

Procedural guide

Natural Resource Management

Assessing applications for improvements (vegetation clearing and infrastructure) under grazing authorities on QPWS managed lands

This procedural guide outlines the process for assessing applications for clearing vegetation and constructing infrastructure under grazing authorities on Queensland Parks and Wildlife Service (QPWS) managed lands.

Background

Holders of grazing authorities on QPWS managed lands may apply to clear or thin vegetation or to construct infrastructure associated with the grazing enterprise.

As the *Vegetation Management Act 1999* does not apply to tenures defined under the *Forestry Act 1959* and the *Nature Conservation Act 1992*, assessment of the applications is carried out under the latter two Acts by QPWS officers.

Definitions

Approved improvements – improvements undertaken after QPWS has given written approval to the authority holder to undertake such works.

Clearing – primarily thinning of previous cleared vegetation to both improve native pasture and help in the regeneration process of the natural communities. Clearing means to remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding, draining; or lopping a tree but does not include destroying standing vegetation by stock.

Improvement – includes all clearing and works to “improve” the area for grazing and all infrastructure.

Infrastructure – works by authority holder to undertake the grazing enterprise, such as fencing, structures including stockyards, water facilities and pipelines, tracks and fire trails.

Native vegetation is a native tree or plant other than the following —

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

Special Lease – a previous name for Term Lease. See **Term Lease** below.

Stock Grazing Permit -- Permit to graze stock issued under Section 10 Nature Conservation (Administration) Regulation 2006, 56 and 57 Nature Conservation (Protected Areas Management) Regulation 2006 or Section 35 *Forestry Act 1959* on relevant areas of the QPWS estate.

S34 NCA1992 authority – an authority issued under Section 34 of *Nature Conservation Act 1992*.

Term Lease – a lease issued by NRW under the *Land Act 1994*. This lease replaced the category known as Special Lease issued under the *Land Act 1962*. Many Special Leases issued prior to 1994 will remain current

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until they expire, and so the usage of the name 'Term Lease' has not yet totally replaced the earlier name. For this procedural guide the name Term Lease also includes Special Lease.

Thinning

Thinning means the selective clearing of vegetation at a locality to restore a regional ecosystem to the floristic composition and range of densities typical of the regional ecosystem surrounding that locality. The term does not include any extensive clearing such as using a chain or cable linked between two tractors, bulldozers or other traction vehicles.

Procedure

Applications

Applications to construct infrastructure, or clear or thin vegetation, on any grazing authority on QPWS managed land are made using the form in appendix 1. A plan of the proposed construction and/or clearing of vegetation should accompany the application.

A pre-lodgement meeting with the applicant is recommended.

Assessment criteria and process

The desktop assessment of the grazing authority, as per the procedural guide "Assessing applications for grazing authorities on QPWS managed lands", should be referred to. If not available for the authority in question, this assessment, preferably with several other surrounding grazing authorities, should be undertaken before proceeding any further with the application.

Clearing

QPWS will not authorise broad-scale clearing of remnant native vegetation (as defined by the *Vegetation Management Act 1999*) on its estate. Clearing will only be considered for the purposes of constructing and maintaining infrastructure necessary for the grazing enterprise (i.e. fences, water facilities), and the thinning of any regrowth of previous clearing.

The method of assessment used in the process for the issuance or renewal of grazing authorities, is used to assess the impact of clearing or construction of improvements on the natural and cultural values. The proposed clearing or construction of improvements can only occur if the area:

- does not form part of a corridor between patches of remnant native vegetation; and
- does not contain the only viable representative natural communities on QPWS estate not subjected to grazing of stock, irrespective of its ecosystem status. It is also important to ensure that if any natural communities are poorly represented in the non grazed portions of the QPWS managed lands that this natural community is allowed to be restored to its natural condition over time.

QPWS may favourably consider clearing or thinning applications for one or more of the following ongoing purposes, subject to an assessment of impact on natural and cultural values:

- to construct or maintain a necessary fence, fire trail, road, water facilities, yards or other built infrastructure where there is no alternative site;
- to control non-native pests, e.g. activities to control lantana or to expose a rabbit warren;
- to ensure public safety, including removal of trees that are likely to fall into public spaces such as roads, or on to power lines, endangering human life;

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- to thin, where thinning means selective clearing of native vegetation at a locality to help restore a range of species and plant densities typical of the regional ecosystem surrounding that locality. It does not include any extensive clearing, e.g. using a chain or cable linked between two tractors, bulldozers or other traction vehicles; or
- to clear an invading (encroaching) woody species from a natural grassland, such as the invasion of gidgee in Mitchell Grass Downs.

Constructing infrastructure

Applications to construct or enlarge infrastructure will be assessed specifically on the basis that:

- the infrastructure is essential for best practice/ reduced environmental impact of the grazing operations;
- the degree of permanency of the infrastructure and the ease of dismantling and returning the site to its natural state;
- the impact of constructing and maintaining the infrastructure both in the short and long term (e.g. soil compaction, erosion, impact on wildlife); and
- the long term management benefit to the reserve (e.g. boundary fences).

Decision and delegation

All grazing authorities

An approval to clear vegetation or construct improvements on QPWS estate under grazing authorities may be granted by the District Manager under the relevant Act i.e. *Forestry Act 1959*, *Nature Conservation Act 1992*, or the *National Parks and Wildlife Act 1975*. A plan detailing the approved construction and/or clearing is to be attached to the approval.

QPWS officers should use the proforma in Appendix 2 to approve applications and the proforma in appendix 3 to refuse applications to clear vegetation or construct infrastructure. Other relevant authorities such as Department of Natural Resources and Water (Forest Products), Department of Natural Resources and Water - (State Valuation Service and State Land Leasing), and local governments are to be advised of the decision.

Conditions of approval

Standard conditions to be attached to any approval are given in appendix 4.

The use of timber on the site as construction material for the maintenance of existing structures should be strictly limited to the amount required for the specific maintenance purposes. The requirements in the *Code of Practice for Native Forest Timber Production* should be considered in applying standards to mitigate any environmental impacts such as the retention of adequate numbers of habitat trees and drainage. Such construction timber should be sourced as close as possible to the site of construction or maintenance or preferably on adjacent lands where disturbance may already have occurred.

Administration

Following approval of any clearing and/or construction of infrastructure, and confirmation that the activity has occurred, preferably by field inspection, the following recording including appropriate plan is required:

SAMS: Infrastructure is recorded on SAMS, as a non-QPWS asset, noting its approval date and stating that there is not a compensation liability on this additional improvement.

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ParkInfo: The location of the grazing authority, the constructed improvement and any areas of clearing is to be developed on ParkInfo as a theme layer.

Files: Correspondence and supporting documentation is to be filed on the appropriate Grazing Authority file in district, regional and central offices.

Department of Primary Industries and Fisheries (DPIF):

In areas of State forest where NRW Forest Products undertake their activities, advice should be forwarded to their appropriate District office for their information. If Forests Plantations Queensland provides approval on a Stock Grazing Permit on plantation areas, suitable advice is required to be sent to QPWS District office with copies forwarded to regional and central offices.

Reference materials

Land Act 1994

Land Regulation 1995

The individual lease document, in particular the conditions of the lease.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Environmental Protection Agency should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

Alan Feely

Signature

01/12/05

Date

Alan Feely
Executive Director, Parks

Appendix 1

**Application form for improvements
(vegetation clearing and infrastructure)**



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**Notice of decision –
Approval of application for improvements
(vegetation clearing and infrastructure)**



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**Notice of decision –
Refusal of application for improvements
(vegetation clearing and infrastructure)**



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Standard conditions – Improvements (vegetation clearing and infrastructure)

Conditions for improvements (vegetation clearing and infrastructure) under the grazing authority

1. Meaning of words

Appropriate safety helmet

A safety helmet which is appropriate to the activity being undertaken.

In the case of overhead hazards such as trees or parts of trees, means an industrial safety helmet and appropriate accessories conforming to AS 1801 – Industrial Safety Helmets and AS 1800 – The Selection, Care and Use of Industrial Safety Helmets.

In the case of riding a motorcycle, means a helmet conforming to AS 1698 – Protective Helmets for Vehicle Users.

Authorised person A person authorised to access the land under condition 12.

Business day

A day that is not

(a) Saturday or Sunday; or

(b) a public holiday or bank holiday in the place in which any relevant act is to be done or may be done.

Certificate of competency

In the case of a chainsaw, where the chainsaw is to be issued for the felling of standing trees, means a certificate in Chainsaw Operations Level 2 (Manual Tree Felling) or where the chainsaw is to be used for crosscutting, limbing or topping etc, means a certificate in Chainsaw Operations Level 1 (Chainsaw Safety, Maintenance and Basic Cuts) accredited by the Forest Industries Training and Education Consortium, or equivalent certificate issued in another State.

In the case of any vehicle or any harvesting plant, means a current registration certificate, permit, licence, or other authority required under any Statute to drive or operate the vehicle on the land generally, or on a public place or road.

Competent person A person who by reason of qualifications and experience has the skills necessary to perform the duties in respect to which the expression is used.

In the case of Roll Over Protective Structure (ROPS) design, a suitably qualified person must be a member, or be eligible for membership, of the Institute of Engineers of Australia.

Felling

Includes cutting, de-limbing, de-barking and cutting down of trees.

Forest officer

A person appointed as a Forest Officer under the *Forestry Act 1959*.

Immediate danger zone

That part of the land within which a person may be endangered by their presence in the immediate vicinity of activities being carried out on the land at the material time.

Item

An item in the schedule.

Land

The land described in Part 1 item 6.

Stock proof

An adjective used to describe fencing or some other physical barrier, excluding vegetation, that prohibits the movement of cattle into or out of the permit area.

"We", "us", "our" The State of Queensland acting through its representative the Environmental Protection Agency/Queensland Parks and Wildlife Service.

"You" The person named in Part 1 item 2.
A grammatical form of the word "you" has a corresponding meaning.

2. Interpretation

- 2.1 The singular includes the plural and vice versa.
- 2.2 If this authority says something must be done on or by a particular day, and that day is not a business day, then that thing must be done on or by the next business day.
- 2.3 A reference to:
 - (a) a person includes a reference to an entity recognised by law, for example, a corporation;
 - (b) a clause is a reference to a clause in this authority.
- 2.4 A duty imposed or a right given under the *Forestry Act 1959* is a term of this authority.
- 2.5 If any condition of this authority is inconsistent with the *Forestry Act 1959*, the *Forestry Act 1959* will prevail to the extent of the inconsistency.

3. Fees

- 3.1 No fee is payable for the issue of this authority at the time of issue.
- 3.2 This arrangement is subject to change without notice.

4. Improvements

- 4.1 You must not make any improvements on the land other than authorised by this authority without our written consent.
- 4.2 You must maintain the authorised improvements on the land in a good and substantial state of repair, fair wear and tear excepted.

5. Compensation for improvements

- 5.1 No compensation for improvements shall be payable by the State at the cancellation, expiration, surrender or forfeiture of the lease but the authority shall have the right to remove all fencing or structural improvements effected by the authority holder upon the leased land within a period of three months provided all monies due by the authority holder to the Crown on any account whatsoever shall have been paid. Should the land be not again leased after the expiration of the said term, the authority holder shall be entitled to payment for any water improvements, which may be required for reserve management purposes.

6. Ownership of timber

- 6.1 The ownership of timber, approved by a delegated QPWS officer to be provided free of royalty for fence, gate and/or grid construction, shall vest in the authority holder while it is used on the permit / lease area and only during the currency of the authority. Upon expiration or sooner determination of the authority by forfeiture, cancellation or surrender, ownership and control of such timber shall revert to the Chief Executive Officer.

7 Fire protection

- 7.1 You must maintain equipment brought on to the construction site so that the equipment does not start a fire.

7.2 You must do everything reasonable within your power to prevent and extinguish an unauthorised fire on or threatening the land.

7.3 You must tell us as soon as possible, by telephone or in person, of an unauthorised fire on or threatening the land and the measures taken by you to extinguish the fire.

8. Burning operations

8.1 You must not light fires or carry out burning operations on the land without our consent and without a permit to burn issued by the local fire warden.

9. Requirement to remove employees

9.1 You must remove any person employed or contracted by you from the land if we require you to do so, and you must not allow a person so removed back onto the land without our consent.

10. Destruction of trees

10.1 You must not allow any tree to be ring-barked, cut down, destroyed or damaged on the land, except in accordance with this authority.

10.2 You must not authorise any person to destroy or damage any tree on the land, except in accordance with this authority.

11. Our powers not limited

11.1 Our powers to perform or allow forest management activities on the land are not limited by this authority.

12. Liability

12.1 You are responsible, and we are not liable, for damage, loss or injury caused or contributed to by you or any person you authorised to implement this authority to

- (a) yourself or your property (including the stock);
- (b) any person or the property of any person who enters, exits or is on the land, whether or not concerning this authority;

13. Transfer of authority

13.1 You must not transfer, sublet or assign your rights under this authority.

14. Cancellation of authority

14.1 We may suspend or end this authority if one or more of the following occur-

- (a) you do not adhere to these conditions;
- (b) execution is levied on any of your assets and the execution is not satisfied within twenty-eight (28) days;
- (c) you enter into an arrangement, reconstruction or compromise with your creditors or any of them;
- (d) a receiver is appointed for all or any part of your assets;
- (e) an application is made or order filed for your voluntary or compulsory liquidation or winding up, dissolution without winding up or bankruptcy or;
- (f) you cease to carry on business.

14.2 We may also-

- (a) end this authority if any Court or Tribunal decides that native title exists over the land under the *Native Title Act 1993* (Cth);
- (b) end this authority by giving you 1 month's notice; or
- (c) suspend this authority at any time by giving you notice of the date and the time the suspension begins.

14.3 We may end this authority without first lifting any suspension.

- 14.4 A suspension or ending of this authority does not affect any other rights we may have against you.
- 14.5 If this authority is suspended or ended under clause 16.1, money standing to your credit under this authority may be forfeited to the State.
- 14.6 No Compensation on Suspension or Cancellation
You are not entitled to claim compensation if we suspend or end this authority.

15. Variation of conditions

- 15.1 We have the right to vary these conditions.
- 15.2 We will give you at least 30 days' notice of any variation.
- 15.3 We will send you a new set of conditions if there are a lot of variations in a twelve-month period.

16. Notices

- 16.1 Notices, consents and other communications (for example, if you have to tell us something) may be in writing or verbal, depending on the individual clause requirements, and may be-
- (a) left at the address specified in Part 1 item 3;
 - (b) sent by prepaid post to the address specified in Part 1 item 3; or
 - (c) sent by facsimile to the facsimile number specified in the schedule or last notified in writing
 - (d) phoned in by using the number specified in the Part 1 item 3

17. Workplace health and safety

- 17.1 As well as your obligations under the Workplace Health and Safety Act 1995, you must:-
- (a) comply with; and
 - (b) ensure that any other person (including your employee's and agents) on the land for the purposes of carrying out any activity under this authority complies with the following safety conditions.
- 17.2 You must comply with these safety conditions even if the safety conditions require a higher degree of safety than that outlined in the WHS Act

18. Accident reporting

- 18.1 You must report to the QPWS officer the details of any accident on the land causing death or hospitalisation of a person within 24 hours of its occurrence.

19. Helmets and footwear

- 19.1 Any person exposed to the risk of head injury must use an Appropriate Safety Helmet.
- 19.2 Protective footwear must be worn by any person while on the land.

20. Plant – ROPS and seat belts

- 20.1 Any plant used on the land or in association with any activities being undertaken on the land, which requires an operator to be positioned on it during use, must incorporate a Roll Over Protective Structure (ROPS)
- 20.2 If possible, all ROPS must comply with standards equivalent to AS 2294 – Earth Moving Machinery – Protective Structures, or AS 1636 – Agricultural Wheeled Tractors – Roll Over Protective Structures – Criteria and Tests.
- 20.3 Where the above standard cannot be applied, or where a ROPS is not readily available, an operator protective structure which provides appropriate protection must be designed to an appropriate standard by a competent person. The structure must be manufactured and fitted by a suitably qualified tradesperson.

- 20.4 If required by the QPWS officer, you must within the time specified by the officer, provide documentary evidence that the protective structure fitted to any item of plant meets the standard specified in this condition.
- 20.5 Seat belts must be fitted and must comply with an internationally recognised standard appropriate to the particular item of plant. Seat belts must be used at all times while the plant is in operation unless the use of such seat belts endangers the operator or others e.g. by restricting movement or vision.

21. Certificates of competency – vehicles, plant and chainsaw

- 21.1 Any person driving or operating a vehicle or any plant on the land must possess a current Certificate of Competency where applicable, and must produce such certificate if required by a QPWS Officer, within the time reasonably specified by that officer.
- 21.2 Any person operating or using a chainsaw for the purposes of felling standing timber, crosscutting, limbing, lopping etc (trees greater than 10 metres in height or greater than 15 centimetres diameter at breast height over bark (DBHOB) on the land must possess a Certificate of Competency in the operation of chainsaws and produce such certificates if required to do so by a QPWS Officer, within the time reasonably specified by that officer.

22. Safety signs

- 22.1 When any activity being undertaken in association with, or on, the land constitutes a hazard to road users, the particular road must be temporarily closed at access points to the hazardous area by the use of Safety Signs, appropriate authorised temporary barriers, and/or traffic control personnel.
- 22.2 Safety Signs must be used to identify the boundary of any Immediate Danger Zone.
- 22.3 Every sign erected in accordance with these conditions must be immediately removed upon cessation of the particular hazard.

23. Behaviour

- 23.1 No person on the land is to behave in a manner likely to cause danger to himself or herself or to any other person.

24. Notification to commence/recommence operations

- 24.1 The authority holder shall give the QPWS office in Part 1 item 3 at least two (2) weeks' clear notice of intention to commence operations or of any recommencement of operations following a temporary cessation of more than three (3) months.

25. Boundary fenceline clearing

- 24.1 The width of the boundary fenceline clearing shall be kept to a minimum and shall not exceed four (4.5) metres on the SGP/Term Lease side of the fenceline. (Section 1)

26. Internal fenceline clearing

- 26.1 The width of the internal fenceline clearing shall not exceed four (4) metres. (Sections 3, 4 & 5)
- 26.2 The width of the internal fenceline clearing shall not exceed nine (9) metres in timbered country.

27. Fence standard/type

- 27.1 Constructed fences shall be free-standing and shall not be tied to trees
- 27.2 Live trees may be used where the trees have been marked on creek banks to anchor the fence.
- 27.3 Fence is to be stockproof.

28. Timber on Proposed Fenceline Construction Site

- 28.1 Timber fencing material requirements shall, as far as possible, be obtained from (unmarked) trees, which must be felled to allow for construction of the proposed improvements, and are not, in the opinion of the QPWS officer, suitable for a superior purpose.
- 28.2 Where there is insufficient timber available in the clearing, post material may be obtained by thinning clumps of Ironbark and Budgeroo adjacent to the line.
- 28.3 Ironbark, 30cm diameter of tree trunk over bark at chest height (DBH) plus with a straight section of 3 metres or longer is not to be used for fence material.
- 28.4 Non-merchantable species, as indicated by the QPWS officer, which are located on the proposed fence line may be utilised as strainer posts provided they are cut at fence height level.
- 28.5 No tree 40cm DBH plus is to be felled unless it is leaning over the proposed fence and its general health indicates it is likely to cause significant damage to the fence should it fall of its own accord.
- 28.6 No commercial species tree 40cm DBH plus with a straight section of 2.4 metres or longer is to be felled without the prior approval of the QPWS officer.

29. Fence construction debris

- 29.1 The authority holder shall ensure that all debris resulting from the fenceline clearing shall be stacked away from standing trees.
- 29.2 The authority holder shall ensure that all debris is burnt as soon as practical under a Permit to Burn obtained from the local Fire Warden or alternatively is broken down by using non-burning methods (e.g. mulching).

30. Gate/Grid construction

- 30.1 The authority holder shall, at the authority holder's own cost and expense, construct gates and grids on locations as directed by and of a standard satisfactory to the QPWS officer.
- 30.2 The gates shall be a minimum of four (4) metres wide and located on existing tracks.

31. Inverts, drainage etc.

- 31.1 The authority holder shall, at the authority holder's own cost and expense, ensure that inverts, whoa-boys and side drains are constructed and maintained (where necessary) on cleared lines directed by and of a standard satisfactory to the QPWS officer.
- 31.2 Creek crossings are to be left at their natural bed level.
- 31.3 Creek banks are not to be pushed into the creek bed to make the crossing.
- 31.4 Drainage bars are to be a minimum of 10 metres back from the creek bank.
- 31.5 Drainage spacing is to be:
 - up to 5 degree slope – 120 metres apart
 - 5 – 10 degree slope – 50 metres apart
 - 10 – 15 degree slope – 20 metres apart

32. Side cuts/Earthworks

- 32.1 The authority holder shall, at the authority holder's own cost and expense, ensure that essential earthworks involving side cuts are kept to a minimum and such side cuts shall be drained at the time of construction to the satisfaction of the QPWS officer and shall be maintained (where necessary) to the satisfaction of the QPWS officer.

33. Completion of work

- 33.1 The authority holder must advise the QPWS of completion of work to undertake improvements within 30 days of cessation of work.