

Queensland



VEGETATION MANAGEMENT AMENDMENT ACT 2000

Act No. 35 of 2000



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Queensland



Vegetation Management Amendment Act 2000

Act No. 35 of 2000

An Act to amend the *Vegetation Management Act 1999*

[Assented to 13 September 2000]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Vegetation Management Amendment Act 2000*.

Act amended

2. This Act amends the *Vegetation Management Act 1999*.

Amendment of s 3 (Purposes of Act)

3.(1) Section 3(1)(a)(ii)—

omit.

(2) Section 3(1)(a)(iii)—

renumber as section 3(1)(a)(ii).

Amendment of s 7 (Application of Act)

4. Section 7—

insert—

‘(8) This Act does not prevent land, other than freehold land, from being shown on a regional vegetation management plan.’.

Amendment of s 13 (Consultation for regional vegetation management plan)

5. Section 13—

insert—

‘(2) The Minister must also give each owner of land that is in an area that is proposed to be declared under section 12(2) a written notice inviting the owner to make a submission about the declaration or plan.’.

Amendment of s 16 (Preparing declaration)**6.(1)** Section 16—*insert—*

‘**(1A)** The Minister must also prepare a proposed code for the clearing of vegetation in the stated area.’.

(2) Section 16—*insert—*

‘**(3)** The Minister must also give each owner of land that is in the stated area a written notice inviting the owner to make a submission about the declaration.’.

(3) Section 16(1A) to (3)—*renumber* as section 16(2) to (4).**Amendment of s 17 (Making declaration)****7.(1)** Section 17—*insert—*

‘**(1A)** The declaration must include a code for the clearing of vegetation in the declared area.

‘**(1B)** If a declaration is made under subsection (1) and the area declared is in a region covered by a regional vegetation management plan, the declaration is taken to be an amendment of the plan.’.

(2) Section 17(1A) to (5)—*renumber* as section 17(2) to (7).**Amendment of s 18 (Interim declaration)****8.** Section 18—*insert—*

‘**(5)** If an area is declared under subsection (1), a person must not clear vegetation in the area while the declaration has effect.

Maximum penalty—1 665 penalty units.’.

Amendment of s 19 (Criteria for declarations)**9.** Section 19(1)(e)—*omit, insert—*

‘(e) an area that makes a significant contribution to the conservation of biodiversity;’.

Amendment of s 20 (Regional vegetation management plans are codes for IDAS)**10.(1)** Section 20, heading—*omit, insert—***‘IDAS codes for the clearing of vegetation’.****(2)** Section 20(1), after ‘identified’—*insert—*

‘in the plan’.

(3) Section 20—*insert—***‘(3)** Subsection (4) applies if—

- (a) an area is declared under section 18(1); and
- (b) the declared area is not in a region covered by a regional vegetation management plan.

‘(4) To the extent that the State policy conflicts with the code for the clearing of vegetation in the declared area, the code for the declared area prevails.’.

Amendment of s 23 (Transitional modifying effect)**11.(1)** Section 23(1), ‘1 January 2001’—*omit, insert—*

‘5 March 2001’.

(2) Section 23(2), after ‘1997,’—

insert—

‘until the end of 31 December 2000,’.

(3) Section 23(3), ‘31 December 2000’—

omit, insert—

‘4 March 2001’.

Amendment of s 35 (Warrants—procedure before entry)

12. Section 35(1), ‘special’—

omit.

Amendment of s 67 (Evidentiary aids)

13. Section 67(1)(a)—

insert—

‘(vii)a regional ecosystem map;

(viii)a remnant map;’.

Amendment of s 83 (Amendment of s 4.3.26 (Effect of orders))

14. Section 83, insertion of section 4.3.26(2)(b)(ii), after ‘planting’—

insert—

‘and nurturing’.

Amendment of s 84 (Amendment of sch 8 (Assessable, self-assessable and exempt development))

15.(1) Section 84(1), insertion of schedule 8, item 3A(c) to (e)—

omit, insert—

‘(c) necessary for routine management in an area that is outside—

(i) an area of high nature conservation value; and

- (ii) an area vulnerable to land degradation; and
- (iii) a remnant endangered regional ecosystem shown on a regional ecosystem map; or’.

(2) Section 84(1), insertion of schedule 8, item 3A(f)—

omit, insert—

‘(d) in an urban area, other than an area mentioned in paragraph (c)(i) or (iii); or’.

(3) Section 84(1), insertion of schedule 8, item 3A(g), from ‘that is not’ to ‘and is’—

omit, insert—

‘, other than an area mentioned in paragraph (c), and is’.

(4) Section 84(1), insertion of schedule 8, item 3A(h), ‘1 July 2000’—

omit, insert—

‘5 March 2001’.

(5) Section 84(1), insertion of schedule 8, item 3A(g) and (h)—

renumber as item 3A(e) and (f).

(6) Section 84(2)—

omit, insert—

‘(2) Schedule 8, item 13(a), after ‘use’—

insert—

‘, other than the clearing of native vegetation that is assessable development under item 3A’.

(7) Section 84(3)—

omit, insert—

‘(3) Schedule 8, item 13(b)—

omit, insert—

‘(b) weed or pest control, unless it involves the clearing of native vegetation that is assessable development under item 3A; and

(ba) the use of fire under the *Fire and Rescue Authority Act 1990*; and

(bb) the conservation or restoration of natural areas; and’.

(8) Section 84(5), insertion of schedule 8, item 22, definition “**remnant of concern regional ecosystem**”—

omit.

(9) Section 84(5), insertion of schedule 8, item 22, definition “**routine management**”, paragraph (a), after ‘built infrastructure’—

insert—

‘that is on less than 5 ha’.

Amendment of s 85 (Amendment of sch 10 (Dictionary))

16. Section 85, insertion of schedule 10, definition “**concurrence agency code**”—

omit.

Insertion of new s 85A

17. After section 85—

insert—

‘Expiry of pt 7

‘85A. This part expires on the day after it commences.’.

Amendment of s 92 (Amendment of s 260 (How application for tree clearing permit made))

18. Section 92—

insert—

‘(2) Section 260(2)(a), ‘tree’—

omit, insert—

‘property vegetation’.

Replacement of s 93 (Amendment of s 261 (Tree management plan))

19. Section 93—

omit, insert—

‘Amendment of s 261 (Tree management plan)

‘93.(1) Section 261, heading, ‘Tree’—

omit, insert—

‘Property vegetation’.

‘(2) Section 261, ‘tree’—

omit, insert—

‘property vegetation’.

‘(3) Section 261(b), after ‘types’—

insert—

‘or regional ecosystems’.

‘(4) Section 261—

insert—

‘(ca)any areas affected by land degradation;’.’.

Amendment of s 94 (Amendment of s 262 (Issues chief executive must consider))

20. Section 94—

insert—

‘(3) Section 262(2)(l), ‘tree’—

omit, insert—

‘property vegetation’.’.

Insertion of new ss 94A–94E

21. After section 94—

insert—

‘Amendment of s 264 (Terms of tree clearing permit)

‘94A. Section 264(1)(c), ‘tree’—

omit, insert—

‘property vegetation’.

‘Amendment of s 265 (Conditions of tree clearing permit)

‘94B. Section 265(1)(c), ‘tree’—

omit, insert—

‘property vegetation’.

‘Amendment of s 267 (Tree clearing permit may continue on transfer)

‘94C. Section 267(a), ‘tree’—

omit, insert—

‘property vegetation’.

‘Amendment of s 322 (Requirements for transfers)

‘94D. Section 322(4)(b)(iii), ‘tree’—

omit, insert—

‘property vegetation’.

‘Amendment of s 346 (Sale of mortgaged lease)

‘94E. Section 346(4)(c), ‘tree’—

omit, insert—

‘property vegetation’.

Amendment of s 96 (Amendment of sch 6 (Dictionary))

22.(1) Section 96(2), insertion of definition “**environmentally sensitive area**” in schedule 6—

omit, insert—

- ‘ “**environmentally sensitive area**” means an area declared under a regulation to be—
- (a) of high nature conservation value; or
 - (b) vulnerable to land degradation.’.

(2) Section 96(2), insertion of definitions in schedule 6—

insert—

‘ “**property vegetation management plan**”—

1. A “property vegetation management plan” means a plan approved under part 6.
2. The term includes a tree management plan approved under part 6 before the commencement of the *Vegetation Management Act 1999*.’.

Insertion of new s 97

23. After section 96—

insert—

‘**Expiry of pt 8**

‘97. This part expires on the day after it commences.’.

Insertion of new pt 9

24. After section 97—

insert—

‘PART 9—AMENDMENT OF LOCAL GOVERNMENT ACT 1993

‘**Act amended in pt 9**

‘98. This part amends the *Local Government Act 1993*.

‘Amendment of s 854 (Local laws and subordinate local laws about development)

‘99. Section 854—

insert—

‘(5) For subsection (1)—

“development”, until 1 July 2001, does not include the clearing of vegetation on freehold land.’.

‘Expiry of pt 9

‘100. This part expires on the day after it commences.’.

Amendment of schedule (Dictionary)

25.(1) Schedule, definitions **“regional ecosystem map”**, **“remnant map”** and **“remnant vegetation”**—

omit.

(2) Schedule—

insert—

“compliance notice” see section 55.

“document certification requirement” see section 52(5) and (6).

“not of concern regional ecosystem” means a regional ecosystem that is prescribed under a regulation and has more than 30% of its pre-clearing extent remaining and the remnant vegetation remaining is more than 10 000 ha.

“regional ecosystem map”—

1. A “regional ecosystem map” means a map—
 - (a) certified by the chief executive as the regional ecosystem map for a particular area; and
 - (b) maintained by the department for the purpose of showing, for the area—
 - (i) remnant endangered regional ecosystems; and

- (ii) remnant of concern regional ecosystems; and
 - (iii) remnant not of concern regional ecosystems; and
 - (iv) numbers that reference regional ecosystems; and
 - (v) declared areas of high nature conservation value; and
 - (vi) declared areas vulnerable to land degradation.
2. A “regional ecosystem map” includes any amendment to the map included in a schedule to the map and certified by the chief executive as an amendment to the map at the day the amendment is certified.

“remnant map”—

1. A “remnant map” means a map—
- (a) certified by the chief executive as a remnant map for a particular area; and
 - (b) maintained by the department for the purpose of showing, for the area—
 - (i) areas of remnant vegetation; and
 - (ii) declared areas of high nature conservation value; and
 - (iii) declared areas vulnerable to land degradation.
2. A “remnant map” includes any amendment to the map included in a schedule to the map and certified by the chief executive as an amendment to the map at the day the amendment is certified.

“remnant not of concern regional ecosystem”—

1. A “remnant not of concern regional ecosystem”, for an area of Queensland within a regional ecosystem map, means the part of a not of concern regional ecosystem mapped as a remnant not of concern regional ecosystem on the map.
2. A “remnant not of concern regional ecosystem”, for an area of Queensland for which there is no regional ecosystem map, means the part of a not of concern regional ecosystem having vegetation, forming the predominant canopy—
- (a) covering more than 50% of the undisturbed predominant canopy; and

- (b) averaging more than 70% of the vegetation's undisturbed height; and
- (c) composed of species characteristic of the vegetation's undisturbed predominant canopy.

“remnant vegetation”—

1. “Remnant vegetation”, for an area of Queensland within a regional ecosystem map, means the vegetation mapped as being within remnant endangered regional ecosystems, remnant of concern regional ecosystems and remnant not of concern regional ecosystems shown on the map.
2. “Remnant vegetation”, for an area of Queensland within a remnant map, means the vegetation mapped as remnant vegetation on the map.
3. “Remnant vegetation”, for an area of Queensland for which there is no regional ecosystem map or remnant map, means the vegetation, part of which forms the predominant canopy of the vegetation—
 - (a) covering more than 50% of the undisturbed predominant canopy; and
 - (b) averaging more than 70% of the vegetation's undisturbed height; and
 - (c) composed of species characteristic of the vegetation's undisturbed predominant canopy.’.

(3) Schedule, definitions “remnant endangered regional ecosystem” and “remnant of concern regional ecosystem”, item 2—

insert—

- ‘(c) composed of species characteristic of the vegetation's undisturbed predominant canopy.’.