

Accepted development vegetation clearing code

Clearing for an extractive industry

Effective 22 November 2023

This publication has been compiled by the Department of Resources.

© State of Queensland, 2023

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms. You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <https://creativecommons.org/licenses/by/4.0/>.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

Interpreter statement:



The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding this document, you can contact us within Australia on 13QGOV (13 74 68) and we will arrange an interpreter to effectively communicate the report to you.

Table of contents

Glossary	3
1 Introduction	8
1.1 Purpose	8
1.2 Scope	9
1.3 Objective	10
1.4 Commencement date.....	10
1.5 Assistance.....	11
2 Notification requirements	11
2.1 Notification process	11
2.2 Notification limitations	12
3 Compliance requirements	12
4 Extractive industry practices	13
4.1 Avoid and minimise	13
4.2 Clearing for an extractive industry	14
4.3 Soil and water quality protections	16
4.4 Exchange areas	16
Appendix 1—Other relevant legislation	18
Appendix 2 – Exchange area requirements	20

Landholders are encouraged to familiarise themselves with the Acts and regulations relevant to their operations, and to seek advice from the relevant agency if required.

Glossary

The following table of technical terms and their definitions are essential to an understanding of this accepted development vegetation clearing code (code). Any terms used in this code not included in the below Glossary table have the meaning provided for in the [Vegetation Management Act 1999](#)¹.

Term	Definition
Acid sulfate soil	Is soil, sediment or other material containing iron sulfides and/or acidity generated by their breakdown.
Coastal lot	Is a lot that falls partly or entirely within any of the following: <ul style="list-style-type: none"> • Brigalow Belt subregions 1 (Townsville Plains), 2 (Bogie River Hills) and 14 (Marlborough Plains) • Cape York Peninsula subregion 2 (Starke Coastal Lowlands) • Einasleigh Uplands subregion 3 (Hodgkinson Basin) • Central Queensland Coast bioregion • Southeast Queensland bioregion • Wet Tropics bioregion
Crossing	Is a road that crosses a watercourse or drainage feature. <u>Note:</u> A crossing does not run parallel to a watercourse or drainage feature.
Dedicated road	See section 93 of the Land Act 1994 .
Defining bank	Is the bank that confines the seasonal flows, but which may be inundated by flooding from time to time, and can be either: <ul style="list-style-type: none"> • the bank or terrace that confines the water before the point of flooding or • where there is no bank, the seasonal high water line that represents the point of flooding.
Ecological processes	Is the range of natural processes which maintain an ecosystem, including but not limited to: <ul style="list-style-type: none"> • hydrological processes • soil development • nutrient cycling • chemical processes including storage of nutrients • decomposition and cycling of organic matter • pollination and seed production • seed dispersal • predator-prey relationships • germination and recruitment of species • the carbon cycle and stability of atmospheric carbon. • habitats for flora and fauna (such as particular regional ecosystems, logs, rocks, debris, leaf litter, nectar, hollow bearing trees, food and shelter).
Environmental offset	See the Environmental Offsets Act 2014 , section 7(2).

¹ A list of terms defined in the [Vegetation Management Act 1999](#) is available in the General guide to the vegetation clearing codes: Accepted development vegetation clearing codes. The general guide is available online at www.qld.gov.au (search 'General guide to the vegetation clearing codes').

Term	Definition
Exempt clearing work	<p>Has the meaning given in Schedule 24 (Dictionary) of the Planning Regulation 2017.</p> <p>Note: A list of exempt clearing work is available at: www.qld.gov.au (search 'exempt clearing work').</p>
Impact area	<p>Is the total area to be cleared in a category C area or category R area that requires an exchange area to be legally secured under section 4.4 of this code.</p> <p>Note: the total area to be cleared includes the area below the limit specified in this code and the area that exceeds the specified limit in this code.</p>
Habitat tree	<p>Is a living or dead standing native tree that contains either:</p> <ul style="list-style-type: none"> • one or more visible hollows positioned at least two metres above the base of the tree² or • an active bird's nest or the nest of a raptor or other bird that uses the same nest each year.
Key resource area	<p>Has the meaning given in the State Planning Policy, Department of Infrastructure, Local Government and Planning, 2017³, or subsequent versions.</p>
Immature koala habitat tree	<p>Means a koala habitat tree that is all of the following:</p> <ul style="list-style-type: none"> • is located in a koala habitat area • is not a mature tree or habitat tree • is two metres or more in height.
Koala habitat area	<p>See the Nature Conservation (Koala) Conservation Plan 2017, section 7B.</p>
Koala habitat tree	<p>See the Nature Conservation (Koala) Conservation Plan 2017, schedule 2 (Dictionary).</p>
Koala offset	<p>Means an environmental offset under the Environmental Offsets Act 2014 provided for a matter of State environmental significance mentioned in schedule 2, section 6(3) or 6(4) of the Environmental Offset Regulation 2014 that is in relation to a koala habitat area.</p>
Landholder	<p>Is (where relevant):</p> <ul style="list-style-type: none"> • the registered proprietor of freehold land • a lessee of freehold land, subject to the consent of the freehold land owner to make a notification • a lessee of a lease under the Land Act 1994 provided the clearing is consistent with the purposes of the lease • a sub-lessee of a lease under the Land Act 1994 subject to the consent of the lessee to make a notification and provided the clearing is consistent with the purposes of the lease • a licensee or permittee under the Land Act 1994 provided the clearing is consistent with the conditions of the licence or permit • the road authority for a dedicated road • the holder of the title or tenure to the land.

² Habitat trees are used, or potentially used, by hollow-dwelling fauna.

³ Available online at www.qld.gov.au (search 'State Planning Policy').

Term	Definition
Land zones	Are categories that describe the major geologies, associated landforms and geomorphic processes in Queensland. The land zone can be identified by the middle number in the three digit regional ecosystem identification code. For example, the regional ecosystem identified by the code 12.3.4 is in land zone 3.
Non-coastal lots	Are all lots other than a coastal lot.
Pit	Is a pit for the excavation of sand, gravel, clay or loam, including the areas where material is extracted, stored, processed (e.g. screening, washing, grinding, milling, sizing or separating material), treated and transported, and a cleared set back from the working face of extraction.
Quarry	Is the extraction of hard rock or other materials by blasting, including the areas where material is extracted, stored, processed (e.g. screening, washing, grinding, milling, sizing or separating material), treated and transported, and a cleared set back from the working face of extraction.
Quarry material	Has the meaning given under Schedule 3 (Dictionary) of the Forestry Act 1959 .
Recognised best practice methods	Are any of the following: <ul style="list-style-type: none"> • A method recognised by a State or Federal government agency to prevent increased soil erosion and instability, stabilise soil erosion and instability and prevent increased sediment run-off. This includes a guide such as the Soil Conservation Guidelines for Queensland (3rd edition), a fact sheet or other advice published or provided by a State or Federal government agency. • The Best Practice Erosion and Sediment Control Document, IECA, 2008⁴.
Regional ecosystem structure category	Is a vegetation density category that is allocated to each regional ecosystem. It is specified within the Vegetation Management Regional Ecosystem Description Database (VM REDD) on www.qld.gov.au (search 'VM REDD') or in a Vegetation Management Property Report for the lot, which can be requested at: www.qld.gov.au (search 'property report').
Road authority	Is, for: <ul style="list-style-type: none"> • a State-controlled road under the Transport Infrastructure Act 1994 – the chief executive under the Act or • all dedicated roads other than those declared as a state-controlled road under the Transport Infrastructure Act 1994 – the local government.

⁴ The Best Practice Erosion and Sediment Control Document, IECA, 2008 available online at: <https://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document>

Term	Definition
Salinity expression area	Is an area containing <u>more than one</u> of the following salinity indicators: <ul style="list-style-type: none"> • Plant species tolerant of saline conditions, shallow water tables or poor drainage (waterlogging)⁵ • Wet areas in lower parts of the landscape or bare soil (soil scalding) • Dieback of larger trees in low, wetter parts of the landscape (outside drought conditions or the effects of fire) • Salt accumulations on the surface (often white and powdery, sometimes crystalline) • Areas of shallow groundwater⁶
Seasonal high water line	Is a zone that represents the usual peak seasonal flow level and can be identified by deposition, debris or characteristic vegetation zonation.
Soil erosion and instability	Is the occurrence of gully erosion greater than 30 centimetres in depth, landslips, a scarp, soil scalding or stream bank slumping.
Stream order	Means a numerical ordering classification of each stream segment according to its position within a catchment ⁷ . Streams are watercourses and drainage features shown on the vegetation management watercourse and drainage feature map.
Superseded codes	Includes the following: <ul style="list-style-type: none"> • ‘Clearing for an extractive industry’ (effective 21 June 2019) accepted development vegetation clearing code; and • ‘Clearing for an extractive industry’ (effective 7 February 2020) accepted development vegetation clearing code.
Threatening process	Is a process that includes but is not limited to: <ul style="list-style-type: none"> • fragmentation • climate change • weather events • weed and pest (animal and plant) infestations • fire • disease • land degradation (e.g. erosion, acid sulfate soils or salinity issues) • predation.
Track	A sealed or unsealed pathway providing permanent or temporary vehicular or pedestrian access.

⁵ For example—*Melaleuca* spp. (in particular *Melaleuca bracteata* and *Melaleuca quinquenervia*), *Sporobolus* spp. (in particular saltwater or marine couch), *Salsola australis* (soft roly-poly), *Sclerolaena* spp. (in particular prickly roly-poly), *Cyperus* spp. (sedges), *Juncus* spp. (rushes), *Atriplex* spp. (saltbushes), *Paspalum* spp. (water couch), *Enchylaena tomentosa* (ruby saltbush), *Sesuvium portulacastrum* (purslane), *Tecticornia* species (samphires), *Phragmites* spp.

⁶ A water table less than 5 metres from the surface would generally be considered as shallow for this purpose. One mechanism to identify this is from a nearby bore.

⁷ Further information on identifying stream orders is available in the General guide to the vegetation clearing codes: Accepted development vegetation clearing codes. The general guide is available online at www.qld.gov.au (search ‘General guide to the vegetation clearing codes’).

Term	Definition
Weed ⁸	Is any of the following: <ul style="list-style-type: none"> • Restricted or prohibited matter declared under the Biosecurity Act 2014 • A non-native plant • A “Native and naturalised” plant that is not native to the bioregion.

⁸ The Census of the Queensland Flora and Fungi, which is updated annually by the Queensland Herbarium, identifies plants considered “Native in Queensland”, or “Native and naturalised” for particular bioregions in Queensland. The Census will include non-native plants as either: “Formerly naturalised”, “Doubtfully naturalised” or “Naturalised in Queensland”. Plants that are “Native and naturalised” for particular bioregions in Queensland, are non-native for the remaining bioregions. Further information can be found on the Queensland Government website at www.qld.gov.au (search for ‘flora and fungi census’).

1 Introduction

The [Vegetation Management Act 1999](#) (Vegetation Management Act), in conjunction with the [Planning Act 2016](#) (Planning Act) and subordinate legislation, regulates clearing of remnant vegetation and regulated regrowth vegetation. This code, which was made by the Minister on 5 September 2023 (effective 22 November 2023) in accordance with section 19O of the Vegetation Management Act and the State Policy for Vegetation Management⁹, is approved as an accepted development vegetation clearing code under section 3 of the [Vegetation Management Regulation 2023](#).

Clearing in accordance with this code is accepted development under schedule 7, part 3, section 12 of the [Planning Regulation 2017](#).

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

1.1 Purpose

The purpose of this code is to regulate the clearing of remnant vegetation (category B areas) and regulated regrowth vegetation (category C areas and category R areas) for an extractive industry purpose in accordance with practices designed to meet the objectives outlined in [section 1.3](#). If clearing does not comply with this code, it is classified as either assessable or prohibited development under the Planning Act and may be subject to the relevant offence provisions.¹⁰

Note: All sections of this code are mandatory and to ensure you are compliant with this code, you must satisfy the requirements in all sections. If your intended clearing will not comply with this code in category B areas, you may be able to apply for a development approval. Contact Department of Resources on 135 VEG (135 834) for further information.

⁹ The State Policy for Vegetation Management is available at www.qld.gov.au (search 'state policy for vegetation management')

¹⁰ Department of Resources uses satellite imagery to monitor compliance with vegetation management legislation.

1.2 Scope

This code applies to the clearing of vegetation for an extractive industry in a category B area, category C area and category R area that is on any of the following land tenures:

- Freehold land
- Indigenous land
- Leasehold land granted under the [Land Act 1994](#) for agricultural and grazing purposes
- Land subject of an occupation licence under the [Land Act 1994](#), 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

This code authorises clearing in a category B area, category C area or a category R area only for the purpose of:

- establishing, expanding or maintaining a pit or quarry
- establishing or maintaining a necessary¹¹ track to provide access to undertake activities permitted by this code.

This code also authorises clearing in a category C area, category R area or category X area to allow for dredging material from the bed of any waters.

This code does not apply to any of the following activities:

- Clearing in a category B area to allow for dredging material from the bed of any waters.
- Clearing for the extraction of quarry material on State land where it is not subject to a lease under the [Land Act 1994](#)
- Clearing that is inconsistent with a condition of a development approval under the Planning Act that remains enforceable.
- Clearing in category B areas for which an approval is otherwise required under the Planning Act for the pit or quarry (e.g. where a material change of use approval is required).
- Clearing of vegetation that is exempt clearing work under schedule 21 of the [Planning Regulation 2017](#) except where schedule 21 refers to clearing under this code.
- Clearing of vegetation that complies with schedule 7, part 3, section 13 of the [Planning Regulation 2017](#) being operational work for necessary firebreaks or fire management lines.

Note: Clearing in a category C area or category R area in a key resource area is exempt clearing work.

¹¹ 'Necessary' means there is no other access available to serve the purpose.

Relationship with the [Forestry Act 1959](#) (Forestry Act):

- For State land, this code applies only where the extraction of quarry material is by the lessee of a [Land Act 1994](#) lease for lease management purposes.
- A sales permit under the Forestry Act authorises any clearing of vegetation for the quarry and this clearing is exempt clearing work under schedule 21 of the [Planning Regulation 2017](#). Accordingly, this code does not apply where a sales permit is required under the Forestry Act¹².

Note: On state land, landholders wishing to extract quarry material should contact their local Department of Agriculture and Fisheries office to ensure they comply with relevant requirements under the Forestry Act.

1.3 Objective

The objective of this code is that clearing for an extractive industry achieves the following environmental outcomes:

- Avoids and minimises impacts on remnant vegetation and regulated regrowth vegetation
- Prevents land degradation
- Maintains ecological processes and biodiversity
- Maintains bank stability, water quality and habitat of wetland, watercourse and drainage features
- Maintains regional ecosystems

1.4 Commencement date

This code became effective on 22 November 2023, replacing the following superseded code:

- *Clearing for an extractive industry* (effective 7 February 2020)

Any current notifications made under the superseded *Clearing for an extractive industry code* effective 7 February 2020 continue to be valid and allow you to clear provided you comply with all requirements of this code (effective 22 November 2023).

Note: If you notified under the 7 February 2020 superseded code, you do not need to re-notify under this code unless you want to do additional clearing to that already notified, or the notification has expired. From 22 November 2023, you must however ensure you undertake the clearing in accordance with the requirements of this code.

¹² See section 45 of the Forestry Act for circumstances where a sales permit is required to extract quarry material. For example, certain freeholding leases and freehold land where a deed of grant or deed of grant in trust has been issued later than 31 December 1991, and where the quarry material is reserved to the State under the deed of grant.

1.5 Assistance

Queensland Government staff are available to help you understand your obligations, so if—after reading this code—you have questions or want to make sure you are doing the right thing, contact the Department of Resources by calling 135 VEG (135 834) or emailing vegetation@resources.qld.gov.au

2 Notification requirements

Before any clearing is undertaken under this code, the Department of Resources must be notified of your intended clearing activity by either of the following:

1. the landholder¹³
or
2. a third party.

Note: If you are a third party making a notification over someone else's land, you need the landholder's consent to enter, access and undertake clearing or other works on their land.

2.1 Notification process

1. If your intended clearing requires legally securing an exchange area in accordance with [section 4.4](#) of this code, before notifying, you must first legally secure the exchange area.
2. Complete the online or hard copy notification form, which requires that you provide certain information, including:
 - a. contact details
 - b. the lot on plan on which the activity is proposed
 - c. the tenure of the property (i.e. whether freehold, leasehold, or other)
 - d. information that clearly identifies the location of the intended clearing.
3. Lodge the completed form with the Department of Resources.
4. Receive confirmation of your notification from the Department of Resources before commencing clearing.

¹³ This includes a person authorised to notify on the landholder's behalf, such as someone who holds a power of attorney

2.2 Notification limitations

1. Each notification is limited to a single lot.
2. If your property consists of more than one lot, you may lodge a notification for each lot.
3. A notification remains in effect for two years from the date of confirmation.¹⁴
4. Once the maximum clearing limit of 5 hectares in a category B area for a lot under this code has been reached, no further notifications for clearing in a category B area can be made and no further clearing in category B areas can be undertaken on the lot under this code¹⁵.

Note: If you or another person have previously cleared 5 hectares in category B areas on the lot under this code or the superseded codes, no further clearing is permitted in category B areas under this code.

3 Compliance requirements

To comply with this code, you must:

1. notify the Department of Resources in accordance with the notification requirements ([section 2](#) of this code)
2. conduct your clearing activity in accordance with all of the practices ([section 4](#) of this code)
3. keep all of the following records and make these records available to the Department of Resources upon request:
 - a. any other required permits, approvals or authorisations granted by the Department of Resources or other agencies for the pit or quarry or dredging activity
 - b. appropriate records detailing the progress and effectiveness of all exchange area works and management actions, if relevant
 - c. if you have contracted another person to undertake the clearing on your behalf:
 - i. contractor details (name, address, contact details)
 - ii. instructions to contractors, detailing location, date, and time.

¹⁴ Notifications do not transfer on title. If you have recently purchased the property and intend to undertake clearing for an extractive industry in remnant vegetation or regulated regrowth vegetation using an accepted development vegetation clearing code, you must first notify the Department of Resources.

¹⁵ This clearing limitation is calculated by including any and all clearing in category B areas on the lot under this code or any superseded codes by any former landholder or any third party.

4 Extractive industry practices

Clearing must comply with all of the following:

1. Avoid and minimise practice in [section 4.1](#)
2. Clearing requirements for an extractive industry in [section 4.2](#)
3. Soil and water quality protections in [section 4.3](#)
4. Exchange area¹⁶ requirements in [section 4.4](#), if [section 4.2](#) requires you to legally secure an exchange area.

4.1 Avoid and minimise

Clearing must only be undertaken under this code if the extractive industry cannot reasonably be located in category X areas or existing cleared areas¹⁷. Where it is not reasonable to do so entirely in category X areas or existing cleared areas, you must apply the 'avoid and minimise' principles to the location and extent of clearing in the following order:

1. Locate as much of the clearing in category X areas or existing cleared areas as reasonably possible.
2. Locate as much of the remaining clearing in a category C area or category R area where reasonably possible.
3. Where necessary to clear in a category B area, locate the clearing within least concern regional ecosystems where reasonably possible.
4. Take all possible steps to avoid, or if avoidance is not possible, minimise to the greatest extent possible, clearing:
 - a. in a riparian protection zone listed in Table 3 ([section 4.2](#) of this code)
 - b. in essential habitat
 - c. in a koala habitat area
 - d. of immature koala habitat trees
 - e. of habitat trees.

¹⁶ 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).

¹⁷ It may not be possible to avoid or minimise clearing due to the nature of the extractive industry, the location of the material being proposed for extraction, or the landscape, in which case, it is reasonable to locate the extractive industry within regulated regrowth vegetation or remnant vegetation.

4.2 Clearing for an extractive industry

All of the following apply to clearing to establish, expand or maintain an extractive industry on each lot:

1. Clearing must not commence under this code until all other required permits, approvals or authorisations from other agencies are obtained.
2. Clearing in a category B area must comply with all of the clearing requirements for category B areas listed in Table 1.
3. Clearing in a category C area, category R area or category X area must comply with all of the clearing requirements listed in Table 1, unless:
 - a. an exchange area is legally secured in accordance with [section 4.4](#); or
 - b. the clearing is in a koala habitat area and a koala offset is secured for the extent of the clearing.
4. Any pit, quarry or area subject to dredging must be stabilised to prevent increased erosion or sedimentation beyond the pit, quarry or dredged area.

Table 1: Clearing requirements

Clearing purpose	Clearing requirements
To establish, expand or maintain an extractive industry on each lot or on a dedicated road, excluding clearing to establish or maintain tracks	<ol style="list-style-type: none"> 1. Clearing in a category B area <u>must not</u> result in any of the following: <ol style="list-style-type: none"> a. Clearing of endangered regional ecosystems and of concern regional ecosystems b. Clearing of essential habitat c. Clearing in a koala habitat area d. Clearing that exceeds five hectares e. Clearing for the purpose of dredging material from a watercourse, drainage feature or wetland 2. Clearing in a category C area or a category R area <u>must not</u> result in total combined clearing of endangered regional ecosystems and of concern regional ecosystems which exceeds the limits in Table 2. 3. Clearing in a category C area <u>must not</u> result in clearing of essential habitat which exceeds the limits in Table 2¹⁸. 4. Total combined clearing of category B areas, category C areas and category R areas under this code or any superseded codes <u>must not</u> exceed 10 hectares. 5. Clearing <u>must not</u> occur within a riparian protection zone specified in Table 3.

¹⁸ Clearing in a koala habitat area may be regulated under the [Nature Conservation Act 1992](#) framework. To seek further information contact the Department of Environment and Science (see [Appendix 1](#) for contact details).

Clearing purpose	Clearing requirements
To establish or maintain a track that provides necessary access to undertake an extractive industry	<ol style="list-style-type: none"> 1. Clearing must not result in any of the following: <ol style="list-style-type: none"> a. Clearing that exceeds 10 metres in width. b. Increasing the width of an existing cleared area to more than 10 metres. c. Clearing within 10 metres of the defining bank of a wetland. d. Clearing within 10 metres of the defining bank of a watercourse or drainage feature, unless a crossing of the watercourse or drainage feature is required.

Table 2: Clearing limits

Regional ecosystem structure category	Clearing limits (hectares)
Dense and mid dense	0.5 hectares
Sparse and very sparse	2 hectares
Grassland	5 hectares

Table 3: Riparian protection zones*

Water feature	Riparian protection zone
Wetland	100 metres
Watercourse and drainage features	
Stream order [†] 1 or 2	10 metres
Stream order 3 or 4	25 metres
Stream order 5 or more	50 metres

Notes:

* 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.

[†] Stream order is shown on the vegetation management supporting map.

Note: 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, or contact your Department of Regional Development, Manufacturing and Water office.

4.3 Soil and water quality protections

When clearing, all of the following apply:

1. Recognised best practice methods must be employed to:
 - a. prevent increased soil erosion and instability resulting from the clearing
 - b. stabilise soil erosion and instability which has resulted from clearing
 - c. prevent increased sediment run-off entering a wetland, watercourse or drainage feature as a result of the clearing.
2. Clearing is not permitted within 100 metres of a salinity expression area, unless the clearing is in a category C area or a category R area and an exchange area that complies with [section 4.4](#) of this code is legally secured.
3. In land zone 1, 2 or 3 where the elevation is less than five metres above sea level, top soil must not be mechanically disturbed to a depth greater than 30 centimetres, unless acid sulfate soils are managed consistent with both of the following:
 - a. [State Planning Policy](#), Department of Infrastructure, Local Government and Planning, 2017¹⁹
 - b. [Soil Management Guidelines in the Queensland Acid Sulfate Soil Technical Manual](#), the former Department of Science Information Technology Innovation and the Arts 2014²⁰.

4.4 Exchange areas

An exchange area must be legally secured where clearing in a category C area or category R area does not meet the clearing requirements in Table 1, unless a koala offset is secured for the same area.

Exchange areas must comply with all of the following:

1. The exchange area must be located in a category X area, category C area, category R area, or category B area.
2. The exchange area must contain a predominant native woody vegetative layer which is at least two meters in height.
3. The exchange area must be consistent with one of the three options listed in Table A (Appendix 2).
4. The exchange area must be legally secured using the relevant mechanism outlined in Table A (Appendix 2), before commencement of clearing the impact area.
5. The exchange area must be located within the same bioregion as the impact area, or where it is not reasonably possible, located in an adjacent bioregion.
6. The exchange area must be located and configured in a way that ensures it remains in the landscape despite threatening processes.

¹⁹ Available online at www.qld.gov.au (search 'State Planning Policy').

²⁰ Available online at www.qld.gov.au (search '[Guidance materials for acid sulfate soils](#)').

7. The exchange area must be shown as a category A area on the regulated vegetation management map until the area becomes remnant vegetation and is mapped as a category B area on the regulated vegetation management map.
8. The exchange area must be managed in accordance with a management plan.
9. The management plan²¹ for the exchange area must include all of the following:
 - a. Property owner's details.
 - b. Description of the area/s the subject of the exchange area, including a map showing the location and extent.
 - c. The management objective, which must be either of the following:
 - i. If the exchange area is located in a category X area, category C area or category R area - to return the exchange area to remnant vegetation (a category B area on the regulated vegetation management map) as soon as possible and within 20 years or
 - ii. If the exchange area is located in a category B area – to achieve the nominated substantial conservation outcome or address the nominated significant land degradation issue as soon as possible
 - d. Description of the works / management actions that will be undertaken to achieve the management objective, including the methods, timing, frequency, intended benefits etc.
 - e. The conservation outcomes that will be achieved by the works / management actions.
 - f. Description of the management actions that will be undertaken to ensure that the effects of the works do not result in land degradation.
 - g. Details of who is responsible for all works and management actions, and the estimated length of time the area/s will be managed.
 - h. Monitoring and auditing processes including adaptive management approaches to rectify negative results from the monitoring and auditing processes.
 - i. Record keeping process for retaining appropriate records for monitoring and auditing processes.

²¹ The level of detail required in a management plan will depend on the nature and scale of the activity being undertaken.

Appendix 1—Other relevant legislation

Activity	Legislation	Agency	Contact details
Interference with overland flow Earthworks, significant disturbance	<i>Water Act 2000</i>	Department of Regional Development, Manufacturing and Water (Queensland Government)	Ph: 13 QGOV (13 74 68) www.rdmw.qld.gov.au
Earthworks, significant disturbance	<i>Soil Conservation Act 1986</i>	Department of Resources (Queensland Government)	Ph: 13 QGOV (13 74 68) www.resources.qld.gov.au
Indigenous cultural heritage	<i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i>	Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (Queensland Government)	Ph. 13 QGOV (13 74 68) www.dsdsatsip.qld.gov.au
Mining and environmentally relevant activities Infrastructure development (coastal) Heritage issues	<i>Environmental Protection Act 1994</i> <i>Coastal Protection and Management Act 1995</i> <i>Queensland Heritage Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 13 QGOV (13 74 68) www.des.qld.gov.au
Protected plants and protected areas ²²	<i>Nature Conservation Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 1300 130 372 (option 4) palm@des.qld.gov.au www.des.qld.gov.au
Koala mapping and regulations	<i>Nature Conservation Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 13 QGOV (13 74 68) Koala.assessment@des.qld.gov.au www.des.qld.gov.au
Interference with fish passage in a watercourse, mangroves Forest activities ²³	<i>Fisheries Act 1994</i> <i>Forestry Act 1959</i>	Department of Agriculture and Fisheries (Queensland Government)	Ph: 13 25 23 www.daf.qld.gov.au
Matters of National Environmental Significance including listed Threatened Species and Ecological Communities	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of Climate Change, Energy, the Environment and Water (Australian Government)	Ph: 1800 803 772 www.dcceew.gov.au

²² In Queensland, all plants that are native to Australia are protected plants under the [Nature Conservation Act 1992](#), which endeavours to ensure that protected plants (whether whole plants or protected plants parts) are not illegally removed from the wild, or illegally traded. Prior to clearing, you should check the flora survey trigger map to determine if the clearing is within a high-risk area by visiting www.qld.gov.au (search 'flora survey trigger map'). For further information or assistance on the protected plants flora survey trigger map for your property, please contact the Department of Environment and Science on 13QGOV (13 74 68) or email palm@des.qld.gov.au.

²³ Contact the Department of Agriculture and Fisheries before clearing:

- any sandalwood on state-owned land (including leasehold land)
- on freehold land in a 'forest consent area'
- more than five hectares on state-owned land (including leasehold land) containing commercial timber species listed in parts 2 or 3 of schedule 1 of the [Vegetation Management Regulation 2023](#) and located within any of the following local government management areas - Banana, Bundaberg Regional, Fraser Coast Regional, Gladstone Regional, Isaac Regional, North Burnett Regional, Somerset Regional, South Burnett Regional, Southern Downs Regional, Tablelands Regional, Toowoomba Regional, Western Downs Regional.

Activity	Legislation	Agency	Contact details
Development and planning processes	<i>Planning Act 2016</i> <i>State Development and Public Works Organisation Act 1971</i>	Department of State Development, Infrastructure, Local Government and Planning (Queensland Government)	Ph: 13 QGOV (13 74 68) www.statedevelopment.qld.gov.au
Road corridor permits	<i>Transport Infrastructure Act 1994</i>	Department of Transport and Main Roads (Queensland Government)	Ph: 13 QGOV (13 74 68) www.tmr.qld.gov.au
Local government requirements	<i>Local Government Act 2009</i> <i>Planning Act 2016</i>	Your relevant local government office	
Wet Tropics World Heritage Area	<i>Wet Tropics World Heritage Protection and Management Act 1993</i>	Wet Tropics Management Authority	Ph: (07) 4241 0500 www.wettropics.gov.au

Appendix 2—Exchange area requirements

Table A: Requirements for exchange areas

Exchange area requirements	Size of exchange area	Required mechanisms to legally secure and manage the area ²⁴
<p>Option 1: The area to be used as the exchange area is a category X area, is dominated by native vegetation more than 10 years of age, is a functioning regional ecosystem which occurs in the same bioregion as the impact area, and is at least one of the following:</p> <ul style="list-style-type: none"> • The same pre-clear regional ecosystem/s as the impact area • A higher pre-clear regional ecosystem status (e.g. endangered or of concern) than the values of the impact area • Within 50 metres of the defining bank of a watercourse • Within 50 metres of the defining bank of a wetland • In a location that creates a corridor of at least 100 metres in width between regional ecosystems that are mapped as either a category A area and/or a category B area on the regulated vegetation management map, which are each at least 4 hectares in size and 100 metres in width • An area that adjoins either an area mapped as a category A area and/or a category B area on the regulated vegetation management map which is at least 4 hectares in size • Another area of environmental significance to flora or fauna under other State or Commonwealth legislation 	<p>Equal to the impact area, or 1 hectare, whichever is the greater</p>	<p>Property Map of Assessable Vegetation (PMAV) that shows the area to be used as the exchange area as a category A area and management plan or Declared area (voluntary)²⁵ and management plan</p>
<p>Option 2: The area to be used as the exchange area is a category X area and is at least one of the following:</p> <ul style="list-style-type: none"> • The same pre-clear regional ecosystem/s as the impact area • A higher pre-clear regional ecosystem status (e.g. endangered or of concern) than the values of the impact area • Within 50 metres of the defining bank of a watercourse • Within 50 metres of the defining bank of a wetland • In a location that creates a corridor of at least 100 metres in width between regional ecosystems that are mapped as either a category A area and/or a category B area on the regulated vegetation management map, which are each at least 4 hectares in size and 100 metres in width • An area that adjoins either an area mapped as a category A area and/or a category B area on the regulated vegetation management map size which is at least 4 hectares in size • Another area of environmental significance to flora or fauna under other State or Commonwealth legislation 	<p>Double the impact area, or 1 hectare, whichever is the greater</p>	<p>Declared area (voluntary) and management plan</p>

²⁴ Note that both— a declaration made under section 19F of the [Vegetation Management Act 1999](#) and its associated management plan; and a Property Map of Assessable Vegetation (PMAV) that contains a category A area— transfer on title.

²⁵ A Guide to voluntary declarations under the [Vegetation Management Act 1999](#) is available at www.qld.gov.au (search 'voluntary declaration guide').

Exchange area requirements	Size of exchange area	Required mechanisms to legally secure and manage the area ²⁴
<p>Option 3: The area to be used as the exchange area is a category X area, a category B area, a category C area or a category R area and with specific management actions will achieve all of the following:</p> <ul style="list-style-type: none"> • a substantial conservation outcome or address a significant land degradation issue • remnant vegetation status. <p>An example of a 'substantial conservation outcome' includes restoring:</p> <ul style="list-style-type: none"> • key habitat for an endangered species listed under State or Commonwealth legislation • an area that is severely weed infested and is an endangered regional ecosystem. • the ecological integrity of a Ramsar listed wetland²⁶ • a threatened ecological community listed under State or Commonwealth legislation • an area within or adjacent to a World Heritage property or listed on the National Heritage List for natural values. <p>An example of addressing a significant land degradation issue includes stabilizing and restoring the stream bank of a watercourse that has evidence of mass failure.</p>	<p>Three times the impact area, or 1 hectare, whichever is the greater</p>	<p>Declared area (voluntary) and management plan</p>

²⁶ A list of Ramsar wetlands is available at www.dcceew.gov.au