

Native Vegetation Clearing

Native vegetation is critical for maintaining biodiversity, preventing land degradation and reducing Queensland's carbon emissions.

Clearing in Queensland is regulated through the *Vegetation Management Act 1999 (VMA)* and the [vegetation management framework](#). It applies to most land tenures, including freehold land, Indigenous land, leasehold land and occupational licences under the Land Act 1994.

Clearing of native vegetation is regulated to:

- conserve remnant vegetation
- conserve vegetation in declared areas
- ensure that clearing does not cause land degradation
- prevent the loss of biodiversity
- maintain ecological processes
- reduce greenhouse gas emissions
- allow for sustainable land use.

Key Points

- Only native vegetation clearing is regulated in Queensland, except with minor exceptions e.g. trees protected as cultural heritage
 - Vegetation can be cleared legally if the clearing is exempt, under a development permit, or under an accepted development code and where it has all other necessary approvals
- The VMA and the Planning Act 2016 (Qld) are the main Acts that regulate clearing in Queensland, but other Acts may also apply

Under the [vegetation management framework](#), 'clearing' and 'vegetation' have the following meanings:

Clearing - clearing 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 or lopping a tree.

Note: Lopping 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.

Vegetation - vegetation is a native tree or plant other than:

- grass or non-woody herbage
- a plant within a grassland regional ecosystem identified in the [vegetation management regional ecosystem description database \(VM REDD\)](#) as having a 'grassland' structure
- a mangrove.

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When can tree clearing occur legally?

Clearing vegetation is specifically prohibited under the *Planning Regulation s10* unless:

- It is exempt from needing approval (see *Schedule 21 of Planning Regulation 2017*), e.g. clearing certain vegetation for an 'urban purpose' in an 'urban area' on freehold land, residential clearing (e.g. for building a single dwelling) on freehold land, clearing Category X vegetation on freehold land (see *VMA s20AO*).
- It is approved under a development permit for a relevant purpose (see *Planning Act 2016 s49 (3)* and *s22A VMA*).
- It is under an accepted development vegetation clearing code as defined by Queensland's vegetation management laws.
- and if other necessary approvals are obtained (e.g. under the *Nature Conservation Act 1992 (QLD)* or *EPBC Act*).

It is a serious offence under the *Planning Act 2016* to carry out development that is prohibited development, or to carry out assessable development without a development permit; high penalties apply.

When is a development permit needed for vegetation clearing?

Clearing vegetation is defined as 'assessable development' and specifically 'operational works' under the *Planning Act 2016*. A development permit is therefore required, unless it is exempt or accepted development. The application to clear must be for a "relevant purpose" under *s22A of the VMA*.

It can be made as a stand-alone vegetation clearing application or could be made in conjunction with an application that includes other assessable development eg Material Change of Use application.

Prior to undertaking any clearing works of native vegetation please contact Council to understand any requirements that apply to any proposed clearing works.

Please contact Council's Planning and Development Team by Ph: 1300 763 903 or by email planning@ccrc.qld.gov.au