

# NATURAL ASSETS LOCAL LAW



August 2018

## BRISBANE CITY COUNCIL NATURAL ASSETS LOCAL LAW (NALL)

You might be aware that Brisbane City Council has a *Natural Assets Local Law 2003* (NALL) that protects natural assets including wetlands, waterway corridors and significant trees in urban areas.

Approval is required from Council to interfere with any vegetation that is mapped in one or more of the four (4) NALL categories. These approvals are required in addition to other approvals such as town planning or operational works permits triggered under BCC's Biodiversity or Significant Landscape Tree Overlays, or other legislation.

Where a site is mapped under the NALL, a NALL permit is required to interfere with vegetation even though the Brisbane City Plan 2014 may not identify the site within the Biodiversity or Significant Landscape Overlay.

It is important to note that there are some exemptions allowed under the NALL. Land owners should be aware of these exemptions as there will be opportunities to undertake some vegetation removal without requiring a permit. This has the potential to increase the development footprint for new buildings or extensions before lodgement of any required development application.

Under Part 7 of the NALL, circumstances where protected vegetation can be interfered with include (but are not limited to):

- Clearing of weeds provided that protected vegetation is not damaged, and soil disturbance is minimised;
- Removal of trees or part of trees that are causing an immediate and significant threat to persons or property (evidence required);
- Removal of vegetation where essential for emergency access;
- Pruning of vegetation (other than a significant landscape tree) for the purpose of maintenance or hazard management, as long as no more than 20% of the live foliage volume is removed in any 12-month period, and the part removed is distributed evenly (not lop-sided);
- Removal of a tree, or part of a tree (other than a significant landscape tree) where the whole trunk is located within:
  - \* 3m of the existing dwelling (for sites <4,000m<sup>2</sup>);
  - \* 6m of an existing dwelling (for sites >4,000m<sup>2</sup>);
- Removal of dead trees and limbs, smaller than 20cm diameter, where not providing habitat for native fauna;
- Interfering with garden vegetation, provided the vegetation is not a significant landscape tree, or is not a tree with trunk diameter >30cm;
- Constructing a boundary fence, provided that the vegetation is located within 3m of the property boundary, is <20cm trunk diameter, is not a significant landscape tree, and is not within a waterway corridor or wetland;
- Creating a firebreak only where in accordance with a written direction provided by a Fire Warden or Queensland Fire and Rescue.

It is important to note that approval to remove vegetation may also be required under other legislation, and this needs to be confirmed on a site by site basis.

Click [here](#) to find out more.

Contact us if you have any concerns about vegetation on your property, or prior to entering into a purchase contract.

### WANT MORE INFORMATION?

Would you like to know more about the NALL? Contact Doug from our office on (07) 3876 0533.

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*Ken Ryan & Associates Pty Ltd—August 2018*