

(PROTECTION OF VEGETATION)

LOCAL LAW POLICY NO. 6

Authorising provision of the Local Law (section):

27. Permitted damage

Subject:

Specification of circumstances in which damage is permitted under the Local Law

Policy:

Damage to protected vegetation is only permitted under the following circumstances:-

- (a) if the damage is reasonably necessary for carrying out work authorised or required under an Act:-

Examples:-

- *road, water supply, sewerage or drainage work for which all necessary statutory approvals have been obtained;*
- *work authorised by development approval;*

- (b) if the damage is:-

- (i) within ten (10) metres of a constructed dwelling house lawfully in existence at the date of commencement of this Local Law;
- (ii) within three (3) metres of a building or structure (other than a dwelling or fence) or the foundations of a building or structure (other than a dwelling or fence) lawfully in existence at the date of commencement of this Local Law;
- (iii) within three (3) metres of the site of a proposed building or structure (other than fence) in respect to which a development permit or preliminary approval has been granted under the provisions of the Integrated Planning Act 1997 (as amended from time to time) to the carrying out of work pursuant to the provisions of the Building Act 1975 and Standard Building Local Laws as amended from time to time;
- (iv) within three (3) metres of the boundary between land under separate ownership and is reasonably necessary for erecting or maintaining a dividing fence;
- (v) within three (3) metres of the boundary between land under separate ownership and is reasonably necessary for a survey of the boundary by a registered surveyor;
- (vi) within three (3) metres of the boundary between land under separate ownership and is reasonably necessary to establish or maintain a fire break;

except where a vegetation protection order has been declared for the express purpose of protecting such vegetation.

- (c) if an authorised person authorises the damage on the ground that the vegetation is actually or potentially dangerous;
- (d) if the damage is reasonably necessary for carrying out the local government's statutory responsibilities;
- (e) if the damage is to vegetation planted solely as a commercial crop which needs to be harvested or destroyed because of disease or lack of production or change of crop;
- (f) which comprises new shoots, suckers, regrowth or fallen vegetation removed in association with the maintenance of pasture, cultivated fields, firebreaks, lawn or garden areas and boundary fence lines in existence at the time of the Local Law coming into effect in relation to the relevant land use lawfully established pursuant to a permit for approval under the Town Planning Scheme or an exemption under this Local Law;
- g) pruned to remove a dead branch or limb which presents a reasonable likelihood of causing injury or death to any person or damage to any existing or approved building;
- h) pruned to remove a dead branch or limb the existence of which is detrimental to the continued health and/or survival of the tree;
- i) pruned to avoid or prevent damage to or interference with overhead electricity or telephone reticulation lines;
- (j) if the damage is allowed under a permit issued by Council under the provisions of this Local Law.

Notion of reasonably necessary damage

For the purposes of this policy, damage to protected vegetation is only regarded as reasonably necessary for a particular purpose if there is no alternative way of achieving the purpose that is prudent and feasible in the circumstances and would avoid the damage or significantly reduce the extent of the damage. Reasonably necessary damage is considered prudent and feasible as permitted under the local law policies.

In relation to items (b)(iv), (v), (vi) above, removal of vegetation within these areas is to be minimised. In the majority of circumstances, it is likely that these activities listed above can be achieved with the removal of undergrowth vegetation only while retaining established trees. Council advice should be sought with regard to removing established trees for any of these purposes mentioned above.

Authorising provision of the Local Law (section):

29 (2). Grant of permit.

Subject:

Specification of matters which the Local Government must have regard to when deciding whether to grant a permit.

Policy:

- **Relation to Town Planning Scheme for Redland Shire**

In deciding whether to grant a permit, Council must have regard to the zone in which the subject property is situated and the planning intent and objects of that zone as outlined in the Redland Shire Council Town Planning Scheme.