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If you have any doubts about what you can and can't do, it's always best to check first.

VEGETATION CLEARING

Disclaimer:

Information provided is broad level guidance only; landowners should seek region-specific and location-specific information and professional advice prior to action.



Courtesy Burnett Mary Regional Group

Courtesy Desert Channels Queensland

General

Flood waters and vegetation are natural parts of watercourses and floodplains. Vegetation influences how water behaves, and can produce a range of effects from increased inundation and erosion, to flow calming and soil protection.

Vegetation growing in watercourses and on floodplains may contribute to flood severity and impacts, or pose a risk to infrastructure and human safety. In such cases, it may need to be removed.

Clearing of native vegetation is regulated under the *Vegetation Management Act 1999*; however, when it falls within the bed and banks of a watercourse, there may be an overlap with the *Water Act 2000* or, when associated with permanently flowing streams, both the *Water Act 2000* and the *Fisheries Act 1994* may apply.

It is important to be aware that all native plants in Queensland are protected under the *Nature Conservation Act 1992*. If your proposed clearing activity is not covered by an exemption, or you aren't sure, contact the nature conservation area of the Department of Environment and Heritage Protection on 13 QGOV (13 74 68) for advice.

Government legislation can be complex and daunting, and this factsheet seeks to provide a simplified overview of landholder obligations. It is strongly recommended that you contact the Department of Natural Resources and Mines vegetation management section on 4529 1391 before proceeding, if you have any doubt.

This factsheet should be read in conjunction with the others in this series. Of particular relevance are Green - Natural Assets and Blue - Rubbish and Debris.

There is a wealth of information, advice and assistance available, particularly through State Government agencies. Call 13 QGOV (13 74 68) to be put through to the relevant area or, if you are an internet user, web search 'rural disaster recovery Queensland' to jump straight to a gold mine of information.

Background

Under the *Queensland Vegetation Management Act 1999*, native vegetation is deemed to be 'regulated vegetation', of which there are five categories:

Category A - areas subject to compliance notices, offsets and voluntary declarations

Category B - Remnant vegetation

Category C - High-value regrowth vegetation

Category R - Regrowth vegetation within 50 metres of watercourses in priority Great Barrier Reef catchment areas (Burdekin, Mackay, Whitsunday and Wet Tropics)

Category X - Areas not regulated under the *Vegetation Management Act 1999*

To assist your land management decisions, you need to know the categories of regulated vegetation on your property. Regulated vegetation management maps and vegetation management supporting maps (regional ecosystems, wetlands, watercourses, essential habitat) are available on the Department of Natural Resources and Mines (DNRM) website, www.dnrm.qld.gov.au. Alternatively, if you don't have internet access, you can contact the Department on 4529 1391.

Prior approvals

Under provisions of the *Vegetation Management Act 1999*, landholders are allowed to undertake limited clearing of native vegetation if there is a likelihood of a natural disaster occurring. Such 'environmental clearing' is to prepare for a likely natural disaster such as a flood or cyclone. However, in most cases, this requires an application for assessment through the State Assessment and Referral Agency, and they strongly recommend a pre-lodgement meeting to discuss requirements.

Environmental clearing in preparation for a natural disaster is designed to allow limited clearing, in addition to what is permitted under the exemptions listed below. Under this purpose, the natural disaster must have some level of likelihood; for example, your land is in a cyclone region or flood zone.

An example of environmental clearing is removing trees from a watercourse where they are directly contributing to erosion, or are catching debris and silt, leading to increased flooding. It may also include establishing an access track to enable the removal of debris from a watercourse.

When you apply for a permit for this purpose, you need to provide data (historical flood damage, climate information) to support the likelihood of a natural disaster, why the clearing is necessary, and what are the expected benefits.

In the case of wetlands and watercourses, you may need an environmental clearing management plan to show how the cleared area will be rehabilitated over time. For more information, contact DNRM on (07) 4529 1391, or web search 'vegetation management Queensland'.

Self-assessments

For categories B, C and R native vegetation, there are self-assessable vegetation clearing codes which apply to agricultural land. However, they all have differences, and you should seek advice from the DNRM before proceeding.

For example, the self-assessable code for environmental clearing for the likelihood of a natural disaster is more restrictive and prescriptive for Category B vegetation, and less so for Category C, while for Category R it is quite general.

The one thing they all have in common is that you must notify DNRM of your intent to clear, before any work commences. They will give you a receipt of notification; there is no fee.

Exemptions

Regardless of the category of vegetation or land tenure, where there is a declared emergency, you do not need prior approval to clear native vegetation if it is necessary to prevent or minimise:

- loss of human life, or illness or injury to humans; or
- property loss or damage; or
- damage to the environment.

The clearing must happen during the 12 months following the disaster declaration, or on a later date advised in writing by the Departmental chief executive.

If the flood event is not a declared emergency, you don't need approval to clear native vegetation to maintain infrastructure such as fences, stockyards, buildings, roads, dams, airstrips and constructed drains other than contour banks. Apart from these exemptions, clearing of native vegetation should not be done without checking with Departmental officers as it may be subject to some form of assessment and approval.

There are also exemptions under the *Sustainable Planning Act 2009* for clearing to prepare for the likelihood of a natural disaster, such as protecting infrastructure and public safety.

In all cases, whether under an exemption or not, it is a good idea to take before and after photographs that clearly demonstrate site condition before and after the clearing activity.

