

Guide to voluntary declarations under the *Vegetation Management Act 1999*

Effective 21 June 2019

This publication has been compiled by the Department of Natural Resources, Mines and Energy.

© State of Queensland, 2019

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.

Table of contents

1 Purpose	3
2 Rationale	3
Using a VDec to secure environmental offsets and exchange areas	5
Environmental offsets	5
Exchange areas	6
3 Policy	6
3.1 VDec Process	6
3.1.1 Proponent’s VDec request.....	6
Written consent of all owners.....	7
Written consent of any party with a registered interest.....	7
Purpose of the VDec.....	8
Explanation of proposed declaration	8
High nature conservation values	8
An area vulnerable to land degradation.....	9
The management plan	9
Management intent and outcomes	11
Activities and restrictions to achieve the management outcomes	11
Exempt clearing work.....	11
Clearing in accordance with an accepted development vegetation clearing code	12
Applying for a development approval under the State Development Assessment Provisions (SDAP).....	12
Delivery of an environmental offset	12
Enforcement powers	12
Information to map the boundary of the proposed declared area	12
3.1.2 DNRME VDec assessment.....	15
3.1.3 DNRME VDec offer.....	16
Declaration notice	16
PMAVs	16
Management plan	17
3.1.4 Proponent’s decision.....	17
3.1.5 Making the declaration.....	18
3.1.6 Timeframe for making the declaration	18
3.2 Additional information	18
Declaration protects land and is binding on future owners	18
Amending the management plan.....	18
When a management plan ends.....	19
Ending a declaration	19

Declarations removed or not made due to public interest	19
VDecs for exchange area purposes	20
Information available for inspection	20
Tenures, forest products and native title.....	20
4 Responsibilities.....	21
5 Definitions.....	22
Appendix 1- Criteria for declaration	22

1 Purpose

The *Vegetation Management Act 1999* (VMA) provides a voluntary process to protect areas of native vegetation not otherwise protected by the VMA. This process is referred to as a voluntary declaration, or a VDec. VDec's can be used to protect areas of high nature conservation values or areas vulnerable to land degradation. A VDec can also be used to secure areas of land to satisfy statutory offset requirements and to secure exchange areas under the VMA and other legislation.

This document has been developed to provide guidance on:

- the purpose of a VDec
- when, how and why they should be used
- processes and responsibilities for proponents and government agencies.

2 Rationale

The VMA has always contained a process for the Minister or Governor in Council to make a declaration over an area to protect high nature conservation values and areas vulnerable to land degradation. However a VDec is a separate mechanism which is declared by the chief executive and subject to different processes. The VDec process is provided for in sections 19E to 19L of the VMA under subdivision 2—Declarations by chief executive.

The VDec process provides a simplified and streamlined procedure for landholders seeking to voluntarily protect native vegetation on their land. It also enhances the vegetation management framework by providing a voluntary protection mechanism that integrates with and helps deliver other components of the VMA.

This streamlined protection process makes it easier and more cost effective for landholders to protect native vegetation for a range of purposes, such as:

- participating in conservation incentive programs
- providing legal security for offset areas required under the *Environmental Offset Act 2014* (the Offsets Act) and exchange area required under the VMA
- providing legal security for an exchange area under an accepted development vegetation clearing code
- rehabilitating areas subject to land degradation
- addressing Federal offset requirements under the Australian Government's *Carbon Credits (Carbon Farming Initiative) Act 2011* or *Environment Protection and Biodiversity Conservation Act 1999* (EPBC)
- other conservation purposes.

The VDec process is generally aimed at protecting regrowth vegetation (native vegetation that is not mapped as remnant vegetation), or plantings of native vegetation, and in certain circumstances, remnant vegetation.

A declaration would not generally be made over an area that does not contain native vegetation. In all situations, the proponent needs to demonstrate how a proposed declaration meets particular criteria that are outlined in Appendix 1.

A request for a declaration must be accompanied by a management plan that outlines the activities required to achieve the management intent and outcomes.

Once a declaration is made, it is registered in title and is binding on all current and future owners of the land until the intent and outcomes of the management plan have been achieved. For example if the vegetation management outcome is to return the vegetation to remnant status, the declaration must remain on title until the remnant status is reached and it is shown as category B on the Regulated Vegetation Management Map (RVMM).

When an area is declared as an area of high nature conservation value or vulnerable to land degradation, a property map of assessable vegetation (PMAV) displaying this area as a category A area will be made. A category A area has a similar level of protection to remnant vegetation (shown as category B on the RVMM) that is an endangered regional ecosystem. The standard VDec process is shown in Figure 1 below.

It is strongly recommended that applicants seek independent professional legal and financial advice prior to entering into a VDec agreement.

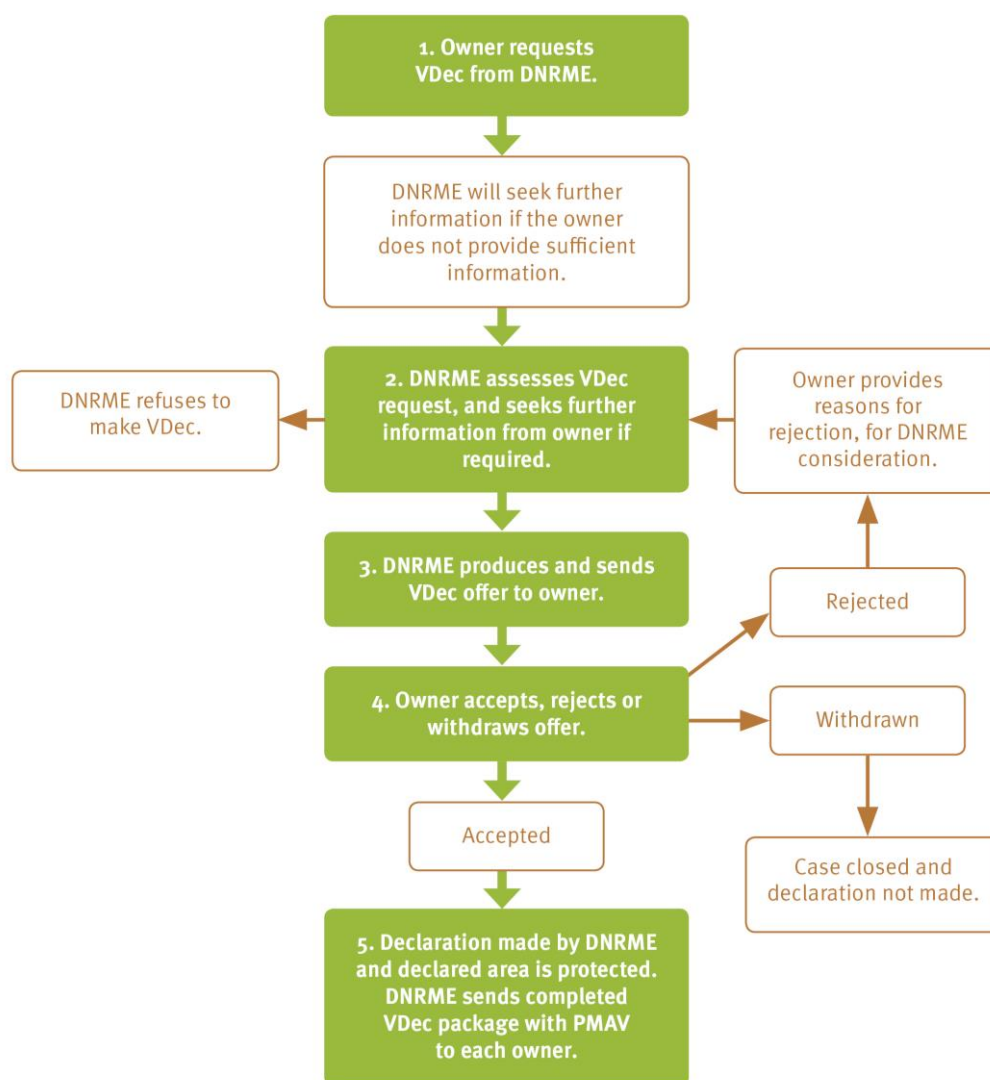


Figure 1: Standard process for a voluntary declaration

Using a VDec to secure environmental offsets and exchange areas

An **environmental offset** is a tool provided by the Offsets Act to counterbalance environmental impacts resulting from prescribed activities.

An **exchange area** has similar principles as an environmental offset--to counterbalance the clearing of important environmental values. However, an exchange area is not an environmental offset under the Offsets Act, rather it is a requirement solely driven by accepted development vegetation clearing codes under the VMA and administered by the Department of Natural Resources, Mines and Energy (DNRME).

VDec's are often used as tools to secure areas of vegetation as an environmental offset or an exchange area. This is due to the high level of protection a VDec provides for vegetation.

DNRME advice should be sought before using a VDec to secure either an environmental offset or an exchange area.

Environmental offsets

Environmental offsets can be required by a number of different types of legislative approvals such as:

- development approvals to clear native vegetation under the *Planning Act 2016* (PA)
- permits to clear protected plants under the *Nature Conservation Act 1992*
- environmental authorities under the *Environmental Protection Act 1994*.

The offset is enforced by a condition placed on the approval. An offset condition can be met through a land-based offset delivered by the proponent (a proponent-driven offset) or a financial settlement offset where an offset will be delivered by State or local government.

All proponent-driven offsets must be delivered in accordance with an offset delivery plan prepared under the Offsets Act and approved by the agency responsible for imposing the offset condition (the responsible agency). The responsible agency also ensures that the proponent achieves the management objectives and offset requirements under the offset delivery plan including monitoring and reporting requirements.

DNRME performs administrative tasks to support the VDec process but is generally not the responsible agency.

It is important to note that a VDec may not always be the most appropriate mechanism to legally secure an environmental offset for vegetation clearing. Some other potential options include:

- environmental offset protection areas under the Offsets Act
- protected areas, such as national parks, conservation parks and nature refuges, under the *Nature Conservation Act 1992* and covenants under the *Land Act 1994* or *Land Title Act 1994*.

More information about environmental offsets can be found online at www.qld.gov.au (search 'environmental offsets').

Exchange areas

Exchange areas are required when clearing above specified limits or in sensitive areas in accordance with several of the accepted development vegetation clearing codes (codes). When you are required to legally secure an exchange area to conduct your clearing activity, ensure your exchange area complies with the requirements of the code. Where a VDec is used to secure an exchange area, the management plan must detail how the exchange area outcomes will be achieved. The General guide to the vegetation clearing codes provides further information on how to legally secure an exchange area, identify a suitable exchange area and draft a management plan. The General guide is available from the Queensland Government website on the [accepted development clearing codes page](#).

3 Policy

3.1 VDec Process

3.1.1 Proponent's VDec request

When requesting a VDec for an offset the proponent must send a Request for a voluntary declaration to DNRME, which is available from the Queensland Government website on the [development approvals for clearing native vegetation page](#).

When requesting a VDec for an exchange area the proponent must lodge an [Application to secure an exchange area](#), which is available from the Queensland Government website on the [accepted development clearing codes page](#).

The completed request / application form must include all of the following:

- written consent to the making of the declared area from all owners
- recording of all registered interest holders over the declared area
- purpose of the VDec
- an explanation of why the area is either an area of high nature conservation value or an area vulnerable to land degradation, and which criteria the declaration is proposed to be made under
- a proposed management plan signed by the proponent
- evidence that the responsible agency has endorsed the offset delivery plan for the offset area (where applicable i.e. where the VDec is used to secure an environmental offset)
- any other details outlined in the form.

Written consent of all owners

Written consent is required from all registered 'owners' of the area proposed for declaration. It is important that all owners agree to the declaration as declarations give higher levels of protection to vegetation than what currently exists. It will be binding until the outcomes of the management plan are achieved. The owner of the land is defined in the VMA as the:

- registered owner on freehold land
- leaseholder, licensee or permittee on leases, licences or permits under the *Land Act 1994* (Land Act)
- holder of title on Indigenous land
- holder of title on any tenure under any other Act.

The holder of a mining lease or an exploration permit for coal is not an owner of the land for the purposes of the VMA definition, and as such, is unable to request a declaration over the land.

Written consent of any party with a registered interest

Any person that has an interest in the proposed declared area that is registered under the *Land Act* or the *Land Title Act 1994* is required to provide written consent to the proposed declaration. Consent of registered interest holders is not required at the stage of lodging a request. The proponent will need written consent of all registered interest holders once DNRME has considered the request, and prior to the making of any declaration.

Written consent is required because the declaration may impact on their registered interest. For example, if a declaration is made over an area with a powerline easement and the declaration restricts clearing in the easement, Powerlink (the registered interest holder) may not approve it if it restricts their use of the easement to build and maintain powerlines. DNRME will not make a declaration unless all parties with a registered interest have provided written consent.

Registered interests include mortgages, leases, sub-leases, covenants, easements, profit à prendres, forestry products, building management statements, or any other interests registered on title. Consent is not required for interests which are not registered on title. For example, if a resource interest such as a mining lease or an exploration permit is not registered on title, consent of the interest holder is not required.

It is the responsibility of the proponent to seek the necessary written consent of all owners and persons with a registered interest in the proposed declared area.

Details on owners and registered interest holders are available from DNRME's titles register. For a fee, anybody can search the registers and obtain copies of the title of a block of land. Information on DNRME offices where you can search or lodge land registry forms and their opening hours is available on the Departmental website on the [titles registry contact page](#).

Purpose of the VDec

The VDec request must specify the VDec purpose. The purpose of a VDec can affect how it will be processed and implemented. Potential VDec purposes outlined in the request / application form include:

- participating in a conservation incentives program
- to offset clearing associated with a development approval
- carbon emission offsetting
- other conservation purposes (this purpose caters for other offset commitments under the Offsets Act or the EPBC).
- for exchanges areas, conservation outcomes specified under an accepted development vegetation clearing code

Explanation of proposed declaration

An area must meet particular criteria before it can be declared an area of high nature conservation value or an area vulnerable to land degradation. Furthermore, if the area is to be an exchange area, it must meet the criteria under the relevant Accepted Development Vegetation Clearing Code (ADVCC). A description of all of the criteria and information required is provided in Appendix 1.

The proponent must demonstrate which criteria the area is proposed to be declared under.

High nature conservation values

To be considered for declaration as an area of high nature conservation value, the area must be one or more of the following:

- a) a wildlife refugium—an area where a species or a group of species has retreated due to a threatening process (e.g. climatic change)
- b) a centre of endemism—an area containing concentrations of species that are largely restricted to the area
- c) an area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity
- d) an area that makes a significant contribution to the conservation of biodiversity
- e) an area that contributes to the conservation value of a wetland, lake or spring
- f) another area that contributes to the conservation of the environment.

An area vulnerable to land degradation

To be considered for declaration as an area vulnerable to land degradation, the area must be subject to one or more of the following:

- a) soil erosion
- b) rising water tables
- c) the expression of salinity, whether inside or outside the area
- d) mass movement by gravity of soil or rock
- e) stream bank instability
- f) a process that results in declining water quality.

DNRME will assess the information provided to determine whether the area can be declared. DNRME may request additional information on how the proposed declaration meets requirements.

Information provided should also be reflected in the management plan to demonstrate how the particular criteria will be maintained or addressed in the proposed declared area.

For example, a proposed declaration may seek to protect an area of regrowth that is an endangered regional ecosystem, as an environmental offset for clearing an endangered regional ecosystem. The proposal could meet high nature conservation value criterion f), as it would allow the regrowth vegetation to return to remnant status. This would contribute to environmental conservation through ensuring that a development activity maintains the current extent of an endangered regional ecosystem.

Proposing to declare an area that provides strategic protection of vegetation—such as a corridor linking two patches of remnant vegetation together— could meet high nature conservation value criterion c), as it would be an area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity.

A proposed declaration to rehabilitate a degraded, unstable watercourse could meet land degradation criterion e), as it would be an area subject to stream bank instability.

The management plan

The management plan supporting the proposed declaration must contain information that demonstrates how the area will be managed to conserve and improve its high nature conservation value or to repair and restore degraded land and prevent further land degradation. The level of detail, or scope of the management plan, will depend on the purpose of the declaration and the area being secured.

Proposed declaration management plan

The management plan must:

- be signed by the proponent
- include sufficient information to allow DNRME to map the boundary of the stated area
- state the proponent's management intent and proposed outcomes for the conservation of the high nature conservation value of the area or the prevention of land degradation in the area

- state the activities that the proponent intends to carry out or refrain from carrying out to achieve the management outcomes for the conservation of the high nature conservation value of the area or the prevention of land degradation in the area
- state the restrictions, if any, to be imposed on the use of, or access to, the area by other persons to achieve the management outcomes for the conservation of the high nature conservation value of the area or the prevention of land degradation in the area

Exchange area management plan

There are additional requirements for exchange area management plans, as outlined in the codes. The management plan for an exchange area must include:

- the property owner's contact details and signature
- a description of the area/s subject of the exchange area, including a map showing the location and extent
- 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.
- a description of the works / management actions that will be undertaken to achieve the management objective, including the methods, timing, frequency, intended benefits etc.
- the conservation outcomes that will be achieved by the works/management actions
- a description of the management actions that will be undertaken to ensure the effects of the works do not result in land degradation
- details of who is responsible for all works and management actions, and the estimated length of time the area/s will be managed
- monitoring and auditing processes including adaptive management approaches to rectify negative results from the monitoring and auditing processes
- record keeping process for retaining appropriate records for monitoring and auditing processes.

The management plan should also contain any other information that the proponent considers relevant.

Where the VDec relates to an environmental offset under the Offsets Act, the VDec request must contain evidence that the responsible agency has endorsed the offset delivery plan for the purposes of the offset. In this situation, an offset delivery plan template is available on the Queensland Government website at www.qld.gov.au and can be used to support the management plan or replace the management plan if it covers all necessary components mentioned above.

Management intent and outcomes

The management plan must clearly define the outcomes and goals of the declared area including measurable performance indicators. The outcomes and goals will depend on the purpose of the declaration.

For example, the purpose of the proposed declaration may be to legally secure an environmental offset to counterbalance the clearing of an endangered remnant regional ecosystem. The outcome to be achieved is detailed under the offset delivery plan. An outcome could be that the area will be managed to achieve a stated increase in vegetation condition within a stated timeframe.

If the purpose of the proposed declaration is to protect an area provided for conservation purposes under an incentives scheme, it is likely that the management plan provided to support the incentives application will be suitable.

Activities and restrictions to achieve the management outcomes

The management plan can be used to restrict or promote certain activities and access to ensure the management outcomes are achieved. For example, if the outcome is to return the area to remnant vegetation then activities to achieve this may include:

- weed management program
- control of feral pests, such as pigs
- fencing to control stock access
- managing vegetation in accordance with the relevant management plan
- stabilising areas prone to land degradation
- fire regimes appropriate to the vegetation.

Clearing can still occur in declared areas mapped as category A on a PMAV or the RVMM. For this reason it is important that all VDec management plans contain sufficient restrictions to ensure that clearing does not erode the intended protection.

Exempt clearing work

The declared area may be subject to exempt clearing work under schedule 21 of the Planning Regulation 2017¹ for the following activities:

- weed control
- public safety
- fodder harvesting
- managing thickened vegetation
- clearing for encroachment
- necessary environmental clearing

¹ Planning Regulation 2017, Schedule 21, Part 1, Section 1, item 3

- clearing to establish a necessary fence, firebreak, road or vehicular track, where the clearing cannot reasonably be avoided or minimised.

This may include clearing for essential management activities, establishment of important community infrastructure, or certain resource activities—unless it is prohibited by the management plan or conditions on an associated clearing authority. A complete list of exempt clearing work can be found on the Queensland Government website at www.qld.gov.au (search 'routine clearing').

Clearing in accordance with an accepted development vegetation clearing code

Accepted development vegetation clearing codes do not apply to category A areas.

Applying for a development approval under the State Development Assessment Provisions (SDAP)

In declared areas which are shown as category A on a PMAV or the RVMM, the SDAP will apply to the area for any proposed clearing that is assessable under the Planning Regulation 2017 (unless it is prohibited by the management plan).

Delivery of an environmental offset

Where the VDec is being used to legally secure an environmental offset, additional clearing restrictions may apply within the VDec area under the Offsets Act to protect the offset objectives. In some cases, environmental offsets are also mapped by the Department of Environment and Science (DES) as Matters of State Environmental Significance, which provides further protection against development within the offset area.

Enforcement powers

Any clearing within a category A area on a PMAV that is not authorised will generally be an offence under the *Planning Act 2016* and subject to the enforcement powers under the VMA.

However, where the VDec is used to secure an environmental offset, the Offsets Act, and any associated authority (such as the environmental authority which required the offset) will provide additional enforcement powers for any non-compliance with the offset related conditions.

Information to map the boundary of the proposed declared area

DNRME will require information to produce a map of the declared area and to prepare a PMAV showing the category A area. See Figure 2 for an example of the preferred mapping format and information.

The preferred information to support an application is a map that clearly identifies the proposed declared area. An accurate map allows DNRME to process the request more efficiently without having to ask for further information.

This will assist DNRME to produce a Declared Area Map. See Figure 3 for an example of a Declared Area Map.

Key factors in choosing a map are scale and size. Scales may vary from 1:1 000 (large scale) for a 25 ha property to 1:50 000 (small scale) for a 60 000 ha property. It is best to choose a scale that gives the detail you need with a map size that is easy to handle.

The map needs to be in a scalable format, showing clearly and accurately the proposed declared area and its relationship with the boundary of the property in which the proposed declared area occurs.

For small properties (less than five ha), a cadastral map (SmartMap) or a survey plan showing property boundaries may be more useful than a map based on aerial photography. However, an aerial photo may be useful to show how the property fits into the landscape. For larger properties, satellite imagery may be more appropriate.

Whichever type of map is used, a clearly defined legend should be provided to explain the information on the map.

Landholders are encouraged to provide further information that will help to assess the request. This can include:

- reference points with a Map Grid of Australia 1994 (MGA94) coordinate and zone reference for each point acquired by a Global Positioning System (GPS) or similar system of satellites. These reference points should be taken at regular intervals to define the boundary of a particular area as well as at corners, or changes in direction, and also of the external property boundary
- existing and proposed infrastructure
- regional ecosystems (both remnant and not remnant) mapped out in the proposed declared area
- drainage lines
- topography
- soil types
- areas of weed infestation
- areas with land degradation, such as salinity or soil erosion
- any other useful information.

Provision of the map information in a digital GIS format, for example a shapefile or kml file, will help to process the request.

Once a PMAV is certified over the declared area, the PMAV will be incorporated into monthly RVMM updates to ensure the declared area is publically displayed as a category A area. The RVMM is publically available at property scale on the Queensland Government website at www.qld.gov.au (search 'request a vegetation map').

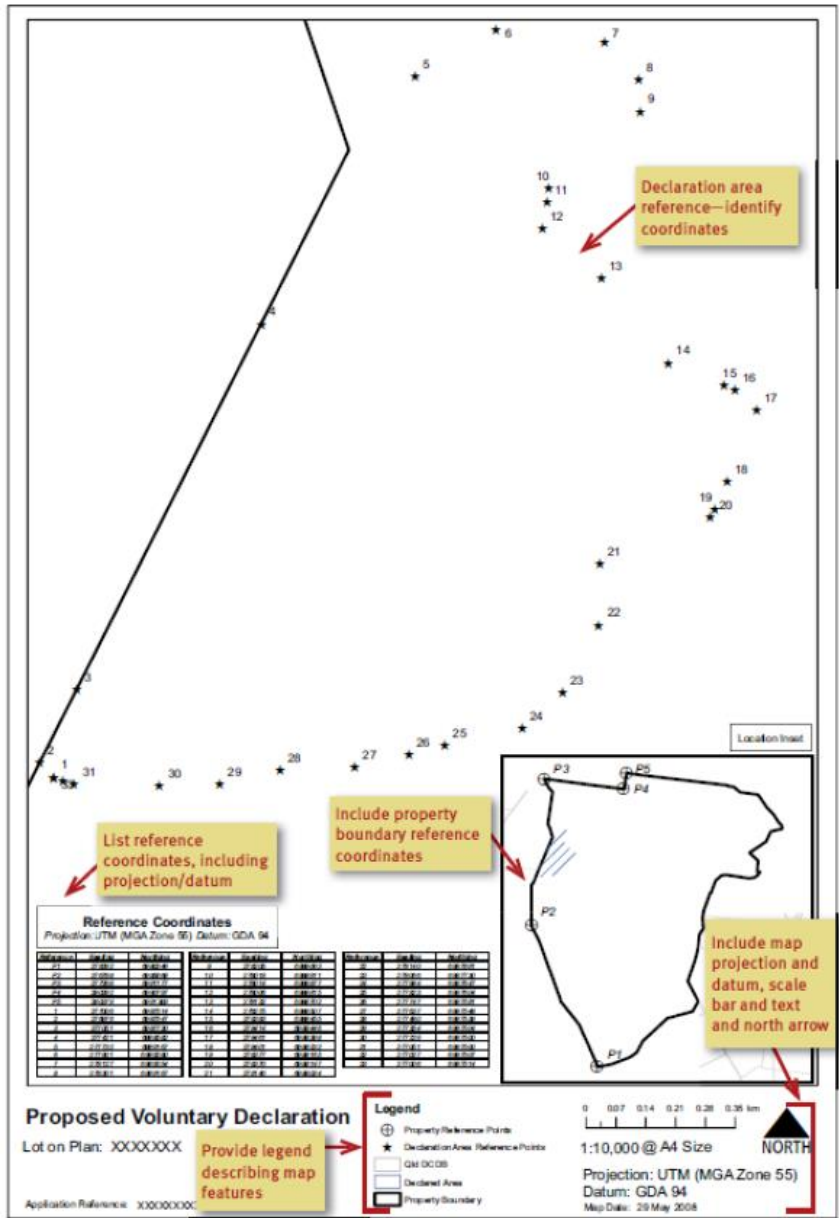


Figure 2: Example of preferred mapping format and information

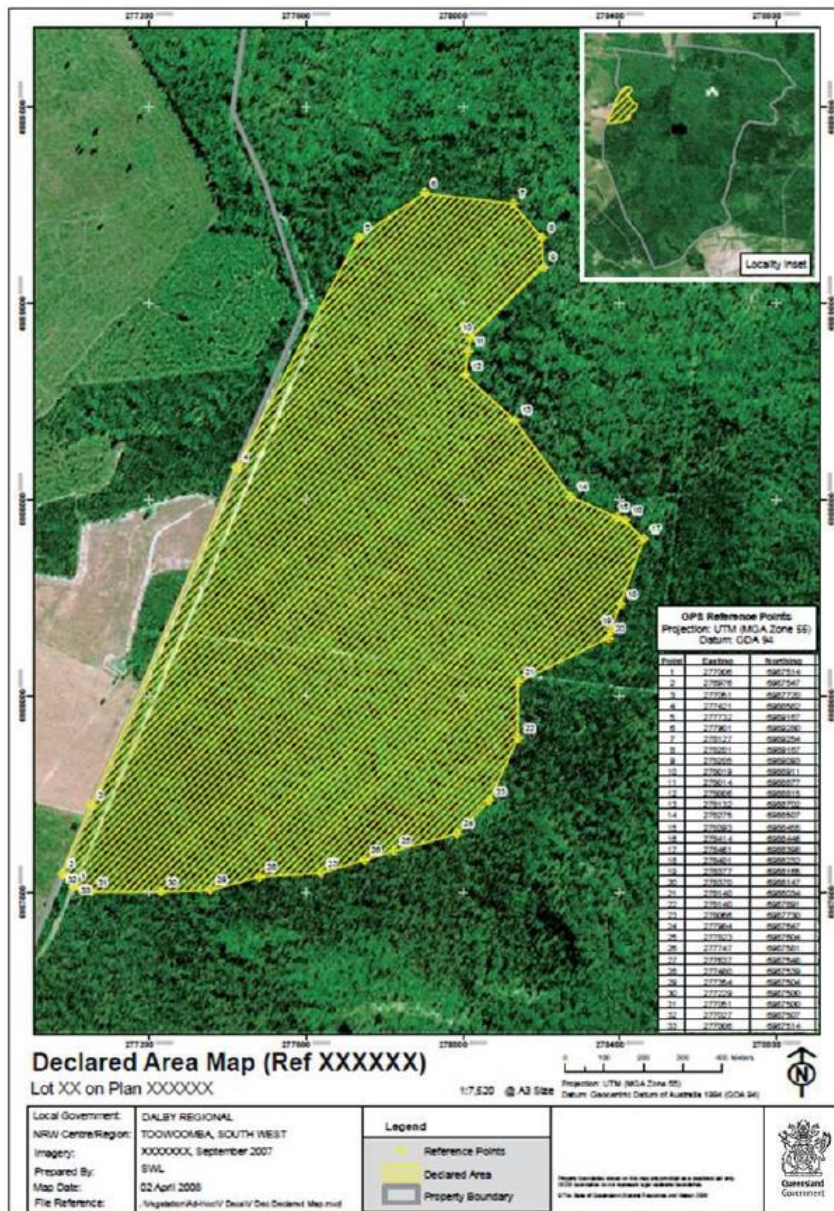


Figure 3: Example of a Declared Area Map

3.1.2 DNRME VDec assessment

After all components of the VDec request are received, DNRME will assess it to ensure:

- it meets the criteria required for the declaration
- the management plan contains the appropriate elements to ensure the declared area is managed to achieve the desired outcomes.

As part of this assessment, DNRME may seek additional information from the proponent. The assessment may recommend modifications to the initial request to meet the requirements of the legislation.

As any declaration request may be modified as a result of assessment, the signed consent of all registered interest holders is not required until the assessment is complete. However, the details of all registered interest holders must be provided with any request.

Where the requested VDec is for an environmental offset under the Offsets Act, the responsible agency must be satisfied that the offset delivery plan satisfies management plan requirements for a VDec under the VMA.

Where the requested VDec is for an exchange area under the VMA, DNRME must be satisfied that the management plan will achieve the objectives of the exchange area (see section 3.1.1- The management plan).

Where these requirements have not been addressed, DNRME can amend the management plan, or initiate an amendment to an offset delivery plan with the responsible agency before offering the proponent with the final VDec package.

3.1.3 DNRME VDec offer

Once DNRME has assessed the VDec request and is satisfied that it meets the criteria for the declaration, a VDec offer will be sent to the proponent for their consideration. This offer will contain a draft:

- declaration notice
- declared area code (if proposed)
- PMAV showing the category A area
- declared area management plan, including a map of the declared area.

Declaration notice

A declaration notice will be developed as a result of a declaration. The notice will state that a declaration has been made, and under what provision and criteria the declaration has been made.

PMAVs

A PMAV will be developed as a result of the declaration and will map the declared area as category A, giving it a similar level of protection as endangered regional ecosystems within a category B area on the RVMM. See Figure 4 for an example of a VDec PMAV.

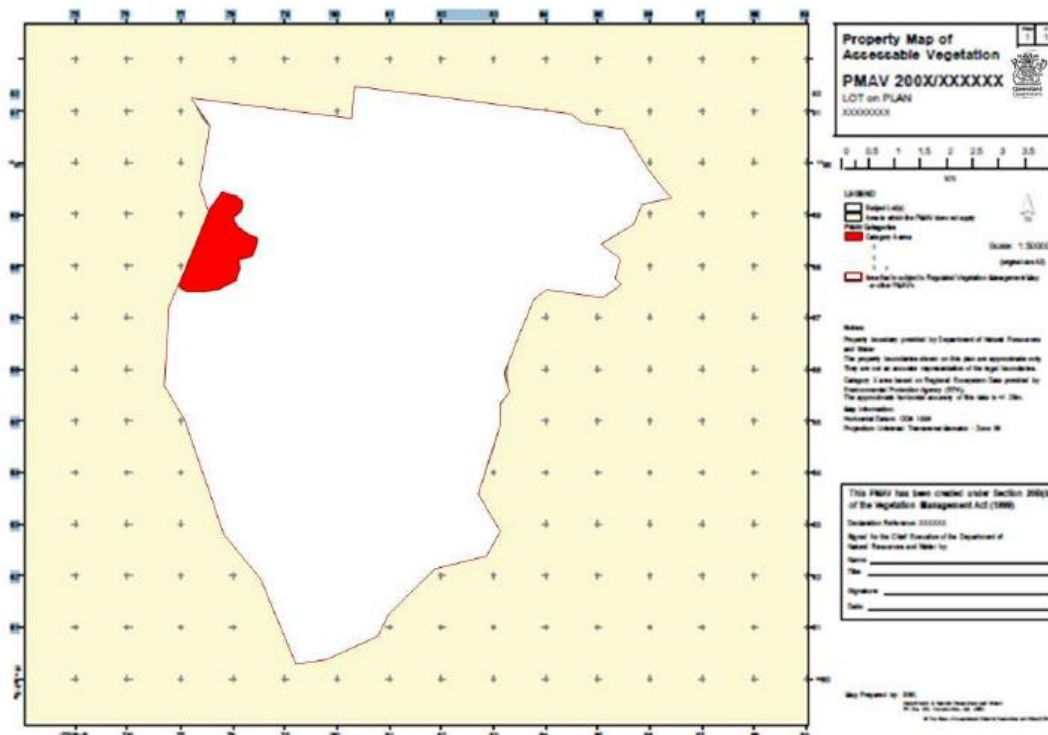


Figure 4: Example of a property map of assessable vegetation (PMAV) associated with a voluntary declaration

Management plan

During the assessment process, DNRME and the proponent may negotiate changes to the management plan that was provided with the original declaration request.

3.1.4 Proponent's decision

Once a proponent receives an offer for a declaration, they can accept the offer, reject the offer and inform DNRME on why the offer has been rejected, or withdraw the offer if they no longer wish to proceed with the declaration.

If a proponent rejects the offer, they should inform DNRME of the reasons for rejection to allow DNRME to re-assess the VDec request, taking these reasons into consideration. A new VDec offer may be produced by DNRME as a consequence.

If the proponent withdraws the request the case will be closed and the declaration will not be made.

Before a draft declaration can be accepted, the proponent will need to ensure that the signed consent from all registered interest holders has been obtained.

3.1.5 Making the declaration

Once DNRME and the proponent agree to the offer, DNRME will make the declaration and provide the proponent with the finalised VDec package.

The declaration takes effect from the date the chief executive signs the declaration notice. The PMAV and management plan have effect from the same date. These documents will then be noted on the land title to inform prospective buyers of the declaration.

3.1.6 Timeframe for making the declaration

No statutory timeframes exist for the proponent or DNRME for VDec's proposed by a landholder to protect areas of high nature conservation value or an area vulnerable to land degradation (not associated with environmental offsets or exchange areas).

However, the proponent must be aware that a VDec for the purposes of an environmental offset under the *Environmental Protection Act 2014* or an exchange area under the VMA, may have time constraints related to the associated clearing activities. For example, under a development approval, an accepted development vegetation clearing code, an offset delivery plan or an exchange area management plan. It is recommended that the proponent provide all necessary information to ensure the VDec can be processed in a timely manner.

3.2 Additional information

Declaration protects land and is binding on future owners

One of the strengths of a declaration is that it provides greater protection to areas of land containing environmentally valuable native vegetation.

A declaration will remain in place until the outcomes in the management plan have been achieved. However, a declaration can be removed when it is found to be not in the interests of the State, having regard to the public interest.

The declaration and management plan will be noted on the land title, which informs prospective buyers of current declarations and management plans and where copies are available. This information is important to the property market as future owners will be bound by the plan and declaration.

Amending the management plan

To maintain flexibility and ensure that the plan remains up to date, the management plan can be changed by agreement between the owner and the chief executive of DNRME.

For example, if the management plan is required to be changed due to unforeseen circumstances, it can be amended by agreement between the owner and the chief executive. Unforeseen circumstances can include natural events such as wild fire, cyclones, or disease, or achieving management outcomes ahead of schedule.

The amendment provision provides flexibility and ensures the management plan remains up to date and relevant to achieving the purpose of the VDec. It is not intended to diminish the management intent or outcomes for the area.

An amendment to a management plan for an environmental offset area under the Offsets Act must first be approved by the responsible agency before the amendment may be approved by DNRME under the VMA.

When a management plan ends

In general, the management plan will continue to have effect until it ends under its terms. This emphasises the importance of defining the management outcomes and goals of the declared area, including measurable performance indicators as previously described.

However, when a management plan ends, it is still possible that the declaration continues.

Ending a declaration

A declaration can only be ended under section 19L of the VMA by the chief executive if:

- the management outcomes of the management plan have been achieved
- it is not in the interests of the State, having regard to public interest
- another environmental offset is provided in accordance with the Offsets Act for an activity impacting the original offset area covered by the VDec.

Where a VDec has been used to secure an environmental offset or an exchange area and the objectives have not been achieved the VDec must remain operative, even if the authorised activities (i.e. the clearing which triggered the offset or exchange area requirements) have ended. Conversely, where the objectives have been achieved (i.e. the area has been restored to the required level of vegetation) the VDec can only be ended when the authorised activities have ended.

Again, this emphasises the importance of defining the management outcomes and goals of the declared area, including measurable performance indicators. It is intended that the PMAV made for the declaration would remain in place until such time as the area is mapped as category B or C on the RVMM (depending on the vegetation category being impacted).

If there is evidence that the VDec can be ended, the chief executive must provide a written notice to the owner of the land subject to the declaration.

Declarations removed or not made due to public interest

While VDec's provide a mechanism for landholders to voluntarily protect native vegetation on their property, DNRME recognises that in some situations a declaration may not be in the interest of the State.

An example of this is when a landholder seeks to declare an area that may hinder the development of a state-significant project. In these circumstances, DNRME can either not make the declaration or end an existing one.

VDecs for exchange area purposes

To clear vegetation under an accepted development vegetation clearing code (ADVCC), landholders must first notify DNRME. Exchange areas required by an ADVCC must be legally secured before clearing commences.

If the exchange area is not secured, the vegetation clearing may be found non-compliant with the ADVCC, and subject to potential compliance action that may include restoration of the cleared area..

Information available for inspection

The declaration notice, management plan, PMAV, and declared area code for each declaration is available for public inspection free of charge and purchase if required from DNRME service centres.

Tenures, forest products and native title

For VDec requests on State land tenures, the views of DNRME's State Land Asset Management unit may be sought to ensure that the proposed declaration is consistent with the purpose of the tenure.

On tenures where the State has rights to forest products, the State will maintain the rights to forest products in any declared area. In some cases, the State may elect to forego those rights and, with agreement, this can be included in an approved management plan for the area.

Also, a declaration does not affect native title rights that may exist over an area that is declared.

4 Responsibilities

Table 1: Voluntary declaration responsibilities

Entity	Responsibility
Proponent	<p>In general</p> <ul style="list-style-type: none"> • Seek independent legal advice prior requesting a VDec agreement. • Submit a VDec request with all necessary information. • On request provide any additional information to DNRME. • Amend management plan where directed by DNRME. • Accept or reject DNRME's VDec offer. • Meet the requirements and objectives of the management plan and notify DNRME when the objectives are achieved. <p>In addition</p> <p>For VDec's used to secure environmental offsets associated with clearing authorities</p> <ul style="list-style-type: none"> • Seek preliminary approval for a VDec from DNRME before lodging a notice of election to the responsible agency under the Environmental Offsets Act. • On request provide any additional information to the responsible agency. • Incorporate the advice of the responsible agency into the management plan. • Ensure the responsible agency is notified when the management plan objectives are achieved. <p>For VDec's used to secure exchange areas under an accepted development vegetation clearing code</p> <ul style="list-style-type: none"> • Ensure DNRME is notified when the management plan objectives are achieved.
DNRME (as administrator of the VMA)	<p>In general</p> <ul style="list-style-type: none"> • Conduct due diligence checks for VDec requests. • Ensure the legislative requirements relating to VDecs under the VMA are met (i.e. processing and assessment), including the declaration of the VDec by the chief executive. • Liaise with the proponent in relation to processing and declaring the VDec. • Provide the proponent with a finalised VDec package. • Upon declaration, make a PMAV to show the declared area as a category A area. • Incorporate the category A area into the RVMM. • Ensure the VDec is noted on title. • End and remove the VDec if the chief executive considers it is necessary. <p>In addition</p> <p>For VDec's used to secure environmental offsets associated with clearing authorities</p>

	<ul style="list-style-type: none"> • On request, provide advice to the responsible agency on the suitability of a VDec to legally secure an environmental offset. • Where necessary consider whether conditions of the clearing authority support the objectives of the VDec (i.e. they do not erode its protections). • Advise the responsible agency of progress and issues in processing the VDec. • Validate responsible agency approval of any amendment to the management plan prior to declaring the area. • Once the responsible agency has advised DNRME that the proponent has met their obligations under the VDec management plan, amend the RVMM to change the VDec area from category A to the necessary vegetation category. <p>For VDec's used to secure exchange areas under an ADVCC</p> <ul style="list-style-type: none"> • Ensure the exchange area meets the exchange area requirements under the relevant ADVCC (see Appendix 1, Table C). • Where required, ensure proponents enter into a VDec agreement before or soon after an ADVCC clearing notification is made. • Ensure the management plan contains objectives that will satisfy exchange area requirements. • Once management plan objectives have been achieved, amend the RVMM to change the VDec area from category A to the necessary category.
Responsible agency (only relevant where the VDec has been used to secure an environmental offset)	<ul style="list-style-type: none"> • Approve the management plan (or offset delivery plan) and advise DNRME to facilitate the declaration. • Review all monitoring and reporting commitments within the management plan. • Perform all monitoring, enforcement and compliance associated with the offset area and management plan. • Liaise with the proponent as required on matters associated with the management plan (including the amendment of the plan). • Advise DNRME when the proponent has met the requirements set out in the management plan and the VDec can be removed. • Advise DNRME on matters associated with the VDec, including providing all relevant documentation.

5 Definitions

To **clear**, for vegetation under the VMA, means to remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining. It does not include destroying standing vegetation by stock, or lopping a tree.

Appendix 1- Criteria for declaration

The following table outlines what DNRME regards as appropriate considerations for each declaration criteria. It is reasonable and relevant for landholders to reference other biodiversity planning tools, which identify areas that may meet one or more of the criteria.

For example, Biodiversity Planning Assessments (BPAs) prepared by DES and local government biodiversity strategies and mapping are potential sources of information. BPAs often identify areas of wildlife refugium or areas of endemism, some of which may not be provided with any level of protection.

Table A: Criteria for high nature conservation values

Criteria for declaration (one or more of the following)	Considerations (including VMA definitions)
a) a wildlife refugium	<p>As defined by the VMA, a wildlife refugium means an area that is a sanctuary to which a species or group of species has retreated, or been confined, in response to threatening processes, including a climatic change.</p> <p>A clear example of a wildlife refugium would be Taunton National Park in Central Queensland, for the small population of Bridle Nail Tail Wallabies (<i>Onychogalea fraenata</i>) discovered there when they were thought to be extinct.</p> <p>Areas that may function as a wildlife refugium are those that maintain a ‘core’ of suitable habitat, including but not limited to:</p> <ul style="list-style-type: none"> • watercourses and wetlands for species dependant on moisture and associated vegetation • ‘old growth’ vegetation with a high proportion of hollow-bearing trees • vegetation communities with high floristic diversity • ecosystems that have been reduced in size, fragmented and disturbed by grazing, clearing and invasion of pasture species and weeds, such that only pockets of habitat remain in integral or near integral condition • uncommon regional ecosystems which have remained stable for long periods • areas of regrowth vegetation containing essential habitat for threatened species <p>DES’ Biodiversity Assessment and Mapping Methodology Version 2.2 (2014) also provides the following guidance regarding wildlife refugia. Wildlife refugia encompass:</p> <ul style="list-style-type: none"> • habitats that support taxa, which are uncommon or do not occur elsewhere • habitats that enable taxa to survive during extreme events such as drought, fire and in the longer term, climate change • remnants that have and will survive clearing and fragmentation—this may include large areas not suitable for broadscale clearing because of land suitability/capability (in using this criterion, there should be a reasonable expectation that the refuge areas will remain protected from broadscale clearing indefinitely, i.e. areas identified as being unsuitable for clearing in a vegetation management plan developed and accepted through a community consultation process. Identified areas may also include National Parks or other Protected Areas or State Forests which have a high level of protection from clearing • habitats used by migratory taxa for short periods of time. The identification of wildlife refugia will sometimes rely on studies of specific habitats such as mound springs and caves, as well as expert knowledge. <p>(Source: Biodiversity Assessment and Mapping Methodology Version 2.2, 2014, EHP)</p>
b) a centre of endemism	<p>As defined by the VMA, a centre of endemism means an area containing concentrations of species that are largely restricted to the area.</p>

	<p>Regional ecosystem mapping can compare dominant flora species across the landscape. It is possible that endemism detected in the dominant species could translate to endemism in the co-occurring, more inconspicuous species. DES' Biodiversity Assessment and Mapping Methodology Version 2.2 (2014) also provides the following guidance regarding centres of endemism.</p> <p>Identification of centres of endemism.</p> <p>Endemic species are defined as those taxa which have at least 75 per cent of their geographical range within one bioregion or which have a total range of 100,000sq.km or less (Commonwealth of Australia 1995, Queensland CRA/RFA Steering Committee 1998).</p> <p>Endemic taxa can be identified through the analysis of flora and fauna records stored in WildNet using GIS. GIS can also be used to analyse the distribution of all endemic taxa defined for a bioregion and rank areas on the basis of the relative number of endemic taxa they contain. Expert knowledge can also be used to define endemic taxa for a bioregion and to identify areas considered to contain high numbers of endemic taxa.</p> <p>(Source: Biodiversity Assessment and Mapping Methodology Version 2.2, 2014, EHP)</p>
<p>c) an area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity</p>	<p>A vegetation clump is an area of vegetation that is generally large enough and configured in a way to allow ecosystem functioning. A vegetation corridor links areas of vegetation to allow movement of both flora and fauna species between the areas.</p> <p>Corridors have been identified at different geographical scales by state and local governments. DES' Biodiversity Planning Assessment identifies Bioregional Wildlife Corridors while individual local governments have identified ecological corridors significant to their local area.</p>
<p>d) an area that makes a significant contribution to the conservation of biodiversity</p>	<p>As defined by the VMA, biodiversity means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, and includes:</p> <ul style="list-style-type: none"> a) diversity within species and between species; and b) diversity of ecosystems. <p>DES' Biodiversity Assessment and Mapping Methodology Version 2.2 (2014) discusses this concept under the term Special Biodiversity Values, which contains the same elements as this criteria. The concept is summarised below.</p> <p>Special Biodiversity Values</p> <p>Areas with Special Biodiversity Values are important because they contain multiple species in a unique ecological and often highly biodiverse environment. Information derived from key databases including HerbreCs, Corveg, WildNet, and Queensland Museum records as well as informal sources can be used to support the identification of Special Biodiversity Values. Areas with Special Biodiversity Values can include the following:</p> <ul style="list-style-type: none"> a) Centres of endemism—areas where concentrations of taxa are endemic to a bioregion or subregion are found. b) Wildlife refugia, e.g. islands, mound springs, caves, wetlands, gorges, mountain ranges and topographic isolates, ecological refuges, refuges from

	<p>exotic animals, and refuges from clearing. The latter may include large areas that are not suitable for clearing because of land suitability/capability.</p> <p>c) Areas with concentrations of disjunct populations.</p> <p>d) Areas with concentrations of taxa at the limits of their geographic ranges.</p> <p>e) Areas with high species richness.</p> <p>f) Areas with concentrations of relictual populations (ancient and primitive taxa), e.g. the Australian Lungfish or Arctic Beech.</p> <p>g) Areas containing regional ecosystems with distinct variation in species composition associated with geomorphology and other environmental variables.</p> <p>h) An artificial waterbody or managed/manipulated wetland considered by the panel/s to be of ecological significance.</p> <p>i) Areas with a high density of hollow-bearing trees that provide habitat for animals.</p> <p>j) Breeding or roosting sites used by a significant number of individuals.</p> <p>(Source: Biodiversity Assessment and Mapping Methodology Version 2.2, 2014, EHP)</p>
<p>e) An area that contributes to the conservation value of a wetland, lake, or spring</p>	<p>Wetlands, lakes and springs—both inland and coastal—play an important role across the landscape by filtering nutrients, providing habitat for terrestrial and aquatic flora and fauna and mitigating the impacts of flood waters and other adverse events. Voluntary declarations will seek to protect the identified values of a particular wetland, lake or spring and/or surrounding environs.</p>
<p>f) Another area that contributes to the conservation of the environment.</p>	<p>This criterion provides flexibility by allowing declarations for a broad range of reasons as long as they contribute to the conservation of the environment.</p> <p>The VMA defines environment as including:</p> <p>a) ecosystems and their constituent parts including people and communities</p> <p>b) all natural and physical resources</p> <p>c) those qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity harmony and sense of community</p> <p>d) the social, economic, aesthetic and cultural conditions affecting the matters in paragraphs (a) to (c) or affected by those matters.</p> <p>Therefore, an area that contributes to the conservation of the matters described above can be considered for declaration. This may include the restoration or revegetation of an area for a variety of purposes, including carbon offsetting or establishment of a wildlife corridor.</p>

Table B: Criteria for an area vulnerable to land degradation

Criteria for declaration (one or more of the following)	Considerations
a) soil erosion	Soil erosion includes mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, scalding and any associated loss of chemical, physical or biological fertility—including but not limited to water holding capacity, soil structure, organic matter, soil biology and nutrients.
b) rising water tables	<p>Excess recharge of ground water can raise water tables. Water table movement can allow salts to become mobile and accumulate at the soil surface resulting in salinisation of soils and water tables. This may include freshwater or saline seeps.</p> <p>Rising water tables can also cause water-logging, or saturation of soil, which can result in loss of vegetation.</p> <p>Retention of vegetation in these areas should be aimed at maintaining or restoring the hydrological balance.</p>
c) the expression of salinity, whether inside or outside the area	<p>Salinity is the saltiness or dissolved salt content of soil or a body of water. Salinisation is the process of accumulation of salts in soils or water to such an extent that leads to degradation of the soil or water.</p> <p>Retention of vegetation in these areas should be aimed at maintaining or restoring the hydrological balance or reducing evaporation that can cause accumulation of salts on the soil surface.</p>
d) mass movement by gravity of soil or rock	Mass movement includes undercutting, landslips, earthflows, landslide, rock avalanche or soil creep.
e) stream bank instability	Wetlands, lakes and springs—both inland and coastal—play an important role across the landscape by filtering nutrients, providing habitat for terrestrial and aquatic flora and fauna and mitigating the impacts of flood waters and other adverse events. Voluntary declarations will seek to protect the identified values of a particular wetland, lake or spring and/or surrounding environs.
f) a process that results in declining water quality	<p>All of the above criteria are processes that can result in declining water quality and would include increased nitrification and increased sedimentation.</p> <p>The presence of, or disturbance of, acid sulfate soils may also result in declining water quality. When exposed to air after being disturbed, soils containing iron sulfides produce sulfuric acid and often release toxic quantities of iron, aluminium and heavy metals. Mangroves, salt marshes, floodplains, swamps, wetlands, estuaries, and brackish or tidal lakes, particularly in low-lying coastal areas, are ideal for acid sulfate soil formation.</p>

Table C: Additional criteria for exchange areas (only)

Criteria for declaration (one of the following)
<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: <i>(More than one requirement can be ticked.)</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> The same pre-clear regional ecosystem/s as the impact area <input type="checkbox"/> A higher pre-clear regional ecosystem status (i.e. endangered or of concern) than the values of the impact area <input type="checkbox"/> Within 50 metres of the defining bank of a watercourse <input type="checkbox"/> Within 50 metres of the defining bank of a wetland <input type="checkbox"/> 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 <input type="checkbox"/> An area that adjoins either an area mapped as a category A area and/or category B area on the regulated vegetation management map which is at least 4 hectares in size <input type="checkbox"/> Another area of environmental significance to flora or fauna under other State or Commonwealth Legislation
<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: <i>(More than one requirement can be ticked)</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> The same pre-clear regional ecosystem/s as the impact area <input type="checkbox"/> A higher pre-clear regional ecosystem status (e.g. endangered or of concern) than the values if the impact area <input type="checkbox"/> Within 50 metres of the defining bank of a watercourse <input type="checkbox"/> Within 50 metres of the defining bank of a wetland <input type="checkbox"/> 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 at least 4 hectares in size and 100 metres in width <input type="checkbox"/> 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 <input type="checkbox"/> Another area of environmental significance to flora and fauna under other State or Commonwealth legislation

Option 3: The area to be used as the exchange area is a category X, a category B, a category C or a category R area and with specific management actions will achieve all of the following:

- A substantial conservation outcome or address a significant land degradation issue
- Remnant vegetation status