



Queensland

Vegetation Management and Other Legislation Amendment Act 2005

Act No. 41 of 2005



Queensland

Vegetation Management and Other Legislation Amendment Act 2005

Contents

		Page
Part 1	Preliminary	
1	Short title	4
Part 2	Amendment of Vegetation Management Act 1999	
2	Act amended in pt 2	4
3	Amendment of s 22 (Declaration for the Planning Act, s 1.3.4) . .	4
4	Amendment of s 74 (Existing development control plans and special facilities zones)	5
5	Insertion of new pt 6, div 3	6
	Division 3 Transitional provisions for Vegetation Management and Other Legislation Amendment Act 2005	
	81 Effect on existing riverine protection permits	6
	82 Validation of particular clearing	6
	83 Validation of regional vegetation management codes	7
6	Amendment of schedule (Dictionary)	8
Part 3	Amendment of Integrated Planning Act 1997	
7	Act amended in pt 3	9
8	Amendment of sch 8 (Assessable development and self-assessable development)	9
9	Amendment of sch 10 (Dictionary)	10



Queensland

Vegetation Management and Other Legislation Amendment Act 2005

Act No. 41 of 2005

**An Act to amend the *Vegetation Management Act 1999*, and for
other purposes**

[Assented to 14 October 2005]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Vegetation Management and Other Legislation Amendment Act 2005*.

Part 2 Amendment of Vegetation Management Act 1999

2 Act amended in pt 2

This part amends the *Vegetation Management Act 1999*.

3 Amendment of s 22 (Declaration for the Planning Act, s 1.3.4)

(1) Section 22, heading—

omit, insert—

‘22 Declarations for the Planning Act’.

(2) Section 22—

insert—

‘(2) Subsection (3) applies if the chief executive is the assessment manager for a vegetation clearing application and is satisfied there is commercial timber on the land the subject of the application.

‘(3) The chief executive may refuse the application.

‘(4) Subsection (5) applies if the chief executive is a concurrence agency for a development application under the Planning Act

and is satisfied there is commercial timber on the land the subject of the application.

- ‘(5) Consideration of the application by the chief executive, in relation to the existence of the timber, is taken to be within the limits of the chief executive’s jurisdiction for the Planning Act, section 3.3.15.’.

4 Amendment of s 74 (Existing development control plans and special facilities zones)

Section 74—

insert—

- ‘(2) Subsection (1)(b) applies to an area only if—
- (a) the area continues to be designated as a special facilities zone, or like zone, under the scheme; or
 - (b) the current planning scheme for the area no longer designates the area as a special facilities zone, or like zone, but there is, for the area and in relation to the zone—
 - (i) a development permit that—
 - (A) was given before the designation ceased; and
 - (B) has not lapsed; and
 - (C) is for building work or operational work under the Planning Act; or
 - (ii) an acknowledgment notice mentioned in the Planning Act, section 3.2.5(1); or
 - (iii) a development permit granted for a development application (superseded planning scheme) under the Planning Act.
- ‘(3) However, subsection (1)(b) also applies to an area if—
- (a) the current planning scheme for the area no longer designates the area as a special facilities zone, or like zone, but the development rights conferred by the earlier designation have been preserved under the scheme; and

- (b) the clearing of vegetation is in relation to the development rights.’.

5 Insertion of new pt 6, div 3

After section 80—

insert—

‘Division 3 Transitional provisions for Vegetation Management and Other Legislation Amendment Act 2005

‘81 Effect on existing riverine protection permits

- ‘(1) This section applies to the clearing of vegetation carried out—
- (a) after the commencement of this section; and
 - (b) under the authority of a permit—
 - (i) issued under the *Water Act 2000*, section 269; and
 - (ii) in force immediately before the commencement of this section; and
 - (c) in a watercourse or lake; and
 - (d) on land other than freehold land.
- ‘(2) The clearing is taken to be lawfully carried out under this Act and the Planning Act even if there is, for the clearing, no development permit given for operational work under the Planning Act, schedule 8, part 1, table 4, items 1A to 1G.

‘82 Validation of particular clearing

- ‘(1) This section applies to the clearing of vegetation carried out—
- (a) after 20 May 2004 but before the commencement of this section; and
 - (b) to the extent necessary for an activity approved under another Act; and
 - (c) in a watercourse or lake; and

-
- (d) on land other than freehold land.
- ‘(2) The clearing is taken to have been lawfully carried out under this Act and the Planning Act even if there was, for the clearing, no development permit given for operational work under the Planning Act, schedule 8, part 1, table 4, items 1A to 1G.
- ‘(3) In this section—
- activity* does not include an activity relating to a development approval under the Planning Act given for a material change of use of premises or the reconfiguration of a lot.

‘83 Validation of regional vegetation management codes

- ‘(1) Each relevant code—
- (a) is valid, and has effect, as a regional vegetation management code under this Act; and
- (b) is taken, on and from its approval or purported approval under section 75(2), always to have been valid, and always to have had effect, as a regional vegetation management code under this Act.
- ‘(2) Without limiting subsection (1), the subsection applies—
- (a) despite the following provisions (including any requirements included in the following provisions)—
- (i) part 2, division 3 as in force before 21 May 2004;
- (ii) part 2, division 3 as in force on or after 21 May 2004;
- (iii) section 75; and
- (b) even if a relevant instrument for the relevant code was certified, or was prepared and certified, or otherwise came into existence, after the relevant code was approved, or purportedly approved, under section 75(2).
- ‘(3) In this section—
- relevant code* means a document that the Minister, on or after 21 May 2004 but before 26 June 2004, approved under section

75(2), or purportedly approved under section 75(2), as a regional vegetation management code.

relevant instrument, for a relevant code, means a map, plan or other document certified, prepared and certified, or otherwise coming into existence, for the purposes of a relevant provision of the relevant code.

relevant provision, of a relevant code, means a provision of the relevant code that incorporates by reference, whether in general or specific terms, or otherwise provides for or refers to, a map, plan or other document.’

6 Amendment of schedule (Dictionary)

Schedule—

insert—

‘bed and banks—

- 1 *Bed and banks*, of a watercourse or lake, means land over which the water of the watercourse or lake normally flows or that is normally covered by the water, whether permanently or intermittently.
- 2 *Bed and banks*, does not include land adjoining or adjacent to the bed or banks that is from time to time covered by floodwater.

commercial timber includes timber of a species prescribed under a regulation for section 70A(3).

lake see the *Water Act 2000*.

watercourse—

- 1 *Watercourse* means a river, creek or stream in which water flows permanently or intermittently—
 - (a) in a natural channel, whether artificially improved or not; or
 - (b) in an artificial channel that has changed the course of the watercourse.

- 2 *Watercourse* includes the bed and banks and any other element of a river, creek or stream confining or containing water.¹.

Part 3 Amendment of Integrated Planning Act 1997

7 Act amended in pt 3

This part amends the *Integrated Planning Act 1997*.

8 Amendment of sch 8 (Assessable development and self-assessable development)

- (1) Schedule 8, part 1, table 4, item 1A(c)—

omit, insert—

‘(c) to the extent necessary for building on a lot a single residence, and any reasonably associated building or structure, if the building of the residence—

- (i) is building work for which a development permit for a building development application under the Standard Building Regulation has been issued; or
- (ii) is building work mentioned in part 2, table 1, item 1; or
- (iii) is development to which chapter 5, part 6¹ applies; or’.

- (2) Schedule 8, part 1, table 4, items 1B(b) and 1C(b)—

omit, insert—

‘(b) to the extent necessary, for building on a lot a single residence, and any reasonably associated building or structure, if the building of the residence—

¹ Chapter 5, part 6 (Public housing)

- (i) is building work for which a development permit for a building development application under the Standard Building Regulation has been issued; or
- (ii) is building work mentioned in part 2, table 1, item 1; or
- (iii) is development to which chapter 5, part 6 applies; or’.

9 Amendment of sch 10 (Dictionary)

- (1) Schedule 10, definition, *watercourse*—

omit.

- (2) Schedule 10—

insert—

‘bed and banks—

- 1 *Bed and banks*, of a watercourse or lake, for the definition *specified activity*, means land over which the water of the watercourse or lake normally flows or that is normally covered by the water, whether permanently or intermittently.
- 2 *Bed and banks*, does not include land adjoining or adjacent to the bed or banks that is from time to time covered by floodwater.

lake see the *Water Act 2000*.

watercourse—

- 1 *Watercourse*, for schedule 8, part 1, table 4, item 5(b)(iv), means a river, creek or stream in which water flows permanently or intermittently—
 - (a) in a natural channel, whether artificially improved or not; or
 - (b) in an artificial channel that has changed the course of the watercourse.
- 2 *Watercourse*, for the definition *specified activity*—

-
- (a) means a river, creek or stream in which water flows permanently or intermittently—
- (i) in a natural channel, whether artificially improved or not; or
 - (ii) in an artificial channel that has changed the course of the watercourse; and
- (b) includes the bed and banks and any other element of a river, creek or stream confining or containing water.’.
- (3) Schedule 10, definition *quarry material*, ‘item 6’—
omit, insert—
‘item 5’.
- (4) Schedule 10, definition *specified activity*—
insert—
‘(ab) clearing an area of vegetation that is less than 0.125 ha within a watercourse or lake for an activity (other than an activity relating to a material change of use of premises or the reconfiguring of a lot) that is subject to an approval process and is approved under this or another Act if—
- (i) the area is shown on a property map of assessable vegetation as a category 3 area, a category 4 area or a category X area; or
 - (ii) for the area, there is no property map of assessable vegetation and the vegetation is a remnant not of concern regional ecosystem or the vegetation is not remnant vegetation; or’.