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## Objective

To preserve and enhance the region's attractive streetscape and ecological systems whilst at the same time recognising the responsibility to minimise risk to the public and property.

To provide clear guidelines on the removal and pruning of trees located in streets, roads and reserves that are in the care and control of Council.

## Related procedures

- Tree Rating Procedure for Trees on Council Owned or Controlled Land- Urban Areas
- Tree Rating Procedure for Dangerous Trees on Council Owned or Controlled Land- Rural Areas
- Tree Removal for Maintenance of Rural Roads Procedure

## Policy

1. Trees shall not be removed or pruned on Council owned or controlled land (including street trees) without permission under this policy. The General Manager or delegated staff have the authority to determine removal and pruning requests and applications under this policy;
2. All measures should be taken to retain trees in public places within the townships. Council recognises that this may require a higher level of maintenance or replacement of infrastructure but it is considered that the conservation of trees should take precedence. Measures that may be adopted to ensure the retention of trees include the replacement of footpaths and road pavement on a more frequent basis where the tree is causing root damage or redesign of the project around existing trees.
3. All measures should be taken to retain trees within rural roadside reserves. Council recognises that this may require a higher level of maintenance or replacement of rural infrastructure but will take into consideration the conservation of the tree as well as the safety of the travelling public.
4. Trees may only be removed or pruned for one or more of the following purposes where all alternate methods have been examined that would allow the retention of the tree:
  - The tree is a risk to human life or property
  - The tree is limiting the field of vision of a motor vehicle, is obstructing traffic or is causing a traffic hazard;
  - Remove branches that come in contact with adjoining buildings or structures.
  - Remove deadwood and defective branches.
  - For the purposes of constructing or maintaining roads, drains, buildings or any other asset that is owned and or maintained by Council;
  - The removal or pruning of the tree is identified in an approved management strategy, environmental approval or decision of Council relating to the subject land.
  - Any other purpose to remove trees located on Council land need to be submitted in writing to allow Council staff to investigate and determine the outcome.

5. Trees shall not be removed or pruned solely for the purpose of
  - obtaining or retaining scenic views from residential, commercial or industrial properties;
  - gaining access to a site for construction purposes (i.e. building a house);
6. Trees located in a Heritage conservation area identified in the *Mid-Western Regional Local Environmental Plan 2012* are subject to a Development Application (DA) under the Environmental Planning and Assessment Act (EP&A Act) unless Council is satisfied that the tree or other vegetation is a risk to human life or property. Where a DA must be submitted a tree report undertaken by a qualified Arborist must be attached. The Arborist undertaking the report cannot be engaged to remove the tree if approval is granted and must be made aware of this before the report is written.
7. Trees required to be removed for the purpose of maintenance of the rural road network must be undertaken in accordance with the *Tree Removal for Maintenance of Rural Roads Procedure*.
8. Applications for removal or pruning of trees by other Government Authorities, the general public, businesses or ratepayers shall be made via submitting a works request or applying in writing to Council. Any approvals will be subject to conditions as indicated in this policy and as determined by the General Manager or delegated staff members.
9. Tree removal for emergency purposes in streets and parks will not require a formal tree removal application. However, verbal permission from Council's delegated staff member or SES is required.
10. An assessment shall be completed by Council's delegated staff member or another qualified person for all proposed tree removal or major pruning according to the relevant *Tree Rating Procedure for Trees on Council Owned or Controlled Land (TRP)*, except when assessing tree removal for the purpose of boundary fence repairs as described in clause 11.
11. Where a tree(s) may be required to be removed on road reserve to enable construction or repair of a fence on a private property boundary in rural areas an appropriate assessment by Council environment staff must be undertaken to determine the significance of the roadside vegetation.

Where no significant vegetation is present:

- Vegetation up to 1 meter onto the road reserve side of the fence line may be cleared
- Individual trees within 3 meters of the fence with a significant lean across the fence (as confirmed and marked by staff during inspection) may be removed, where applicable only the leaning limb may be approved to remove
- Vegetation clearance is to be undertaken only to the minimum extent necessary for the repair / construction of the fence
- Where possible retain any mature vegetation greater than 300mm DBH even when located within the 1m clearance zone
- Hollow bearing limbs are to be retained on either side of the new fence and must not be burnt
- All work activity in respect to the fence repair, including machinery and vehicle movements is to be undertaken from the property owner's side of the fence line to limit impact on the remaining vegetation within the road reserve
- No vegetation clearance is to be undertaken until approved in writing by Council, any clearing activities undertaken without approval may result in prosecution
- Clearing extent within the private property is subject to the *Local Land Service Act 2013* and must be approved by the Central Tablelands Local Lands Service

Note- where roadside vegetation is deemed to be significant, clearance will be restricted and determined on a case by case basis.

12. Council does not undertake routine inspections of trees in rural areas for the purpose of identifying trees that may be dangerous and require removal. If a resident has concerns about a specific tree they are to provide council with specific location details (road name, distance from nearest cross road, side of road, species, etc). Council staff will then undertake an assessment and if removal is required will program removal when time and resources permit.

If Council staff determine that the tree reported poses minimal risk to public safety, Council may deny removal request or grant permission to the adjoining landholder or complainant to remove the tree at their cost if the tree has negligible environmental significance.

Assessment of these trees will be carried out in accordance with the *Tree Rating Procedure for Trees on Council Owned or Controlled Land - rural areas*.

13. Notification and assessment requirements will not apply to: -

- Minor Pruning
- Emergency works
- Works authorised by the Fire Control Officer in accordance with the Bush Fires Act 1949, dependant on scale and location
- Pruning and regrowth removal in regularly maintained gardens or regularly cleared easements and road reserves
- A tree that must urgently be removed or pruned that is obstructing traffic, is causing a traffic hazard or is creating a dangerous situation where persons or property are likely to be damaged.

14. The following notifications shall apply to all tree removal or major pruning in:

Urban Areas:

- Where the works are classed as **Moderate impact removal** and not within the conservation zone the Department Director will review the tree removal report and make final determination.
- Where the works are classed as **High impact removal** and not within the conservation zone the General Manager or delegated staff members will prepare a report for submission to Council for consideration.
- If the tree is located in the conservation zone Councils Development Department will determine if a Development Application is required.
- Street tree pruning or removal by energy providers shall be advertised in the local media by the relevant electricity supplier. Council is to be informed at least 4 weeks prior to the works commencing.

The General Manager or delegated staff members shall take into account any comments deciding whether or not to proceed with the work. If an agreement cannot be reached, the matter will be reported to Council for determination.

Rural Areas

- Pruning or removal by energy providers shall be advertised in the local media by the relevant electricity supplier. Council is to be informed at least 4 weeks prior to works commencing and provided with a copy of the utilities environmental impact assessment for consideration as a joint determining authority.
- All rural works are to be in conjunction with this policy as describe in clauses 7, 11 , 12.

15. Tree removal or pruning shall only be undertaken by suitably qualified persons
16. The requirements of AS 4373 – 2007 “Pruning of Amenity Trees” shall be observed for all pruning activities. Trees shall only be pruned by persons with recognised skills and qualifications that ensure they are capable of complying with this standard.
17. The costs associated with removal or pruning in urban areas shall be determined as follows:
  - If a tree is dead, dangerous or unsafe it is to be removed at Council cost
  - If a tree is causing asset damage it is to be removed at Council cost
  - If a tree is on an approved street program in future years but a resident wishes to have the tree removed earlier, then the resident pays 50% of the cost associated with advancing it on the program
  - If a property owner requests the removal of an apparently healthy tree which, in the opinion of the property owner, represents a threat to a dwelling, and where Council concurs with the removal of the tree, the removal of the tree will be at the expense of the property owner, unless Council, upon the advice of the General Manager or delegate determines otherwise.
18. The costs associated with removal or pruning in rural areas shall be determined as follows:
  - If a reported dangerous tree it determined to have a priority rating of 1 or 2 under the *Tree Rating Procedure for Trees on Council Owned or Controlled Land - rural areas*, the tree will be removed at Council cost
  - If a reported dangerous tree it determined to have a priority rating of 3 or 4 under the *Tree Rating Procedure for Trees on Council Owned or Controlled Land - rural areas*, the tree may be placed on a register to be removed at Council cost in future years budget. If the adjoining property owner requests that the tree is removed immediately and approval is granted the tree may be removed at the requesters cost
19. If the tree(s) is to be removed for the purpose of a boundary fence construction or repair the removal of the tree(s) will be at the expense of the property owner
20. This Policy does not include trees located on private lands or any other lands not under the trusteeship or maintained by Council
21. Tree removal requests where the tree is located on private property within conservation zones will be assessed by Council’s Development Department.
22. Clearing of vegetation on private land within rural areas is to be undertaken in accordance with the provisions of the *Local Land Services Act 2013* by contacting the Central Tablelands Local Land Services.
23. This policy excludes weeds declared under the *Biosecurity Act 2015*
24. Should the requester disagrees with the tree assessment by the qualified person, the requester may obtain a secondary opinion from a qualified arborist (at the requester’s expense). This assessment will be reviewed and considered before a final decision is made. The General Manager or delegated staff members reserves the right to make the final decision.
25. Council may direct property owners, who have planted trees within the road reserve or their property to remove or prune the tree at their cost where these trees represent an obstruction or risk as defined in this policy. If said works are not completed within one month of notification, Council will remove or prune the tree and recover costs from the owner.
26. There is to be no removal of deadwood by any member of the community from within public places including roadside reserves for any purpose including firewood collection without permission from Council
27. Trees (dead or alive) that are removed or poisoned on Council controlled lands (including street trees) may incur a fine from Council under the *Local Government Act 1998* Offence Code 9322 Reg Code NCC Unlawfully ‘Remove Plant / Animal / Rock / Soil from a public place’. Maximum penalty: 20 penalty units (\$2,200 per offence)

## Definitions

<b>Affected Owners</b>	Means the owners of properties abutting the location of the tree(s), and includes all other owners the qualified person or appropriate staff deems to be affected.
<b>Appropriate Staff</b>	Means the General Manager or delegated staff member, Parks Staff or any other staff that is a Qualified Arborist or equivalent and any staff as assigned by the General Manager or delegated staff members.
<b>Qualified Person</b>	A person working for or contracted by Mid-Western Regional Council that provides advice on tree removal or pruning and has appropriate qualifications and or experience in performing an assessment.
<b>DBH</b>	Means the diameter of the tree taken at breast height standardised at 1.3 meters from the ground.
<b>Habitat</b>	A tree which is occupied, periodically or intermittently occupied by a species population or ecological community including biotic or abiotic components. (i.e. biotic – living, abiotic – non-living)
<b>Habitat Tree</b>	Refers to any tree providing a niche supporting the life of a plant or animal.
<b>Low Impact Removal:</b>	Means the removal of small trees and shrubs up to ten (10) meters in height (refer to small tree) that only affects the adjacent neighbours and will have little or no detrimental impact on the appearance and/or ecology of the area.
<b>Moderate Impact Removal:</b>	Means the removal of a single or multiple trees greater than eleven (11) meters in height (refer to medium tree) and recognizes that the proposed work may affect the appearance and/or ecology of the area.
<b>High Impact Removal</b>	Means the removal of a single or multiple trees that would impact the general neighborhood and includes park and trail users and recognizes that the proposed work may affect the appearance and ecology of the wooded area. This could include removals along major travel routes, removals in recreation areas, removals of large numbers of trees, and removals of <i>large trees</i> or <i>specimen trees</i> .
<b>General Manager Or Delegated Staff Members</b>	Means the Mid-Western Regional Council General Manager can authorize an appropriate member of staff to authorise the removal of trees.
<b>Qualified Arborists</b>	Certified by an appropriate professional association
<b>Large Tree</b>	Refers to a tree greater than 20m or crown spread greater than 20m at maturity.
<b>Leaning Trees</b>	A tree where the trunk grows or moves away from upright position. A lean may occur anywhere along the trunk influenced by a number of contributing factors, eg: genetically predetermined characteristics, competition for space or light, prevailing winds, aspect, slope or other factors. (Refer to <i>Dictionary For Managing Trees in Urban Environments - Draper and Richards, CSIRO Publishing 2009</i> ) for degrees of leaning graph).
<b>Medium tree</b>	Refers to a tree with a height of 10-20m or crown spread of 10-20m at maturity

<b>Topping</b>	Branches specifically pruned to reduce crown height or spread by running to reduce the length of a branch.
<b>Small tree</b>	Refers to a tree with a height less than 10m or a crown spread less than 10m at maturity.
<b>Specimen tree</b>	Refers to a tree planted, retained or occurring usually as an isolated feature and not part of a stand, promoting its characteristics an individual tree
<b>Timber</b>	Includes trees of any age or description, whether growing or dead.
<b>Tree</b>	A woody perennial plant which is long lived. Height greater than 3 meters with one or more trunks.
<b>Potential Habitat Tree</b>	Refers to any tree that develops a niche suitable to provide support for the life process of a plant or animal.
<b>Protected Lands</b>	Generally defined as any land within 20m of a river, creek or watercourse
<b>Minor Pruning</b>	Removal of dead or dangerous limbs and / or removal of less than 20% of the growing canopy.
<b>Major Pruning</b>	Removal of between 20 to 40% of the growing canopy. Note removal of more than 40% of the canopy is considered as removal of the tree and as such is subject to the relevant provision of this policy.
<b>Dangerous Tree</b>	A tree or tree part that presents a danger or has previously caused damage to persons or property.
<b>Reduction Pruning</b>	Refers to the removal of the ends of branches to lower internal branches or stems in order to reduce the height and/or spread of the tree
<b>Remedial (restorative) pruning</b>	Removal of damaged, diseased or lopped branches back to undamaged tissue in order to induce the production of shoots from latent or adventitious buds, from which a new crown will be established.
<b>Requester</b>	The person or persons seeking removal of a tree on council owned or controlled land
<b>Review of Environmental Factors</b>	A Review of Environmental Factors (REF) is an environmental assessment under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act), which is required as part of the assessment of activities needing approval under NSW legislation. A REF is a document that examines the significance of likely environmental impacts of a proposal, and the measures required to mitigate any adverse impacts to the environment.

## Relevant Legislation

### **MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012**

#### **Part 5 Clause 5.9 Preservation of trees or vegetation**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation:
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

**LOCAL GOVERNMENT ACT 1993**

**Chapter 7 Part 2 Division 1**

**Section 124 Orders**

A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following Table if the circumstances specified opposite it in Column 2 of the Table exist and the person comes within the description opposite it in Column 3 of the Table.

**Note:** This section does not affect the power of a council to give an order (or a notice or direction) under the authority of another Act. For example, some of those Acts and the orders (or notices or directions) that may be given include:

A person who fails to comply with an order is guilty of an offence—see sec 628.

**Orders requiring the protection or repair of public places**

Column 1	Column 2	Column 3
To do what? To remove an object or matter from a public place or prevent any object or matter being deposited there	In what circumstances? The object or matter: (a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or (b) is causing or is likely to cause danger, annoyance or inconvenience to the public	To whom? Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate

**Chapter 16 Part 2**

**Section 629 Injuring or removing plants, animals, rocks and soil in or from public place**

(1) A person who, without lawful excuse, wilfully or negligently injures, damages or unnecessarily disturbs any plant, animal, rock or soil in a public place is guilty of an offence.  
Maximum penalty: 20 penalty units.

(2) A person who, without lawful excuse, removes any plant, animal, rock or soil from a public place is guilty of an offence.  
Maximum penalty: 20 penalty units.



## **ROADS ACT 1993**

### **Section 88 Tree felling**

A roads authority may, despite any other {State} Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard.

### **Section 107 Obstructions and encroachments**

- (1) A roads authority may direct:
  - a) any person who causes an obstruction or encroachment on a public road, or
  - b) the owner of any land that is used, or is able to be used, in connection with an obstruction or encroachment on a public road, to remove the obstruction or encroachment.
- (2) A direction under this section may specify the period within which the direction must be complied with.
- (3) In the case of an obstruction or encroachment that was created before the alignment of the road, or that is situated on a road that has not been aligned, the period specified in the direction must be at least 60 days.
- (4) This section does not apply to an obstruction or encroachment on a public road if its presence on the road is authorised by or under this or any other Act.
- (5) However, this section does apply to an obstruction or encroachment on a public road if its presence ceases to be authorised by or under this or any other Act.

## **ELECTRICITY SUPPLY ACT 1995 - SECT 45**

### **Section 45 Erection and placement of electricity works**

- (1) This section applies to work connected with the erection, installation, extension, alteration, maintenance and removal of electricity works.
- (2) For the purpose of exercising its functions under this or any other Act or law, a network operator:
  - a) may carry out work to which this section applies, and
  - b) in particular, may carry out any such work on a public road or public reserve.
- (3) Work to which this section applies is exempt from the requirement for an approval under the Local Government Act 1993 except in relation to buildings.
- (4) However, no such work (other than routine repairs or maintenance work) may be carried out unless:
  - a) notice of the proposal to carry out the work has been given to the local council, and
  - b) the local council has been given a reasonable opportunity (being not less than 40 days from the date on which the notice was given) to make submissions to the network operator in relation to the proposal, and
  - c) the network operator has given due consideration to any submissions so made.
- (5) Subsection (4) does not apply to the carrying out of work to cope with emergencies.

## **ELECTRICITY SUPPLY ACT 1995 - SECT 48**

### **Section 48 Interference with electricity works by trees**

- (1) This section applies if a network operator has reasonable cause to believe that a tree situated on any premises:
- a) could destroy, damage or interfere with its electricity works, or
  - b) could make its electricity works become a potential cause of bush fire or a potential risk to public safety.
- (2) In those circumstances, a network operator:
- (a) may serve a written notice on the owner or occupier of the premises requiring the owner to trim or remove the tree, or
  - (b) in an emergency, may, at its own expense, trim or remove the tree itself.
- (3) A notice under subsection (2) (a):
- (a) must specify the work to be carried out, and
  - (b) must specify a reasonable time within which the work is to be carried out, and
  - (c) must include an undertaking by the network operator to pay the reasonable cost of carrying out the work.
- (4) Subsection (3) (c) does not apply in either of the following circumstances:
- (a) if, after the electricity works were first laid or installed, an owner or occupier of the premises planted the tree, or caused or permitted the tree to be planted, in circumstances in which the owner or occupier ought reasonably to have known that destruction of, damage to or interference with the works would result,
  - (b) the land in or on which the tree is located, and on or over which the works are located, was the subject of an easement in favour of the network operator (or a predecessor of the network operator) when the tree was planted.
- (5) If the work is not carried out as required by the notice, the network operator may carry out the work itself.
- (6) The cost of carrying out the work may be recovered by the network operator in a court of competent jurisdiction as a debt owed to it by the owner of the premises on which the tree is situated, but only in the circumstances referred to in subsection (4).
- (7) This section applies despite the existence of a tree preservation order or environmental planning instrument (other than a State environmental planning policy), but does not apply to any tree within a protected area or to any tree that is the subject of or is within an area that is the subject of:
- (a) an interim heritage order, or a listing on the State Heritage Register, under the Heritage Act 1977, or
  - (b) an order in force under section 136 of the Heritage Act 1977, or
  - (c) an interim protection order under the National Parks and Wildlife Act 1974, or
  - (d) a protection conferred by any similar law.
- (8) Nothing done for the purpose of carrying out the work required by a notice under this section constitutes an offence against any law under which a tree preservation order or environmental planning instrument (other than a State environmental planning policy) relating to the land is made.
- (9) In this section:
- "protected area" means an area that is within:
- (a) a national park or nature reserve within the meaning of the National Parks and Wildlife Act 1974, or
  - (b) land that is reserved or zoned for environmental protection purposes under the Environmental Planning and Assessment Act 1979, or
  - (c) a public reserve within the meaning of the Local Government Act 1993.
- "tree" includes shrub and plant.

## **BIODIVERSITY CONSERVATION ACT 2016**

### **Section 2.2 Picking Plants**

- (1) A person who picks:
- (a) a plant that is of a threatened species, or
  - (b) a plant that is part of a threatened ecological community, or
  - (c) a protected plant,

is guilty of an offence.

Maximum penalty (includes additional penalty for each plant):

- (a) in the case of a plant that is (or is part of) a threatened species or threatened ecological community (other than a vulnerable species or community)--Tier 1 monetary penalty or imprisonment for 2 years, or both, or
- (b) in the case of a plant that is (or is part of) a vulnerable species or vulnerable ecological community--Tier 3 monetary penalty, or
- (c) in any other case--Tier 4 monetary penalty.

- (2) In any prosecution for an offence under this section, proof that a plant was found in the possession of the person charged is prima facie evidence that the person picked the plant.

### **Section 2.4 Damaging Habitat of Threatened Species or Ecological Community**

- (1) A person:
- (a) who damages any habitat of a threatened species or threatened ecological community, and
  - (b) who knows that it is the habitat of any such species or community,

is guilty of an offence.

Maximum penalty: Tier 1 monetary penalty or imprisonment for 2 years, or both.

- (2) A person who damages habitat of a threatened species or threatened ecological community in the course of carrying out any unlawful activity is taken to know that it was habitat of that kind unless the person establishes that the person did not know that it was habitat of that kind.

### **Section 4.31**

#### **Schedule 4 – Key Threatening Processes**

Bushrock removal

Clearing of native vegetation

Loss and degradation of native plant and animal habitat by invasion of escaped garden plants

Loss of hollow-bearing trees

Removal of dead wood and dead trees

## **LOCAL LAND SERVICES ACT 2013**

### **Section 60Q Allowable Activities Clearing**

#### **Schedule 5A**

- (1) Schedule 5A sets out the clearing of native vegetation in regulated rural areas for allowable activities that is authorised without any approval or other authority under this Part for the clearing.

- (2) Schedule 5A does not permit clearing or any other activity:

- (a) without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority), or
- (b) in contravention of any provision of or made under (or in contravention of any agreement made under) another Act or another Part of this Act.