

Managing Category R regrowth vegetation

A self-assessable vegetation clearing code

Note: The *Sustainable Planning Act 2009* has been replaced by the *Planning Act 2016*, which commenced on 3 July 2017. As a result:

- self-assessable vegetation clearing codes are now known as accepted development vegetation clearing codes, and this document is to be taken as an accepted development vegetation clearing code
- exemptions are now known as exempt clearing work under Schedule 21 of the Planning Regulation 2017, and any reference to an exemption / exemptions are to be taken as a reference to exempt clearing work.

Effective from 2 December 2013

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1. How to use this document

This code states the required outcomes for clearing Category R regrowth vegetation, the practices that must be complied with and provides guidance on how to comply with each practice. The practices are shaded blue throughout the document.

Section 5 of the code sets out the practices and guidance for clearing for general purposes, public safety, necessary infrastructure, weed control, thinning and an extractive industry.

Section 6 of the code sets out the practices and guidance for necessary environmental clearing.

There is a glossary at the end of the document that defines specific terms used in the code. If a term is not included in the glossary, it may be defined in the *Vegetation Management Act 1999*.

Other resources that are referred to in this code and will assist your compliance with its requirements include the:

- regulated vegetation management map—available at www.dnrm.qld.gov.au
- vegetation management supporting map—available at www.dnrm.qld.gov.au
- vegetation management wetlands map—available at www.dnrm.qld.gov.au
- vegetation management watercourse map—available at www.dnrm.qld.gov.au
- essential habitat map—available at www.dnrm.qld.gov.au
- full regional ecosystem descriptions contained in the Regional Ecosystem Description Database—available at www.ehp.qld.gov.au
- *State policy for vegetation management*—available at www.dnrm.qld.gov.au
- *Vegetation Management Act 1999*—available at www.legislation.qld.gov.au.



2. Introduction

2.1 Self-assessable vegetation clearing code

This is a self-assessable vegetation clearing code (code) for the clearing of vegetation in a Category R area made in accordance with the *Vegetation Management Act 1999*. It is based on the purposes of the *Vegetation Management Act 1999* and the principles and required outcomes of the State Policy for Vegetation Management. It sets out the required outcomes and practices for clearing Category R vegetation.

Required outcomes

This code will achieve the following required outcomes for clearing regrowth vegetation:

- Category R regrowth vegetation conserved
- wetland and watercourse bank stability, water quality and habitat maintained
- landscape stability maintained.

Practice

The required outcomes will be achieved if you comply with the practices in this code, which are shaded blue throughout the document.

2.2 Scope of the code

This code applies to the clearing of vegetation in a Category R area. Category R areas are shown on the regulated vegetation management map (available at www.dnrm.qld.gov.au).

Category R vegetation is native woody vegetation on freehold land, Indigenous land or leasehold land granted for agriculture or grazing purposes, located within 50 metres of a watercourse in the Burdekin, Mackay, Whitsunday and Wet Tropics Great Barrier Reef catchments.

This code applies to the clearing of vegetation in a Category R area for the following clearing purposes:

- general
- public safety
- necessary infrastructure
- control of non-native plants and declared pests
- thinning of thickened regrowth vegetation
- extractive industry
- necessary environmental clearing.

Note: Native vegetation clearing exemptions provided under Schedule 24 of the *Sustainable Planning Act 2009* apply to regrowth vegetation.

3. Notification and compliance

3.1 Notification

Practice

Landholders intending to clear in a Category R area under this code must notify DNRM before clearing.

Guidance

Prior to conducting any clearing, you must notify DNRM. Refer to the DNRM website (www.dnrm.qld.gov.au) for options and instructions on how to notify DNRM. There is no notification fee.

DNRM will give you a receipt of the notification.

If your property is sold, the new owner must notify DNRM if they wish to clear vegetation in a Category R area under this code.

3.2 Compliance

Practice

Landholders must comply with the practices in this code.

Guidance

You are required to comply with the practices specified (shaded blue) in this code.

Before clearing, you should consult the DNRM website to ensure you are operating under the current version of the code.

Compliance with this code does not exempt landholders from requirements under other legislation (see Appendix 1 for a list of other relevant legislation).

You should keep a record of any clearing activity. This could be a diary note of clearing operations, supported by before and after photographs from known locations, which clearly illustrate what has been cleared and when this was done.

You should also document your instructions to operators and supervise any clearing activity undertaken by contractors.

Note: Contractors are advised to sight a copy of the DNRM notification receipt before commencing clearing, and then to operate in accordance with code requirements.

4. Identifying Category R areas

Category R vegetation is the native woody vegetation that is located within 50 metres of a regrowth watercourse identified on a regulated vegetation management map.

Category R areas are shown on the regulated vegetation management map, which is available on the Department of Natural Resources and Mines (DNRM) website www.dnrm.qld.gov.au.

Unlike Category C regrowth vegetation, Category R refers to a location that may or may not have native vegetation. If there is no native vegetation within 50 metres of a regrowth watercourse, the code does not apply.

The mapping of Category R areas is generally accurate, however if you consider the mapping of a regrowth watercourse to be incorrect, you should contact DNRM.

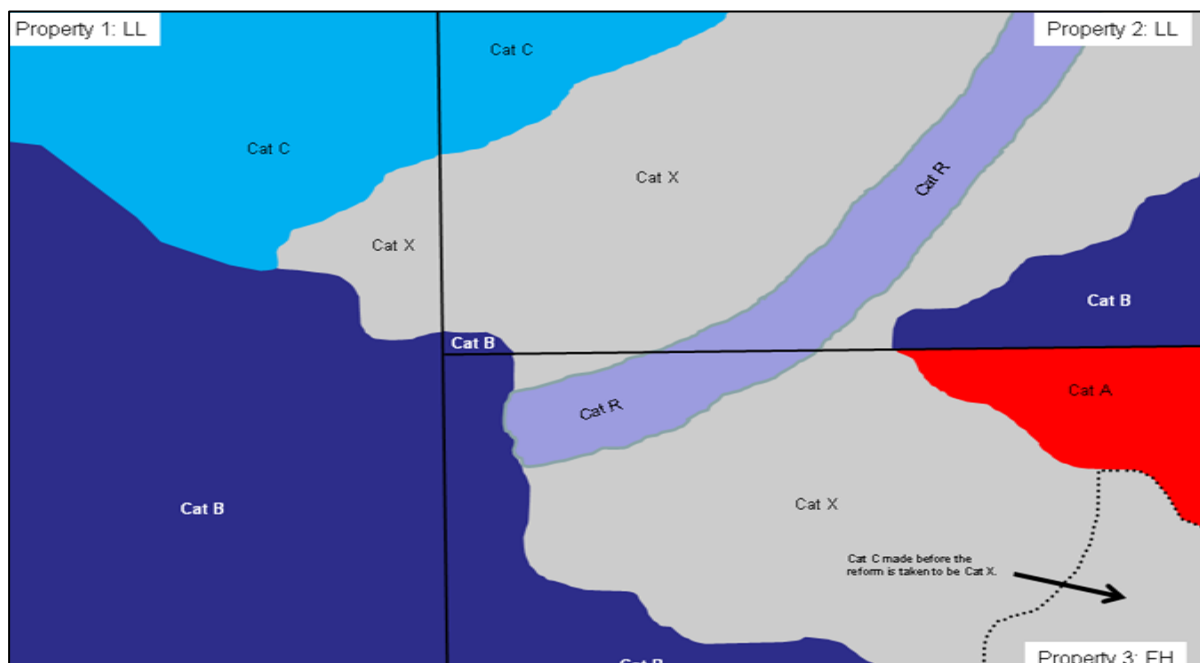


Figure 1: Example of the regulated vegetation management map

5. Clearing practices

5.1 Avoiding soil degradation

Mechanical clearing of Category R vegetation has potential to cause soil degradation—particularly soil erosion and bank instability of watercourses. The following practice applies to clearing for all purposes in section 5.

Practice

Clearing of vegetation in a Category R area must employ measures to avoid soil degradation.

Guidance

Soil degradation includes any of the following:

- soil erosion
- the expression of salinity
- mass movement by gravity of soil or rock
- stream bank instability
- a process that results in declining water quality.

Preventing soil degradation involves assessing the risk and taking all necessary measures to avoid any of the above occurring.

To prevent soil erosion you should:

- maintain at least 50% ground cover (living vegetation or debris from clearing) over any 50 by 50 metre area
- not clear in areas of sodic, dispersible or highly erodible soils (where erosion and instability is evident); or apply effective soil erosion control measures
- limit mechanical clearing to slopes less than 5%.

Warning signs of salinity include:

- any current surface expression of salting
- vegetation indicative of wet or saline conditions
- seepages at the soil surface or in the soil
- a water table depth of less than five metres.

Acid sulphate soils are largely confined to coastal area less than 5 metres above sea level in areas such as estuaries, flood plains, tidal mangrove flats, lakes, wetlands and swamps.

Acid sulphate soils generally do not pose a threat where:

- the area is more than 5 metres above sea level and is not land zone 1, 2 or 3
- DNRM acid sulphate maps indicate that acid sulphate soils are not present.

In other situations you should:

- construct access tracks at ground level and not construct side drains that will disturb the soil to a depth that will activate acid sulfate or expose the water table
- utilise mechanical techniques that will not disturb the soil to a depth that will activate acid sulfate or expose the water table.

Where these requirements cannot be met, landholders are required to operate in accord with the Soil Management Guidelines in the Queensland Acid Sulphate Soil Technical Manual.

5.2 General purposes

In some circumstances, landholders can clear Category R vegetation for agriculture, pasture or some other purpose.

Practice

Clearing of vegetation in a Category R area for general purposes must not:

- occur in a regrowth wetland or watercourse protection area (as specified in Table 1) where the vegetation is more than 2 metres in height
- occur within 5 metres of a defining bank.

Guidance

A regrowth wetland or watercourse protection area is the area adjacent to the wetland or watercourse of the width specified in Table 1.

Table 1: Regrowth wetland and watercourse protection

Water feature	Regrowth protection area*
Wetland	20 metres
Watercourse	
Stream order [†] 1 or 2 or a watercourse up to 5 metres wide	10 metres
Stream order [†] 3 and 4 or a watercourse up to 10 metres wide	25 metres
Stream order [†] 5 or more or a watercourse up to 20 metres wide	50 metres

* Distances are measured from the defining bank or seasonal high water line of the watercourse or wetland.

[†] Stream order is marked on the vegetation management watercourse map.

If in the field a watercourse is comprised of multiple channels (or anabranches), each channel should have a regrowth watercourse protection area.

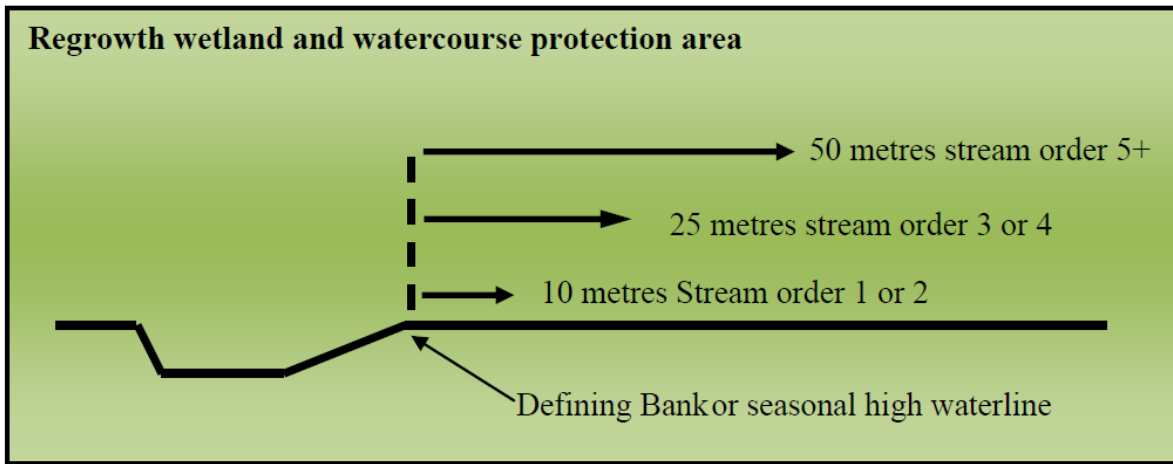


Figure 2: Regrowth wetland and watercourse protection area

5.3 Public safety

Category R vegetation may be cleared to the extent necessary to ensure public safety.

Practice

Clearing of vegetation in a Category R area for public safety is limited to the extent necessary to ensure public safety.

5.4 Necessary infrastructure

Category R vegetation can be cleared to establish or maintain a fence, firebreak, road or vehicular track, or to construct necessary built infrastructure.

Practice

Clearing vegetation in a Category R area for the purpose of necessary infrastructure:

- is limited to the extent necessary to establish a fence, firebreak, road or vehicular track, or to construct necessary built infrastructure, if there is no alternative site
- must be in accordance with the practices of the self-assessable vegetation clearing code for managing clearing for necessary property infrastructure.

5.5 Weed control

Category R vegetation can be cleared to the extent necessary to control declared pests and non-native plants

Practice

Clearing vegetation in a Category R area for the purpose of controlling non-native plants or declared pests:

- is limited to the extent necessary to:

- control non-native plants or declared pests; and
- provide access for the control of non-native plants or declared pests if no alternative route exists
- must retain native vegetation that is:
 - more than 20 cm in diameter (measured at 1.3 metres above the ground); and
 - less than 20 cm in diameter (measured at 1.3 metres above the ground) in accordance with Table 2
- must not occur using mechanical methods within 2 metres of a defining bank of a wetland or watercourse.

Table 2: Retention of trees less than 20 centimetres in diameter

Weed cover	Retain/clear
Up to 50%	Retain at least 50% of trees less than 20 cm diameter (measured at 1.3 metres above the ground)
More than 50%	Clear up to 100% of the trees less than 20cm diameter (measured at 1.3 metres above the ground)

5.6 Thinning

Thinning refers to the selective clearing of Category R vegetation to restore the regional ecosystem to a floristic composition and range of densities typical of the regional ecosystem in that area.

Practice

Clearing of vegetation in a Category R area for the purpose of thinning:

- must not occur in any of the regional ecosystems listed in Table 3; and
- must retain all native trees more than 20 centimeters in diameter (measured at 1.3 metres above the ground) and native trees less than 20 centimetres in diameter (measured at 1.3 metres above the ground) evenly across the area at the following density:
 - 100 trees per hectare in non-coastal areas
 - 300 trees per hectare in coastal areas
- using mechanical methods, must not occur within 5 metres of a defining bank of a regrowth wetland or watercourse.

Table 3: Regional ecosystems in which thinning must not occur

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

Guidance

The regional ecosystems listed in Table 3 are generally either rainforest, heathland or dry scrub ecosystems.


5.7 Extractive industry

This code applies to clearing for an extractive industry that is not in a key resource area. Clearing of regulated regrowth vegetation for an extractive industry in a key resource area is not regulated under the *Vegetation Management Act 1999*.

Practice

Clearing of vegetation in a Category R area for an extractive industry:

- must not cause bank instability
- can only occur if there is no alternative extractive site or access route on the lot(s)
- is limited to the extent necessary for any of the following:
 - dredging material from the bed of any waters
 - extracting rock, sand, clay, gravel, loam or other material, from a pit or quarry
 - screening, washing, grinding, milling, sizing or separating material extracted from a pit or quarry

- 
- 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
 - must be staged in line with operational needs in a way that restricts clearing to the current operational area; and
 - must not occur until all required permits or authorities have been obtained under other relevant legislation.

6. Necessary environmental clearing

6.1 General

Necessary environmental is clearing that is necessary to:

- restore the ecological and environmental condition of land
- divert existing natural channels in a way that replicates the existing form of the natural channel
- prepare for the likelihood of a natural disaster
- remove contaminants from land.

This following practice applies to all necessary environmental clearing in section 6 of this code.

Practice

Clearing of vegetation in a Category R area for necessary environmental clearing must:

- be limited to the extent necessary to allow the physical removal, stabilization, preparation and/or repair of an area; and
- leave the area in a state that:
 - is stable in terms of soil erosion and degradation; and
 - will naturally re-vegetate or be re-vegetated with native species.

Guidance

You should take photographs of the site before, during and after you have completed the necessary environmental clearing, to clearly demonstrate the condition of the site pre and post works.

6.2 Restoring the land

Restoring the ecological and environmental condition of the land may include:

- rehabilitating scalded areas
- rehabilitating or stabilizing areas of soil erosion or gullying
- stabilizing the banks of wetlands, watercourse or gullies
- rehabilitating areas degraded by salinity or acid sulfate
- using ecological burning to restore a regional ecosystem to a more natural state.

Practice

Necessary environmental clearing in a Category R area:

- to rehabilitate a scalded area, is limited to the size of the scalded area and mature trees must be retained
- to restore a regional ecosystem using ecological burning, must be in accordance with the guidelines for the regional ecosystem contained in the Regional Ecosystem Description Database (available at www.ehp.qld.gov.au)
- for a purpose other than rehabilitating a scalded area or restoring a regional ecosystem using environmental burning, must:
 - not exceed 2 hectares, for non-linear clearing
 - not exceed 10 metres wide and 200 metres in length for linear clearing
- in a wetland or watercourse that is subject to the *Water Act 2000* or the *Fisheries Act 1994*, must be in accordance with necessary approvals
- in a wetland or watercourse that is not subject to the *Water Act 2000* or the *Fisheries Act 1994*, any access tracks:
 - that run parallel to the wetland or watercourse must be more than 10 metres from the defining bank
 - into the bed and banks of a watercourse or wetland must be at right angles to the water flow, and no wider than 10 metres and a minimum of 50 metres apart.

Guidance

Works to restore the land should be consistent with recognized best practice as recommended by a government agency, a university, industry organisation, natural resource management group or similar body.

6.3 Diverting a channel

Clearing vegetation to divert a natural channel under this code must be necessary environmental clearing—such as, diverting an existing natural channel because the surrounds of the channel mean the watercourse in its present location is no longer functioning; or the channel remaining in its current location may lead to an adverse environmental outcome.

Practice

Necessary environmental clearing to divert an existing natural channel:

- must replicate the existing form (shape) of the natural channel
- must stabilise all areas cleared and re-vegetate the new channel with native species
- in a wetland or watercourse subject to the *Water Act 2000* or the *Fisheries Act 1994*, must be in accordance with necessary approvals or
- in a wetland or watercourse not subject to the *Water Act 2000* or *Fisheries Act 1994* the new channel must be no:
 - longer than 100 metres and
 - wider than 10 metres.

6.4 Natural disaster

Necessary environmental clearing for the purpose of preparing for the likelihood of a natural disaster is generally associated with the clearing of vegetation to remove debris or silt from a watercourse to mitigate flooding.

The *Sustainable Planning Act 2009* provides exemptions for a range of other clearing activities to prepare for the likelihood of a natural disaster, such as clearing to protect infrastructure, for public safety, or to establish or maintain fire breaks.

Practice

Clearing in a wetland or watercourse subject to the *Water Act 2000* must be in accordance with necessary approvals.

In a wetland or watercourse that is not subject to the *Water Act 2000*, a tree in the bed of the watercourse can be felled and removed where:

- removal of the tree will reduce the accumulation of debris and silt which would otherwise exacerbate flooding
- the tree is causing diversion of water and is destabilizing adjacent banks
- any access tracks that run parallel to the wetland or watercourse are more than 10 metres from the defining bank
- any access tracks into the bed and banks of a watercourse or wetland are at right angles to the water flow, no wider than 10 metres and a minimum of 50 metres apart.

6.5 Removing contaminants

Practice

Environmental clearing to remove contaminants:

- is limited to the extent necessary to allow removal of the contaminants
- must involve stabilization and re-vegetation with native species.

Appendix 1: Other legislation

Other legislation, such as the Acts listed below may affect clearing activities. You should contact the agencies below to determine if your intended clearing activity will be affected. Of particular importance, note that:

- all native plants in Queensland are protected under the *Nature Conservation Act 1992*, and you must contact the nature conservation area of the Department of Environment and Heritage Protection on 13 QGOV (13 74 68) before clearing vegetation
- you must also contact the Department of Agriculture, Fisheries and Forestry 13 QGOV (13 74 68) before clearing:
 - any sandalwood on State-owned land (including State leasehold land, reserves, roads, etc).
 - more than 5 hectares on State-owned land (including State leasehold land, reserves, roads, etc) that contains commercial timber species (hardwood species or white cypress pine) as listed in Part 2 or 3 of Schedule 6 of the Vegetation Management Regulation 2012 if you are within the local government area of any of the following Councils: Banana Shire; Barcaldine Regional; Blackall Tambo Regional; Bundaberg Regional; Central Highlands Regional; Charters Towers Regional; Cook Shire; Fraser Coast Regional; Gladstone Regional; Goondiwindi Regional; Isaac Regional; Mackay Regional; Maranoa Regional; Murweh Shire; North Burnett Regional; Rockhampton Regional; Somerset Regional; South Burnett Regional; Southern Downs Regional; Tablelands Regional; Toowoomba Regional; Western Downs Regional or Whitsunday Regional.

Relevant legislation and agency contact details

Legislation	Agency	Contact details
<i>Water Act 2000</i> <i>Wild Rivers Act 2005</i> <i>Soil Conservation Act 1986</i>	Department of Natural Resources and Mines (Queensland Government)	Ph: 13 QGOV (13 74 68)
<i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i>	Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (Queensland Government)	Ph: 13 QGOV (13 74 68)
<i>Environmental Protection Act 1994</i> <i>Coastal Protection and Management Act 1995</i> <i>Queensland Heritage Act 1992</i>	Department of Environment and Heritage Protection (Queensland Government)	Ph: 13 QGOV (13 74 68)
<i>Nature Conservation Act 1992</i>	Department of Environment and Heritage Protection (Queensland Government)	Ph: 13 QGOV (13 74 68)
<i>Fisheries Act 1994</i> <i>Forestry Act 1959</i>	Department of Agriculture, Fisheries and Forestry (Queensland Government)	Ph: 13 QGOV (13 74 68)
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of the Environment, Water, Heritage and the Arts (Australian Government)	Ph: 1800 803 772
<i>Sustainable Planning Act 2009</i>	Department of State Development and Infrastructure Planning (Queensland Government)	Ph: 13 QGOV (13 74 68)
<i>Local Government Act 1993</i>	Local government	Contact your nearest local government office

Glossary

Accelerated soil erosion is soil erosion that occurs as a result of human activity.

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

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

Defining bank is:

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

Mature tree is a tree with a diameter of 20 centimetres at 1.3 metres above the ground (if there are several trunks, add the diameters of the two largest trunks together).

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

Regional ecosystems are vegetation communities in a bioregion that are consistently associated with a particular combination of geology, landform and soil.

Non-coastal areas are those other than coastal areas. Advice can be sought from DNRM in identifying whether land is within a non-coastal area.

Watercourses are natural rivers, creeks or channels represented on the vegetation management watercourse map. If in the field, a watercourse is comprised of multiple channels or anabranches, each channel must have a watercourse protection area.

Wetland is 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. Wetlands that require protection under this code are shown on the vegetation management wetlands map.



Call: 13 QGOV (13 74 68)
Visit: www.dnrm.qld.gov.au