

Declared area management plan

Vegetation Management Act 1999

Complete the following management plan for an area to be declared as an area of high nature conservation value or an area vulnerable to land degradation.

For guidance on declared areas see the Guide to declared areas at www.qld.gov.au. For guidance on legally securing an exchange area see the General guide to accepted development vegetation clearing codes at www.qld.gov.au (search 'vegetation management').

Note: Examples of information to include in this management plan are intended as guidance only. The level of detail or scope of the management plan will depend on the purpose of the declaration and the particular circumstances of the area being secured.

1. Owner's details

First name:	Middle name:	Surname:	
Company name:			
If a corporation then enter one of the following:		<input type="checkbox"/> ACN	<input type="checkbox"/> ARBN
Main phone:		Other phone:	
Address line 1:			
Address line 2:			
Town/Suburb:	State:	Postcode:	
Email address:			
Preferred method of contact		<input type="checkbox"/> Phone	<input type="checkbox"/> Email <input type="checkbox"/> Letter
Local government area:			
<i>Office use only:</i>			
eLVAS case number:			
Notification number:			

2. Property description

This is the property on which the declared area is proposed. The declared area management plan should indicate the specific location of the proposed declared area on the property.

Extra pages may be attached to list additional lots.

Lot number	Plan number	Declared area in hectares	Tenure

3. Description of declared area

Include enough information to allow the chief executive to map the boundary of the stated area, including a description of the area subject to the declared area and a map showing the location and extent of the area.

A map may be attached to this plan and submitted with the request for a declared area. Please provide spatial data in the format of a .kml or .shp file of your proposed area so that the exact extent can be used for the assessment.

4. Purpose of the declaration

The purpose of this declaration is to legally secure:

- an area of high nature conservation value
- an area vulnerable to land degradation

under sections 19E-19L of the *Vegetation Management Act 1999* (VMA)

5. Registered interest holders consent

A registered interest is one registered under the *Land Act 1994* or the *Land Title Act 1994*.

Registered interests include mortgages, leases, subleases, covenants, profit a prendres, easements and building management statements.

A declaration may not be made unless the holder of a registered interest (other than the owner) in the proposed declaration area has consented in writing to the making of the declaration.

READ BEFORE SIGNING THIS SECTION

Acknowledgement and waiver by all registered interest holders.

By signing this section, those signing are taken to:

- acknowledge that a declared area resulting from a request for a declared area may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Resources be liable for any special, indirect or consequential damages or any damages whatsoever rising out of or in connection with a request for a declared area or any subsequent declaration of the area in accordance with the request for a declared area.
- consent to the making of a declared area as proposed in the request for a declared area.

Extra pages may be attached to list additional lots and/or registered interest holders and provide their consent to the making of the declaration

Parcel (Lot & plan)	Type of registered interest	Registered interest holder's name	Contact details	Signature

Principles for drafting management plan: *In the sections below you will need to outline how you will achieve the management outcomes, including details on what actions will be taken to achieve this and how you will mitigate any impacts and manage any potential risks that may hinder the specified outcome.*

6. Management intent

Examples:

1. *The management intent for the area is the conservation of the native vegetation in the area. Conservation of the native vegetation will prevent the loss of biodiversity and maintain ecological processes.*
2. *The management intent for an area vulnerable to land degradation is to rehabilitate a degraded, unstable watercourse in an area subject to stream bank instability.*

7. Management outcome

Principles for drafting management outcomes: *The management outcomes for the area should be achievable, measurable and related to the to the conservation value or land degradation issue associated with the area.*

Examples:

1. *The management outcome for the area is that it achieves the definition of remnant vegetation.*
2. *The management outcome for the area is to establish (insert number) habitat trees and to have restored and enhanced (insert hectares) of natural area within (insert number) of years.*

Note for exchange areas: If the declaration is to legally secure an exchange area, the management objective 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
- 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

8. Activities and restrictions

Example: To achieve the management outcome, the landholder will comply with the following activities and restrictions:

- 1. Clearing of native vegetation will not occur unless in accordance with an exemption listed in Schedule 21 of the Planning Regulation 2017 or a development approval under the Planning Act 2016.*
- 2. All reasonable measures will be taken to maintain and enhance the structure and function of the regional ecosystem. For example, minimizing the introduction, establishment and spread of non-native plants. Where non-native plants already occur in the area, all reasonable measures will be taken to control the non-native plants.*
- 3. Burning will only occur in accordance with the fire guideline/s specified in the Regional ecosystem description database (available at www.qld.gov.au) for the regional ecosystem/s in the declared area.*
- 4. Pest animals and pest plants considered an invasive biosecurity matter under the Biosecurity Act 2014 will be controlled.*
- 5. Livestock will be managed to ensure the growth of native vegetation and biodiversity is not impeded.*

Note for exchange areas: If the declaration is to legally secure an exchange area, this section of the management plan must include:

- 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
- Description of the management actions that will be undertaken to ensure that 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

9. Term

A management plan for a declared area has effect until the earlier of the following happens:

- the plan ends under its terms; or
- the declaration of the area as a declared area ends under section 19L of the VMA

Ending a declaration

Under section 19L of the VMA the chief executive may, by written notice given to the owner of the land the subject of a declaration, end the declaration if the chief executive considers:

- the declaration is not in the interests of the State, having regard to the public interest; or
- the management outcomes mentioned in section 19E(3)(c) of the VMA for the management plan relevant to the declaration have been achieved.

The chief executive may, by notice given to the owner of land declared as an area of high conservation value, end the declaration if:

- the area is, on or after the commencement of subsection 19L(2) of the VMA, a legally secured offset area; and
- a prescribed activity is, under an authority under another Act, to be carried out in or on the area; and
- the holder of the authority has entered into an agreed delivery arrangement in relation to an environmental offset for impacts to the area.

Note: If the landholder considers the management outcomes have been achieved, they may submit a request to end a declaration to the Department of Resources. The Department of Resources will assess whether the management outcomes have been met before removing the declaration. If the declaration is to legally secure an environmental offset and the Department of Resources is not the administering agency, the department should also be satisfied that the administering agency agrees the management outcomes have been met and agrees to the ending of the declaration in order for the department to end the declaration.

Once the declaration has ended this plan will cease to have effect and the department will remove the declaration notice from the title of the land. The landholder should submit a 20C PMAV application with the request to remove the declaration to replace the PMAV currently over the declared area and map the appropriate category of vegetation for the area (for example, category B).

10. Monitoring and record keeping

Monitoring and record keeping should be undertaken to track the state of the declared area and progress towards achieving the management outcomes specified in this plan. The following information should also be provided:

- 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.

Note: Providing the information above complies with the ADVCC requirements for legally securing an exchange area.

To apply for an area to be legally secured as an exchange area, complete the application to legally secure an exchange area at www.qld.gov.au (search 'vegetation management'). For guidance on legally securing an exchange area see the General guide to accepted development vegetation clearing codes at www.qld.gov.au (search 'vegetation management').

11. Additional information

The management plan may also include any other information the applicant considers will assist in the determination of the request. Additional information can be provided below or as an attachment to this plan.

12. Administering agency approval

If you are using a declared area to legally secure an environmental offset and the Department of Resources is not the administering agency, has the administering agency approved this management plan?

- Yes – Please include a copy of this approval with the request
- No – Please provide contact information for the administering agency and details of the offset delivery progress

Note: this management plan complies with the requirements for a declared area under the VMA, it does not fulfil the requirements of an offset management plan.

13. Signature of owner (applicant) and all registered owners

If there is more than one owner of the land on which the declared area is proposed, each owner must complete and sign this management plan. The owner of the land is the party/s registered on title as the registered owner.

Where the owner is a company, execution by the company must be provided in accordance with the requirements of the **Corporations Act 2001 (Commonwealth)**, section 127.

A company:

- may execute a document without using a common seal if the document is signed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director; or
- with a company seal may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director.

If there are more owners, extra pages containing the additional signature(s) may be attached.

Lot	Plan number	Owner's name	If a corporation record one of the following:		Owner's signature	Date	Company seal (if applicable)

Department of Resources (office use only)

Name	Position	Signature	Date
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