Environmental Significance Overlay

What is the Environmental Significance Overlay?

The purpose of the environmental significance overlay is to manage development to avoid or minimise and mitigate, and in some instances offset, significant impacts on matters of national, state and local environmental significance[1]. This includes protecting and enhancing native vegetation and wildlife habitat areas.

How will the Overlay affect my property?

Any assessable development on property that is affected by the overlay must address the provisions of the overlay code.

In addition, vegetation clearing provisions under the Redland City Plan mean that you may need to seek planning approval from Council before clearing vegetation on your property. The definition of clearing is provided by the *Vegetation Management Act 1999*, where 'clear(ing), for vegetation – means (to) remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining'.

In some specific circumstances, you may be able to clear vegetation without planning approval, or the vegetation may be protected by the Local Law. The checklist on our website provides guidance where clearing can be undertaken without approval. There are also laws in place that protect native wildlife.

Where native wildlife is present in vegetation that is being cleared, an accredited fauna spotter may be required under Queensland legislation[2] to ensure that wildlife is not harmed while vegetation clearing is undertaken.

How are the Environment and Habitat Areas Protected through the Overlay?

The overlay requires assessable development to avoid, minimise, mitigate and in some cases offset, impacts on mapped environmental values. There are instances where vegetation clearing may be appropriate to facilitate development; however the code requires that clearing of vegetation be assessed by Council for all assessable development including material change of use (MCU), reconfiguring a lot (ROL) and operational works.

In this way, Council can work with landowners and developers to identify and protect any native or significant vegetation on a site-by-site basis. Under the environmental significance overlay, certain low-risk development (such as for a dwelling house) and clearing within a threshold is accepted development. All other development that does not meet this threshold, or requires a development approval under another part of the City Plan, such as for a ROL or MCU, is required to address the assessment benchmarks of the environmental significance overlay code.

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[1] Refer to the following webpages for information on Matters of National Environmental Significance and Matters of State Environmental Significance.

[2] The Department of Environment and Science administers the laws, permits and licenses for works that may impact on native wildlife.
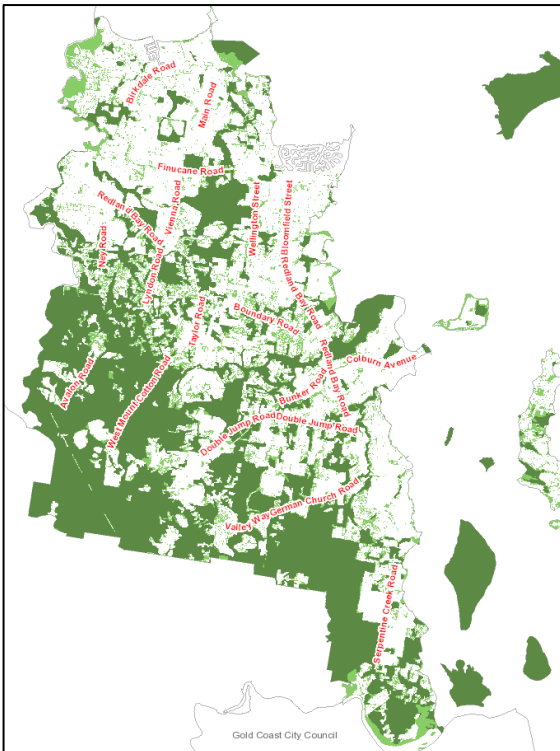
Figure 1: Environmental significance overlay map

In addition, the majority of the Redland City mainland is located in a Priority Koala Assessment Development Area (PKADA), which is regulated under the *Planning Act 2016* and *Planning Regulation 2017*.

The *Planning Regulation 2017* prohibits any urban activity that is located in the PKADA, in a koala habitat area (mapped according to the koala habitat values mapping) and in one of the following zones:
- Conservation
- Open space
- Rural
- Rural residential.

Other assessable development, other than for a dwelling house, must be assessed against the assessment benchmarks prescribed under Schedule 11 of the *Planning Regulation 2017.*

How will Rehabilitation and Enhancement be achieved through the City Plan?

The overlay works by identifying and protecting existing Matters of National Environmental Significance (MNES), Matters of State Environmental Significance (MSES) and Matters of Local Environmental Significance (MLES). This includes protecting connections identified for wildlife movement.

Development is required to minimise and mitigate the impacts of any proposed vegetation clearing after it is sufficiently demonstrated that significant vegetation and habitat areas are protected to the extent reasonably possible. This includes reducing the scale and intensity of the development, protecting habitat areas and removing barriers and disturbances to native fauna.

Corridors and enhancement planting provisions such as restoring waterways, maintaining corridor widths and incorporating enhancement planting and landscaping of native species, are also included in the assessment benchmarks of the overlay code.

Where development results in, or is likely to result in, a significant residual impact on matters of local environmental significance, despite all reasonable on-site mitigation measures, the impact will be offset.

Factors to consider when establishing a Dwelling House in the Environmental Significance Overlay

Where a lot is within the environmental significance overlay, Council encourages landowners to locate their development footprint outside the overlay. The following tips may assist residents when locating a dwelling house in the environmental significance overlay:

- Where possible, locate the dwelling house in an area that is already clear and free of vegetation. This will avoid removal of vegetation and be more cost and time efficient (refer to figure 1).
- Where a dwelling house must be located in the overlay and vegetation clearing is unavoidable, landowners are encouraged to locate the footprint so that it retains maximum native vegetation and habitat areas.
- If clearing of habitat areas is required, it is suggested that residents ensure the habitat area is unoccupied by wildlife prior to clearing works.
- If residents are unsure whether vegetation is native, what may constitute a habitat area or require advice in protecting wildlife, they are strongly encouraged to contact Council for assistance and support.
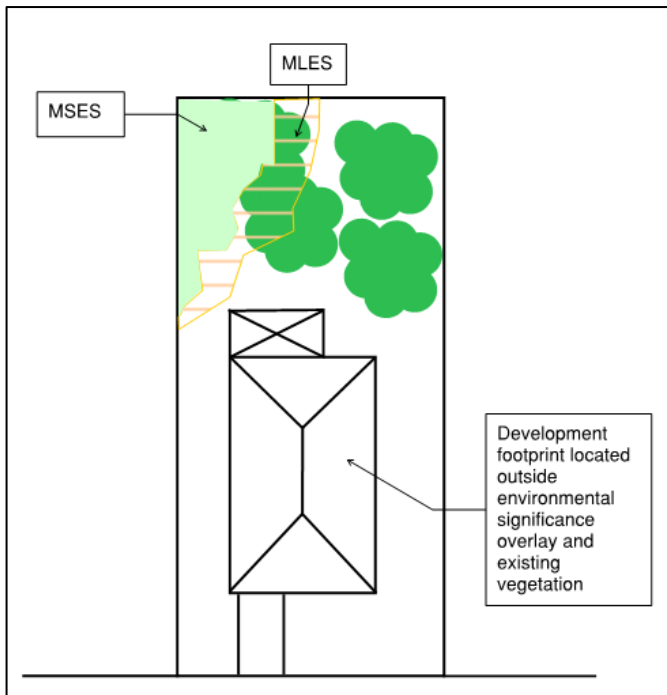
Figure 2: locating a dwelling house on a site within environmental significance overlay

When Does Local Law 6 Apply?

Local law 6[3] is mostly operationally superseded by City Plan. However, it is still lawfully in affect and applies in very limited circumstances when a site is subject to a Vegetation Protection Order or Tree Protected Area, contains vegetation that is protected under the local law and is not located in the environmental significance overlay mapping. For further information on Local Law 6 and protected vegetation, refer to the Vegetation Clearing fact sheet.

When are Offsets Required?

The Queensland State Government has the authority under the *Environmental Offsets Act 2014* to impose environmental offset conditions on a prescribed activity that is considered to cause a significant residual impact on a MSES. Where development has a significant residual impact on a MLES, local government may impose offset conditions. There are some instances where a local government has authority to impose offset conditions for MSES, for example, where development has a significant residual impact on koala habitat, which is defined as a MSES.

How is Vegetation Clearing Measured?

Vegetation clearing will be measured using the canopy cover method. The canopy cover method is based on measuring the canopy cover on an aerial photo, using an appropriately calibrated GIS measuring tool, and marking the canopy cover accurately on the ground. Where the proposed clearing approaches the assessable clearing thresholds, a licensed surveyor must be engaged to accurately plot the area to be cleared. The area to be cleared relates to the extent of native vegetation. The planning scheme is concerned with the full canopy cover of the native vegetation whether or not exotic vegetation may co-exist within that area. For further information, refer to *Planning Scheme Policy 1 – Environmental Significance* in the Redland City Plan.

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[3] Local law 6 is located at the following link, Local Law 6 - Protection of Vegetation

Native Vegetation Clearing Thresholds

As mentioned above, the Redland City Plan requires a development approval for all clearing of native vegetation, unless it is within a specific threshold. Where development does not meet the thresholds in the Table below, it is suggested that residents contact Council.

ZONING	DEVELOPMENT	DEVELOPMENT APPROVAL REQUIRED	ACCEPTED SUBJECT TO REQUIREMENTS
Rural zone	Clearing of native vegetation on a site that contains an existing dwelling house and the combined clearing exceeds 500m² and does not exceed 2,500m2	No	Yes
Emerging community, environmental management, low-medium density residential, medium density residential, tourist accommodation zones, conservation and recreation and open space zones	Clearing of native vegetation	Yes	No
Any other zone within the urban area	The combined area of the proposed clearing exceeds 500m2	Yes	No
Community facilities zone (if outside the urban area)	The combined area of the proposed clearing exceeds 2,500m²	Yes	No
Rural zone	The combined area of the proposed clearing exceeds 2,500m²	Yes	No
Any zone	Accepted development that is subject to requirements in another code of Redland City Plan	No	No

Accepted Development Subject to Requirements

Where a use is accepted subject to requirements under the categories of development and assessment, the development must comply with the following provisions:

Performance Outcomes	Acceptable Outcomes
PO1 Development does not result in a significant reduction in the level or condition of biodiversity and ecological processes in the locality Editor's note – See Planning Scheme Policy 1 Environmental Significance for advice on achieving compliance with this outcome.	**AO1.1** Compensatory planting is undertaken on-site that is equal in area to the area of the vegetation cleared.