

▪ **Vegetation Management Code**

Purpose

The purpose of this Code is to provide for the protection and management of vegetation within the planning scheme area to facilitate sustainable development and to ensure the Region’s biodiversity and ecological values, landscape character and amenity are maintained.

The purpose of the code will be achieved through the following overall outcomes:

- Vegetation will be protected from inappropriate damage; and
- Vegetation damage will be undertaken in a sustainable manner; and
- Significant trees are maintained and protected; and
- The biodiversity and ecological values are protected and maintained; and
- Habitats for rare, threatened and endemic species of flora and fauna are protected and maintained; and
- The landscape character and amenity is protected and maintained; and
- Cultural heritage values are protected and maintained.

Applicability

This code applies to development that is operational work for vegetation damage which is identified as self-assessable or assessable in the table of assessment other than works undertaken by or on-behalf of Council.

For self assessable development assessed against this Code, the applicable Acceptable Solutions are A1.1 – A3.2 (Inclusive).

Self assessable development which does not comply with Acceptable Solutions A1.1 – A3.2 (Inclusive), will require Code Assessment.

Elements of the Code

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P1 Vegetation must be protected to ensure that -</p> <ul style="list-style-type: none"> a) The character and amenity of the local area is maintained; and b) Vegetation damage does not result in fragmentation of habitats; and c) Vegetation damage is undertaken in a sustainable manner; and d) The regions biodiversity and ecological values are maintained and protected; and e) Vegetation of historical, cultural and / or visual significance is retained; f) Vegetation is retained for erosion prevention and slope stabilisation. 	<p>A1.1 The vegetation damage occurs on a lot, other than a lot in the Flagstaff Hill Special Management Area, and has a lot size equal to or less than 800m². OR</p> <p>A1.2 The lot is within an Urban Area or Rural Settlement Planning Area, other than the Flagstaff Hill Special Management Area, and the vegetation damage is within six (6) metres (measured from the centre of the tree’s trunk, at ground level, to the nearest edge of the structure) of an existing or approved building or structure or within three (3) metres of a boundary fence. OR</p> <p>A1.3 The lot is within a Conservation Planning Area or the Flagstaff Hill Special Management Area and the vegetation damage is within three (3) metres (measured from the centre of the tree’s trunk, at ground level, to the nearest edge of the structure) of an existing or approved building or structure. OR</p>

	<p>A1.4 The vegetation damage occurs within the path of, or within three (3) metres (measured from the centre of the tree's trunk, at ground level, to the nearest edge of the structure/infrastructure) of the path of an approved road, water supply, sewerage or drainage works. OR</p> <p>A1.5 The vegetation damage is essential for carrying out work authorised or required under another Act. OR</p> <p>A1.5 The lot is within a Rural Planning Area and the vegetation damage is within ten (10) metres (measured from the centre of the tree's trunk, at ground level, to the nearest edge of the structure) of an existing or approved building or structure or within three (3) metres of a boundary fence. OR</p> <p>A1.7 The lot is within the Rural or Rural Settlement Planning Area and the vegetation damage is for Routine Management, Essential Management or in accordance with a regular maintenance program in conjunction with an existing lawful rural pursuit. OR</p> <p>A1.8 The vegetation damage is considered to be one or more of the following:</p> <ul style="list-style-type: none"> a) actually or potentially dangerous as a result of being dead, dying or diseased, structurally unsound, or having a growth form or habit which is hazardous <u>and</u> is presenting a threat to the safety of persons or property; b) is the removal of vegetation which was planted for landscaping purposes. OR <p>A1.9 The vegetation damage is essential for the survey of a property boundary by a licensed cadastral surveyor. OR</p> <p>A1.10 The vegetation damage is to maintain an existing fire break; OR</p> <p>A1.11 The vegetation is damaged as the result of pruning essential to prevent interference to overhead service cabling. OR</p> <p>A1.12 The vegetation is damaged as the result of a regular maintenance program to remove part of the vegetation (e.g. fronds or seeds or deadwooding). OR</p> <p>A1.13 The vegetation damage is the removal and disposal, at an approved site, of a declared pest; OR</p> <p>A1.14 The vegetation is damaged as the result of an approved Forest Practice, where the lot is subject to a scheme approved under another law; OR</p> <p>A1.15 The vegetation is damaged in association with a traditional Aboriginal or Torres Strait Islander cultural activity, other than a commercial activity.</p> <p>(For assistance in clarification please contact Council's Development Assessment team on 4044 3044.)</p>
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PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
P2 Vegetation damaged on a lot does not result in a nuisance.	<p>A2.1 Damaged vegetation is removed and disposed of at an approved site. OR</p> <p>A2.2 Damaged vegetation is mulched or chipped and used onsite. OR</p> <p>A2.3 On a lot in the Rural Planning Area vegetation is disposed of by burning, approved by an appropriate authority.</p>

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P3 Vegetation damage does not result in the removal of a healthy, significant tree from the streetscape.</p>	<p>A3.1 Vegetation damaged does not result in the removal of a significant tree from between the forward building line and the sites frontage or within six (6) metres of the sites frontage (if not building exists on-site).</p>

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P4 Vegetation damage on a lot identified on a Local Heritage Overlay or on a lot identified on the Queensland Heritage Register does not result in a negative impact on the sites heritage values.</p>	<p>A4.1 The vegetation damage results in the removal of vegetation that is one or more of the following:</p> <ul style="list-style-type: none"> a) actually or potentially dangerous as a result of being dead, dying or diseased, structurally unsound, or having a growth form or habit which is hazardous; b) a threat to the safety of persons or property; c) restricting the habitability of the dwelling on the lot or a neighbouring lot.

Other Amendments

Include the following new definitions:

Term	Definition
Approved site	Waste transfer station or facility approved for the disposal of Vegetation
Approved structure	Approved or lawfully established existing building or structure (e.g. dwelling, shed, driveway), but does not include a pool
Boundary fence	A fence delineating the boundary between two different allotments owned by different parties.
Damage	Remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining, but does not include standing vegetation by stock
Dead vegetation	Vegetation that is no longer alive
Diseased vegetation	Vegetation that is of an unhealthy condition.
Dying vegetation	Vegetation that is in an unhealthy condition that cannot be cured.
Landscaping purposes	Vegetation planted for the purposes of landscaping
Significant Tree	Trees with a height, measured from natural ground level, exceeding 7.5 metres in height
Tree	Vegetation that has: <ul style="list-style-type: none"> a) A height equal to or exceeding 5 metres; or b) A trunk or bole which has a diameter, at a height of 1.5 metres above natural ground level, equal to or exceeding 12 centimetres; or c) A combined diameter of two or more boles, at a height of 1.5 metres about natural ground level, equal to or exceeding 12 centimetres; or d) A width of foliage equal to or exceeding 3 metres in diameter.
Vegetation	An individual tree or trees, plants and all other organisms of vegetable origin (whether living or dead), not including marine plants.

Term	Definition
Assessable development	As defined in the <i>Sustainable Planning Act 2009</i>
Biodiversity	As defined in the <i>Vegetation Management Act 1999</i>
Building work	As defined in the <i>Sustainable Planning Act 2009</i>
Code assessable	As defined in the <i>Sustainable Planning Act 2009</i>
Declared pests	As defined in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>
Development	As defined in the <i>Sustainable Planning Act 2009</i>
Development application	As defined in the <i>Sustainable Planning Act 2009</i>
Development permit	As defined in the <i>Sustainable Planning Act 2009</i>
Essential management	As defined in the <i>Sustainable Planning Regulations 2009</i>
Exempt development	As defined in the <i>Sustainable Planning Act 2009</i>
Forest Practice	As defined in the <i>Sustainable Planning Act 2009</i>
Impact assessment	As defined in the <i>Sustainable Planning Act 2009</i>
Local heritage register	As defined in the <i>Queensland Heritage Act 1992</i>
Master Plan	As defined in the <i>Sustainable Planning Act 2009</i>
Material change of use	As defined in the <i>Sustainable Planning Act 2009</i>
Operational work	As defined in the <i>Sustainable Planning Act 2009</i>
Reconfiguring a lot	As defined in the <i>Sustainable Planning Act 2009</i>
Residential Clearing	As defined in the <i>Sustainable Planning Regulations 2009</i>
Routine Management	As defined in the <i>Sustainable Planning Regulations 2009</i>
Self-assessable	As defined in the <i>Sustainable Planning Act 2009</i>
State heritage register	As defined in the <i>Queensland Heritage Register 1992</i>
Structure	As defined by the Building Code of Australia
Structure Plan	As defined in the <i>Sustainable Planning Act 2009</i>
Urban area	As defined in the <i>Sustainable Planning Regulations 2009</i>

WORLD HERITAGE AREAS AND ENVIRONS LOCALITY – TABLE 2

DEVELOPMENT ACTIVITY	PLANNING AREA	GUIDE TO APPLICABILITY OF CODES											
		World Heritage Areas and Environs Locality	Planning Area	OVERLAYS			Design & Siting of Advertising Devices	GENERAL					
				Acid Sulfate Soils	Cultural Heritage & Valuable Sites	Natural Hazards		Filling & Excavation	Landscaping	Natural Areas and Scenic Amenity	Reconfiguring a Lot	Sustainable Development	Vegetation Management
Reconfiguring a Lot	I	A	A	O	O	O			*A	A			
Operational Work Associated with Reconfiguring a Lot	C	A	A	O	O	O		A	A	*A	A		
Operational Work - Filling or Excavation not associated with a Material Change of Use	C	A	A	O	O	O		A		*A			
Operational Work - Engineering Works not associated with a Material Change of Use	C	A	A	O	O	O		A		*A			
Operational Work - Placing an Advertising Device on Premises not associated with a Material Change of Use	C	A	A	O	O	O	A			*A			
<u>Operational Works – Vegetation Damage</u>	S												A
Building Work other than Minor Building Work not associated with a Material Change of Use	C	A	A	O	O	O				*A			

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KEY

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C	Code Assessable
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A	The Code is Applicable
*A	If the circumstances described in the Applicability of the Code are triggered, the Code applies

NOTE: Self Assessable development converts to Code Assessable development if the development cannot comply in full with the applicable Acceptable Solutions in any relevant Code

SETTLEMENT AREAS NORTH OF THE DAINTREE RIVER LOCALITY – TABLE 2

DEVELOPMENT ACTIVITY	PLANNING AREAS			GUIDE TO APPLICABILITY OF CODES												
	Rural	Rural Settlement	Conservation	Settlement Areas North of the Daintree River Locality Code	Planning Area Code	OVERLAYS			GENERAL							
						Acid Sulfate Soils	Cultural Heritage & Valuable Sites	Natural Hazards	Design & Siting of Advertising Devices	Filling & Excavation	Landscaping	Natural Areas and Scenic Amenity	Reconfiguring a Lot	Sustainable Development	Vegetation Management	
Reconfiguring a Lot	C	C	I	A	A	O	O	O				*A	A			
Operational Work Associated with Reconfiguring a Lot	C	C	C	A	A	O	O	O					A	A		
Operational Work - Filling or Excavation not associated with a Material Change of Use	C	C	C	A	A	O	O	O					A			
Operational Work - Engineering Works not associated with a Material Change of Use	C	C	C	A	A	O	O	O					A			
Operational Work - Placing an Advertising Device on Premises not associated with a Material Change of Use	C	C	C	A	A				A			*A				
<u>Operational Work – Vegetation Management</u>	S	S	S													A
Building Work other than Minor Building Work not associated with a Material Change of Use	E	C	C	A	A							*A				

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O	Refer to the Overlay Maps for the Settlement Areas North of the Daintree River Locality. If the site is affected by an Overlay and if the circumstances described in the Applicability of the relevant Code are triggered, the Code for the Overlay applies

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MOSSMAN AND ENVIRONS LOCALITY – TABLE 2

DEVELOPMENT ACTIVITY	PLANNING AREA								GUIDE TO APPLICABILITY OF CODES											
	Rural	Rural Settlement	Residential 1	Residential 2	Commercial	Industry	Community & Recreational Facilities	Conservation	Mossman & Environs Locality Code	Planning Area	OVERLAYS			GENERAL						
											Acid Sulfate Soils	Cultural Heritage & Valuable Sites	Natural Hazards	Design & Siting of Advertising Devices	Filling & Excavation	Landscaping	Natural Areas and Scenic Amenity	Reconfiguring a Lot	Sustainable Development	Vegetation Management
Reconfiguring a Lot – Within the Priority Infrastructure Area	C	C	C	C	C	C	C	I	A	A	O	O	O				*A	A		
Reconfiguring a Lot – Outside the Priority Infrastructure Area	C	I	I	I	I	I	I	I	A	A	O	O	O				*A	A		
Operational Work Associated with Reconfiguring a Lot	C	C	C	C	C	C	C	C	A	A	O	O	O		A	A	*A	A		
Operational Work – Filling or Excavation not associated with a Material Change of Use	C	C	C	C	C	C	C	C	A	A	O	O	O		A		*A			
Operational Work – Engineering Works not associated with a Material Change of Use	C	C	C	C	C	C	C	C	A	A	O	O	O		A		*A			
Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use	C	C	C	C	C	C	C	C	A	A				A			*A			
<u>Operational Work – Vegetation Management</u>	S	S	S	S	S	S	S	S												Δ
Building Work other than Minor Building Work not associated with a Material Change of Use	E	E	E	E	E	E	E	C	A	A							*A			

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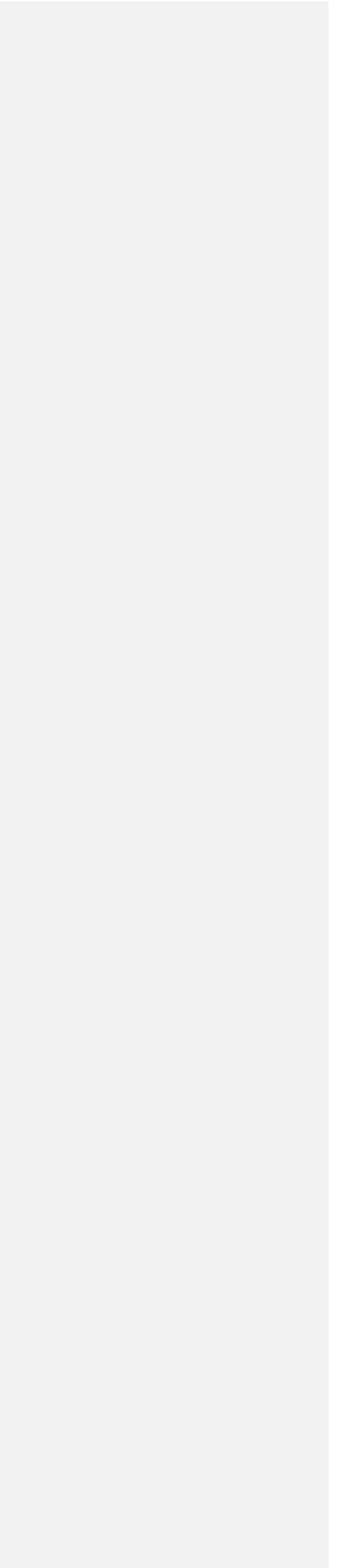
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O	Refer to the Overlay Maps for the Mossman and Environs Locality. If the site is affected by an Overlay and if the circumstances described in the Applicability of the relevant Code are triggered, the Code for the Overlay applies

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PORT DOUGLAS AND ENVIRONS LOCALITY – TABLE 2

DEVELOPMENT ACTIVITY	PLANNING AREA										GUIDE TO APPLICABILITY OF CODES									
	Rural	Residential 1	Residential 2	Tourist & Residential	Commercial	Industry	Community & Recreational Facilities	Conservation	Port Douglas Waterfront North	Port Douglas Waterfront South	Port Douglas & Environs Locality Code	OVERLAY			GENERAL					
												Acid Sulfate Soils	Cultural Heritage & Valuable Sites	Natural Hazards	Design & Siting of Advertising Devices	Filling & Excavation	Landscaping	Natural Areas and Scenic Amenity	Reconfiguring a Lot	Vegetation Management
Reconfiguring a Lot	C	C	C	C	C	C	C	I	C	C	A	A	O	O	O				*A	A
Operational Work Associated with Reconfiguring a Lot	C	C	C	C	C	C	C	C	C	C	A	A	O	O	O		A	A	*A	A
Operational Work - Filling or Excavation not associated with a Material Change of Use	C	C	C	C	C	C	C	C	C	C	A	A	O	O	O		A		*A	
Operational Work - Engineering Works not associated with a Material Change of Use	C	C	C	C	C	C	C	C	C	C	A	A	O	O	O		A		*A	
Operational Work - Placing an Advertising Device on Premises not associated with a Material Change of Use	C	C	C	C	C	C	C	C	C	C	A	A				A			*A	
<u>Operational Work – Vegetation Management</u>	S	S	S	S	S	S	S	S	S	S										A
Building Work other than Minor Building Work not associated with a Material Change of Use	E	E	E	E	E	E	E	C	C	C	A	A							*A	

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*A	If the circumstances described in the Applicability of the Code are triggered, the Code applies
O	Refer to the Overlay Maps for the Port Douglas and Environs Locality. If the site is affected by an Overlay and if the circumstances described in the Applicability of the relevant Code are triggered, the Code for the Overlay applies

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COASTAL SUBURBS, VILLAGES AND TOWNSHIPS LOCALITY – TABLE 2

DEVELOPMENT ACTIVITY	PLANNING AREAS								GUIDE TO DEVELOPMENT CODES											
	Rural	Rural Settlement	Residential 1	Residential 2	Tourist & Residential	Commercial	Community & Recreational Facilities	Conservation	Coastal Suburbs, Villages & Townships Locality Code	Planning Area	OVERLAY			GENERAL						
											Acid Sulfate Soils	Cultural Heritage & Valuable Sites	Natural Hazards	Design & Siting of Advertising Devices	Filling & Excavation	Landscaping	Natural Areas and Scenic Amenity	Reconfiguring a Lot	Sustainable Development	Retention Management
Reconfiguring a Lot – Within the Priority Infrastructure Area	C	C	C	C	C	C	C	I	A	A	O	O	O				*A	A		
Reconfiguring a Lot – Outside of the Priority Infrastructure Area	I	I	I	I	I	I	I	I	A	A	O	O	O				*A	A		
Operational Work Associated with Reconfiguring a Lot	C	C	C	C	C	C	C	C	A	A	O	O	O		A	A	*A	A		
Operational Work - Filling or Excavation not associated with a Material Change of Use	C	C	C	C	C	C	C	C	A	A	O	O	O		A		*A			
Operational Work - Engineering Works not associated with a Material Change of Use	C	C	C	C	C	C	C	C	A	A	O	O	O		A		*A			
Operational Work - Placing an Advertising Device on Premises not associated with a Material Change of Use	C	C	C	C	C	C	C	C	A	A				A			*A			
<u>Operational Work – Vegetation Damage</u>	S	S	S	S	S	S	S	S												A
Building Work other than Minor Building Work not associated with a Material Change of Use	E	E	E	E	E	E	E	C	A	A							*A			

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*A	If the circumstances described in the Applicability of the Code are triggered, the Code applies
O	Refer to the Overlay Maps for the Coastal Suburbs, Villages and Townships Locality. If the site is affected by an Overlay and if the circumstances described in the Applicability of the relevant Code are triggered, the Code for the Overlay applies

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RURAL AREAS AND RURAL SETTLEMENTS LOCALITY – TABLE 2

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DEVELOPMENT ACTIVITY	PLANNING AREA							GUIDE TO APPLICABILITY OF CODES											
	Rural	Rural Settlement	Residential I	Tourist & Residential	Industry	Community & Recreational Facilities	Conservation	Rural Areas & Rural Settlements Locality Code	Planning Area Code	OVERLAY			GENERAL						
										Acid Sulfate Soils	Cultural Heritage & Valuable Sites	Natural Hazards	Design & Siting of Advertising Devices	Filling & Excavation	Landscaping	Natural Areas and Scenic Amenity	Reconfiguring a Lot	Sustainable Development	Vegetation Management
Reconfiguring a Lot	C	C	C	C	C	C	I	A	A	O	O	O				*A	A		
Operational Work Associated with Reconfiguring a Lot	C	C	C	C	C	C	C	A	A	O	O	O		A	A	*A	A		
Operational Work - Filling or Excavation not associated with a Material Change of Use	C	C	C	C	C	C	C	A	A	O	O	O		A		*A			
Operational Work - Engineering Works not associated with a Material Change of Use	C	C	C	C	C	C	C	A	A	O	O	O		A		*A			
Operational Work - Placing an Advertising Device on Premises not associated with a Material Change of Use	C	C	C	C	C	C	C	A	A				A			*A			
<u>Operational Work – Vegetation Management</u>	S	S	S	S	S	S	S												Δ
Building Work other than Minor Building Work not associated with a Material Change of Use	E	E	E	E	E	E	C	A	A							*A			

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O	Refer to the Overlay Maps for the Rural Areas and Rural Settlements Locality. If the site is affected by an Overlay and if the circumstances described in the Applicability of the relevant Code are triggered, the Code for the Overlay applies

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