

Planning Regulation 2017 changes - clearing vegetation for firebreaks and fire management lines

Fact sheet – December 2019

The Planning Regulation 2017 has been amended to simplify requirements for landholders undertaking vegetation clearing for firebreaks and fire management lines.

What are firebreaks and fire management lines?

Firebreaks are low-fuel areas located immediately adjacent to existing infrastructure that are cleared and maintained to slow or stop the progress of a fire, or to perform back-burning.

Fire management lines are necessary pathways, roads, fence line clearings or tracks (including existing property tracks) used to access water for firefighting or divide the property for fuel reduction burning or back-burning. They may also occur along a property boundary.

What has changed?

From 6 December 2019, clearing for firebreaks and fire management lines will not require local or state government approval under the *Planning Act 2016* in the following circumstances:

- The clearing is to establish or maintain a necessary firebreak to protect infrastructure (other than fences, roads and tracks) to a maximum width of 20 metres or 1.5 times the height of the tallest adjacent tree, whichever is the greater.
- The clearing is necessary to create a fire management line, up to a width of 10 metres.

- The clearing is on land that you own or lease (where it meets the purpose of the lease).
- No other laws or constraints apply.

What else should be considered?

Landholders should ensure that proposed firebreaks and fire management lines are necessary and will be effective in reducing the risk or impact of a bushfire. While they are important tools for bushfire management, they can't be relied on in a bushfire emergency to protect you or your property.

Bushfire Management Plans

A Bushfire Management Plan can be a useful tool for any landholder to ensure they appropriately locate firebreaks and fire management lines, taking account of site-specific considerations and other laws that may apply. A Bushfire Management Plan can:

- identify the location of any existing or proposed firebreaks and fire management lines and describe how they'll achieve their intended purpose
- justify any associated vegetation clearing
- provide alternate methods for reducing property risk, such as the appropriate siting of infrastructure in relation to bushfire hazard areas or other risk reducing land management practices.

Other laws and constraints

In limited circumstances other laws or constraints may apply so prior to clearing check that they don't apply to you with the organisations listed under 'further information'.

Other laws that may apply include:

- local vegetation protection orders
- cultural heritage (e.g. scar trees)
- Commonwealth environmental requirements.

Other constraints on your property may include:

- a covenant registered on your land title
- an environmental offset or voluntary declaration (e.g. a landholder has voluntarily or agreed to protect native vegetation on their land)
- enforcement orders or restoration orders relating to prior unlawful clearing.

Fire permits

Landholders must obtain a Permit to Light Fire from a local Fire Warden before lighting any fire greater than two metres in width or height (excluding some specific fire types). The permit will specify several conditions to light a fire, including the width, ground condition and location of any firebreaks for the proposed burn, required to prevent the burn from spreading.

Clearing during bushfire emergencies

During a bushfire emergency, follow the directions of authorised fire officers.

You don't need to get approval or notify before you undertake clearing that has been requested by an authorised fire officer to help deal with a dangerous situation.

Further information

The Planning Regulation 2017 can be accessed at <https://www.legislation.qld.gov.au/>

Vegetation clearing laws, covenants, voluntary declarations, enforcement and restoration orders: Department of Natural Resources, Mines and Energy – 135 VEG (13 58 34), vegetation@dnrme.qld.gov.au or www.qld.gov.au/environment/land/management/vegetation/clearing

Fire management and permits: Queensland Fire and Emergency Services www.qfes.qld.gov.au or your local Fire Warden https://www.ruralfire.qld.gov.au/Pages/fw_finder.aspx

Local vegetation orders, planning guidance and bushfire management plan policies: your local council

Environmental offsets: Department of Environment and Science <https://www.des.qld.gov.au/>

Cultural heritage: Department of Environment and Science and Department of Aboriginal and Torres Strait Islander Partnerships <https://www.datsip.qld.gov.au/>