

Queensland



# **VEGETATION (APPLICATION FOR CLEARING) ACT 2003**

**Act No. 38 of 2003**



Queensland



**VEGETATION (APPLICATION FOR  
CLEARING) ACT 2003**

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Queensland



## **Vegetation (Application for Clearing) Act 2003**

**Act No. 38 of 2003**

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**An Act about applications under the *Integrated Planning Act 1997* and  
the *Land Act 1994* for the clearing of trees and other vegetation**

*[Assented to 2 June 2003]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **1 Short title**

This Act may be cited as the *Vegetation (Application for Clearing) Act 2003*.

### **2 Definitions**

The dictionary in the schedule defines particular words used in this Act.

## **PART 2—APPLICATIONS FOR DEVELOPMENT APPROVAL**

### **3 Particular applications must be refused**

(1) This section applies if, in the relevant period, a person applies under IPA, chapter 3,<sup>1</sup> for a development approval involving assessable development mentioned in IPA, schedule 8, part 1, item 3A.

(2) Despite IPA, section 3.2.1<sup>2</sup>—

- (a) the application is taken, for IPA, not to be a properly made application; and
- (b) the assessment manager must refuse to receive the application.

(3) If the chief executive is the assessment manager, subsection (2) does not apply if the applicant satisfies the chief executive that the proposed clearing of vegetation is—

- (a) necessary for 1 or more of the following—

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1 IPA, chapter 3 (Integrated development assessment system (IDAS))

2 IPA, section 3.2.1 (Applying for development approval)

- (i) a project declared to be a significant project under the State Development Act, section 26;
  - (ii) a project that is of major significance because of its regional, State or national benefit;
  - (iii) weed control;
  - (iv) ensuring public safety;
  - (v) establishing a necessary fence, road or other built infrastructure, if there is no suitable alternative site for the fence, road or infrastructure; or
- (b) a natural and ordinary consequence of other assessable development for which a development approval has been given, or a development application has been made, under IPA before the start of the relevant period.

#### **4 Restriction on changing application or development approval**

##### **(1) Despite IPA—**

- (a) an existing application can not be changed, in the relevant period, in any way that increases the area of the proposed clearing of vegetation; and
- (b) a development approval can not be changed, in the relevant period, in any way that—
  - (i) increases the area approved for the clearing of vegetation; or
  - (ii) extends the currency period for the part of the approval that involves the clearing of vegetation.

##### **(2) In this section—**

**“currency period”**, for part of a development approval, means the currency period for the part as worked out under IPA, section 3.5.21.<sup>3</sup>

**“development approval”** means a development approval involving assessable development mentioned in IPA, schedule 8, part 1, item 3A.

**“existing application”** means an application, made before the relevant period, for a development approval.

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<sup>3</sup> IPA, section 3.5.21 (When approval lapses)

## PART 3—APPLICATIONS FOR TREE CLEARING PERMITS

### 5 Particular applications must be refused

(1) This section applies if, in the relevant period, a person applies under the Land Act, chapter 5, part 6,<sup>4</sup> for a tree clearing permit.

(2) Despite the Land Act, the chief executive must refuse to issue the tree clearing permit without considering the issues stated in section 262<sup>5</sup> of that Act, unless the applicant satisfies the chief executive that the proposed tree clearing is—

- (a) necessary for 1 or more of the following—
  - (i) a project declared to be a significant project under the State Development Act, section 26;
  - (ii) a project that is of major significance because of its regional, State or national benefit;
  - (iii) supplying fodder for stock in a drought declared area;
  - (iv) weed control;
  - (v) ensuring public safety;
  - (vi) establishing a necessary fence, road or other built infrastructure, if there is no suitable alternative site for the fence, road or infrastructure; or
- (b) the clearing of trees in an area of regrowth vegetation.

(3) In this section—

**“regrowth vegetation”** means regrowth vegetation within the meaning of the *Vegetation Management Act 1999*.

**“tree”** means a tree within the meaning of the *Forestry Act 1959*.

### 6 Restriction on changing application or permit

(1) Despite the Land Act—

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4 Land Act, chapter 5 (Matters affecting land holdings), part 6 (Tree management)

5 Land Act, section 262 (Issues chief executive must consider)

- (a) an existing application can not be changed, in the relevant period, in any way that increases the area of the proposed tree clearing; and
- (b) a tree clearing permit can not be changed, in the relevant period, in any way that—
  - (i) increases the area permitted to be cleared; or
  - (ii) extends the term of the permit.

(2) In this section—

**“existing application”** means an application, made before the relevant period, for a tree clearing permit.

## **PART 4—MISCELLANEOUS**

### **7 No appeal**

A person can not appeal under any Act against a refusal, made in the relevant period, because of the operation of this Act—

- (a) to receive an application for a development approval; or
- (b) to issue a tree clearing permit; or
- (c) to allow a person to change an application for a development approval or tree clearing permit; or
- (d) to change a development approval or tree clearing permit.

## SCHEDULE

### DICTIONARY

section 2

**“development approval”** means a development approval within the meaning of IPA.

**“IPA”** means the *Integrated Planning Act 1997*.

**“Land Act”** means the *Land Act 1994*.

**“relevant period”** means the period starting at midday on 16 May 2003 and ending on a day prescribed under a regulation.

**“State Development Act”** means the *State Development and Public Works Organisation Act 1971*.

**“tree clearing permit”** means a tree clearing permit issued under the Land Act.

**“vegetation”** means vegetation within the meaning of the *Vegetation Management Act 1999*.