

Pine Rivers Shire Council

Planning Scheme Policy

PSP11 Clearing and Disposal of Vegetation

Historic Version
PineRiversPlan

Planning Scheme Policy for Pine Rivers Shire

PSP11 Clearing and Disposal of Vegetation

ADOPTION

Pine Rivers Shire Council adopted this planning scheme policy on 19 June 2006.

COMMENCEMENT

This planning scheme policy took effect from 15 December 2006.

I, Ray Burton, Chief Executive Officer, of the Pine Rivers Shire Council, hereby certify that this document is a true copy of the original.



Ray Burton
Chief Executive Officer

PSP11 - CLEARING AND DISPOSAL OF VEGETATION

HEAD OF POWER

This policy is a document that supports the planning scheme for the Shire and has been made by Council using the process prescribed in Chapter 2, Part 1, Division 5 of the *Integrated Planning Act 1997*.

OBJECTIVE

The purpose of this policy is to provide adequate controls for the clearing of vegetation and the disposal of the cleared vegetation as part of the engineering works associated with development with a view to:

- (1) minimising the impact of clearing and disposal of vegetation on the environment;
- (2) minimising nuisance and annoyance caused by noise and smoke to property occupiers in the vicinity of the clearing and disposal works;
- (3) ensuring the health and safety of all persons who may be on the site;
- (4) maximising the potential to value add, in appropriate cases, to a resource which would otherwise be incinerated; and

where appropriate, providing a valuable resource for use by residents of the Shire.

DEFINITIONS/APPLICATION

Application

This policy applies to development applications for material change of use, reconfiguring a lot and operational works.

Definitions

In this policy:

- (1) "Dwelling" does not include a dwelling which is located upon the allotment which is the subject of the development permit;
- (2) "Development permit" means any approval or permit issued under the *Integrated Planning Act 1997*.
- (3) "Developer" includes the developer for such approvals or permits, and his agents, employees, contractors and their sub-contractors. The term also includes the terms "subdivider" and "applicant" where used in Council's Town Planning Scheme, Local Laws, Policies and Conditions of Approvals.
- (4) "Council's Engineer" means Council's Construction Engineer or any person acting in that capacity from time to time.

Other terms used have the meanings prescribed in Chapter 7 of the Planning Scheme for the Shire.

POLICY STATEMENT

1.0 CONDITIONS FOR CLEARING OF VEGETATION

The following clearing conditions apply:

1.1 Preliminary Survey for Engineering Design

After issue of the development permit for reconfiguring a lot, and prior to approval of engineering drawings, the developer may only carry out limited clearing works to the extent necessary to undertake preliminary survey for engineering design. Generally clearing should be limited to the removal of smaller native and exotic vegetation up to 3metres in height from the site. No clearing shall be undertaken in proposed park unless approved by the Manager, Development Services in consultation with the Manager, Park, Reserves and Landscape Services.

1.2 Clearing for Engineering Works

After written approval of engineering drawings has been issued:

- (1) All the approved silt management works shall be constructed prior to the commencement of any clearing works.
- (2) All vegetation necessary to construct the works shown on the approved drawings shall be cleared.

- (3) No vegetation shall be removed from any existing or proposed park without the prior written approval of Council under the hand of the Manager, Development Services in consultation with the Manager, Environmental Services.
- (4) During clearing operations, vegetation shall not be pushed into existing or proposed park, or any community purposes land, or onto existing road reserves.
- (5) In exceptional circumstances, the Manager, Development Services is authorized, in consultation with the Manager, Environmental Services, to vary these conditions if the outcome enhances environmental management.
- (6) Vegetation on lots may be cleared in accordance with the specific requirements of the planning scheme or other relevant legislation.
- (7) All vegetation protection measures shall be in place prior to the commencement of any clearing works and remain in place during construction activities.
- (8) Prior to and during all clearing operations, a spotter-catcher, licensed by the Queensland Park and Wildlife Service, is to be present on the site to direct and undertake the removal and relocation of fauna.

2.0 METHODS OF DISPOSAL OF CLEARED VEGETATION

Vegetation cleared from the land shall be disposed of by one of the following methods being off-site disposal, on-site woodchipping, sawmilling or where allowed burning. Council prefers the use of a value added process in the disposal of vegetation and encourages the milling of felled trees in preference to chipping or mulching of vegetation. However, chipping and mulching is preferred to on-site burning.

On-site burning will only be permitted where it can be satisfactorily demonstrated by the applicant that the requirement to mill and/or chip and mulch cleared vegetation would be an unreasonable imposition on the development.

Where burning is allowed by the development permit, burning shall only be undertaken by the burning method specified in the permit. In considering whether to allow burning and in nominating the method of burning, Council will, among other things, consider the:

- (1) zone in which the development is proposed;
- (2) nature of the development;
- (3) area of the land;
- (4) local topography;
- (5) density of vegetation;
- (6) proximity of the land to other vegetation;
- (7) proximity of dwellings;
- (8) availability of adequate water supply; and
- (9) proximity to fauna habitat areas (eg nesting/roosting sites)

2.1 Off-site Disposal

- (1) Clearing and loading of material for off-site disposal shall only be carried out during the work hours stated in the development permit.
- (2) Where possible, sawn logs should be disposed of as timber for value added use at sawmills, pulping plants and other recyclable products plants.
- (3) Generally, cleared vegetation shall not be disposed of in Pine Rivers Shire Council controlled rubbish tips or transfer stations. Should a woodchipping plant be available at a Council tip or transfer station, the developer may by prior arrangement deliver vegetation for woodchipping at the tip or transfer station.

2.2 Disposal by Woodchipping

- (1) On-site woodchipping shall only be carried out during the work hours stated in the development permit.
- (2) The woodchipper shall be located such that nuisance or annoyance is not caused to occupants of dwellings in the vicinity of the land.
- (3) The location of the woodchipper shall be approved by Council's Engineer prior to the commencement of woodchipping.
- (4) The developer shall liaise with the Divisional Councillor for the land in regard to the disposal of the woodchip once the stockpile becomes available to the public or Council.
- (5) Non-native plants that reproduce vegetatively, or have seeds/fruit present at time of clearing shall not be chipped and used for mulch.

Council may be prepared to allow chip/mulch to be stockpiled within park or community purposes land. Where the development permit allows stockpiling of chip/mulch within park or community purposes land, such stockpiling shall be undertaken on the following basis:-

- (1) The location of the stockpile and the manner in which the chip/mulch is stockpiled shall be such that the stored materials do not present a hazard to persons using the land, or present a fire hazard, or present a harbour for vermin as determined by the Manager Parks, Reserves and Landscape Services.
- (2) Stockpiles shall not be located within protected vegetation area, or within the dripzone of vegetation to be retained.
- (3) Unless otherwise permitted by Council, chip/mulch shall not be stockpiled on park or community purposes land which does not form part of the stage of the subdivision from which the chipped vegetation has been removed.
- (4) Unless otherwise approved by Council, the stockpile shall be removed, and the land shall be reinstated to the standard required by the Manager Parks, Reserves and Landscape Services within 4 months of the park or community purposes land being transferred to either Council or the Crown. Should Council allow an extension of this 4 month period, then such extension shall be conditional upon the developer undertaking a letterbox drop within 2 weeks of the extension being granted, advising surrounding residents of the availability of the mulch for their use.
- (5) Any chip or mulch stored on the land must be made available for use by residents of the subdivision, Council, or the developer of the subdivision, and shall be sign-posted accordingly.
- (6) A performance bond to ensure both compliance with these provisions and rehabilitation of the land is to be lodged with Council prior to the commencement of any vegetation stockpiling on the land. Where a bond is currently held to ensure satisfactory completion of a component of the development, Council may, at its absolute discretion, agree to the use of the existing bond for purposes of compliance with these provisions and rehabilitation of the site in lieu of the requirement for a separate bond for this purpose.

2.3 Disposal by Sawmill

- (1) On-site sawmill operation shall only be carried out during the work hours stated in the development permit.
- (2) The sawmill shall be located such that nuisance and annoyance is not caused to occupants of dwellings in the vicinity of the land.
- (3) The portable sawmill shall be used to recover millable timber. Portable forestry bench saws may be used to further cut the millable timber and to recover materials from waste flitches.
- (4) The location of the sawmill or portable bench saw is to be approved by Council's Engineer prior to the commencement of sawmilling.
- (5) Products from the milled timber may not be manufactured on-site by assembling components.
- (6) Wastes shall be disposed of off site or by woodchipping. Where cleared vegetation is permitted to be disposed of by burning, wastes may only be burnt by the burning method specified in the development permit.

2.4 Disposal by above ground burning

Where the development permit allows cleared vegetation to be burnt by above ground burning then it shall only be burnt under the following conditions:

2.4.1 Location of above ground burning sites

- (1) The location of burning sites are to be approved by Council
- (2) Burning shall only be allowed within 100 metres of proposed park if no other suitable site is available and only with written approval of Council's Engineer prior to commencement of clearing works.
- (3) In no case shall vegetation be burned within 250 metres of a dwelling or commercial premises.

2.4.2 Methods

The developer shall ensure that subject to the *Workplace, Health and Safety Act 1995*, burning shall only be carried out by approved methods subject to the following conditions:

- (1) Burning shall only be carried out during the work hours stated in the development permit. The developer shall be responsible for securing and keeping safe the burning sites at all times.
- (2) Prior to commencement of burning, the developer shall:
 - (a) Obtain a permit to burn from the appropriate fire authority.
 - (b) Obtain and record advice from the Bureau of Meteorology. The developer shall not burn cleared vegetation when the wind speed and direction or the atmospheric conditions as advised by the Bureau of Meteorology are such that smoke, soot, etc may cause nuisance or annoyance to dwellings within 500 metres of the burning site,
- (3) The burn site shall have warning signs at a distance sufficient to adequately warn persons of the danger and nature of the burn site.
- (4) During aboveground burning, the developer shall do all things possible to ensure a clean burn, including:

- (a) have stacked and left lying all vegetation for as long as practicable to allow sufficient drying out of timber and foliage to die off,
 - (b) have removed soil from all tree roots;
 - (c) have split large tree roots as required to improve combustion; and
 - (d) undertake burning in accordance with the requirements of the permit to burn issued by the fire authority.
- (5) In order to ensure the health and safety of all persons who may be on the site, these minimum conditions are to be put in place prior to burning commencing. These conditions do not in any way negate the developer's responsibility under the *Workplace Health and Safety Act 1995* or any other statutory requirements.

3.0 GUARANTEED COMPLIANCE

To ensure compliance with this policy, the developer shall lodge with the Council, security to the Shire Solicitor's satisfaction up to a value of \$20,000.00 prior to the issue of approvals for vegetation clearing and disposal. The Council shall be entitled to use the security or any part thereof to pay the costs and expenses (including Council's administration expenses) incurred by the Council in ensuring compliance (including revegetation) with this policy.

In determining the value of the security, Council will, among other things, consider:

- (1) the significance of the vegetation;
- (2) extent of the vegetation and clearing;
- (3) size of the development; and
- (4) location of the development.

In accordance with the relevant codes in the planning scheme for Pine Rivers Shire, the nominated compliance security shall remain in place until such time as the following conditions for cleared and disturbed areas have been satisfied:

- (1) Sufficient sediment and erosion control works are in place;
- (2) Sufficient works relating to grass cover (inclusive of an establishment program) have been instigated to ensure an 80% strike rate is achieved to all cleared areas of the subject land;
- (3) Landscaping and revegetation certificates for pass (if applicable) have been provided where relevant for cleared areas; and
- (4) All cleared areas relating to the approval have been inspected and passed by Council as stable.

REVIEW TRIGGERS

This policy is reviewed internally for applicability, continuing effect and consistency with planning scheme and other legislative provisions when any of the following occurs:-

- (1) the planning scheme is amended;
- (2) the planning scheme is replaced by a new planning scheme;
- (3) amendments which affect the allowable scope and effect of a planning scheme policy are made to the *Integrated Planning Act 1997*; and
- (4) other circumstances as determined from time to time by a resolution of Council.

RESPONSIBILITY

This policy is to be:-

- (1) implemented by the Manager, Development Services; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the Manager, Strategic Direction in consultation with the Manager, Development Services.