

Environmental Offset Conditions Biodiversity Offset Policy Queensland

Our Reference 20121458



THE FIRST CHOICE ENVIRONMENTAL BROKER

PO Box 1069 Hervey Bay Qld 4655 **P** 07 4194 5009 **E** info@earthtrade.com.au

www.earthtrade.com.au

This report should be cited as:

*Environmental Offset Conditions – Biodiversity Offset Policy, Queensland
Prepared by Jade Gesell and Alan Key © Earthtrade 2012*

ACKNOWLEDGEMENTS:

This document has been prepared by Herron Todd White Environmental Pty Ltd T/A Earthtrade.

Disclaimer:

Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information.

Herron Todd White (Environmental) Pty Ltd accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party.

Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

Contents

Contents	3
1. General Information.....	4
2. Mining Projects and how they trigger the amended EP Act	4
3. Environmental Protection Act 1994	6
Part 2 Object and achievement of Act.....	6
Chapter 2 Environmental protection policies	6
Chapter 5 Environmental authorities for mining activities.....	7
Part 5 Processing non-code compliant applications for environmental authority (exploration) or environmental authority (mineral development) for level 1 mining project	8
4. Environmental Protection Regulation 2008	9
Division 2 Prescribed criteria	9
Division 3 Aggregate environmental score	10
Schedule 6 Aggregate environmental scores for level 1 mining projects.....	10
5. State Development & Public Works Organisation Act 1971 (SDPWO)	11
Purpose	11
Extracts from SDPWO.....	11
6. Mineral Resources Act 1989	13
Part 1 Preliminary	13
7. Queensland Biodiversity Offsets Policy (version 1) 3 October 2011	15
Introduction	15
Purpose	15
Rationale.....	15
Appendix 1. State significant biodiversity values	15

Environmental Offset Conditions

Biodiversity Offset Policy-Queensland

1. General Information

The *Environmental Protection and Other Acts Amendment Act 2011 (the Act)* was passed by Queensland Parliament on 23 March 2011, 16 months after the Bill was first introduced.

The policy objective of the Act was set out in the Explanatory Memorandum as follows:

“The principal objective of the Bill is to include conditioning powers to place beyond doubt that environmental offset conditions may be imposed on development approvals, environmental authorities and other approvals for development”.

The Act amends the *Environmental Protection Act 1994*, the *Fisheries Act 1994*, the *Nature Conservation Act 1992* and the *Sustainable Planning Act 2009*.

This Act sets out the powers of assessment managers in relation to environmental offsets and is intended to provide legal certainty for the environmental offset conditions contained in development approvals.

The framework for imposing environmental offsets has been established since 2008 under the Queensland Government Environmental Offsets Policy -QEOP (**Offsets Policy**).

A fundamental policy principle of the Offsets Policy is that “Environmental impacts must first be avoided, then minimised, before considering the use of offsets for any remaining impact”.

The Act directly supports this principle (see section 346A of the *Sustainable Planning Act 2009* and section 210(3) of the *Environmental Protection Act 1994*). Section 346A of the *Sustainable Planning Act 2009* relevantly provides that an environmental offset condition can only be imposed if the concurrence agency or assessment manager is satisfied that the applicant has demonstrated that all cost-effective on-site mitigation measures for the development have been, or will be, undertaken.

2. Mining Projects and how they trigger the amended EP Act

A mining project is prescribed under section 151 of the *Environmental Protection Act 1994* as either a level 1 mining project or a level 2 mining project, depending on the risk of environmental harm.

Mining activities that are part of a mining project are authorised under an environmental authority (mining activities).

For a new mining project an applicant must apply concurrently for an environmental authority (mining activities) under the *Environmental Protection Act 1994* and a mining tenement under the *Mineral Resources Act 1989*.

Following a legislative review, the Queensland Government amended the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2008*. These changes came into effect on 2 December 2011.

An application for an environmental authority (mining activities) for a level 1 mining project must be accompanied by a site-specific environmental management plan. Level 1 mining projects are listed in schedule 6, column 1 of the *Environmental Protection Regulation 2008*. Mining activities for level 1 mining projects may be undertaken on exploration permits, mineral development licences and mining leases issued under the *Mineral Resources Act 1989*.

A level 2 mining project has a lower risk of causing environmental harm and will be authorised by either a code compliant or a non-code compliant environmental authority (mining activities).

An applicant for a code compliant environmental authority (mining activities) for a level 2 mining project must certify that all mining activities proposed to be carried out under the authority can comply with the standard environmental conditions in the relevant code of environmental compliance. An applicant for a non-code compliant environmental authority (mining activities) for a level 2 mining project must supply enough information in support of the application to allow DERM to decide the application.

All mining activities conducted on prospecting permits and mining claims are level 2 mining projects. Other exploration, mineral development and mining activities that meet the criteria for low environmental impact prescribed in sections 30 to 32 of the *Environmental Protection Regulation 2008* may also be level 2 mining projects.

Some of the relevant parts of the *Environmental Protection Act 1994*, *State Development and Public Works Act 1971* and the *Mineral Resources Act 1989*, have been extracted and inserted below. Key terms or phrases that trigger the requirement to undertake offsets under the Biodiversity Offsets Policy are underlined. The key terms are “Level 1 Mining Project”, “Environment” and “Environmental Value”.

Appendix 1 of the Queensland Biodiversity Offset Policy (BOP) has been included to demonstrate the direct link between Environmental Value and those State Significant Environmental Values listed in the BOP.

3. Environmental Protection Act 1994

Part 2 Object and achievement of Act

s3 Object

The object of this Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (*ecologically sustainable development*).

s8 Environment

Environment includes:-

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) the 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 that affect, or are affected by, things mentioned in paragraphs (a) to (c).

s9 Environmental value

Environmental value is:-

- (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- (b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

Chapter 2 Environmental protection policies

s26 Minister may make policies

The Minister may make environmental protection policies to enhance or protect Queensland's environment.

s27 Scope of policies

- (1) An environmental protection policy may be made about the environment or anything that affects or may affect the environment.
- (2) Without limiting subsection (1), an environmental protection policy may be made about any of the following:-
 - (a) a contaminant, including, for example, an ozone depleting substance;
 - (b) an industry or activity;
 - (c) a technology or process;
 - (d) an environmental value;
 - (e) waste management;
 - (f) contamination control practice;
 - (g) land, air or water quality;
 - (h) noise;
 - (i) litter.

s28 Contents of policies

- (1) An environmental protection policy must:-
 - (a) state that the policy applies to the environment generally or to an aspect or part of the environment specified in the policy; and

- (b) **identify the environmental** values to be enhanced or protected under the policy.
- (2) An environmental protection policy may:-
 - (a) state the objectives to be achieved and maintained under the policy; or
 - (b) state indicators, parameters, factors or criteria to be used in measuring or deciding any quality or condition of the environment; or
 - (c) establish a program by which the stated objectives are to be achieved and maintained, including, for example, the following:-
 - i. quantifying ambient conditions;
 - ii. the qualities and maximum quantities of any contaminant permitted to be released into the environment;
 - iii. the minimum standards to be complied with in the installation or operation of vehicles, plant or equipment for the control of contaminants or waste from stated sources or places;
 - iv. measures designed to protect the environment or minimise the possibility of environmental harm; or
 - v. provide for a program performance assessment procedure.
- (3) An environmental protection policy may make provision about anything about which a regulation may be made under this Act, and, in particular:-
 - (a) prescribing offences for contraventions of the policy; and
 - (b) fixing a maximum penalty of a fine of not more than 40 penalty units for the contravention.

s33 Policies are subordinate legislation

An environmental protection policy is subordinate legislation and does not have effect until it is approved by the Governor in Council.

s34 Giving effect to policies

On approval of an environmental protection policy, the administering authority must give effect to the policy.

Chapter 5 Environmental authorities for mining activities

s148 Types of environmental authority (mining activities)

- (1) An environmental authority (mining activities) may be for mining activities authorised under:-
 - (a) a prospecting permit (an **environmental authority (prospecting)**); or
 - (b) a mining claim (an **environmental authority (mining claim)**); or
 - (c) an exploration permit (an **environmental authority (exploration)**); or
 - (d) a mineral development licence (an **environmental authority (mineral development)**); or
 - (e) a mining lease (an **environmental authority (mining lease)**).
- (2) Each environmental authority (mining activities) is either a code compliant authority or a non-code compliant authority.
- (3) A code compliant authority is an environmental authority (mining activities) that, under section 164 or 168, is taken to have been issued.
- (4) However, a code compliant authority ceases to be a code compliant authority if, under part 8, 9 or 12, its conditions are amended or new conditions are imposed on it.
- (5) **non-code compliant authority** is any environmental authority (mining activities) other than a code compliant authority.

s151 What is a level 1 mining project and a level 2 mining project

- (1) A **level 1 mining project** is a mining project authorised under an environmental authority (mining activities) if:-
 - (a) any of the mining activities that form the project do not comply with the criteria prescribed under a regulation for mining activities under that type of authority; or

- (b) any relevant mining tenement for the environmental authority is, or is included in, a significant project; or
 - (c) any of the mining activities that form the project are in a wild river area, other than the following:-
 - i. mining activities authorised under an environmental authority (prospecting) or an environmental authority (mining claim) in a wild river area;
 - ii. mining activities authorised under an environmental authority (exploration permit) in a wild river preservation area.
- (2) A level 2 mining project is:-
- (a) any mining activity authorised under an environmental authority (prospecting); or
 - (b) a mining project authorised under an environmental authority (mining activities) if:-
 - i. all mining activities that form the project comply with the criteria prescribed under a regulation for mining activities under that type of authority; and
 - ii. no relevant mining tenement for the environmental authority is, or is included in, a significant project.

Part 5 Processing non-code compliant applications for environmental authority (exploration) or environmental authority (mineral development) for level 1 mining project

s202 Purpose of submitted EM plan

The purpose of the submitted EM plan is to propose environmental protection commitments to help the administering authority prepare the draft environmental authority for the application.

s203 Content requirements for submitted EM plan

- (1) A submitted EM plan must:-
- (a) be in the approved form; and
 - (b) describe the following:-
 - i. each relevant mining lease;
 - ii. all relevant mining activities;
 - iii. the land on which the mining activities are to be carried out;
 - iv. the environmental values likely to be affected by the mining activities;
 - v. the potential adverse and beneficial impacts of the mining activities on the environmental values; and
 - (c) state any code of environmental compliance and standard environmental conditions that are to apply to the relevant mining activities; and
 - (d) state, to the extent a code of environmental compliance does not apply to the relevant mining activities, the environmental protection commitments the applicant proposes for the mining activities to protect or enhance the environmental values under best practice environmental management; and.....

4. Environmental Protection Regulation 2008

Division 2 Prescribed criteria

s29 Criteria for mining activities—Act, s 151

This division prescribes criteria for mining activities under an environmental authority (mining activities) for section 151(1)(a) and (2)(b)(i) of the Act.

s30 Criteria under any environmental authority (mining activities)

The following criteria are prescribed for mining activities allowed, or to be allowed, under an environmental authority (mining activities):-

- (a) the mining activities do not, or will not, at any one time, cause more than 10ha of land to be significantly disturbed;
- (b) the mining activities are not, or will not be, carried out in a category A environmentally sensitive area or a category B environmentally sensitive area;
- (c) the mining activities do not include:-
 - i. a chapter 4 activity for which there is an aggregate environmental score; or
 - ii. a level 1 petroleum activity.

s31 Criteria under environmental authority (mining lease)

(1) In addition to the criteria mentioned in section 30, the following criteria are prescribed for mining activities allowed, or to be allowed, under an environmental authority (mining lease):-

- (a) the mining activities do not, or will not, at any one time, cause more than 5ha of a riverine area or mine workings to be significantly disturbed;
- (b) the mining activities are not, or will not, be carried out by more than 20 persons at any one time;
- (c) only the following types of mining are, or will be, allowed under the relevant mining lease:-
 - i. alluvial mining;
 - ii. clay pit mining;
 - iii. dimension stone mining;
 - iv. hard rock mining;
 - v. opal mining;
 - vi. shallow pit mining.

(2) In this section:-

alluvial mining means excavating, in any way, unconsolidated, waterborne or weathered material (whether or not it is in a watercourse) and processing it by using chemical methods or gravity-separation to extract minerals from the material.

Examples— gem, gold or tin mining from alluvial wash

clay pit mining means excavating:-

- (a) waterborne or weathered material (whether or not it is in a watercourse) to extract clay for a use related to its ceramic properties; or
- (b) kaolin; or
- (c) bentonite.

dimension stone mining means extracting rock and processing it by additional cutting or shaping to use it for building.

Examples of rock extracted as dimension stone— granite, limestone, marble, sandstone and slate

hard rock mining means extracting material from underground or open cut pits and processing it by crushing or milling and using chemical methods or gravity-separation to extract minerals from it.

mine workings means an area from which ore or overburden has been extracted, or on which waste rock is stored, that is not:-

- (a) substantially rehabilitated to the satisfaction of the administering authority; or
- (b) used for constructing a camp site, road, plant, tailings dam, water storage dam, or other infrastructure.

opal mining means extracting material from underground or open cut pits and processing it by manually separating opal rock or by using gravity-separation to extract opal.

shallow pit mining means extracting material from an open cut pit no more than 5m deep and processing the material to extract minerals.

s32 Criteria under other environmental authorities (mining activities)

In addition to the criteria mentioned in section 30, the following criteria are prescribed for mining activities allowed, or to be allowed, under an environmental authority (mining activities), other than an environmental authority (mining lease)—

- (a) the mining activities do not, or will not, at any one time, cause more than 5000m² of land to be disturbed at a campsite;
- (b) no more than 20m³ of any substance is, or will be, extracted from each kilometre of a riverine area affected by the mining activities in a year.

Division 3 Aggregate environmental score

s.33 What is the aggregate environmental score for a level 1 mining project

The **aggregate environmental score** for a level 1 mining project stated in schedule 6, column 1 is the aggregate environmental score stated opposite the project in column 2 of the schedule.

Schedule 6 Aggregate environmental scores for level 1 mining projects

Column 1	column 2
1 drilling, costeaning, pitting or carrying out geological survey causing significant disturbance	8
2 investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	17
3 mining bauxite	97
4 mining mineral sand	120
5 mining black coal	128
6 mining iron ore	128
7 mining nickel ore	160
8 mining gold ore	216
9 mining copper ore	217
10 mining lead, silver or zinc separately or in any combination	185
11 mining metal ore, other than a metal ore mentioned in item 3,4,6,7,8,9 or 10	158
12 a level 1 mining project, other than a level 1 mining project mentioned in items 1 to 11	136

5. State Development & Public Works Organisation Act 1971 (SDPWO)

Purpose

An Act to provide for State planning and development through a coordinated system of public works organisation, for environmental coordination, and for related purposes

Mining Projects will often be part of a suite of projects that include supporting and associated infrastructure and will be designated as Significant Projects under section 26 of the SDPWO. Projects that are designated under s26 of SDPWO are automatically considered Level 1 Mining Projects as per EP Act s151 1 (b).

The Coordinator General must, under s41 of the SDPWO, refer Environmental Matters to the Administrating Authority (Department of Environment and Natural Resources (DERM)). DERM will request that the Coordinator General apply conditions to the Environmental Authority consistent with the Biodiversity Offset Policy.

Extracts from SDPWO

s25 Supervision of environment

The Coordinator-General shall, of the Coordinator-General's own motion or at the direction of the Minister, coordinate departments of the Government and local bodies throughout the State in activities directed towards ensuring that in any development proper account is taken of the environmental effects.

s26 Declaration of significant project

- (1) The Coordinator-General may:-
 - (a) declare a project to be a significant project for which an EIS is required; or
 - (b) declare a project to be a significant project for which an EIS is not required.
- (2) However:-
 - (a) the Coordinator-General may make a declaration under subsection (1)(b) only if satisfied appropriate environmental assessments under another Act will be carried out in relation to the project; and
 - (b) the Coordinator-General must not make a declaration under subsection (1)(b) if undertaking the project will result in broadscale clearing for agricultural purposes.
- (3) For subsection (2)(b), a project results in broadscale clearing for agricultural purposes if:-
 - (a) undertaking the project will result in the clearing of vegetation that, other than for the making of the declaration, would involve assessable development prescribed under the Sustainable Planning Act, section 232(1) that is operational work that is the clearing of native vegetation; and
 - (b) the Coordinator-General is satisfied the clearing is not for a relevant purpose under the Vegetation Management Act 1999, section 22A, other than subsection (2)(a) of that section.
- (4) The declaration must be made by gazette notice.
- (5) If the project involves development that requires an application for a development approval, the Coordinator-General must give a copy of the gazette notice to the person who is, or would be, the assessment manager for the application.
- (6) If the project involves a proposed environmental authority (mining lease), the Coordinator-General must give a copy of the gazette notice to the EPA and MRA Ministers.

- (7) If the project involves the proposed use of geothermal energy, as defined under the *Geothermal Exploration Act 2004*, the Coordinator-General must also give a copy of the gazette notice to the Minister administering that Act.
- (8) If the project involves a lease or licence under a petroleum Act, the Coordinator-General must also give a copy of the gazette notice to the Minister for the time being administering the Act.
- (9) If the project involves a proposed GHG injection and storage lease under the *Greenhouse Gas Storage Act 2009*, the Coordinator-General must also give a copy of the gazette notice to the Minister for the time being administering that Act.
- (10) In this section:-
 - petroleum Act** means:-
 - (a) the Petroleum Act 1923; or
 - (b) the Petroleum and Gas (Production and Safety) Act 2004; or
 - (c) the Petroleum (Submerged Lands) Act 1982.

s41 Concurrence agencies for conditions of development approvals

- (1) Subsection (2) applies if, in the report, the Coordinator-General nominates an entity as a concurrence agency for a development approval, including a condition of the approval, given in relation to the report.
- (2) The entity is, from the day the approval takes effect, taken to be a concurrence agency for the development application that resulted in the approval, including the condition of the approval.
- (3) This section applies despite section 37(1)(b).

s45 Application of Coordinator-General's report to proposed mining lease

- (1) The Coordinator-General's report may state conditions (Coordinator-General's conditions) for the proposed mining lease.
- (2) If Coordinator-General's conditions are included in the report—
 - (a) the Coordinator-General must give the MRA Minister a copy of the report; and
 - (b) the conditions of the proposed mining lease are, subject to section 47, taken to include the Coordinator-General's conditions.

s46 Coordinator-General's conditions override other conditions

- (1) This section applies if:-
 - (a) the proposed mining lease is granted; and
 - (b) the conditions of the mining lease include a Coordinator-General's condition; and
 - (c) there is any inconsistency between the Coordinator-General's condition and another condition of the mining lease.
- (2) Subject to section 47, the Coordinator-General's condition prevails to the extent of the inconsistency.
- (3) In this section:-

Coordinator-General's condition means—

- (a) a Coordinator-General's condition that, under section 45, is taken to have been included in the proposed mining lease; or
- (b) a condition that is substantially the same as a condition mentioned in paragraph (a).

s49 Application of Coordinator-General's report to environmental authority (mining lease)

- (1) The Coordinator-General's report may state conditions for any draft environmental authority under the Environmental Protection Act for the proposed environmental authority (mining lease).
- (2) If conditions under subsection (1) are included in the report, the Coordinator-General must give the EPA Minister a copy of the report.

6. Mineral Resources Act 1989

Part 1 Preliminary

s2 Objectives of Act

The principal objectives of this Act are to:-

- (a) encourage and facilitate prospecting and exploring for and mining of minerals;
- (b) enhance knowledge of the mineral resources of the State;
- (c) minimise land use conflict with respect to prospecting, exploring and mining;
- (d) encourage environmental responsibility in prospecting, exploring and mining;
- (e) ensure an appropriate financial return to the State from mining;
- (f) provide an administrative framework to expedite and regulate prospecting and exploring for and mining of minerals;
- (g) encourage responsible land care

Schedule 2 Dictionary

approval, for part 17, division 6, see section 696.

authorised activity—

- (a) An authorised activity, for a mining tenement, is an activity that its holder is, under this Act or the tenement, entitled to carry out in relation to the tenement.
- (b) An authorised activity, for a petroleum tenure, is an activity that its holder is, under the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act or the tenure, entitled to carry out in relation to the tenure.
- (c) An authorised activity, for a GHG authority, is an activity that its holder is, under the GHG storage Act or the authority, entitled to carry out in relation to the authority.

coal exploration tenement see section 318AE(1).

coal mining lease see section 318AE(2).

EIS means an environmental impact statement.

environment has the meaning given by the Environmental Protection Act.

environmental authority (exploration) means an environmental authority (exploration) under the Environmental Protection Act.

environmental authority (mineral development) means an environmental authority (mineral development) under the Environmental Protection Act.

environmental authority (mining claim) means an environmental authority (mining claim) under the Environmental Protection Act.

environmental authority (mining lease) means an environmental authority (mining lease) under the Environmental Protection Act.

Environmental Protection Act means the *Environmental Protection Act 1994*.

EPA administering authority, for a mining tenement or an application, means the administering authority under the Environmental Protection Act for an environmental authority (mining activities) or an application for an environmental authority (mining activities) relating to the mining tenement or the application.

proposed wild river area, for part 10A, see section 382.

protected area means an area dedicated under the *Nature Conservation Act 1992* as:-

- (a) a national park (scientific); or
- (b) a national park; or
- (c) a national park (Aboriginal land); or
- (d) a national park (Torres Strait Islander land); or
- (e) a national park (recovery); or
- (f) a conservation park.

relevant environmental condition, for a mining tenement, means a condition of an environmental authority (mining activities) under the Environmental Protection Act relating to the tenement.

relevant land, for a mining lease application, means the land the subject of the application.

watercourse, for part 10A, see section 382.

wet tropics area means the wet tropics area within the meaning of the *Wet Tropics World Heritage Protection and Management Act 1993*.

wild river area see the *Wild Rivers Act 2005*, schedule.

wild river declaration see the *Wild Rivers Act 2005*, schedule.

wild river high preservation area, for part 10A, see section 382.

wild river preservation area, for part 10A, see section 382.

7. Queensland Biodiversity Offsets Policy (version 1) 3 October 2011

Introduction

The Queensland Biodiversity Offset Policy (Policy) is an offset policy under the Queensland Government Environmental Offsets Policy¹ (QGEOP).

Purpose

The purpose of this policy is to increase the long-term protection and viability of the state's biodiversity where residual impacts from a development, on an area possessing State significant biodiversity values, cannot be avoided. The policy provides the framework to ensure that there is no net loss of biodiversity.

For the purposes of this policy, State significant biodiversity values are those values listed in Appendix 1. State significant biodiversity values have been derived from relevant values in the Department of Environment and Resource Management's (DERM) Areas of Ecological Significance (AES) mapping and Biodiversity Planning Assessments (BPA)

Rationale

This policy aligns several legislative decision making frameworks, to ensure that where State significant biodiversity values need to be offset, the policy requirements are applied consistently across the relevant development types.

Appendix 1. State significant biodiversity values

State significant biodiversity values	Description
Regional ecosystems	
Remnant endangered regional ecosystems	<p><u>Regional ecosystems</u> which:</p> <ul style="list-style-type: none"> • are listed in schedule 1 of the <i>Vegetation Management Regulation 2000</i>; and • are <u>remnant vegetation</u>; and • fit the description for the <u>regional ecosystem</u> contained in the Regional Ecosystem Description Database.
Remnant endangered grassland regional ecosystems	<p><u>Regional ecosystems</u> which:</p> <ul style="list-style-type: none"> • are listed in Appendix 4 of this Policy; and • are <u>remnant vegetation</u>; and • fit the description for the <u>regional ecosystem</u> contained in the Regional Ecosystem Description Database.
Remnant of concern regional ecosystems	<p><u>Regional ecosystems</u> which:</p> <ul style="list-style-type: none"> • are listed in schedule 2 of the <i>Vegetation Management Regulation 2000</i>; and • are <u>remnant vegetation</u>; and • fit the description for the <u>regional ecosystem</u> contained in the Regional Ecosystem Description Database.
Remnant of concern grassland regional	<p><u>Regional ecosystems</u> which:</p>

State significant biodiversity values	Description
ecosystems	<ul style="list-style-type: none"> • are listed in Appendix 4 of this Policy; and • are <u>remnant vegetation</u>; and • fit the description for the <u>regional ecosystem</u> contained in the Regional Ecosystem Description Database.
High value regrowth vegetation containing endangered regional ecosystems	<p><u>High value regrowth vegetation</u> which:</p> <ul style="list-style-type: none"> • contains an endangered <u>pre-clear regional ecosystem</u>; and • the <u>pre-clear regional ecosystem</u> is listed in schedule 1 of the <i>Vegetation Management Regulation 2000</i>; and • fits the description for the <u>pre-clear regional ecosystem</u> contained in the Regional Ecosystem Description Database.
High value regrowth vegetation containing of concern regional ecosystems	<p><u>High value regrowth vegetation</u> which:</p> <ul style="list-style-type: none"> • contains an of concern <u>pre-clear regional ecosystem</u>; and • the <u>pre-clear regional ecosystem</u> is listed in schedule 2 of the <i>Vegetation Management Regulation 2000</i>; and • fits the description for the <u>pre-clear regional ecosystem</u> contained in the Regional Ecosystem Description Database.
Threshold regional ecosystems	<p><u>Regional ecosystems</u> which:</p> <ul style="list-style-type: none"> • are listed in Appendix 8 of this Policy; and • are <u>remnant vegetation</u>; and • fit the description for the <u>regional ecosystem</u> contained in the Regional Ecosystem Description Database.
Critically limited regional ecosystems	<p><u>Regional ecosystems</u> which:</p> <ul style="list-style-type: none"> • are listed in Appendix 5 of this Policy; and • are <u>remnant vegetation</u>; and • fit the description for the <u>regional ecosystem</u> contained in the Regional Ecosystem Description Database.
Essential habitat	
Essential habitat	<p>For protected wildlife, means an area of vegetation shown on the regional ecosystem map or remnant map as <u>remnant vegetation</u>—</p> <p>(a) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential habitat database; or</p> <p>(b) in which the protected wildlife, at any stage of its life cycle, is located.</p>
Essential regrowth habitat	<p>For protected wildlife, means an area of vegetation shown on the regrowth vegetation map as <u>high value regrowth vegetation</u>—</p> <p>(a) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential regrowth habitat database; or</p> <p>(b) in which the protected wildlife, at any stage of its life cycle, is located.</p>
Wetlands	
Great Barrier Reef wetland protection	A HES wetland in a Great Barrier Reef catchment that is an area of permanent or periodic/intermittent inundation, with water that is static or flowing fresh, brackish

State significant biodiversity values	Description
areas	<p>or salt, including areas of marine water, the depth of which at low tide does not exceed 6 metres. To be classified as a wetland, the area must have one or more of the following attributes:</p> <p>(a) at least periodically, the land supports plants or animals that are adapted to and dependent on living in wet conditions for at least part of their life cycle, or</p> <p>(b) the substratum is predominantly undrained soils that are saturated, flooded or ponded long enough to develop anaerobic conditions in the upper layers, or</p> <p>(c) the substratum is not soil and is saturated with water, or covered by water at some time.</p> <p>Examples under this definition include:</p> <ul style="list-style-type: none"> • those areas shown as a river, stream, creek, swamp, lake, marsh, waterhole, wetland, billabong, pool or spring on the latest Sunmap1:25,000, 1:50,000, 1:100,000 or 1:250,000 topographic map¹ • areas defined as wetlands on local or regional maps prepared with the aim of mapping wetlands • wetlands Regional Ecosystems (REs) as defined by the Queensland Herbarium (Environmental Protection Agency 2005a) • areas containing recognised hydrophytes as provided by the Queensland Herbarium • saturated parts of the riparian zone • artificial wetlands such as farm dams • waterbodies not connected to rivers or flowing water such as billabongs and rock pools. <p>Examples under this definition exclude:</p> <ul style="list-style-type: none"> • areas that may be covered by water but are not wetlands according to the definition • floodplains that are intermittently covered by flowing water but do not meet the hydrophytes and soil criteria • the riparian zone above the saturation level. <p>The Queensland Wetland Definition and Delineation Guideline must be followed when determining whether a Great Barrier Reef wetland is present in a location.</p>
VMA wetlands	<p>The area of land that supports plants or is associated with plants that are adapted to and dependent on living in wet conditions for at least part of their life cycle, and that is—</p> <p>(a) a <u>regional ecosystem</u> listed in Table 14 of the relevant Regional Vegetation Management Code for the area¹; or</p> <p>(b) the area on the ground represented as a swamp, lake, marsh, waterhole, wetland, billabong, pool, spring or like represented on the most recent, finest scale—</p> <ol style="list-style-type: none"> i. Geoscience Australia topographic map or data that shows swamps, lakes, marshes, waterholes, wetlands, billabongs, pools, springs or like—which can

¹ The Regional Vegetation Management Codes are available on the DERM website at http://www.derm.qld.gov.au/vegetation/regional_codes.html

State significant biodiversity values	Description
	<p>be accessed at the following internet address: http://www.ga.gov.au/nmd/products; or</p> <p>ii. topographic data that represents swamps, lakes, marshes, waterholes, wetlands, billabongs, pools, springs or like—which is publicly available from the Department of Environment and Resource Management; or</p> <p>iii. listed as an ‘active’ spring in the Queensland Springs Database, which can be accessed at the following internet address: http://www.epa.qld.gov.au/wetlandinfo/site/factsfigures/springs.html</p>
VMA significant wetlands	<p>(a) In the Baffle, Barron, Black, Boyne, Burdekin, Calliope, Daintree, Don, Fitzroy, Houghton, Herbert, Johnstone, Mossman, Russell-Mulgrave, Murray, O'Connell, Pioneer, Plane, Proserpine, Ross, Shoalwater, Styx, Tully and Waterpark catchments, the area of land that supports plants or is associated with plants that are adapted to and dependent on living in wet conditions for at least part of their life cycle and that is—</p> <p>i. shown as a Great Barrier Reef Wetland on the Vegetation Management Wetland Map; or</p> <p>(b) In all other catchments, the area of land that supports plants or is associated with plants that are adapted to and dependent on living in wet conditions for at least part of their life cycle and that is—</p> <p>i. a regional ecosystem listed in Table 14 of the relevant Regional Vegetation Management Code² for the area and the area on the ground represented as a swamp, lake, marsh, waterhole, wetland, billabong, pool, spring or like, on the most recent 1:250 000 Geoscience Australia topographic map of the area; or</p> <p>ii. a Ramsar wetland.</p>
Watercourses	
Watercourses	<p>1. The area of land between the high banks of a natural channel—whether artificially improved or not—in which water flows permanently or intermittently, and that is represented as—</p> <p>(a) a creek, stream, river or watercourse at a scale of 1:100 000 on the Vegetation Management Watercourse Map; or</p> <p>(b) a creek, stream, river or watercourse at a scale of 1:250 000 on the Vegetation Management Watercourse Map where there is no 1:100 000 map available; and</p> <p>2. The <u>remnant vegetation</u> within the specified distance from the high banks of the watercourse identified in the relevant Regional Vegetation Management Code for the region in which the impact is occurring.</p>
Protected wildlife	
Protected plants	Extinct in the wild, endangered, vulnerable or near threatened protected plants under the <i>Nature Conservation Act 1992</i> .
Protected animals	Extinct in the wild, endangered, vulnerable, near threatened and special least

² The Regional Vegetation Management Codes are available on the DERM website at http://www.derm.qld.gov.au/vegetation/regional_codes.html

State significant biodiversity values	Description
	concern animals under the <i>Nature Conservation Act 1992</i>
Legally secured offset area under State legislation	
Legally secured offset area under State legislation	An offset area approved by the administering authority associated with a legislative or policy requirement for the provision of an offset.
Connectivity	
Connectivity	<p>Areas which consist of remnant or high value regrowth where the proposed impact area:</p> <ul style="list-style-type: none"> • contains State significant biodiversity values; or • is within 500 meters of a State significant biodiversity value; and • forms an important link or stepping stone in the landscape; or • forms part of a patch which is 5 hectares or greater; and • will compromise the function of State significant biodiversity values
Notes	
<ol style="list-style-type: none"> 1. State significant biodiversity values are derived from DERM's Areas of Ecological Significance (AES) mapping and other data sources identified on DERM's website. 2. Spatial mapping for State significant biodiversity values may be obtained from the Queensland Government Information Service http://dds.information.qld.gov.au/dds/ 	