

# Guide to using the extractive code

Accepted Development Vegetation Clearing Code  
Clearing for an Extractive Industry

Effective 7 February 2020

CS8267

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# About this guide

This guide has been developed to help *landholders operate under* the Accepted Development Vegetation Clearing Code: Clearing for an extractive industry (extractive code). It refers to the Vegetation Management Act 1999 and the Planning Act 2016, which jointly regulate the clearing of native vegetation in Queensland.

The guide is not intended to be exhaustive. It only deals with operating under the extractive code. It provides supplementary information, and is designed to be read in conjunction with the extractive code, and with the *General guide to accepted development vegetation clearing codes* (which provides information about the notification process, landholder obligations, and technical information that applies to all codes).

Landholders are also encouraged to familiarise themselves with the local, state and federal Acts and Regulations that apply to their operations.

## Common abbreviations used in this document

- VM Act = *Vegetation Management Act 1999*
- Code = accepted development vegetation clearing code
- DNRME = Department of Natural Resources, Mines and Energy
- Extractive code = Accepted Development Vegetation Clearing Code: Clearing for an extractive industry
- RE = regional ecosystem
- All terms in this guide have the meaning provided in the regrowth code or the [Vegetation Management Act 1999](#).

## Further information

For more information:

- call **135 VEG (135 834)**
- email [vegetation@dnrme.qld.gov.au](mailto:vegetation@dnrme.qld.gov.au)
- search 'Vegetation Management' on [www.qld.gov.au](http://www.qld.gov.au).

## Links to other documents

[Accepted development vegetation clearing codes](#)

[General guide to accepted development vegetation clearing codes](#)

# Clearing for an extractive industry

The current extractive code came into effect on 7 February 2020. This replaces the Clearing for an extractive industry code dated 21 June 2019.

**TIP** *Previous notifications (since 21 June 2019) continue to be valid and allow clearing under the extractive code. You can continue to clear for the area already notified, however, you must comply with the requirements of the new code.*

If you intend to clear for an extractive industry using the extractive code, you must notify DNRME before clearing and meet the requirements of the code. If you have already notified DNRME (since 21 June 2019) you do not need to re-notify unless you want to do additional clearing to that already notified, or the notification has expired.

## Scope

The extractive code applies to any of the following:

- Freehold land
- Indigenous land
- Leasehold land granted under the Land Act 1994 (Land Act) for agricultural and grazing purposes, where the extraction of quarry material is by the lessee of a Land Act lease for lease management purposes
- Land subject of an occupation licence under the Land Act, where the extraction of quarry material is by the licence holder for management purposes of the land
- Dedicated roads, where the extraction of quarry material is carried out by or on behalf of a local government

The extractive code authorises clearing in category B areas, category C areas or category R areas for the following purposes:

- Establishing, expanding or maintaining a pit or quarry
- Establishing or maintaining a necessary road or vehicular track to provide access to undertake activities permitted by this code

**Example:** to create a vehicular track to establish a pit where there are no existing access tracks available to the proposed development area.

Clearing in a category C area, category R area or category X area to allow for dredging material from the *bed of any waters is also authorised under the extractive code.*

The extractive code **does not** apply to clearing:

- in a category B area to allow for dredging material from the bed of any waters
- for the extraction of quarry material on State land where it is not subject to a lease under the Land Act

**Note:** If you are wishing to extract quarry material on State land, you should consult with your local [Department of Agriculture and Fisheries office](#).

- that is inconsistent with a condition of a development approval that remains enforceable
- in category B areas for which an approval is otherwise required under the Planning Act 2016 for a pit or quarry (e.g. a material change of use approval)
- for a quarry, where a sales permit is required to extract quarry material under the Forestry Act.

## Exemptions

In some cases clearing for an extractive industry qualifies as [exempt clearing work](#) where you can clear without a notification or approval under the vegetation management framework. For example, clearing in a category C area or category R area in a key resources area is [exempt clearing work](#).

**TIP** *A key resource area is an identified location that contains extractive resources of state or regional significance as shown on the [State Planning Policy Interactive Mapping System](#). Before notifying and clearing under the extractive code, check whether your clearing qualifies as [exempt clearing works](#) under the Planning Regulation 2017.*

**TIP** *Clearing which is exempt under vegetation management laws may still require approval under other local, State or Commonwealth government laws or local government planning schemes. You are encouraged to check with agencies listed in Appendix 1 of the extractive code.*

## Development approvals

If you wish to undertake clearing beyond the scope and practices of the extractive code for an extractive industry, you may be able to apply for a [development approval for clearing native vegetation](#) under the Planning Act 2016.

## Notification requirements

If your intended clearing activity applies to the extractive code, you must notify DNRME of your intention to clear under the extractive code.

The maximum clearing limit for category B areas is 5 hectares per lot. Once this limit is reached you will not be able to make any further notifications for clearing of category B areas for the lot under this code.

**TIP** *Not all clearing activities can be notified online. You will need to submit a hard-copy notification if you are clearing on a road under the code. [Hard-copy notification forms](#) are available online or from any local DNRME office.*

## What is an extractive industry?

An extractive industry is defined in the VM Act as:

- dredging material from the bed of any waters
- extracting, from a pit or quarry, rock, sand, clay, gravel, loam or other material
- screening, washing, grinding, milling, sizing or separating material extracted from a pit or quarry
- carrying out work that is the natural and ordinary consequence of dredging, extracting and processing quarry materials, for example, providing access to the quarry.

The extractive code authorises the clearing of regulated vegetation for the purpose of establishing, expanding or maintaining a pit or quarry, and associated access.

A pit is for the excavation of sand, gravel, clay or loam, including areas where material is extracted, stored, processed, treated and transported, and a cleared set back from the working face of extraction.

A quarry is the extraction of hard rock or other materials by blasting, including the areas where material is extracted, stored, processed, treated and transported, and a cleared set back from the working face of extraction.

Quarry materials include guano, stone, gravel, sand, rock, clay, earth and soil<sup>1</sup>.

The extractive code also authorises clearing of vegetation (in category C, category R and category X areas) to allow for the dredging of material from the bed of any waters. Dredging generally refers to the mechanical removal of material from the bed of any waterway. Dredging activities include sand or gravel extraction for construction purposes.

**TIP** *Other legislation may also affect clearing for an extractive industry. Before you notify the DNRME of your intention to clear vegetation under this code, it is strongly recommended that you contact the relevant agencies listed in [Appendix 1](#) of the extractive code to determine whether your proposed clearing for an extractive industry activity is allowable under other local, state and federal laws.*

**Riverine protection permit:** If you intend to clear native vegetation in a watercourse, you may need a riverine protection permit. Further information is available at [www.business.qld.gov.au](http://www.business.qld.gov.au), or contact your DNRME office.

## Avoid and minimise

Clearing of regulated vegetation under the extractive code is limited in extent and can only be undertaken if the extractive industry cannot reasonably be located in category X areas or existing cleared areas. Clearing must also avoid, and if avoidance is not possible, minimise to the greatest extent possible, clearing of essential habitat, koala habitat areas, immature koala habitat trees, habitat trees and riparian protection zones.

For example, clearing should only be located in a category B area where there is no alternative site for an extractive industry. The clearing should be minimised to the extent that it is practicable for efficient and safe operation of the site.

See the [General guide to accepted development vegetation clearing codes](#) for more information on avoid and minimise requirements.

## Clearing for an extractive industry


Before commencing any clearing to establish, expand or maintain an extractive industry you must obtain all other required permits, approvals or authorisations from other agencies.

**TIP** *You'll need to keep records of any other required permits, approvals or authorisations granted by DNRME or other agencies for the pit or quarry or dredging activities.*

<sup>1</sup> Quarry material does not include minerals within the meaning of the *Mineral Resources Act 1989*; or topsoil, if quarry material is reserved in a deed or grant; or topsoil on a freeholding lease.

## Stabilisation

Any pit, quarry or area subject to dredging must be stabilised to prevent increased erosion or sedimentation beyond the pit, quarry or dredged area. See the [General guide to accepted development vegetation clearing codes](#) for more information on methods to prevent soil erosion and instability.

 A useful state government publication is the **Soil conservation guidelines for Queensland (3rd edition)**—download the guide at [www.qld.gov.au](http://www.qld.gov.au) (search 'soil conservation guidelines for Queensland').

## Clearing in a category B area

Clearing in a category B area, to establish, expand or maintain an extractive industry on each lot or on a dedicated road (excludes clearing to establish or maintain roads and vehicular tracks) must comply with all of the requirements below.

- No clearing of 'endangered' regional ecosystems and 'of concern' regional ecosystems
- No clearing of essential habitat
- No clearing in a koala habitat area (SEQ Regional Plan area only)
- No clearing that exceeds five hectares
- No clearing for the purpose of dredging material from a watercourse, drainage feature or wetland
- Total combined clearing of category B areas, category C areas and category R areas must not exceed 10 hectares
- Clearing must not occur within a riparian protection zone (see Table 3 below)

Clearing in a Category B area to establish or maintain a road or vehicular track that provides necessary access to undertake an extractive industry must not:

- exceed 10 metres in width
- increase the width of an existing cleared area to more than 10 metres
- occur within 10 metres of the defining bank of a wetland
- occur within 10 metres of the defining bank of a watercourse or drainage feature, unless a crossing of the watercourse or drainage feature is required.

## Clearing in a category C area, category R area or category X area

Clearing in a category C, category R or category X area must comply with all of the clearing requirements in Table 1 of the extractive code.

Clearing in a category C, category R or category X area under the extractive code must not exceed the clearing requirements in Table 1 of the extractive code unless:

- an exchange area is legally secured prior to clearing; or
- if the clearing is in a koala habitat area (SEQ Regional plan area only) and a koala offset is required as a condition of a development approval a koala offset is secured for the extent of the clearing.

Table 1 and Table 2 outline the clearing requirements, clearing limits and further requirements for clearing in these areas.



**Table 1: Clearing requirements to establish, expand or maintain an extractive industry on each lot or on a dedicated road (excluding clearing to establish or maintain roads and vehicular tracks)**

Category	Code requirement	Clearing limit / further clearing requirements
Category C Category R	Clearing must not result in total combined clearing of endangered regional ecosystems and of concern regional ecosystems above the specified limits <sup>2</sup> .	Clearing more than the following limits requires an exchange area / koala offset: <ul style="list-style-type: none"> <li>• 0.5 ha (dense / mid-dense)</li> <li>• 2 ha (sparse / very sparse)</li> <li>• 5 ha (grassland)</li> </ul>
	Total combined clearing of category B areas, category C areas and category R areas must not exceed 10 hectares.	Any further clearing of category C areas and category R areas requires an exchange area / koala offset.
Category C	Clearing must not result in clearing of essential habitat above the specified limits <sup>2</sup> .	Clearing more than the following limits requires an exchange area / koala offset: <ul style="list-style-type: none"> <li>• 0.5 ha (dense / mid-dense)</li> <li>• 2 ha (sparse / very sparse)</li> <li>• 5 ha (grassland)</li> </ul>
Category C Category R Category X	Clearing must not occur within a riparian protection zone (see Table 3 below).	Clearing more than the following limits requires an exchange area / koala offset: <ul style="list-style-type: none"> <li>• 100 m (wetland)</li> <li>• 10 m (stream order 1 or 2)</li> <li>• 25 m (stream order 3 or 4)</li> <li>• 50 m (stream order 5 or +)</li> </ul>

Clearing in a Category C or Category R area that is a koala habitat area may be regulated by the koala protection framework. If your proposed clearing is for an extractive industry<sup>3</sup> in a category C area and the cleared area is more than 500m<sup>2</sup>, it is recommended that you seek further information from the Department of Environment and Science on whether your proposed clearing is regulated by the koala protection framework and what further actions to take.

**TIP** For more information on Koala habitat protections see the [General guide to accepted development vegetation clearing codes](#)

**TIP** For more information on the regulatory framework for koala conservation, go to [/environment.des.qld.gov.au/wildlife/koalas/](http://environment.des.qld.gov.au/wildlife/koalas/) or contact the Department of Environment and Science  
**E:** [SEQKoalaStrategy@des.qld.gov.au](mailto:SEQKoalaStrategy@des.qld.gov.au)  
**P:** 13 QGOV (13 74 68)

<sup>2</sup> Clearing limits are determined by the vegetation structure category of the RE (dense and mid-dense, sparse and very sparse, grassland). The limits for each structure category is outlined in column two of Table 2 in the code.

<sup>3</sup> other than clearing for the construction or maintenance a fence, road, track, irrigation channel, contour bank or other linear infrastructure other than a powerline or drainage and erosion control structure, if the cleared area is more than 5m wide. See the *General guide to accepted development vegetation clearing codes* for more information.

**Table 2: Clearing requirements to establish or maintain a road or vehicular track that provides necessary access to undertake an extractive industry**

Category	Code requirement	Clearing limit / exchange area requirement
Category C Category R Category X	Clearing must not exceed 10 metres in width.	Clearing more than 10 metres in width requires an exchange area.
	Clearing must not increase the width of an existing cleared area to more than 10 metres.	Clearing that increases the width more than 10 metres requires an exchange area.
	Clearing must not occur within 10 metres of the defining bank of a wetland.	Clearing within 10 metres of the defining bank of a wetland, watercourse or drainage feature (other than for a crossing) requires an exchange area.
	Clearing must not occur within 10 metres of the defining bank of a watercourse or drainage feature, unless a crossing of the watercourse or drainage feature is required.	


## Riparian protection zones

**Table 3: Riparian protection zones**

Water feature	Riparian protection zone*
<b>Wetland</b>	100 metres
<b>Water course and drainage features</b>	
Stream order <sup>†</sup> 1 or 2	10 metres
Stream order <sup>†</sup> 3 or 4	25 metres
Stream order <sup>†</sup> 5 or more	50 metres


**Note:** \*The riparian protection zone includes the area between the defining banks of the watercourse, drainage feature or wetland, plus the specified distance measured from the defining bank away from the water body.

<sup>†</sup> Stream order is shown on the vegetation management supporting map.

 For further information on wetlands, watercourses and drainage features, see Part 3 of the [General guide to accepted development vegetation clearing codes](#).

### Watercourse mapping

Watercourse and drainage feature mapping outside of South East Queensland is at a 1:100,000 scale (with stream orders), whilst SEQ watercourse and drainage feature mapping is at a finer 1:25,000 scale (without stream orders) for all codes other than extractive industry. Stream ordered vegetation management watercourse and drainage feature mapping at a 1:100,000 scale is available for the purpose of the extractive industry code in SEQ.

 The extractive industry SEQ watercourse dataset is available on the [QSpatial website](#) (search “extractive vegetation management”) and on the [DA mapping system](#).

## Essential habitat

Essential habitat is the habitat of native wildlife prescribed under the Nature Conservation Act 1992 as endangered, vulnerable or near-threatened (protected wildlife). See [General guide to accepted development vegetation clearing codes](#) for more information on how to identify essential habitat. The extractive code does not permit clearing in areas mapped as essential habitat, unless it is a category C area and an exchange area is legally secured prior to clearing.

## Koala habitat areas

Koala Habitat Areas (KHAs) are areas in SEQ that contain koala habitat which is essential for the conservation of a viable koala population in the wild, and are prescribed under the Nature Conservation Act 1992. See [General guide to accepted development vegetation clearing codes](#) for more information on how to identify koala habitat areas. The extractive code does not permit clearing in Category B areas mapped as a koala habitat area.

## Soil and water quality protections

Soil and water quality protections apply to all clearing under the extractive code.

Where clearing in a category C area or a category R area will occur within 100 metres of a salinity expression area, an exchange area must be legally secured prior to clearing.

Please see the [General guide to accepted development vegetation clearing codes](#) for further information on protections for soil and water quality.

## Exchange area requirements

Where clearing in a category C area or a category R area under the extractive code will not meet the clearing requirements outlined in the section above, an exchange area must be legally secured prior to clearing.

Exchange areas are a mechanism similar to environmental offsets. The intent of exchange areas are to return/achieve a permanent environmental outcome to compensate the impact of the clearing. This involves the exchange area being legally secured and managed under a plan to ensure the exchange area delivers an equivalent conservation or biodiversity benefit.

For information about how to legally secure an exchange area refer to the [General guide to accepted development vegetation clearing codes](#).

**Exchange area requirement recommendation:** Before undertaking clearing that requires legally securing an exchange area, it is recommended that independent legal and financial advice is obtained regarding the impact of any subsequent certification of a property map of assessable vegetation (PMAV) or declared area (voluntary).

## Exchange areas and koala habitat areas (SEQ only)

If you intend to conduct clearing in a koala habitat area you may require a development approval for interfering with koala habitat. That development approval may require an environmental offset as a condition of approval (a koala offset). You do not need to provide an exchange area for your proposed clearing where it is required under the Extractive industry code if a koala offset has already been provided for clearing that same area.

For more information on the Koala regulations, contact the Department of Environment and Science on the details below.



*Department of Environment and Science – Koala protection*

**E:** [SEQKoalaStrategy@des.qld.gov.au](mailto:SEQKoalaStrategy@des.qld.gov.au)

**W:** [environment.des.qld.gov.au/wildlife/animals/living-with/koalas](http://environment.des.qld.gov.au/wildlife/animals/living-with/koalas)

**P:** 13 QGOV (13 74 68)