



LIVINGSTONE PLANNING SCHEME 2018 Information sheet

Vegetation Clearing

This information sheet explains how vegetation clearing is dealt with in the planning scheme.

How is vegetation clearing regulated?

Clearing of native vegetation in Queensland is regulated at the local, State and National level.

The levels of regulation include:

- ▶ At the local level through the development assessment process under the *Planning Act 2016*, and the requirements for the treatment/retention of important vegetation mapped in a local government planning scheme;
- ▶ The provisions contained in the *Vegetation Management Act 1999*, *Nature Conservation Act 1992*, *Fisheries Act 1994*, and the *Coastal Protection and Management Act 1995* and associated policies and codes in force in Queensland; and
- ▶ At the National level by the *Environmental Protection and Biodiversity Conservation Act 1999*.

Vegetation clearing for necessary firebreaks or fire management lines

Under Schedule 6 of the *Planning Regulation 2017* operational work for the clearing of native vegetation cannot be made assessable under a planning scheme if the clearing is necessary for:

- ▶ establishing or maintaining a necessary firebreak to protect infrastructure, other than a fence, road or vehicular track, and the maximum width of the firebreak is equal to 1.5 times the height of the tallest vegetation next to the infrastructure, or 20m, whichever is the wider; or
- ▶ establishing a necessary fire management line, and the maximum width of the clearing for the fire management line is 10m; and
- ▶ the clearing is on a land tenure identified in Section 20A (b) of the *Planning Regulation 2017*.

Note: There may be a requirement for environmental approval for the clearing of endangered or vulnerable species identified under the *Environmental Protection and Biodiversity Conservation Act 1999*, *Vegetation Management Act 1999*, *Nature Conservation Act 1992* and the *Fisheries Act 1994*.

Vegetation clearing at the local level

At the local level, the planning scheme regulates the clearing of native vegetation to allow for the assessment of potential impacts on local government interests. Part 5 of the planning scheme determines whether or not a development application to Council is required for all types of development (including clearing native vegetation). It also determines the level of assessment for development and also the assessment criteria to be used for any development assessment.

Part 3, the Strategic Framework outlines vegetation linkages or corridors throughout the local government area that connect vegetation communities worthy of protection. The corridors are a combination of state and local vegetation communities. These linkages will be a priority for Council to protect.

Clearing as operational work

Clearing is a type of development defined as 'operational work'. Operational work is regulated in the planning scheme in the following circumstances:

- ▶ if the *operational work is associated with reconfiguration of a lot* (involving assessment of known or potential clearing as part of a reconfiguring a lot); or
- ▶ if the *operational work is associated with a material change of use* (involving assessment of known or potential clearing as part of a material change of use); or
- ▶ if the *operational work is 'not' associated with a material change of use or reconfiguration of a lot* (involving an assessment of stand-alone operational work for clearing native vegetation).

Proposed clearing of native vegetation on land affected by an overlay map

If a biodiversity overlay is located over a site, then a code assessment development application may need to be made with Council. Part 5 of the planning scheme will outline applications required.

Mapped biodiversity overlay areas may contain matters of state environmental significance or matters of local environmental significance. In this circumstance, the assessment criteria used to determine the suitability of the development and any clearing of native vegetation is contained within the Biodiversity Overlay Code. Reference should be made to Part 8 of the planning scheme to view the assessment criteria contained within the Biodiversity Overlay Code.



Are there requirements for clearing native vegetation on land not affected by an overlay map?

Yes. If there is not a Biodiversity Overlay mapped over a site, operational work for clearing native vegetation will likely require at a minimum an assessment against the Development Works Code.

The Development Works Code identifies if a development application for clearing of native vegetation may be required. Some examples of clearing that might be able to occur without the need for a development application to Council include:

- ▶ clearing if it is within a building location envelope which forms part of an approved development permit; or
- ▶ clearing for landscape gardening purposes (as defined in the planning scheme); or
- ▶ clearing of plants or plant material that have been planted for a 'cropping use' (as defined in the planning scheme); or
- ▶ clearing that does not result in damage, removal or destruction of native vegetation within the following:

- ▶ 250 metres of an identified regional biodiversity corridor; or
- ▶ twenty –five (25) metres of an identified local biodiversity corridor; or
- ▶ 100 metres of an identified wetland; or
- ▶ relevant buffer distance to the top bank of an identified waterway.

Reference must be made to Part 5 of the planning scheme to confirm the full planning scheme development assessment requirements. In order to ensure compliance with local, state and federal requirements, Council's Duty Planner service can be contacted to confirm individual circumstances.

Are there other parts of the Livingstone Planning Scheme 2018 dealing with environmental management?

Yes. The planning scheme also contains an Environmental Management Planning Scheme Policy.

The purpose of this planning scheme policy is to contribute to the protection of biodiversity in the planning scheme area by:

- ▶ providing information requirements in relation to ecological assessment reports, environmental management plans, and rehabilitation plans;
- ▶ providing information to assist in the design and formulation of development proposals which need to retain or integrate with areas containing matters of environmental significance; and
- ▶ list locally significant individual trees and other vegetation.

Schedule 7.5 of the planning scheme contains the Planning Scheme Policy for environmental management and it is highly recommended that its content is viewed prior to undertaking any development that is likely to result in the clearing of native vegetation.

Proposed amendment to the Planning Scheme

There is a proposed amendment to the Planning Scheme in regards to categorising matters defined as 'exempt clearing work' under the *Planning Regulation 2017* as 'accepted development'. This amendment will be available for public consultation during the latter part of 2020.

Contact a Planner:

Council's Duty Planners are available for confidential discussions to help you navigate the planning scheme. To make an appointment with the Duty Planner call 1300 790 919 or submit a customer service enquiry through Council's [online services portal](#).