

# Vegetation Clearing

## FACTSHEET

*The natural environment is highly valued by the Fraser Coast community, both for its biodiversity values and its contribution to the overall image and landscape character of the Fraser Coast.*

The following information will help you determine whether the proposed vegetation removal requires Council approval.

### **What are my responsibilities as a property owner?**

Property owners are responsible for ensuring works on their property, including vegetation clearing, are undertaken safely and legally.

As a property owner, you may require an approval to clear vegetation under federal or state legislation, or the Fraser Coast Planning Scheme.

### **Vegetation Clearing under the Fraser Coast Planning Scheme**

The Fraser Coast Planning Scheme 2014 sets out Council's requirements for land use and development in our region. This is used to determine which activities require an approval.

### **What is clearing of vegetation?**

The planning scheme defines clearing as the destruction of vegetation or interference with its natural growth in any way, including:

- Removing, clearing, slashing, cutting down, ringbarking, scar-barking, pushing or pulling over, poisoning (including contamination), burning, flooding, drainage or compacting of roots.

### **Vegetation clearing does not include:**

- Destruction of standing vegetation by stock,
- lopping a tree by cutting or pruning of branches, provided it does not involve removing the tree's trunk or cutting or pruning so severely that it is likely to die, or

- mowing grass or lawn for maintenance purposes provided that it not undertaken in an area of remnant vegetation or high value regrowth vegetation.

### **When don't I need a permit for vegetation clearing?**

Table SC1.4.2 of the Fraser Coast Planning Scheme 2014 provides the definition for exempt vegetation clearing. If the proposed vegetation clearing falls under the exempt vegetation clearing definition, no permit is required. Please refer to the exemption checklist overleaf.

Exempt vegetation clearing can include, but is not limited to:

- Vegetation clearing involving exotic species;
- clearing within an approved building footprint (where a Development Permit for Building Work has been issued by a Building Certifier); or
- clearing associated with fire breaks and/or for bushfire management purposes; or
- clearing in the 'Rural' zoning where it is associated with the use of the land for rural activity.

Note: The exempt vegetation clearing definition does not include clearing native vegetation or clearing on a heritage place or within a neighbourhood character area (garden dominated character precinct) as identified on a Heritage and character overlay map.

### **Do I need a permit to remove vegetation on my property?**

If the proposed vegetation removal is not exempt vegetation clearing, you may require a development permit. If so, you may need to lodge a code assessable 'Operational Works' development application to Council.

### **What if the vegetation is on Council land or road reserve?**

If you have an enquiry regarding vegetation removal on Council land or road reserve, please contact Council's Customer Service Centre.

If you believe illegal vegetation removal is being undertaken, please contact Council to report the issue. Council officers will conduct an assessment and determine the level of risk to person or property and remedy the issue accordingly.

### **Need assistance?**

Council offers an easy to use PD Online service which provides 24 hour access to planning and development information, including site specific search capability. The Planning Scheme can also be viewed online. Visit

[www.frasercoast.qld.gov.au/assistance-advice](http://www.frasercoast.qld.gov.au/assistance-advice).

### **What do I do if my neighbour has vegetation that is impacting my property?**

Proper care and maintenance of trees on private property is the responsibility of the property owner. Information relating to vegetation on neighbouring properties can be found on the Queensland Government website for disputes about fences, trees and buildings:

<https://www.qld.gov.au/law/housing-and-neighbours/disputes-about-fences-trees-and-buildings>.

For further assistance you can contact the State Government on 13 QGOV (13 74 68).

If the matter is unable to be resolved, you can contact the Queensland Civil and Administrative Tribunal on 1300 753 228 or on their website:

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

### **Federal and State Government Requirements**

Even if there is no permit required by Council, you may still require federal or state approval from the relevant government department.

Further information is available online:

Department of Resources:

[www.resources.qld.gov.au](http://www.resources.qld.gov.au)

 13 QGOV (13 74 68)

Department of Environment and Science:

[www.des.qld.gov.au](http://www.des.qld.gov.au)

 13 QGOV (13 74 68)

The Queensland Government also have dedicated a vegetation clearing page providing a step by step guide on their website at:

[www.qld.gov.au/environment/land/management/vegetation/clearing](http://www.qld.gov.au/environment/land/management/vegetation/clearing)

# Vegetation Clearing Checklist – Planning Scheme only

Please complete the questions below to determine whether planning approval from (Council) is required for your proposed vegetation clearing.

The applicable zone and overlays for your property, can be identified on [PD Online](#) on Council’s website.

If you require assistance to complete the checklist, please contact Council’s Development and Planning staff on 1300 79 49 29.

OPERATIONAL WORKS		
Heritage and Neighbourhood Character Overlay		
Is the vegetation to be cleared located on a heritage place? <b>OR</b> Is the vegetation to be cleared located within a neighbourhood character area (garden dominated neighbourhood character precinct)? <i>Note: Garden dominated neighbourhood character precincts are identified and described in the Planning Scheme Policy for the Heritage and Neighbourhood Character Overlay Code.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If you ticked **‘Yes’** to the above question, you may be required to submit an **Operational Work** application to Council for assessment and should seek further advice from Council.

If you ticked **‘No’** or **‘N/A’** to the above question, please proceed to section 2 – ‘Operational Work – Exempt Vegetation Clearing’.

OPERATIONAL WORK – EXEMPT VEGETATION CLEARING		
Legislative Requirement		
Is the vegetation clearing necessary for carrying out work that is: <ul style="list-style-type: none"> <li>authorised or required under legislation or a local law; or</li> <li>specified in a notice served by Council or another statutory authority?</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Will the vegetation clearing be in accordance with a current permit or approved plan granted under a local law?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the vegetation clearing necessary to comply with the conditions of a current development approval issued by Council or other statutory authority?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Approved Buildings and Infrastructure		
Is the vegetation to be cleared located within an approved footprint for a building, pool or associated infrastructure? <i>Note: Approved Footprint means a Development Permit for Building Work has been issued by a Building Certifier for the building, pool or associated infrastructure, if applicable.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the vegetation to be cleared located within: <ul style="list-style-type: none"> <li>6.0 metres of an approved footprint for a building, pool or associated infrastructure, where in the Rural or Rural Residential Zone; or</li> <li>4.0 metres of an approved footprint for a building, pool or associated infrastructure where in any other zone?</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the vegetation to be cleared located on a lot less than 5,000m <sup>2</sup> in area? <b>AND</b> Do all trees to be cleared have: <ul style="list-style-type: none"> <li>A girth less than 50 centimetres (measured 1.0 metre from the ground); or</li> <li>A height less than 4.0 metres?</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the vegetation clearing necessary to remove danger to people or property associated with falling trees or limbs, provided that the vegetation is closer to an existing building, pool or other infrastructure than it is high?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Property Survey		
Is the vegetation clearing essential for the survey of a property boundary? <b>AND</b> Will the vegetation clearing be undertaken by a licensed cadastral surveyor by hand tools (including motorised hands tools) only	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Bushfire Hazard		
<p>Is the vegetation clearing necessary for bushfire management purposes, where involving:</p> <ul style="list-style-type: none"> <li>The establishing or maintaining a firebreak around an existing or approved building in a medium, high or very high bushfire hazard area where the distance cleared from the building is not more than 1.5 times the height of the vegetation or 20m, whichever is the greater; or</li> <li>The establishment of a fire break or fire management line in a medium, high or very high bushfire hazard area to a maximum width of 10.0 metres and in accordance with an approved bushfire management plan; or</li> <li>The maintenance or re-clearing of an existing fire break or fire management line?</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Exotic Plant Species		
<p>Does the vegetation to be cleared include only exotic plant species? See SC6.3B of the Planning Scheme for the recommended plants list. Plants that have an origin of "E" are listed as exotic species. Examples of large exotic tree species include:</p> <ul style="list-style-type: none"> <li>Royal Poinciana;</li> <li>Benjamin's Fig, Weeping Chinese Banyan; and</li> <li>Parrot Tree, Tree Fuchsia, African Walnut</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Rural Zone		
<p><b>For lots located in the Rural Zone only:</b> Will the vegetation clearing be associated with the use of the land for an approved rural activity? <i>Note: Rural activities include animal husbandry, animal keeping, aquaculture, cropping, intensive animal industry, intensive horticulture, permanent plantation, roadside stalls, rural industry, wholesale nursery and wineries, and are defined with Table SC1.1.2 Use definitions of the Fraser Coast Planning Scheme.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p><b>For lots located in the Rural Zone only:</b> Is the vegetation to be cleared immature vegetation less than 4.0 metres in height? <b>AND</b> Is the site not located within any:</p> <ul style="list-style-type: none"> <li>ecologically important areas, as identified on a biodiversity areas, waterways and wetlands overlay map;</li> <li>natural waterways or wetlands, including any associated buffers; or</li> <li>koala habitat areas?</li> </ul> <p><b>AND</b> Is the site not located within any areas which have been identified to contain or support:</p> <ul style="list-style-type: none"> <li>habitat for a scheduled species under the <i>Nature Conservation (Animals) Regulation 2020</i>;</li> <li>contains or is likely to contain listed threatened species and/or ecological communities, protected critical habitat or listed migratory species as defined by the <i>Environmental Protection and Biodiversity Conservation (Commonwealth) Act 1999</i>, or</li> <li>habitat for flora and/or fauna species of local ecological significance?</li> </ul> <p><b>AND</b> Is the vegetation clearing part of an ongoing property management program?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Emergency Work		
<p>Is the vegetation clearing required for emergency works, where:</p> <ul style="list-style-type: none"> <li>a person honestly and reasonably believes that an immediate threat exists to life or property; and</li> <li>no other lawful action is reasonably available to the person to avoid the immediate threat to life or property; and</li> <li>no reasonable opportunity exists for an application to be made to clear the vegetation; and</li> <li>Council will be advised in writing as soon as practicable after the vegetation clearing has occurred?</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If you ticked **'Yes'** to any of the above questions, then the proposed vegetation clearing is 'exempt' development, and Council **does not** need to consider your development proposal.

Prior to commencing vegetation clearing you should obtain advice from the Department of Natural Resources, Mines and Energy, the Department of Environment and Science regarding any relevant approvals required under State Government legislation and the Australian Government Department of the Environment regarding approvals required under Federal Government legislation.

If you ticked **'No'** to all of the above questions, you **must submit an Operational Work application** to Council for assessment.