

Planning Information



CLEARING VEGETATION

Council uses overlays in the Planning Schemes to protect environmental values, including native vegetation.

The overlays applicable to the clearing of vegetation are the:

- Biodiversity overlay of the Gatton Shire Planning Scheme; and
- Ecological significance overlay of the Laidley Shire Planning Scheme.

IS YOUR LAND WITHIN AN OVERLAY?

Council's [ePlan](#) can be used to find out if your land is within the Biodiversity or Ecological significance overlay.

If it **IS** within either overlay, you may need approval from Council prior to clearing vegetation.

If it is **NOT** within either overlay, approval is not required from Council. However, you should contact State and Federal Governments before clearing as they may have additional requirements, even if your property is not mapped in Council's overlays.





STATE AND FEDERAL LEGISLATION

Clearing vegetation may also be regulated by the:

- *Planning Act 2016* (Qld) – State Development, Infrastructure, Local Government and Planning
- *Vegetation Management Act 1999* (Qld) – Department of Resources
- *Nature Conservation Act 1992* (Qld) – Department of Environment and Science
- *Environment Protection and Biodiversity Conservation Act 1990* (Cth) – Department of Climate Change, Energy, the Environment and Water

It is important you contact the above government departments before clearing any vegetation as they may have additional requirements even if your property is not mapped in Council's overlays.

FEES AND CHARGES

Application fees can be found on Council's website in the Fees and Charges Schedule.

NEED FURTHER INFORMATION?

This factsheet is a guide to the Planning Scheme's requirements for clearing of vegetation. For more information, refer to the Gatton Shire Planning Scheme, the Laidley Shire Planning Scheme or contact Council's Customer Service on 1300 005 872.

Please note this factsheet may be updated by Council at any time.

The most recent version will be available on Council's website.

WHAT DOES IT MEAN IF YOU WANT TO CLEAR VEGETATION THAT IS WITHIN AN OVERLAY?

In some cases, clearing vegetation within an overlay is 'Accepted' development – this means approval is **NOT** required from Council.

Whether approval is required depends on the location of the vegetation and the purpose for clearing.

Please contact Council's Development Assessment Team to obtain advice as to whether approval is required from Council.

HOW DO I MAKE AN APPLICATION TO CLEAR VEGETATION?

To make an application to Council, please read Council's [Application](#) webpage. A factsheet on the [Development Assessment Process](#) is available.

It is recommended you engage an appropriately qualified town planning consultant with knowledge of the *Planning Act 2016* to assist prepare your application. You may also need to engage a suitably qualified ecologist to undertake an ecological assessment.

HOW WILL MY APPLICATION BE ASSESSED?

A code assessable application to clear vegetation will be assessed against the following codes:

- Biodiversity Overlay Code of the Gatton Shire Planning Scheme; or
- Areas of Natural and Environmental Significance Overlay Code of the Laidley Shire Planning Scheme.

Your application must address the relevant code and include a plan showing the trees to be cleared and an ecological assessment report prepared by a suitably qualified ecologist. The ecological assessment report should identify the ecological values on the property and demonstrate how the impacts associated with clearing of the vegetation will be mitigated. Development should be designed to avoid, minimise and mitigate impacts on ecological values.

You can contact Council's Development Assessment Team to arrange a pre-lodgement meeting to discuss your development application prior to lodging it with Council. These meetings are free of charge.

WHAT IF I CLEAR VEGETATION WITHOUT APPROVAL?

It is an offence under the *Planning Act 2016* to carry out development without all necessary approvals.

If you clear vegetation without the necessary approvals from Council or other agencies, enforcement action may commence. This may include issuing a Penalty Infringement Notice (a fine), issuing a Show Cause Notice and Enforcement Notice, and commencing court proceedings.