

Scenic Rim Planning Scheme 2020

Vegetation Clearing (Operational Works) - June 2023

The Scenic Rim region is host to quality and diverse natural landscapes and a number of threatened species. In the *Scenic Rim Planning Scheme 2020 (planning scheme)*, vegetation is described as one of the region's *environmental values* that is to be preserved, while also balancing the cultural, economic, physical and social wellbeing of its people and communities.

The planning scheme regulates vegetation through section **5.10 Categories of Development Assessment**. The general regulation of vegetation applies to development involving Material Change of Use (MCU), Reconfiguring a Lot (ROL), Operational work for filling and excavation and Operational Work for the clearing of vegetation (of mostly *native vegetation* but in some instances both native and non-*native vegetation*). So, for example, new development and subdivisions need to address the impacts of that development on valuable vegetation that exists within the region.

This fact sheet, however, **only provides information about the clearing of vegetation (which is Operational Works for the clearing of vegetation)**. It **does not** provide information on the regulation of vegetation for other types of development such as MCU, ROL and Operational work for filling and excavation. Please contact a Council planner to discuss these types of development.

Note: Whilst this fact sheet only includes information about how the planning scheme regulates the clearing of vegetation, **approvals from other levels of government to clear vegetation may be needed prior to any clearing being conducted**. See the 'What other approvals may be required?' section of this fact sheet for more information.

How can I find out if I have valuable vegetation on my property?

To establish whether you have valuable vegetation mapped on your property that the planning scheme regulates, the planning scheme's ePlan and mapping allows you to search an address or property description (lot and plan number) and then activate the Overlays to see what is relevant for your property. An example map is provided below which shows **OM-04-B Environmental Significance Overlay Map – Local Biodiversity** and displays properties that contain *Matters of Local Environmental Significance - Core corridor* (green in colour).



In the ePlan and mapping the maps that need to be viewed to help determine whether you need an approval to clear vegetation include:

- Overlay Map 4A – Environmental Significance - Biodiversity;
- Overlay Map 4B – Environmental Significance - Local Biodiversity;
- Overlay Map 4C – Environmental Significance - Priority Species;
- Overlay Map 4D – Environmental Significance - Wetlands and Waterways;

- Overlay Map 4E – Environmental Significance - Local Watercourses;
- Overlay Map 4F – Environmental Significance - Vegetation Management Area;
- Overlay Map 6A – Flood Hazard – Hazard Area;
- Overlay Map 7A – Landslide Hazard and Steep Slope - Steep Slope; and
- Overlay Map 7B – Landslide Hazard and Steep Slope - Landslide Hazard Area.

Note: For property that is partially affected by an Overlay (see property highlighted in red on the right hand side of the picture above) - if you are clearing of vegetation that is located inside the mapped area (i.e. the 'mapped area' is the green area identified in the above picture as Matters of Local Environmental Significance - Core corridor), then that Overlay may apply and approvals may be needed. However if the vegetation you wish to clear is completely outside the mapped area (i.e. the white areas in the above picture), the Overlay does not apply and approvals to clear vegetation is not required.

What is exempt clearing?

Exempt clearing, as defined under the planning scheme, is used in section **5.10 Categories of Development and Assessment - Overlays** and helps identify whether an application is required or not. If your clearing falls within this definition you may not require an application under section **5.10 Categories of Development and Assessment - Overlays** (further explained in the following section '*Do I need planning approval to clear vegetation under the planning scheme?*'). The planning scheme provides the following definition of *exempt clearing*:

1. Clearing of non-*native vegetation*; or
2. Clearing limited to within an approved building envelope; or
3. Clearing of *native vegetation* limited to within:
 - a. 20 metres of an existing or approved class 1 building; or
 - b. 10 metres of an existing or approved class 10 building or structure; or
4. Clearing of *native vegetation* for the construction or maintenance of an access way limited to 5 metres in total width, which provides one vehicular access from a road to an existing *dwelling*; or
5. Clearing of *native vegetation* on land included in a Rural Zone (Where no precinct applies) to source construction material to repair infrastructure needed to carry out a *rural activity* on the same land, provided:
 - a. the clearing does not cause land degradation;
 - b. restoration of a similar type to, and to the extent of, the removed trees is ensured; and
 - c. the cleared vegetation does not leave the farm site.
6. Clearing of *native vegetation* for the construction and maintenance of fencing required to carry out a *rural activity* on land in a Rural Zone (Where no precinct applies), and clearing is limited to a width of 5 metres either side of the fence; or

Note: Where the fence has not yet been built, the proposed fence is required to be constructed within 2 months of the vegetation clearing.
7. Clearing of *native vegetation* limited to within 10 metres of existing infrastructure in a Rural Zone (Where no precinct applies) including any buildings, helipads, stockyards, watering facilities and constructed drains other than contour banks; or
8. Clearing of *native vegetation* for the construction or maintenance of a service corridor to provide an aboveground or underground utility service and the clearing is limited to a total width of 5 metres in width from the centre point of the corridor; or
9. Clearing of *native vegetation* where:
 - a. it is limited to within 10 metres of existing infrastructure or buildings and necessary to remove or reduce imminent risk of serious personal injury or damage to infrastructure posed by the vegetation; and
 - b. replacement of the removal vegetation with suitable *native vegetation* in a suitable location on the site is ensured; or
10. Clearing of *native vegetation* for the establishment of fire breaks or fire management lines where in accordance with the *Planning Regulation 2017*.

Note: The *Planning Regulation 2017* should also be considered when determining if an activity is considered to be exempt clearing work under State legislation.

Do I need planning approval to clear vegetation under the planning scheme?

No - if your proposal is identified as **Accepted development** in section **5.10 Categories of Development and Assessment - Overlays** and you meet the applicable category requirements; or

Yes - if listed as **Code assessable** in section **5.10 Categories of Development and Assessment - Overlays**

*Note: please see 'What other approvals may be required' section of this fact sheet for information regarding additional State and Federal approvals that may be needed to clear vegetation (this is also applicable to the clearing of vegetation identified as **Accepted development** under Council's planning scheme).*

The opposite table is a summarised excerpt from section **5.10 Categories of Development and Assessment - Overlays** under the Planning Scheme. This section identifies whether the vegetation you are clearing is captured by the planning scheme Overlays, and whether an application is required to be submitted to Council.

Example using the opposite table

If for example the **Environmental Significance Overlay Map Biodiversity (OM-04-A)** Regulated Vegetation (as defined in the SPP) covers the site where you are proposing to clear, the proposal will not need planning approval for vegetation clearing if falls within the *exempt clearing* definition (refer to the definition above), that is the proposal is **Accepted development**.

If however, the *vegetation clearing* is not **Accepted development** (i.e. the clearing is not captured wholly under the definition of *exempt clearing* and is not being carried out in compliance with an old approval), then a **Code assessment** application is required to be submitted to Council.

Overlay (Access the ePlan and Mapping tool to view the Overlays applicable to a property)	Category# (#Categories apply only to Operational works clearing of native vegetation unless otherwise specified)	Level of Assessment
OM-04-A Environmental Significance Overlay – Biodiversity 1. Protected Areas; or 2. Regulated Vegetation (as defined in the SPP)	1. Involving <i>exempt clearing</i> ; or 2. Carried out in compliance with an old approval*	Accepted development - planning approval not required
	Where not Accepted development	Code assessment - planning approval required
OM-04-B Environmental Significance Overlay – Local Biodiversity 1. Core Corridor; or 2. Node Corridor; or 3. Stepping Stone; or 4. Critical Linkage	1. Involving <i>exempt clearing</i> ; or 2. Carried out in compliance with an old approval*	Accepted development - planning approval not required
	Where not Accepted development	Code assessment - planning approval required
OM-04-C Environmental Significance Overlay – Priority Species 1. State Significant Species	1. Involving <i>exempt clearing</i> ; or 2. Carried out in compliance with an old approval*	Accepted development - planning approval not required
	Where not Accepted development	Code assessment - planning approval required
OM-04-D Environmental Significance Overlay – Wetlands and Waterways 1. High Ecological Value Waters (Wetland); or 2. High Ecological Significance Wetlands; or 3. High Ecological Value Waters (Watercourse); or 4. Waterways and Wetlands Buffer Area	Carried out in compliance with an old approval*	Accepted development - planning approval not required
	Where not Accepted development	Code assessment - planning approval required

Overlay (Access the ePlan and Mapping tool to view the Overlays applicable to a property)	Category# (#Categories apply only to Operational works clearing of native vegetation unless otherwise specified)	Level of Assessment
OM-04-E Environmental Significance Overlay – Local Watercourses 1. Watercourse Buffer Area A; or 2. Watercourse Buffer Area B; or 3. Watercourse Buffer Area C.	1. Involving <i>exempt clearing</i> ; or 2. Carried out in compliance with an old approval*	Accepted development - planning approval not required
	Where not Accepted development	Code assessment - planning approval required
OM-04-F Environmental Significance Overlay - Vegetation Management Area 1. Vegetation Management Area	1. Involving <i>exempt clearing</i> ; or 2. Carried out in compliance with an old approval*	Accepted development - planning approval not required
	Where not Accepted development	Code assessment - planning approval required
OM-06-A Flood Hazard Overlay - Hazard Area 1. Flood Hazard Area a. Defined Flood Event; or b. Investigation Area	Involving <i>exempt clearing</i>	Accepted development - planning approval not required
	Where not Accepted development	Code assessment - planning approval required
OM-07-A Landslide Hazard and Steep Slope Overlay - Steep Slope 1. Slope Hazard 15.1-20%; or 2. Slope Hazard 20.1-25%; or 3. Slope Hazard over 25% <i>Note: When using the ePlan and Mapping tool please click on both Steep Slope Area Western and Steep Slope Area Eastern to see the layer. The data is split into two parts due to the file size.</i>	1. Clearing of native and non-native vegetation in the Slope Hazard 15.1-20% area; or 2. Carried out in compliance with an old approval*	Accepted development - planning approval not required
	1. Clearing of native and non-native vegetation in the Slope Hazard 20.1-25%; or 2. Clearing of native and non-native vegetation in the Slope Hazard over 25%;	Code assessment - planning approval required

	and 3. That is not consistent with an old approval* or does not have an old approval* for clearing	
OM-07-B Landslide Hazard and Steep Slope Overlay - Landslide Hazard Area 1. Landslide Hazard Area a. Very High b. High c. Medium	Clearing of native and non-native vegetation where carried out in compliance with an old approval*	Accepted development - planning approval not required
	Clearing of native and non-native vegetation that is not consistent with an old approval* or does not have an old approval* for clearing	Code assessment - planning approval required

**an old approval includes a material change of use development permit or a variation approval (or equivalent approval under superseded legislation) which:*

a. has not lapsed; and

b. states that a development approval for operational works for vegetation clearing is not required.

I need planning approval, so what do I do now?

It is best to speak to one of Council's planners (information below), a town planning consultant or a *suitably qualified person* to discuss your next steps in submitting an application to Council. A *suitably qualified person* may be required to undertake an Ecological Assessment depending upon the types and/or volume of vegetation being removed.

A *suitably qualified person* for the clearing of vegetation is explained under the planning scheme Policy 5 - Ecological Assessments section **3.5 Competency Standards** of the [planning scheme](#). Application forms will need to be filled in, plans and a report assessing the proposal against the relevant overlay codes will need to be submitted, along with the applicable fee.

Refer to Council's Fees and Charges Schedule to view the Operational Works application fees for *vegetation clearing*.

What other approvals may be required?

Each level of government has provisions for the protection and management of native vegetation. A person proposing to clear vegetation must check the specific requirements before any clearing takes place and obtain the appropriate approvals if required. **NOTE:** This even applies to development identified as **Accepted development** under Council's planning scheme. Below is a list of the relevant legislation for the removal of native vegetation at other levels of government:

- The Australian Government's *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) protects Matters of National Environmental Significance; and
- the *Planning Act 2016*, the *Vegetation Management Act 1999* and the *Nature Conservation Act 1992*, protect Matters of State Environmental Significance.

Also, the Queensland Government has mapped Koala Priority Areas and Koala Habitat Areas within the Scenic Rim region as part of the regulatory reforms for koala protection within South East Queensland. Proposed development must meet the requirements of the koala protection regulatory framework. The framework establishes where habitat clearing may be prohibited, where it is assessable by the State, where koala conservation outcomes will be considered by Council and what exemptions apply. For further information on koala habitat mapping and reforms, refer to [Koala legislation and policy | Environment | Department of Environment and Science, Queensland \(des.qld.gov.au\)](#).

It is strongly advised to check the property scale vegetation mapping that is available through a property report from the Queensland government. This may identify other State government environmental values including Koala habitat and will help to ensure you are operating in accordance with Queensland's vegetation management laws. You can request this at [Property reports and vegetation mapping | Environment, land and water | Queensland Government \(www.qld.gov.au\)](#)

Definitions and terms

The [planning scheme](#) and the *Vegetation Management Act 1999* provides definitions and terms that are relevant to the clearing of vegetation aspects that are highlighted in this fact sheet as follows:

Exempt Clearing See '[What is exempt clearing?](#)' section of this fact sheet.

Matters of Local Environmental Significance

Matters of Local Environmental Significance (MLES) has the meaning given under the State Planning Policy and includes the environmental values identified as *Matters of Local Environmental Significance* shown on the Environmental Significance Overlay Maps (OM-04-B, OM-04-E, OM-04-F).

Matters of State Environmental Significance

Matters of State Environmental Significance (MSES) has the meaning given under the State Planning Policy and includes the environmental values identified as *Matters of State Environmental Significance* shown on the Environmental Significance Overlay Maps (OM-04-A, OM-04-C, OM-04-D)

Native Vegetation In the planning scheme *native vegetation* has the same meaning as "vegetation" under *the Vegetation Management Act 1999*. *Vegetation* under *the Vegetation Management Act 1999* is a native tree or plant other than the following —

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

Regulated vegetation *Regulated vegetation* has the meaning given in the State Planning Policy for Matters of State Environmental Significance (MSES) - Regulated Vegetation.

Related information

The [Overlays](#) fact sheets can be found here: [Fact Sheets - Scenic Rim Regional Council](#)

Talk to a planner

Council's Planners are available for confidential discussions to help you navigate the planning scheme and how it affects you. Call 07 5540 5111 or alternatively email mail@scenicrim.qld.gov.au to make an appointment.

For more information

The [planning scheme and mapping](#) is available to view on Council's website [Scenic Rim Planning Scheme – Scenic Rim Regional Council](#).

Hard copies of the planning scheme and mapping are also available for viewing at Council's Customer Service Centres.

Disclaimer

This fact sheet provides general information and is intended as a guide only. It may not be comprehensive in detail and as such, customers are encouraged to view the relevant sections of the *Scenic Rim Planning Scheme 2020* or talk to a planner. Fact sheets are prepared to assist the community in understanding parts of the planning scheme.