a category 1 area shown on a Property Map of Assessable Vegetation.

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

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

- complying with the acceptable solution; or
- satisfying the Chief Executive that the performance requirement is met through another solution.

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

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

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

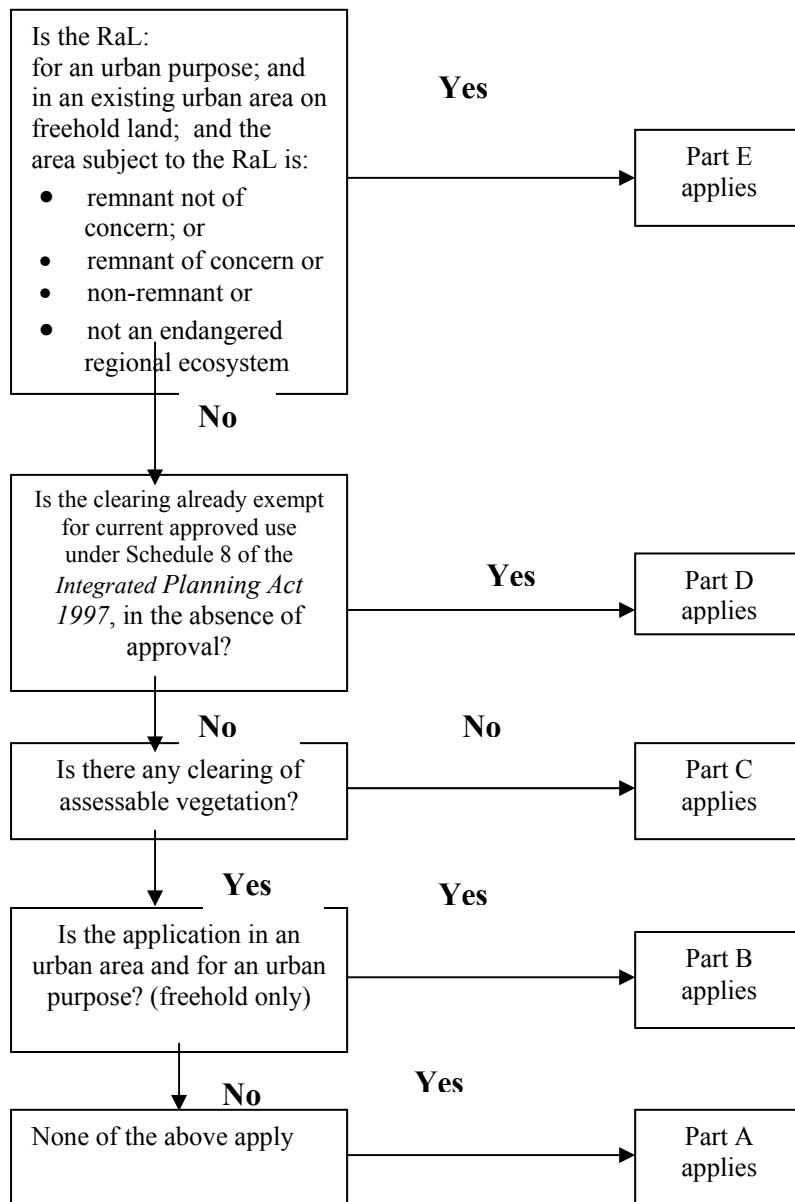


Figure 1: Parts of the Policy Policy

Part A: Requirements for Reconfiguring a Lot applications on land that contains vegetation that is remnant vegetation, or is in a category 1, 2, or 3 area on a property map of assessable vegetation (PMAV), and for which Parts B through to E do not apply.

| Performance Requirement | Acceptable solution |
|---|--|
| <p>PR A.1</p> <p>To conserve remnant endangered and remnant of concern regional ecosystems, a RaL does not result in fragmentation of a “category 1 area” or ‘category 2 area’ on a property map of assessable vegetation (PMAV) or in an area to which a PMAV does not apply, in any area of remnant vegetation that contains an endangered regional ecosystem or of concern regional ecosystem</p> | <p>AS A.1.1</p> <p>Allotment boundaries do not traverse a “category 1 area” or ‘category 2 area’ on a property map of assessable vegetation (PMAV) or in an area to which a PMAV does not apply, in any area of remnant vegetation that contains an endangered regional ecosystem or of concern regional ecosystem.</p> |

The following Performance Requirements and Acceptable Solutions relate to areas of assessable vegetation subject to the Reconfiguring a Lot.

| Performance Requirement | Acceptable solution |
|---|--|
| <p>PR A.2</p> <p>Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p> | <p>AS A.2</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures¹ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located: <p>in assessable vegetation that is in or within the following areas:</p> <ul style="list-style-type: none"> • natural wetlands, lakes and springs; and • 50 metres of the static high water mark for natural wetlands, lakes and springs. |

¹ See definitions for examples of measures

| Performance Requirement | Acceptable solution |
|---|--|
| <p>PR A.3</p> <p>To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ul style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. | <p>AS A.3</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road, and 2) provide measures² that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located: <p>in assessable vegetation that is in or within the following areas:</p> <p><i>For a coastal area:</i></p> <ul style="list-style-type: none"> • 50 metres of each high bank of each stream of order 5 and above; and • 25 metres of each high bank of each stream of order 3 and 4; and • 10 metres of each high bank of each stream of order 1 and 2. <p><i>In all other areas:</i></p> <ul style="list-style-type: none"> • 200 metres from each high bank of each stream order 5 or greater; and • 100 metres width from each high bank of each stream order 3 to 4; and • 50 metres from each bank of each stream order 1 or 2. |

² See definitions for examples of measures

| Performance Requirement | Acceptable solution |
|--|---|
| <p>PR A.4 To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p> | <p>AS A.4</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures³ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located: <ul style="list-style-type: none"> • on slopes greater than 5%; or • on dispersible soils. |

³ See definitions for examples of measures

| Performance Requirement | Acceptable solution |
|---|---|
| <p>PR A.5 To ensure clearing does not cause land degradation and to maintain ecological processes, increased salinity and waterlogging and the salinisation of ground and surface water are prevented.</p> | <p>AS A.5.1 The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures⁴ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas, are not located, <p>in the following areas:</p> <ul style="list-style-type: none"> • existing or potential discharge areas; and • within 50 metres of an existing or potential discharge area; and • areas subject to waterlogging or areas at risk of waterlogging as a result of clearing assessable vegetation. <p>AND</p> <p>AS A.5.2 The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, <p>where the resulting clearing could reduce the extent of remnant vegetation to less than 50% of the pre-clearing extent of remnant vegetation in a contributing catchment; with vegetation preferentially retained in priority recharge areas.</p> <p>AND</p> <p>AS A.5.3 The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, <p>in Drainage Basin Sub Areas that have less than 30% of the area covered with remnant vegetation.</p> |

⁴ see definitions for examples of measures

| Performance Requirement | Acceptable solution |
|--|---|
| <p>PR A.6</p> <p>To ensure clearing does not cause land degradation and to maintain ecological processes, the release of acid and associated metal contaminants into the environment from the disturbance of acid sulfate soils (ASS) is avoided.</p> | <p>AS A.6.1</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures⁵ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, in assessable vegetation that is in or within low-lying coastal lands below 5 metres Australian Height Datum and in land zones 1, 2 and 3. <p>OR</p> <p>AS A.6.2</p> <p>A road, boundary, building and building envelope, infrastructure and effluent disposal area resulting from the RaL:</p> <ul style="list-style-type: none"> • does not result in disturbance or exposure of acid sulfate soils or changes to the hydrology of the site likely to result in aeration of horizons containing iron sulfides or mobilisation of acid and metals; or • ensures that infrastructure construction and soil management is conducted in accordance with an Acid Sulfate Soil Environmental Management Plan prepared in accordance with the <i>State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils</i> and Guideline. <p>AND</p> |

⁵ See definitions for examples of measures

| Performance Requirement | Acceptable solution |
|-------------------------|--|
| | <p>AS A.6.3</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, <p>in areas with a high probability of acid sulfate soils, unless construction of the road, building, infrastructure and effluent disposal and soil management is conducted in accordance with an Acid Sulfate Soil Environmental Management Plan prepared in accordance with the <i>State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils</i> and Guideline.</p> |

| Performance Requirement | Acceptable solution |
|--|--|
| <p>PR A.7 To conserve remnant endangered regional ecosystems and remnant of concern regional ecosystems, the current extent of endangered and of concern and category 1 and category 2 areas shown on a property map of assessable vegetation are maintained.</p> | <p>AS A7.1 Measures⁶ are provided to ensure that any buildings, reasonably associated structures, infrastructure and effluent disposal areas will be located outside of a ‘category 1 area’ or ‘category 2 area’ on a property map of assessable vegetation (PMAV) or in an area to which PMAV does not apply, in any area of remnant vegetation that contains an endangered regional ecosystem or of concern regional ecosystem.</p> <p>AND</p> <p>AS A7.2 Requirements for a firebreak⁷ can be met without clearing a ‘category 1 area’ or ‘category 2 area’ on a property map of assessable vegetation (PMAV) or in an area to which a PMAV does not apply, in any area of remnant vegetation that contains an endangered regional ecosystem or of concern regional ecosystem.</p> <p>AND</p> <p>AS A.7.3 The RaL does not establish a road, or infrastructure for water supply, sewerage system or power supply, within:</p> <ul style="list-style-type: none"> • a category 1 area of category 2 area on a property map of assessable vegetation; or • in an area to which a PMAV does not apply, in any area of remnant vegetation that contains endangered regional ecosystem or of concern regional ecosystem. <p>AND</p> |

⁶ See definitions for examples of measures

⁷ Requirements for a firebreak are to be determined using the methodology within SPP 1/03 -- *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* and *Schedule 8, Integrated Planning Act 1997* – where an inconsistency may exist between the two methodologies, the greater firebreak distance is to be adopted.

| Performance Requirement | Acceptable solution |
|-------------------------|---|
| | <p>AS A.7.4 Any clearing of remnant vegetation as a result of the RaL does not occur if it would reduce the total extent of remnant vegetation in the applicable bioregion to less than 30% of the pre-clearing extent of the remnant vegetation of the bioregion.</p> <p>AND</p> <p>AS A.7.5 Clearing of assessable vegetation as a result of the RaL is limited to the extent that is reasonably necessary for the construction of the infrastructure⁸ and is staged to restrict clearing to the area required at any one time.</p> <p>AND</p> <p>AS A.7.6 The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas does not occur where the resulting clearing of remnant vegetation could happen to the extent that the remnant extent of a not of concern regional ecosystem falls below 30% of its pre-clearing extent or 10 000 hectares in the bioregion. |

⁸ reasonably necessary means clearing for the infrastructure and 5m adjacent to the infrastructure

| Performance Requirement | Acceptable solution |
|---|--|
| <p>PR A.8</p> <p>To prevent the loss of biodiversity and to maintain ecological processes, viable networks of wildlife habitat are maintained.</p> | <p>AS A.8.1</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures⁹ any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, <p>in an area which is identified on a map¹⁰ prepared by the chief executive of the agency which administers the <i>Nature Conservation Act 1992</i> and certified for use for the purposes of this policy by the chief executive of the Department of Natural Resources and Mines, as an area of essential habitat for a species of wildlife listed as vulnerable, rare, near threatened or endangered under that Act.</p> <p>AND</p> <p>AS A.8.2</p> <p>In the areas to which the New England Tableland, South East Queensland, Southern Brigalow Region, Coastal Wide Bay and Inland Burnett Codes for Ongoing Clearing Purposes apply :</p> <ul style="list-style-type: none"> • any clearing of assessable vegetation as a result of the RaL does not occur in or within State Wildlife Corridors¹¹. <p>AND</p> |

⁹ see definitions for examples of measures

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

¹¹ The Ongoing Codes listed are the only codes that refer to State Wildlife Corridors

| Performance Requirement | Acceptable solution |
|-------------------------|---|
| | <p>AS A.8.3</p> <p>On properties greater than 100 hectares, any clearing of assessable vegetation as a result of the ROL does not occur unless vegetation is retained in clumps greater than 10 hectares with a perimeter (m) to area (ha) ratio of less than 200:1; and:</p> <ul style="list-style-type: none"> a) the clumps are connected by corridors of retained vegetation greater than 200 metres wide; and b) where retained vegetation adjoins the property, clumps within the property are connected to the adjoining retained vegetation by corridors of greater than 200 metres. <p>OR</p> <p>On properties less than 100 hectares, vegetation is retained in clumps with a perimeter (metres) to area (hectares) ratio of less than 200:1; and:</p> <ul style="list-style-type: none"> a) the clumps are connected by corridors of retained vegetation; and b) where retained vegetation adjoins the property, clumps within the property are connected to the adjoining vegetation by corridors. |

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

| Performance Requirement | Acceptable solution |
|--|--|
| <p>PR B.1</p> <p>To conserve remnant endangered regional ecosystems, the RaL do not result in fragmentation of remnant vegetation located in a “category 1 area” on a property map of assessable vegetation (PMAV), or in an area to which a PMAV does not apply, in any area of remnant vegetation that contains an endangered regional ecosystem.</p> | <p>AS B.1.1</p> <p>Allotment boundaries do not traverse a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem.</p> |

| Performance Requirement | Acceptable solution |
|---|---|
| <p>PR B.2</p> <p>Prevent loss of biodiversity and maintain ecological processes associated with natural wetlands, lakes and springs.</p> | <p>AS B.2</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary, and 2) provide measures¹² that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem, that is in or within: <ul style="list-style-type: none"> • natural wetlands, lakes and springs; and • 50 metres of the static high water mark for natural wetlands, lakes and springs. |

¹² See definitions for examples of measures

| | |
|---|--|
| <p>PR B.3</p> <p>To ensure clearing does not cause land degradation, to prevent the loss of biodiversity and to maintain ecological processes, watercourses and adjacent habitat are protected to:</p> <ol style="list-style-type: none"> a) maintain bank stability by protecting against erosion and slumping; and b) maintain water quality by filtering sediments, nutrients and other pollutants; and c) maintain aquatic habitat; and d) provide food for aquatic ecosystems; and e) maintain wildlife habitat. | <p>AS B.3</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road, and 2) provide measures¹³ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem, that is in or within the following areas: <p><i>For a coastal area:</i></p> <ul style="list-style-type: none"> • 50 metres of each high bank of each stream of order 5 and above; and • 25 metres of each high bank of each stream of order 3 and 4; and • 10 metres of each high bank of each stream of order 1 and 2. <p><i>In all other areas:</i></p> <ul style="list-style-type: none"> • 200 metres from each high bank of each stream order 5 or greater; and • 100 metres width from each high bank of each stream order 3 to 4; and • 50 metres from each bank of each stream order 1 or 2. |
| <p>PR B.4</p> <p>To ensure clearing does not cause land degradation and to maintain ecological processes, no adverse effects on the environment from soil erosion is to occur.</p> | <p>AS B.4</p> <p>The RaL will:</p> <ol style="list-style-type: none"> 1) not locate a road or allotment boundary¹⁴, and 2) provide measures¹⁵ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located: in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem, that is: <ul style="list-style-type: none"> • on slopes greater than 5%; or • on dispersible soils. |

¹³ See definitions for examples of measures

¹⁴ With the exception of an allotment boundary that runs perpendicular to the watercourse

¹⁵ See definitions for examples of measures

PR B.5

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

AS B.5.1

The RaL will:

- 1) not locate a road or allotment boundary and
- 2) provide measures¹⁶ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas, are not located, in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem, that is in or within the following areas:
 - existing or potential discharge areas; and
 - within 50 metres of an existing or potential discharge area; and
 - areas subject to waterlogging or areas at risk of waterlogging as a result of clearing.

AND

AS B.5.2

The RaL will:

- 1) not locate a road or allotment boundary, and
- 2) provide measures that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, where the resulting clearing of a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, in an endangered regional ecosystem could reduce the extent of remnant vegetation to less than 50% of the pre-clearing extent of remnant vegetation in a contributing catchment; with vegetation preferentially retained in priority recharge areas.

AND

¹⁶ See definitions for examples of measures

AS B.5.3

The RaL will:

- 1) not locate a road or allotment boundary, and
- 2) provide measures that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply , a endangered regional ecosystem, that is in or within Drainage Basin Sub Areas that have less than 30% of the area covered with remnant vegetation.

PR B.6

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

AS B.6.1

The RaL will:

- 1) not locate a road or allotment boundary, and
- 2) provide measures¹⁷ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem that is in or within low-lying coastal lands below 5 metres Australian Height Datum and in land zones 1, 2 and 3;

OR

AS B.6.2

A road, boundary, building and building envelope, infrastructure and effluent disposal area resulting from the RaL and located in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, in an endangered regional ecosystem:

- does not result in disturbance or exposure of Acid Sulfate Soils or changes to the hydrology of the site likely to result in aeration of horizons containing iron sulfides or mobilisation of acid and metals; or
- ensures that infrastructure construction and soil management is conducted in accordance with an Acid Sulfate Soil Environmental Management Plan prepared in accordance with the *State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils* and Guideline.

AND

¹⁷ See definitions for examples of measures

| | |
|--|--|
| | <p>AS B.6.3</p> <p>The RaL will:</p> <ol style="list-style-type: none">1) not locate a road or allotment boundary, and2) provide measures¹⁸ that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located, in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem, that is in or within areas with a high probability of Acid Sulfate Soils, unless construction of the road, building, infrastructure and effluent disposal and soil management is conducted in accordance with an Acid Sulfate Soil Environmental Management Plan prepared in accordance with the <i>State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils</i> and Guideline. |
|--|--|

¹⁸ See definitions for examples of measures

| | |
|--|--|
| <p>PR B.7 To conserve remnant endangered regional ecosystems, the current extent of endangered regional ecosystems and “category 1 areas” shown on a Property Map of Assessable Vegetation are maintained</p> | <p>AS B.7.1 Clearing as a result of the RaL in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem is limited to the extent that is reasonably necessary for the construction of the infrastructure¹⁹ and is staged to restrict clearing to the area required at any one time.</p> <p>AND</p> <p>AS B.7.2 Measures²⁰ are provided to ensure that any buildings, reasonably associated structures, infrastructure and effluent disposal areas will be located outside a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, a remnant endangered regional ecosystem.</p> <p>AND</p> <p>AS B.7.3 Requirements for a firebreak²¹ and road location can be met without clearing a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem.</p> <p>AND</p> <p>AS B.7.4 The RaL does not establish a road, or infrastructure for water supply, sewerage system or power supply, within a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, a remnant endangered regional ecosystem.</p> |
|--|--|

¹⁹ Reasonably necessary clearing means clearing for the infrastructure and 5m adjacent to the infrastructure

²⁰ See dictionary for examples of measures

²¹ Requirements for a firebreak are to be determined using the methodology within SPP 1/03 -- *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* and *Schedule 8, Integrated Planning Act 1997* – where an inconsistency may exist between the two methodologies, the greater firebreak distance is to be adopted.

PR B.8

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

AS B.8.1

The RaL will:

- 1) not locate a road or allotment boundary, and
- 2) provide measures²² that ensure any buildings, reasonably associated structures, infrastructure and effluent disposal areas are not located,

in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem that is in or within an area which is identified on a map²³ prepared by the chief executive of the agency which administers the *Nature Conservation Act 1992* and certified for use for the purposes of this policy by the chief executive of the Department of Natural Resources and Mines, as an area of essential habitat for a species of wildlife listed as vulnerable, rare, near threatened or endangered under that Act.

AND

AS B.8.2

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

- any clearing as a result of the RaL does not occur in a category 1 area on a property map of assessable vegetation, or in an area to which a PMAV does not apply, an endangered regional ecosystem, that is in or within State Wildlife Corridors.

AND

²² see definitions for examples of measures

²³ The maps are held in digital form by the Department of Natural Resources & Mines and may be reduced or enlarged to show the essential habitat for a particular area.

AS B8.3

On properties greater than 100 hectares, any clearing of assessable vegetation as a result of the RaL does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem unless vegetation is retained in clumps greater than 10 hectares with a perimeter (m) to area (ha) ratio of less than 200:1; and:

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

OR

On properties less than 100 hectares, any clearing of assessable vegetation as a result of the RaL does not occur in any “category 1 area” on a PMAV, or in an area to which a PMAV does not apply, in an endangered regional ecosystem vegetation is retained in clumps with a perimeter (metres) to area (hectares) ratio of less than 200:1; and:

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

PART C

Requirements for Reconfiguration of Lot development applications where there is no clearing of assessable vegetation

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

PR C1

A RaL assessed under this Part may occur only where:

- (a) allotment boundaries as a result of the RaL do not traverse assessable vegetation;
- (b) infrastructure is not located in assessable vegetation where that infrastructure would require clearing for any reason including, but not limited to, construction, maintenance, safety, firebreaks; and
- (c) infrastructure, other than a fence or road, is located in the area outside of assessable vegetation and associated buffer area²⁴; and
- (d) clearing of assessable vegetation does not occur unless it is already exempt under Schedule 8 of *Integrated Planning Act 1997* in the absence of an approval for the RaL .

²⁴ Requirements for a firebreak are to be determined using the methodology within SPP 1/03 -- *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* and *Schedule 8, Integrated Planning Act 1997* – where an inconsistency may exist between the two methodologies, the greater firebreak distance is to be adopted.

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

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

| | |
|---|---|
| <p>PR D1</p> <p>A RaL involving clearing can occur where the clearing is limited to clearing that would be exempt under <i>Schedule 8 of Integrated Planning Act 1997</i>, in the absence of the RaL approval.</p> | <p>AS.D1 (single residence on a lot) Any clearing of assessable vegetation as a result of the RaL is to the extent necessary for building a single residence, and any reasonably associated building or structure, for which a building development permit exists²⁵.</p> <p>OR</p> <p>AS.D.2 (specified activity) Any clearing of assessable vegetation as a result of the RaL is for a specified activity²⁶.</p> <p>OR</p> <p>AS.D.3 (routine management for necessary built infrastructure less than 2ha)²⁷ (a) Any clearing of assessable vegetation: does not occur in a category 1 or category 2 area on a PMAV, or where there is no PMAV, in an endangered or of concern regional ecosystem; and (b) the size of the necessary built infrastructure or clearing required to establish the necessary built infrastructure does not exceed two hectares.</p> |
|---|---|

²⁵ Refer to Schedule 8, part 1, table 4 item 1A(c)

²⁶ Refer to Schedule 8, Part 1, Table 4 Item 1A (j)

²⁷ Refer to Schedule 8, Part 1, Table 4 Item 1A (h)

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

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

PR E1

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

Dictionary

Assessable vegetation:

| Land Tenure | Assessable Vegetation |
|--|--|
| Freehold | <ul style="list-style-type: none"> All remnant vegetation unless Category X on a PMAV or Categories, 1, 2, 3 on PMAV |
| Leasehold land used for agriculture or grazing | <ul style="list-style-type: none"> All remnant vegetation unless Category X on a PMAV or Categories 1, 2, 3 & 4 on PMAV or Vegetation that is NOT 'remnant vegetation' in an area that has not been cleared since 31 December 1989 which is not on a PMAV |
| Leasehold land other than for agriculture or grazing | <ul style="list-style-type: none"> All vegetation unless Category X on a PMAV or Vegetation that is NOT 'remnant vegetation' unless on a rental property category 3.1, 3.2, 4, 5, 8.2, 9.1 or 9.2 lease under the <i>Land Regulation 1995</i> which is not on a PMAV |
| Road (<i>Land Act 1994</i>) | <ul style="list-style-type: none"> If the clearing will be undertaken by someone other than the local government – all native vegetation; or If the clearing will be undertaken by local government - all native vegetation in a non-urban area; or Remnant endangered regional ecosystem and remnant of concern regional ecosystem in an urban area. |
| Trust land | <ul style="list-style-type: none"> All remnant vegetation unless Category X on a PMAV or Categories 1, 2, 3 & 4 on a PMAV |
| Unallocated State land | <ul style="list-style-type: none"> All vegetation |
| Land subject to a licence or permit (<i>Land Act 1994</i>) | <ul style="list-style-type: none"> All vegetation |

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

Buffer Area: an area adjacent to endangered regional ecosystem or of concern regional ecosystem that is of a width equal to the width of firebreak determined using the SPP 1/03 on *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* or *Schedule 8, Integrated Planning Act 1997*, whichever is the greatest.

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

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

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

Contributing Catchment means, for:

- a) a local ground water flow system, the area of the surface catchment measured above a point 5 km downstream from an existing or potential discharge area;
- b) an intermediate groundwater flow system, the area encompassed by a 15km radius from an existing or potential discharge area;

- c) a regional groundwater flow system:
 - i). the area with the relevant drainage basin sub area at a higher elevation than an existing or potential discharge area; or
 - ii). for the Coastal Wide Bay Region Code, the Inland Burnett Region Code and the South East Queensland Region Code, the area encompassed by a 30km radius from an existing or potential discharge area.

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

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

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

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

Groundwater flow system: is a zone with hydrogeological characteristics that influence the occurrence of dryland salinity. The hydrogeological characteristics relate to the movement of groundwater from a recharge area, through a transmission zone, to a discharge area or a potential discharge area.

Fragmentation: means dividing an area of vegetation into two or more areas by:

- placing an allotment boundary through the remnant vegetation; or
- clearing vegetation.

High bank: is the terrace or bank or, if no bank is present, the point on the active floodplain which confines the average annual peak flow, and which is either permanent or intermittent. High bank in tidal areas means the high water springs that is the long term average of the heights of two successive high waters during a period of 24 hours when the range of tide is greatest, at full and new moon.

Intermediate groundwater flow system: is a ground water flow system where the distance between a discharge area and the closest recharge area is between 5km and 15km.

Lake: is a lagoon, billabong, or other natural area of open water, whether permanent or intermittent.

Land zones 1 – 12: are as defined in the regional ecosystem database available through the department and appearing on the department's website.

Local ground water flow system: is a ground water flow system where the distance between a discharge area and the closest recharge area is less than 5km.

Measures: for ensuring that buildings, reasonable associated structures, infrastructure and effluent disposal areas are located outside particular areas of vegetation, could include, depending on the circumstances, a covenant for nature conservation purposes made over the relevant vegetation and building envelopes made outside the relevant vegetation.

Pre-clearing extent: for a regional ecosystem, means the extent of the regional ecosystem before it was cleared, which is shown on the most recently released version of a digital map of the pre-clearing extent of regional ecosystems prepared by the Queensland Herbarium.

Priority recharge areas are: areas identified as moderate-high or high on the recharge layer of an approved Salinity Hazard Map of the Department of Natural Resources and Mines; or identified using an assessment process as outlined in the document: *Salinity Management Handbook, Queensland Department of Natural Resources, 1997*.

Recharge areas: are areas identified by either-

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

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

Retained vegetation: is

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

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

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

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

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

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



Figure 1.

Urban Area: means:

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

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

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

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

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

Waterlogging: is the saturation of soil by soil water.

Wetlands: are one or more of the following -

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

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

Vegetation: is a native tree or plant other than the following –

- (a) grass or non-woody herbage;
- (b) a plant within a grassland regional ecosystem prescribed under a regulation;
- (c) a mangrove.