

## Vegetation Management

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### 1. Introduction

This Fact Sheet is one of a series which deals with planning scheme related information. This Fact Sheet deals with the issues associated with vegetation management and clearing in Ipswich.

### 2. Background

Liveability is enhanced through the integration of the built and natural environment. The conservation of significant natural assets in the City is vital to achieving this aim.

The protection and the promotion of environmental assets, including mature vegetation have many flow-on benefits to the community, which include:

- maintaining the visual character and amenity of the City;
- catering for the recreational needs of the community;
- assisting soil conservation;
- improving water quality;
- screening major transport infrastructure and unsightly land uses that produce negative visual impacts;
- providing shade and cooling;
- increasing property and aesthetic values;
- acting as carbon sinks;
- retaining and improving biodiversity; and
- improving air quality.

Prior to the clearing of vegetation, whether clearing an area of vegetation or a single tree, a review of the Federal, State and Local government requirements should be undertaken.

Each level of government has specific provisions relating to vegetation management and clearing and any person proposing to clear vegetation may need approvals under one or more jurisdiction.

### 3. Federal Government

The *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's central piece of environmental legislation that provides a legal framework for the protection of matters of national environmental significance, including the management of nationally and internationally important flora and fauna.

The Act affects any group or individual (including companies) whose actions may have a significant impact on a matter of national environmental significance, inclusive of vegetation clearing. This Act applies to land owners, developers, farmers, council, and state agencies.

Further information about the EPBC Act is available from the Department of the Environment, Water, Heritage and the Arts website [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc), or by contacting the Department's Community Information Unit, on freecall 1800 803 772.

### 4. State Government

Vegetation management and clearing is also regulated by several State Government Acts, including:

- *Sustainable Planning Act*;
- *Vegetation Management Act 1999*; and
- *Nature Conservation Act 1992*.

Each Act has a different function and any person proposing to clear vegetation may need approvals under one or more Act depending upon the geographic area, tenure of the land, whether or not the ecosystem is identified as a remnant ecosystem, or if the activity involves rare or threatened plants.

Compliance with all relevant State Planning Policies and State Planning Regulatory Provisions is also required, including the South East Queensland Koala Conservation State Planning Regulatory Provisions and State Planning Policy 2/10 – Koala Conservation in South East Queensland.

Any person seeking advice or an approval to clear land should contact the Department of Environment and Resource Management (DERM) for advice on how to apply for a clearing permit.

Call the South East Region Ipswich Office on (07) 3884 5328 or visit the DERM website on [www.derm.qld.gov.au](http://www.derm.qld.gov.au).

### 5. Local Government

Ipswich City Council has some of the most comprehensive vegetation clearing controls and protection measures in Queensland.

These measures extend from broad strategic directions that underpin the Ipswich Planning Scheme, to detailed requirements throughout the Planning Scheme that regulate and control the development process.



**(a) Planning Scheme**

The planning scheme contains three (3) specific zonings that seek to protect important nature conservation values. These are:

- Conservation Zone;
- Rural D (Conservation) Zone; and
- Rural E (Special Land Management) Zone.

Most zones within the Planning Scheme regulate the extent of vegetation clearing (see Table 5.1 below).

Compliance with the Vegetation Management Code is normally required in most zones (except where vegetation clearing is exempt), with area limitations applied to self and code assessable vegetation clearing in most instances.

**Table 5.1 – Vegetation Clearing Requirements within Ipswich Planning Scheme Zones**

Zone	Assessment Level	Requirements		
Large Lot Residential	Exempt (i.e. no application required)	Comply with Clause 5 of Table 12.4.1 of the Vegetation Management Code.		
Residential Low Density				
Character Housing Low Density				
Character Housing Mixed Density	Self assessable (i.e. no application required)	Comply with Clauses 1 - 4 of Table 12.4.1 of the Vegetation Management Code; and  Involving the clearing of 0.5 hectares or less of native vegetation in any five year period.		
Character Mixed Use				
Future Urban				
Local Business and Industry Investigation				
Business Incubator				
Bundamba Racecourse Stables Area				
Recreation				
Limited Development (Constrained)				
Special Uses				
Regional Business and Industry Investigation				
Amberley Air Base and Aviation	Code assessable (i.e. planning approval required)	Where involving more than 0.5 hectares or the native vegetation clearing does not comply with the self assessable provisions as outlined above.		
Rosewood Character Housing Low Density				
Rosewood Character Housing Mixed Density				
Rosewood Residential Low Density				
Township Residential				
Township Character Housing				
Township Mixed Use				
Township Stables Residential Investigation				
Township Special Uses				
Rural C (Rural Living)				
Rural A (Agricultural)			Exempt (i.e. no application required)	Comply with Clause 5 of Table 12.4.1 of the Vegetation Management Code.
Rural B (Pastoral)				
	Self assessable (i.e. no application required)	Comply with Clauses 1 - 3 of Table 12.4.1 of the Vegetation Management Code.		
	Code assessable (i.e. planning approval required)	Code assessable otherwise (ie where not meeting the exempt or self assessable criteria outlined above).		
Regional Business and Industry Special Uses	Self assessable (i.e. no application required)	Comply with Clauses 1 - 4 of Table 12.4.1 of the Vegetation Management Code.		
Rosewood Special Uses				
	Code assessable (i.e. planning approval required)	Code assessable otherwise (ie where not meeting the self assessable criteria outlined above).		



Table 5.1 continued – Vegetation Clearing Requirements within Ipswich Planning Scheme Zones

Zone	Assessment Level	Requirements
Conservation Local Business and Industry Buffer Regional Business and Industry Buffer Rural D (Conservation) Rural E (Special Land Management)	Exempt (i.e. no application required)	Comply with Clause 5 of Table 12.4.1 of the Vegetation Management Code.
	Self assessable (i.e. no application required)	Comply with Clauses 1 - 4 of Table 12.4.1 of the Vegetation Management Code.
	Code assessable (i.e. planning approval required)	Where involving no more than 0.5 hectares or the native vegetation clearing does not comply with the self assessable provisions as outlined above.
	Impact assessable (i.e. planning approval required with public notification)	Impact assessable otherwise (ie where not meeting the exempt, self or code assessable criteria outlined above).
Special Opportunity	Exempt (i.e. no application required)	Within Sub Area SA1 – 10,19, 20, 22, 23, 25, 28, 33, 34 & 37.
	Self assessable (i.e. no application required)	Comply with Clauses 1 - 4 of Table 12.4.1 of the Vegetation Management Code; and  Involving the clearing of 0.5 hectares or less of native vegetation in any five year period.
	Code assessable (i.e. planning approval required)	Code assessable otherwise (ie where not meeting the exempt or self assessable criteria outlined above).
Residential Medium Density Major Centres Local Retail and Commercial Local Business and Industry Regional Business and Industry Rosewood Town Centre Rosewood Service Trades and Showgrounds Rosewood Residential Medium Density Township Business Township Showgrounds, Sport, Recreation, Service Trades and Trotting CBD Primary Retail CBD Secondary Business CBD Primary Commercial CBD Secondary Commercial CBD Top of Town CBD Medical Services CBD Residential High Density	Exempt (i.e. no application required)	Nil.



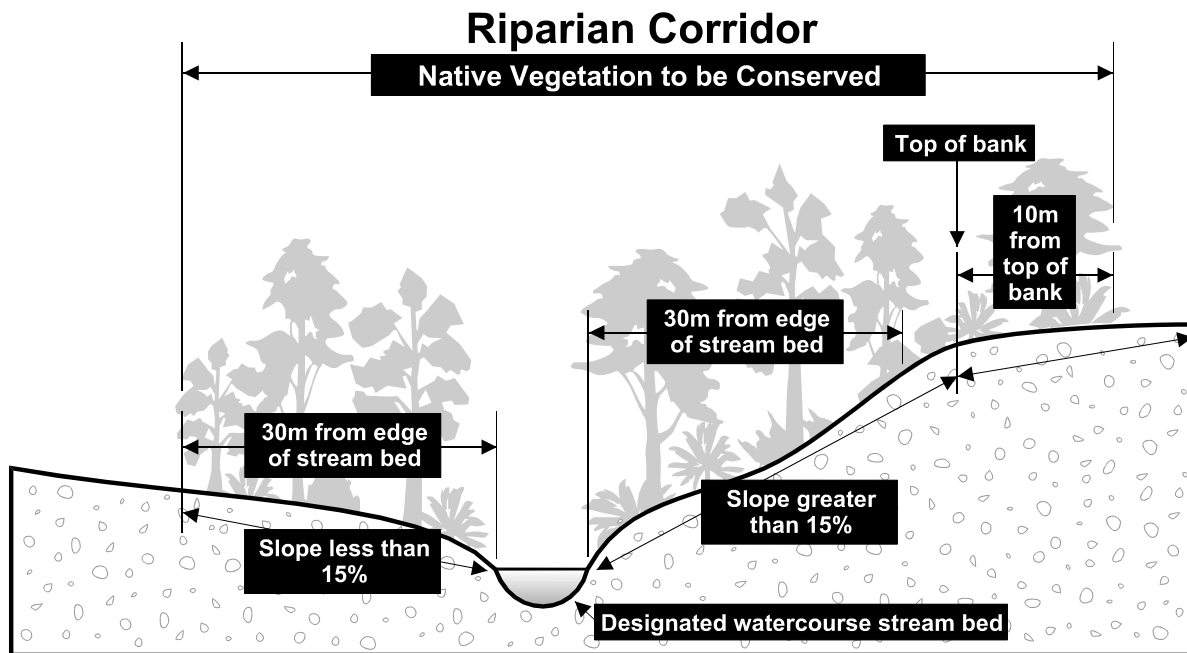
Table 12.4.1 of the Vegetation Management Code contains the key provisions for clearing of native vegetation. These key provisions comprise Clauses 1 to 5 and are repeated in the extract set out below.

**Extract from Table 12.4.1 – Vegetation Management Code**

Column 1 Specific Outcomes	Column 2 Acceptable / Probable Solutions
<p><b>Environmentally Sensitive Areas</b></p> <p>(1) The clearing of vegetation does not cause or exacerbate land degradation within environmentally sensitive areas including steeply sloping land, areas prone to erosion or salinity, riparian corridors, wetlands or water catchment areas.</p>	<p><b>Environmentally Sensitive Areas</b></p> <p>(1) The clearing does not involve the removal of native vegetation from—</p> <p>(a) land with a slope of 15% or more; or</p> <p>(b) land within a Designated Watercourse or land within 30m of a Designated Watercourse or within 10 metres of the top of the bank of a Designated Watercourse where the slope of the bank exceeds 15% (see Figure 12.4.1).</p>
<p><b>Environmental Weeds, Commercial/Sustainable Resources</b></p> <p>(2) Declared environmental weeds or pest species and vegetation which has been planted and grown for commercial purposes or as a sustainable resource may be cleared.</p>	<p><b>Environmental Weeds, Commercial/Sustainable Resources</b></p> <p>(2) Despite Clause (1) above, vegetation may be removed if the clearing involves—</p> <p>(a) the removal of vegetation which is—</p> <p>(i) listed by the local government as an Environmental Weed; or</p> <p>(ii) a declared plant under the <i>Land Protection (Pest and Stock Routes Management) Act 2002</i>;</p> <p>unless the vegetation is specifically listed in Schedule 2 for its cultural heritage or aesthetic significance or value; or</p> <p>(b) vegetation which was planted and grown for commercial purposes; or</p> <p>(c) vegetation which is subject to a scheme or plan approved by the local government providing for its management and use as a sustainable resource.</p>
<p><b>Risks to Health and Safety</b></p> <p>(3) Vegetation which is dangerous may be removed.</p>	<p><b>Risks to Health and Safety</b></p> <p>(3) Despite Clauses (1) and (2) above, vegetation which is dangerous and which presents a risk to the health and safety of people and property (including as a result of age, disease, impact or wind damage) may be removed.</p>
<p><b>Bona Fide Agricultural or Animal Husbandry Activities</b></p> <p>(4) Vegetation may be removed for the purposes of bona fide, existing and ongoing agricultural or animal husbandry activities.</p>	<p><b>Bona Fide Agricultural or Animal Husbandry Activities</b></p> <p>(4) Vegetation may be removed if the clearing involves the continuation of existing agricultural or animal husbandry activities, including the management of understorey vegetation to maintain existing grazing activities (e.g. through removing early regrowth such as fast growing wattles). Clearing under this clause does not involve the removal of native vegetation which has a circumference of 50cm or more measured at a height of 1.2m above the ground.</p> <p><b>NOTE 1:</b></p> <p>Approval under the planning scheme does not convey approval pursuant to State legislation, including the <i>Nature Conservation Act 1992</i>; the <i>Vegetation Management Act 1999</i>; and the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> and applicants need to make their own enquiries regarding such acts. For example, clearing of vegetation must not involve the removal of—</p> <p>(i) species identified as endangered, vulnerable or rare under the <i>Nature Conservation Act 1992</i> and associated subordinate legislation; or</p> <p>(ii) species identified as critically endangered, endangered, vulnerable or conservation dependent under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and associated subordinate legislation.</p>
<p><b>Clearing of Fire Breaks, Building Envelopes and Fence Lines</b></p> <p>(5) Cleared areas are provided in order to reduce bush fire risks and to enable effective use and maintenance of buildings and fence lines.</p>	<p><b>Clearing of Fire Breaks, Building Envelopes and Fence Lines</b></p> <p>(5) Despite Clauses (1) to (4) above, vegetation may be cleared for fire management and maintenance purposes where the clearing does not involve the removal of native vegetation from—</p> <p>(a) beyond an area identified in a fire management plan endorsed by the Rural Fire Brigade;</p> <p>(b) beyond 5m from a building on an allotment less than 2000m<sup>2</sup> in area;</p> <p>(c) beyond 10m from a building on an allotment more than 2000m<sup>2</sup> in area, but less than one hectare in area;</p> <p>(d) beyond 20m from a building on an allotment more than one hectare in area;</p> <p>(e) beyond 3m from a lot boundary or an internal fence within a lot.</p>



Figure 12.4.1: Defining Extent of Riparian Corridor for Protection of Native Vegetation



As noted in Table 5.1 above, vegetation clearing is normally exempt within high density residential, commercial or industrial zoned areas. For example, vegetation clearing is exempt within the Residential Medium Density Zone, Major Centres Zone and the Regional Business and Industry Zone (i.e. it does not require an application to Council).

Applications for the clearing of vegetation will require assessment in relation to the relevant provisions of the Planning Scheme. These provisions may include:

- Relevant Zone Code provisions;
- Vegetation Management Code (Part 12, Division 4);
- Reconfiguring a Lot Code (Part 12, Division 5);
- Earthworks Code (Part 12, Division 15); and
- Development Constraints Overlay Code (Part 11, Division 4).

Where an application is not required to be made to Council, it is important to note that an application may still be required under State or Federal legislation.

The Planning Scheme and its related mapping information may be obtained electronically by accessing PD Online [www.ipswich.qld.gov.au/pdonline](http://www.ipswich.qld.gov.au/pdonline) (normally available 24 hours, 7 days a week). Alternatively, information may be obtained by attending the Ipswich City Council Development Counter during normal business hours (First Floor, Ipswich City Council Administration Building, 45 Roderick Street) or via telephone number (07) 3810 6888.

### (b) Heritage Provisions

The Planning Scheme also contains specific provisions for the protection of historic trees as contained within Part 2 of Schedule 2 - *Trees and Vegetation*. Similar to heritage listed buildings, this vegetation has been identified as being significant to the community and the removal of this vegetation is likely to require a development application.

Relevant mapping and information regarding the vegetation contained in Schedule 2 may also be obtained using the PD Online links outlined above.

### (c) Implementation Guidelines

Implementation Guideline No. 19 - *Vegetation Retention*, provides additional guidance on the provisions of the Planning Scheme relating to vegetation clearing for land identified as suitable for development (i.e. appropriately zoned and unconstrained). The purpose of the guideline is to create opportunities and provide solutions to maximise the retention of vegetation on land identified as suitable for development.

Where vegetation clearing is required on part or all of a site, the cleared vegetation is to be offset to achieve nil net loss of vegetation within the general locality. This may include the payment of a contribution to Council to undertake tree planting within the local area.

The Implementation Guideline may also be obtained using the PD Online links outlined above.



**(d) Local Laws**

Local Law No. 49 (Vegetation Management) is also relevant to vegetation management and clearing. This local law aims to protect and manage vegetation which is either beneficial to the community, has a heritage link to the community, is a rare or endangered species or has scientific, cultural or educational value.

This Local Law may be obtained electronically by accessing the Council website.

**6. Summary**

It is important that all provisions for vegetation management and clearing as required by the Local, State and Federal governments are considered and complied with prior to the commencement of any vegetation clearing.

