

## CLEARING NATIVE VEGETATION

Livingstone Shire has a unique natural environment across the rural, urban, marine, and island landscapes. The diverse environment and wildlife are a key value for why we love living here and want to see the natural beauty and diversity continue.

Ensuring you are informed about the controls around clearing native vegetation is important. Clearing vegetation is regulated under the planning scheme and may also be regulated by the Commonwealth or State depending on the location and type of vegetation.

Whether vegetation can be cleared, and how it can be cleared, depends on the particular circumstances at that specific location.

Your property may also hold a Development Permit (approval) for a land use (Material Change of Use) or works (Operational Works) where elements of clearing were assessed as part of a development application process.

### What does clearing include:

Vegetation includes individual trees and shrubs and communities of native vegetation made up of canopy trees, understory trees, shrubs, and ground covers. Clearing, of vegetation includes:

- removing
- cutting down
- ringbarking
- pushing over
- poisoning
- destroying vegetation in any way, including by burning, flooding or draining.

Clearing does not include destroying standing vegetation by stock, permitted hazard reduction burning or trimming a tree.

Note: Trimming a tree means cutting or pruning its branches but does not include removing its trunk; or cutting or pruning its branches so severely that it is likely to die.

### Operational Works for Clearing Native Vegetation

There are different requirements for clearing of vegetation:

- **Exempt** – does not require an application to be made if the clearing is for establishing or maintaining a necessary firebreak to protect infrastructure, other than a fence, road or vehicular track, if the maximum width of firebreak is 1.5 times the height of the tallest vegetation next to the infrastructure, or 20m,

whichever is the wider, or for establishing a necessary fire management line up to 10m wide.

- **Accepted** - does not require an application to be made if the clearing is 'exempt clearing work' as defined under the Planning Regulation 2017 except for clearing vegetation that is 'residential clearing' or clearing vegetation that is 'for urban purposes in an urban area'.
- **Accepted subject to requirements** – does not require an application to be made if the clearing is located outside of a mapped overlay area and the clearing meets all of the acceptable outcomes of the Development works code (outcomes relating to Clearing of native vegetation).
- **Assessable development, code assessable** - requires a planning application for Operational Works (clearing) to be made to Council if the clearing does not meet the above categories of assessment.

### What if an Overlay applies to my property?

An overlay in the planning scheme may also influence whether planning approval is required (except for operational work for necessary firebreaks or fire management lines). Sites within the following overlays may trigger additional assessment requirements:

- Landslide hazard
- Biodiversity
- Heritage
- Scenic amenity.

The best way to check whether a property is affected by an overlay, is to view the [Planning Scheme Interactive Mapping](#).

### Lodging a planning application for operational works

Some of what is required in an application is as follow:

- DA Form 1
- Relevant plans as per the DA Form
- All supporting information including applicable reports
- Payment of applicable fees and Charges

For more on what is required to be lodged please visit Councils website regarding [Operational Works Applications](#).

**How do I receive further assistance?**

For assistance with exempt clearing for bushfire management or accepted clearing please refer to the Queensland Government website.

Council offers a range of free and paid development and town planning advice services. The advice services provide information on [Council's planning scheme](#) and delivers feedback about specific development-related matters and development proposals.

Please see useful links to website and information provided by other agencies under the below related website and information heading.

While Council aims to assist applicants through the process, many applications are complicated and deserve the attention of a consultant (town planner, surveyor, ecologist, or other appropriately qualified professional). It is encouraged that you undertake a web search and contact at least two consultants to understand costs and how they may assist you.

**Other considerations and permits**

<b>Managing weeds</b>	If you seek to clear weeds, please contact Council prior to any works occurring. Managing weeds is also regulated by the Queensland State Government.
<b>Landscape gardening purposes</b>	Limited clearing may be allowed under the planning scheme where it is work undertaken in relation to vegetation located within the curtilage of a dwelling, or within the garden or approved building location envelope of other approved buildings and structures on a lot which include planting, pruning, cutting, shaping and removing trees, shrubs, grass and other plants.
<b>Land Act 1994 (Department of Resources);</b>	Vegetation Protection Covenants – legally binding on land title

**Queensland Fire and Emergency Services**

Contact your local Fire Warden to apply for 'Permit to Light Fire

**Vegetation Management Act 1999 (Department of Resources);**

- State regulated vegetation on freehold land
- Voluntary declarations (e.g. a landholder has voluntarily or agreed to protect native vegetation on their land
- Enforcement orders or restoration orders relating to prior unlawful clearing

**Nature Conservation Act 1992 – (Department of Environment and Science)**

- Protected plants and wildlife breeding places (nests, hollows, burrows)
- Vegetation may be habitat for endangered or vulnerable species of wildlife

**Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships:**

Indigenous cultural heritage (e.g. scar tree)

**Related Websites and Information**

Vegetation Management

<https://www.qld.gov.au>

State Vegetation Management staff

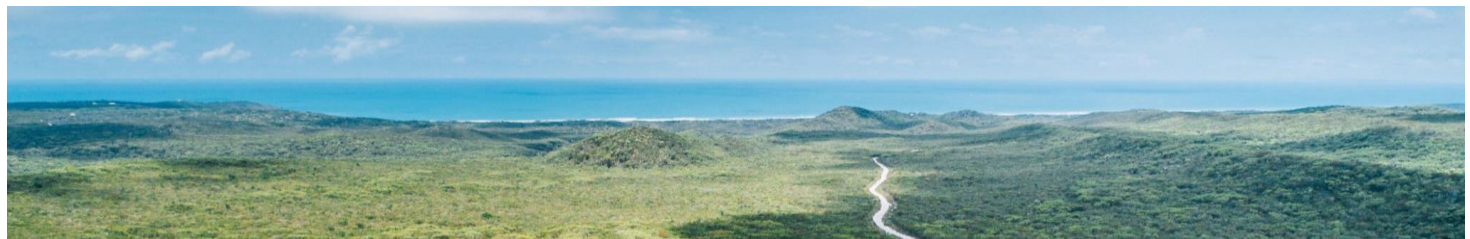
[Call 135VEG \(13 58 34\)](tel:135VEG)

Protected Plants

<https://www.qld.gov.au/environment/plants-animals>

Bushfire Management

<https://www.qld.gov.au>



**DISCLAIMER:** This information sheet is a summary only and has been prepared to assist the reader to understand planning requirements. The information is general advice only and does not bind or fetter Council in any way in exercising statutory responsibilities or in assessing any development application which might be made to the Council. Please refer to the full Livingstone Planning Scheme 2018 document on Council's website for further detail.