

Applications for a material change of use and reconfiguring a lot

The clearing of native vegetation in Queensland is regulated by the vegetation management framework. It protects the State's biodiversity and, by conserving native vegetation, and addressing land degradation problems such as salinity, soil degradation, erosion and declining water quality.

Under the framework, the Queensland Government phased out broadscale clearing of remnant vegetation in December 2006. However, vegetation clearing is still allowed for certain purposes.

Material change of use and reconfiguring a lot

Under the *Integrated Planning Act 1997* (IPA), approval is needed for a material change of use (MCU) or for reconfiguring a lot (RaL), when these activities are made assessable by the local government planning scheme.

Applications for a MCU or RaL are made to, and assessed by, the relevant local government. In some cases, applications will be referred to the Department of Environment and Resource Management (DERM) to assess the vegetation clearing associated with the proposed development.

When are applications referred to DERM?

The local government will use information provided in an application to determine if it needs to be referred to DERM.

MCU applications are referred to DERM when the:

- size of the premises is two hectares or larger; and
- application is for a preliminary approval and the land contains either remnant vegetation shown on a regional ecosystem (RE) or remnant map, or native vegetation in a category A or B area on a property map of assessable vegetation (PMAV); or
- application is for development and involves vegetation clearing operational work as defined in schedule 8, table 4 of the IPA; and
- application would enable additional exempt development for vegetation clearing operational works under the residential clearing, essential management or routine management exemptions in schedule 8, part 1, table 4, items 1A–1G, of the IPA.

RaL applications are referred to DERM when the:

- size of the lot *before* the reconfiguration is two hectares or larger

- size of any lot created is 25 hectares or smaller
- reconfiguration involves vegetation clearing operational work as defined in schedule 8, part 1, table 4, items 1A–1G, of the IPA
- application would enable additional exempt development for vegetation clearing operational work under the residential clearing, essential management or routine management exemptions in 8, part 1, table 4, items 1A–1G, of the IPA.

What are PMAVs?

PMAVs are property-scale maps showing the location, boundary and status of vegetation. They are certified by DERM and replace RE maps for determining the location and status of vegetation captured by the *Vegetation Management Act 1999* (VMA).

To determine if a PMAV applies to a property, visit the DERM website <www.derm.qld.gov.au> or contact a departmental business centre.

RE maps

RE maps show the location and status of remnant REs. When applying for a MCU or RaL, applicants should examine the relevant RE map to determine if the land contains remnant vegetation shown on the map as remnant vegetation.

RE maps can be downloaded free of charge from the DERM website at <www.derm.qld.gov.au>, or can be viewed or purchased at a departmental business centre.

Referral checklist

The integrated development assessment system (IDAS) referral checklist is available to applicants to determine if their application is likely to be referred to DERM.

The checklist is available from the Department of Infrastructure and Planning (DIP) website <www.dip.qld.gov.au> or local governments.

How will applications be assessed?

DERM assesses MCU and RaL applications against the relevant concurrence agency policy.

DERM will prepare a 'referral agency response' and instruct the local government to either refuse the application or impose conditions on the approval, or will advise that DERM has no vegetation-related requirements relating to the application.

DERM will send a copy of its response to the applicant when it sends it to the local government.

What information do I need to supply?

If an application is referred to DERM, the applicant must provide:

- a copy of the acknowledgment notice sent by the local government
- a copy of the original MCU and/or RaL application
- completed application forms (Part A, D and J of the standard application forms for MCUs needing referral, and Part A, F and J for RaLs needing referral—available from the DIP website at <www.dip.qld.gov.au>)
- details of how the application meets the requirements of the concurrence agency policy for MCU, and/or the concurrence agency policy for RaL. These policies are available at all departmental business centres or on the DERM website at <www.derm.qld.gov.au>
- information on the location and extent of the development.

Part J of IDAS Form 1 states that your application must show the location and extent of:

- all infrastructure associated with the development, including proposed building envelopes and underground or above-ground services
- all proposed allotment boundaries
- all proposed roads, easements, vehicle and pedestrian access and parking
- any proposed clearing or consequential clearing resulting from the development—including firebreaks and fire management lines, excavations and stockpiling of soil—and clearing necessary to maintain the infrastructure proposed, following its construction.

Regulated regrowth vegetation

New arrangements for clearing regulated regrowth vegetation took effect on 8 October 2009. For all new MCU/RaL applications made after 8 October 2009, DERM will not assess this component of the application as a referral agency. Instead, the landholder is required to clear regulated regrowth vegetation in accordance with the regrowth vegetation code and any other local government, State or Commonwealth laws that might apply.

Exemption for operational works

When DERM has given approval, any clearing performed under that approval is an exempt activity, provided it complies with the conditions of the development approval.

For example, a condition of a development approval for a MCU might need remnant vegetation retained along a watercourse.

Vegetation on parts of the site that are not protected by conditions (in this case, areas other than along the watercourse) can be cleared for the development without any further clearing approval.

However, if the development requires further vegetation clearing that was not included in the original MCU or RaL application, then an application for another approval must be made (unless a different exemption applies).

Streamlining the referral triggers

The referral triggers were amended in November 2009 to make them more targeted to applications that have the potential to result in vegetation clearing.

These changes make it easier for applicants to determine whether their application will require assessment under the VMA.

The amended triggers build upon the structure of the existing vegetation clearing operational works referral trigger under Schedule 2, of the Integrated Planning Regulation 1998.

Further information

For further information, refer to the following documents, available on the DERM website <www.derm.qld.gov.au>:

- MCU/RaL application guide
- Fact sheet—*Vegetation management framework*
- Fact sheet—*Regional ecosystem and remnant maps*

For application forms visit the DIP website at <www.dip.qld.gov.au>.

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For general enquiries contact the
Queensland Government call centre 13 13 04
or visit www.derm.qld.gov.au