

State Policy for Vegetation Management

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Position	Name	Date
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1 Purpose

The State Policy for Vegetation Management has been prepared in accordance with Section 10 of the Vegetation Management Act 1999 (VMA).

This policy states the outcomes for vegetation management and actions proposed to achieve those outcomes. All terms used in this policy are as defined under the VMA.

It provides a framework for decision making under the VMA including the following:

- Making accepted development vegetation clearing codes
- Making area management plans
- Making and amending maps, including regulated vegetation management maps and property maps of assessable vegetation
- Making a determination of clearing for a relevant purpose

It also provides a framework for decision making under the *Planning Act 2016* in relation to vegetation management, including the following:

- Establishing and implementing assessment benchmarks
- Providing special considerations for significant community projects

2 Principles

This policy is based on the following principles:

2.1 Conservation of remnant vegetation and preventing loss of biodiversity

1. Regulation of vegetation clearing is needed to prevent the loss of biodiversity at state, regional and local levels.
2. Conservation of remnant *endangered* and remnant *of concern* regional ecosystems may necessitate measures in excess of those necessary to conserve remnant *least concern* regional ecosystems.
3. High conservation value regrowth vegetation and vegetation in declared areas have biodiversity values, and preventing biodiversity loss requires measures to conserve these areas.

2.2 Ecological processes and land degradation

1. Vegetation plays a critical role in maintaining ecological processes and preventing land degradation. Degraded land may detrimentally affect land and water resources, both in situ and elsewhere in the landscape.
2. Vegetation plays a significant role in the carbon cycle, and the maintenance of carbon stored in vegetation and soils will contribute to reducing greenhouse gas emissions.

2.3 Decision making

1. Decision making frameworks apply the precautionary principle (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).
2. Scientific knowledge continues to improve, and instruments (including policies, assessment benchmarks and mapping) should be regularly reviewed to incorporate the best available scientific knowledge.

2.4 Sustainable land use

1. Clearing of regulated vegetation is sustainable if it retains or restores the regional ecosystem over time, maintains biodiversity over time, and prevents land degradation.
2. Regional variations in biodiversity, ecological processes and factors affecting land degradation should be recognised in regulatory arrangements and procedures.
3. Where the impacts of clearing of regulated vegetation cannot be avoided or mitigated, offsets may be able to further minimise the environmental impacts of the clearing.
4. Sustainable use of vegetation resources (including native forest practice) can occur where consistent with the purpose of the VMA and with this Policy.

3 Outcomes

This policy is seeking to achieve the following outcomes in accordance with the purpose of the VMA:

3.1 The conservation of remnant vegetation and biodiversity

1. Biodiversity is maintained at state, regional, and local levels.
2. Clearing does not further reduce the extent of endangered and of concern regional ecosystems.
3. High value regrowth vegetation is protected to prevent loss of biodiversity.
4. Networks and corridors of vegetation are conserved.
5. Habitats essential to critically endangered, endangered, vulnerable, or near threatened species under the Nature Conservation (Wildlife) Regulation 1994 are conserved.
6. Wetlands, watercourses, drainage features and adjacent habitat are conserved.

3.2 The maintenance of ecological processes

1. Vegetation is conserved to ensure that ecological processes are maintained across the landscape.
2. Vegetation is retained to assist the maintenance of the hydrological cycle, surface and groundwater quality and quantity, and ground water levels.
3. Regrowth vegetation is retained in riparian areas in catchments of the Great Barrier Reef to further protect its water quality.
4. Networks and corridors of vegetation are conserved and enhanced.

3.3 Ensuring that clearing does not cause land degradation

1. The ecological integrity and physical stability of landscapes, including watercourses, wetlands, and associated habitat is maintained.
2. Vegetation is retained to protect land from soil erosion, salinity, and other forms of land degradation caused by clearing.

3.4 The reduction of greenhouse gas emissions

Clearing of remnant and high conservation value regrowth is limited to relevant purposes and low risk clearing activities, to maintain and enhance the role of vegetation and soils in carbon capture and storage.

3.5 Sustainable land use

1. Clearing is permitted if it retains or restores the regional ecosystem over time, maintains biodiversity over time, and prevents land degradation.
2. Clearing is also permitted where the risk of not achieving the outcomes is low, or where it is for a relevant purpose and has been assessed as managing the risk;
3. Regional variations in biodiversity, ecological processes and factors affecting land degradation are recognised in regulatory arrangements and procedures;

3.6 The management of the environmental effects of clearing that achieve the purpose of the Act

1. Both the short and long-term environment effects of development at local, regional, state and wider levels are considered as part of the assessment of applications.
2. The precautionary principle¹ is applied in decision making, to achieve the outcomes 3.1 to 3.5.
3. Assessment benchmarks accepted development vegetation clearing codes and policies reflect the best available scientific knowledge, to achieve the outcomes 3.1 to 3.5.
4. Mapping of regional ecosystems and of the extent and condition of woody vegetation is based on the best scientific knowledge.
5. Property maps of assessable vegetation (PMAVs) enable landholders to determine regional ecosystems and vegetation categories on their property at scales appropriate to property management; and provide certainty to landholders about the location of areas that are not subject to regulation under the vegetation management framework.

¹ The precautionary principle – see section 2.3

4 Actions proposed to achieve outcomes

The outcomes in section 3 will be achieved by:

4.1 Regulation of vegetation clearing:

Prohibit clearing of remnant vegetation and regulated regrowth vegetation except where clearing is for relevant purposes; under accepted development vegetation clearing codes; or for other necessary purposes specified in statutory exemptions.

4.2 Relevant purpose determinations:

1. Develop operational policies and guidelines for determining relevant purpose that achieve the purpose of the VMA and the purpose and outcomes of this Policy.
2. In making relevant purpose determinations:
 - a. have regard to the best available scientific knowledge and the precautionary principle
 - b. apply approved operational policies and guidelines
 - c. identify the purpose, the area and where relevant the time period in which the relevant purpose is determined to occur, and
 - d. ensure that clearing only occurs in accordance with a relevant purpose determination.

4.3 Assessment benchmarks under the Planning Act 2016:

Ensure that the assessment benchmarks for vegetation management under the *Planning Act 2016*² are consistent with the purpose of the VMA and with this policy. The benchmarks will:

1. provide a performance based code that is consistent with the purpose of the VMA and the outcomes of this policy
2. for clearing for purposes intended to restore or retain vegetation, ensure that vegetation will return to the condition it had before the clearing occurred
3. for clearing for purposes intended to remove vegetation, ensure that the clearing is avoided, or minimised where it cannot be avoided
4. provide for the consideration of offset arrangements where impacts cannot be avoided and have been minimised and where an offset for the residual impact is considered acceptable. Provisions for offsets will be in accordance with the Environmental Offsets Act 2014 and its associated policies
5. provide for the consideration of the impacts of clearing in areas where a vegetation clearing offence has occurred, and
6. be developed and regularly reviewed to ensure they continue to reflect the best available scientific knowledge and apply the precautionary principle.

² At the time of making of this Policy, the State Development Assessment Provisions provide the relevant assessment benchmarks for the assessment of development applications where the chief executive for the Planning Act 2016 is the assessment manager or referral agency for applications that involve vegetation clearing. It contains a performance based code that contains performance criteria used to assess whether a development appropriately manages any impact on a matter of state interest.

4.4 Significant community projects

1. Develop operational policies and guidelines for identifying a significant community project that apply the following criteria:
 - a. the project has specific locational requirements
 - b. the project benefits are demonstrable and not speculative
 - c. the benefits are significant to the relevant community, and
 - d. the project is predominantly for the community benefit based solely on the merits of the project.
2. In considering whether proposed clearing is for a significant community project, apply approved operational policies and guidelines.

4.5 Accepted development vegetation clearing codes

1. Ensure that the accepted development vegetation clearing codes for the purposes of the Planning Act 2016:
 - a. achieve the purpose of the VMA and the purpose and outcomes of this policy
 - b. apply only to low risk activities
 - c. contain requirements that enable effective and efficient enforcement
 - d. require notification³ and provide for clearing for a period from the date of notification that reflects the level of risk for the activity
 - e. encourage good practice and compliance by requiring a self-audit for those clearing purposes that retain or restore the regional ecosystem
 - f. where impacts cannot be avoided and have been minimised, provide the ability for landholders to secure exchange areas where this will reduce the risk of clearing to a low level
 - g. are developed with regard to the best available scientific advice and the precautionary principle
 - h. support the sustainable use of land wherever consistent with the purposes of the VMA and this policy, and
 - i. are reviewed periodically to ensure that they reflect the best available scientific advice.
2. Maintain a public register of exchange areas that details the real property description of the land on which the exchange area is located.

4.6 Property Maps of Assessable Vegetation

1. Property maps of assessable vegetation (PMAVs):
 - a. clearing of areas shown as Category X on a PMAV are not subject to regulation under the State's vegetation management framework, and will be remapped to another regulated Category only with the landowner's consent.

³ Notifications are published on the Department's website.

2. In making an area of Category X on a PMAV:
 - a. where the chief executive is reasonably satisfied that an area is non-remnant due to unlawful clearing on or before 29 November 2013, the area will not be made Category X unless later lawful clearing for a purpose not intended to maintain a regional ecosystem has also occurred⁴
 - b. the chief executive will be satisfied that an area was unlawfully cleared where there is no evidence that the area became non-remnant through lawful clearing
 - c. an area will not be made Category X if the vegetation is in a non-remnant condition as a result of clearing by burning (including lawful burning), the action of cyclones, drought or other natural events. Instead, it will continue to be mapped as another regulated Category
 - d. an area will not be made Category X if the vegetation is in a non-remnant condition as a result of clearing under an accepted development code or development approval for a purpose intended to maintain a regional ecosystem⁵. Instead, it will continue to be mapped as another regulated Category.
3. In assessing an application for a PMAV, an area will be assessed first for suitability as Category B, then for suitability for Category C, then for Category R. An area will not be made Category X if it is identified as remnant, or as high value regrowth using the Queensland Herbarium's published methodology⁶.
4. In assessing applications for a PMAV, have regard to the best available scientific knowledge and the precautionary principle, and apply approved operational policies and guidelines.

4.7 Vegetation monitoring and mapping

1. To ensure that decisions reflects the best available scientific knowledge, regularly review and update the regulated vegetation management map including the mapping of essential habitat and watercourses, and regularly update maps of regional ecosystems.
2. To enable the effectiveness of the State Policy and the VMA to be monitored and reviewed, prepare and regularly update maps of the extent and condition of woody vegetation, and regularly review and improve the mapping methodology to include the best available science⁷.

4.8 Area Management Plans

1. Ensure that area management plans made or amended by the chief executive:
 - a. achieve the purpose of the VMA and the purpose and outcomes of this policy
 - b. apply only to low risk activities
 - c. are generally used to manage issues not addressed by an accepted development vegetation clearing code

⁴ Under the VMA s20AC, if the chief executive is satisfied that an area is non-remnant due to unlawful clearing after 29 November 2013, the area **MUST NOT** be made Category X unless later lawful clearing has also occurred.

⁵ Accepted development vegetation clearing codes for purposes intended to maintain a regional ecosystem at the time of making of this policy are the codes for fodder harvesting; encroachment; control of non-native plants and pests; and necessary environmental clearing. Development approvals for purposes intended to maintain a regional ecosystem include the same purposes and managing thickened vegetation.

⁶ At the time of making of this Policy, the Queensland Herbarium's published methodology is the "Survey and Mapping of Regional Ecosystems".

⁷ This mapping is delivered by the Statewide Landcover And Trees Study (SLATS) available through the Government's website.

- d. contain requirements that, if complied with, enable effective and efficient enforcement
 - e. require notification and provide for clearing for a period from the date of notification, that reflects the level of risk of the activity
 - f. require a self-audit prior to a second or subsequent notification, as a means of encouraging good practice and voluntary compliance
 - g. are developed with regard to the best available scientific advice and the precautionary principle
 - h. support the sustainable use of land wherever consistent with the purposes of the VMA and this policy.
2. Publish notifications made under an area management plan on the Department's website.

4.9 Communication

Use a variety of communication methods to communicate the vegetation management framework to landholders and other stakeholders.