

Queensland



*Land Act 1994*

# LAND REGULATION 1995

**Reprinted as in force on 1 December 1997  
(includes amendments up to SL No. 410 of 1997)**

**Reprint No. 2**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This regulation is reprinted as at 1 December 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- reorder definitions consistent with current drafting practice (s 30)
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Queensland



**LAND REGULATION 1995**

**TABLE OF PROVISIONS**

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	5
2	Commencement .....	5
2A	Definitions .....	5
<b>PART 2—RESERVES AND DEEDS OF GRANT IN TRUST</b>		
3	Guidelines for trustee permits—Act, s 60 .....	6
4	Statutory body to which Act, s 63(3) does not apply .....	7
5	Guidelines for trustee lease without Minister’s approval—Act, s 64 .....	7
<b>PART 3—MAKING LAND AVAILABLE</b>		
6	How ballot must be conducted—Act, s 119 .....	7
<b>PART 4—RENTS</b>		
7	Meaning of “lease” .....	9
8	Categories of leases for rent assessment—Act s 182 .....	9
9	Category 1 leases .....	10
10	Category 2 leases .....	10
11	Category 3.1 and 3.2 leases .....	10
12	Category 4 leases .....	11
13	Category 5 leases .....	11
14	Category 6 leases .....	11
15	Category 7 leases .....	12
16	Category 8.1 and 8.2 leases .....	13
17	Category 9.1 and 9.2 leases .....	13
18	Category 10.1, 10.2 and 10.3 leases .....	13
19	Rate for calculating rent for leases—Act, s 183 .....	14

---

20	Minimum rent for lease—Act, s 183 . . . . .	14
21	Residential hardship concession criteria—Act, ss 187 and 459 . . . . .	15
22	When rent is payable—Act, s 190 . . . . .	16
23	When instalments are payable—Act, s 190 . . . . .	16
24	Where rent and instalments are payable—Act, s 190 . . . . .	17

**PART 4A—TREE MANAGEMENT**

24B	Land highly vulnerable to land degradation—Act, s 253 . . . . .	17
24C	Land of high nature conservation value—Act, s 253 . . . . .	18
24D	Areas moderately vulnerable to degradation—Act, s 253 . . . . .	19
24E	Areas of nature conservation value—Act, s 253 . . . . .	20
24F	Trustees who do not need tree clearing permit—Act, s 257 . . . . .	20
24G	Authorised activities . . . . .	22
24H	Plants for which tree clearing permit not needed—Act, s 257 . . . . .	22
24I	Routine management purposes for which tree clearing permit not required—Act, s 268 . . . . .	22
24J	Routine rural management purposes for which tree clearing permit not required—Act, s 269 . . . . .	23
24K	Trees for which permit exemption applies with conditions—Act, s 270 . . . . .	25

**PART 5—REGISTRATION AND DEALINGS**

24L	Land for which register to be kept—Act, s 276 . . . . .	26
25	Number of executed copies of a document to be lodged—Act, s 290 . . . . .	26
26	Persons who may witness execution of a document—Act, s 310 . . . . .	26
27	Guidelines for subletting without Minister's approval—Act s 333 . . . . .	27

**PART 6—GENERAL**

28	Different periods for filing notice of appeal for particular decisions—Act, s 428 . . . . .	27
29	Exemption of documents from stamp duty—Act, s 448(2)(i) . . . . .	28

**PART 7—CONTINUED RIGHTS AND TENURES**

30	Discount applying for pre-Wolfe freeholding lease—Act, s 457 . . . . .	28
31	Minimum instalments—Act, ss 457, 462 and 466 . . . . .	28
32	Interest rate for instalments under post-Wolfe freeholding lease—Act, s 462 . . . . .	28
33	Interest rate for instalments under grazing homestead freeholding lease—Act, s 466 . . . . .	29

---

34	Discount applying for grazing homestead freeholding lease—Act, s 466 . .	30
35	Discount for payment of purchase price on conversion of lease—Act, s 469 . . . . .	30
36	When freeholding lease may not be subdivided—Act, s 489 . . . . .	30
<b>PART 8—MISCELLANEOUS</b>		
37	Interest rate prescribed . . . . .	31
38	Amount prescribed . . . . .	31
39	Fees . . . . .	31
<b>PART 9—ARRANGEMENTS FOR MEETING MINIMUM INSTALMENTS—ACT, s 507</b>		
40	Application of pt 9 . . . . .	31
41	Operation of pt 9 . . . . .	31
42	Residential leases . . . . .	32
43	Leases other than residential leases . . . . .	33
44	Adjustment increase for whole year reduced term . . . . .	33
45	Retention of original term for discount purposes . . . . .	33
<b>SCHEDULE 1 . . . . . 34</b>		
<b>APPROVED PURPOSES FOR CERTAIN TREE CLEARING PURPOSES</b>		
<b>SCHEDULE 1A . . . . . 36</b>		
<b>PARTS OF THE STATE</b>		
<b>SCHEDULE 1B . . . . . 37</b>		
<b>PERMITTED DISTANCES FOR CERTAIN TREE CLEARING PURPOSES</b>		
<b>SCHEDULE 1C . . . . . 39</b>		
<b>TREES FOR WHICH PERMIT EXEMPTION APPLIES WITH CONDITIONS</b>		
<b>SCHEDULE 2 . . . . . 41</b>		
<b>DISCOUNT APPLYING TO PRE-WOLFE FREEHOLDING LEASE</b>		
<b>SCHEDULE 3 . . . . . 42</b>		
<b>DISCOUNT APPLYING TO GRAZING HOMESTEAD FREEHOLDING LEASE</b>		
<b>SCHEDULE 4 . . . . . 43</b>		
<b>INTEREST RATES PRESCRIBED</b>		

	<b>SCHEDULE 5</b> .....	44
	<b>AMOUNTS PRESCRIBED</b>	
	<b>SCHEDULE 6</b> .....	45
	<b>FEES</b>	
	<b>ENDNOTES</b>	
1	Index to endnotes .....	48
2	Date to which amendments incorporated .....	48
3	Key .....	48
4	Table of earlier reprints .....	49
5	List of legislation .....	49
6	List of annotations .....	50

# LAND REGULATION 1995

[as amended by all amendments that commenced on or before 1 December 1997]

## PART 1—PRELIMINARY

### Short title

1. This regulation may be cited as the *Land Regulation 1995*.

### Commencement

2. This regulation commences on 1 July 1995.

### Definitions

2A. In this regulation—

“**local guidelines**”, for an area, means guidelines for broadscale tree clearing applying to the area that have been approved by the Minister under section 272<sup>1</sup> of the Act.

“**recognised management practice**”, for a matter, means a management practice accepted generally as an appropriate management practice for the matter.

---

<sup>1</sup> Section 272 (Local guidelines for broadscale tree clearing)

## **PART 2—RESERVES AND DEEDS OF GRANT IN TRUST**

### **Guidelines for trustee permits—Act, s 60**

**3.(1)** For section 60 of the Act, subsection (2) prescribes the guidelines for a trustee permit.

**(2)** A trustee permit—

- (a) must state that the Minister or the trustee must give the permittee 28 days' notice of the Minister's or the trustee's intention to cancel the permit; and
- (b) must not be issued for a continuous period of longer than—
  - (i) if the Minister has given approval—3 years; or
  - (ii) if the Minister has not given approval—3 months; and
- (c) may not be issued for leased trust land; and
- (d) must not allow the construction of structural improvements; and
- (e) may allow the modification or use of existing structural improvements; and
- (f) if there is a management plan for the land—must be consistent with the management plan; and
- (g) must state that it is a condition of the permit that the permittee holds the permit so that the land may be used for the community purpose for which it was reserved or granted in trust without undue interruption or obstruction; and
- (h) must state the permittee's proposed use of the land; and
- (i) must not grant a right to—
  - (i) renew the permit; or
  - (ii) a more secure tenure over the land; and
- (j) must not allow the permittee to transfer, sublet or mortgage the permittee's right to use the land.



**Statutory body to which Act, s 63(3) does not apply**

4. For section 63(4)(b) of the Act,<sup>2</sup> a port authority, within the meaning of the *Transport Infrastructure Act 1994*, is a prescribed statutory body.

**Guidelines for trustee lease without Minister's approval—Act, s 64**

5. For section 64(2) of the Act, a trustee lease must require the trustee to take out and maintain a public liability policy—

- (a) in the name of the Minister, the trustee and the lessee; and
- (b) with an insurer approved by the Minister; and
- (c) for liability related to the trust land for loss or damage to property or death or injury to a person; and
- (d) for an amount decided by the Minister.

**PART 3—MAKING LAND AVAILABLE****How ballot must be conducted—Act, s 119**

6.(1) For section 119 of the Act, this section prescribes the way a ballot must be conducted.

(2) Applications for inclusion in a ballot must be numbered consecutively in the order they are received.

(3) A list of all applicants and their application numbers must be—

- (a) sent to each applicant with information about the time and place the ballot is to be conducted; and
- (b) publicly displayed at the ballot.

(4) The chief executive must conduct the ballot.

(5) The chief executive must appoint an independent observer who is not an applicant, a relative or close associate of an applicant or an officer of the

---

<sup>2</sup> Section 63 (Rent to be charged)

department.

(6) The chief executive must provide—

- (a) sufficient numbered marbles or other similar things (“**marbles**”) with the numbers 6 and 9 underlined; and
- (b) separate containers for units, tens, hundreds, thousands and so on as necessary for the number of applications received.

(7) Each container must contain the number of marbles (numbered from 0 to 9) necessary for the number of applications received.

(8) The marbles and containers must be available for inspection, by any person attending the ballot, before each draw.

(9) The chief executive must draw a marble from each container.

(10) The number on each marble must be announced as it is drawn and the number confirmed by the independent observer.

(11) If the complete number drawn does not have a corresponding application according to the published list, all marbles must be replaced and another draw conducted.

(12) If the complete number drawn has a corresponding application number, the applicant for the application is the winner of the draw.

(13) Immediately after each draw—

- (a) both the chief executive and the independent observer must inspect the containers to confirm that the correct number of marbles remains; and
- (b) the containers and the remaining marbles must be made available for inspection by any person attending the ballot.

(14) If the containers do not contain the correct number of marbles, the draw is invalid and must be conducted again.

(15) Within 7 days after the ballot, the chief executive must—

- (a) notify the winner of the ballot of the result; and
- (b) publish the result of the ballot in a newspaper circulating in the locality of the draw.

(16) If more than 1 parcel of land is to be made available by ballot, the marbles must be replaced in the containers and a separate draw conducted

for each parcel.

(17) Unless the sale notice mentions that an applicant may win more than 1 parcel of land in a ballot, the name of an applicant who has been successful in a draw must be removed from the list of applicants before another draw is conducted.

## **PART 4—RENTS**

### **Meaning of “lease”**

7. In this part—

“lease” means lease, licence or permit.

### **Categories of leases for rent assessment—Act s 182**

8. For section 182(1) of the Act, the following categories of leases are prescribed—

- (a) category 1—grazing and agriculture;
- (b) category 2—intensive (non-broadhectare) primary production;
- (c) category 3.1—residential and rural residential;
- (ca) category 3.2—private (non-commercial) uses;
- (d) category 4—commercial and industrial;
- (e) category 5—industrial (DTSBI);
- (f) category 6—charitable and non-commercial community service organisations;
- (g) category 7—communications sites;
- (h) category 8.1—public utilities;
- (ha) category 8.2—government held tenures;
- (i) category 9.1—tourism (mainland);
- (j) category 9.2—tourism (island);

- (k) category 10.1—sporting and recreation (gaming—Gaming Machine Act);
- (l) category 10.2—sporting and recreation (liquor—Liquor Act, but not gaming);
- (m) category 10.3—sporting and recreation (non-gaming, non-liquor).

### **Category 1 leases**

**9.(1)** A lease is a category 1 lease if, under its conditions it may be used primarily for, and it is being used primarily for, grazing or broadhectare agriculture.

**(2)** In addition, a lease for grazing purposes over a state forest or a reserve is a category 1 lease.

### **Category 2 leases**

**10.(1)** A lease is a category 2 lease if it is not a category 1 lease or a category 3 lease and, under its conditions may be used for, and it is being used for, intensive (non-broadhectare) primary production.

**(2)** In subsection (1)—

**“intensive (non-broadhectare) primary production”** includes the growing of cane, coffee, tea, tobacco, fruit, vegetables, flowers and other horticultural products, viticulture, the farming of pigs and poultry, the farming of cattle in feedlots and aquaculture, including oyster farming.

### **Category 3.1 and 3.2 leases**

**11.(1)** A lease is a category 3.1 lease if, under its conditions it may be used solely for, and it is being used solely for, a single dwelling house.

**(2)** A lease that would be a category 1 lease or a category 2 lease is a category 3.1 lease if—

- (a) it is located close to a city, township or closely settled area; and
- (b) a dwelling house is, or under the lease, could be, erected on it; and
- (c) its market value would be based on its value as land able to be

used for residential purposes.

**(3)** A special lease for grazing purposes, issued under the repealed Act, is a category 3.1 lease if—

- (a) a dwelling house is, or under the lease could be, erected on the land; and
- (b) the lease is not a category 1 lease.

**(4)** A lease is a category 3.2 lease, if—

- (a) under its conditions the lease may be used and is being used for, private, non-commercial purposes; and
- (b) the lease does not fulfil the requirements for another category.

*Examples of private, non-commercial purposes—*

Storage of a motor vehicle, boat or equipment, owned or leased by the lessee, and used only for the private and non-commercial purposes of the lessee.

### **Category 4 leases**

**12.** A lease is a category 4 lease only if—

- (a) under its conditions the lease may be used for, and it is being used for, commercial, industrial or business purposes; and
- (b) the lease does not fulfil the requirements for another category.

### **Category 5 leases**

**13.** A lease over land located at a place ordinarily known as a DTSBI industrial estate is a category 5 lease.

### **Category 6 leases**

**14.(1)** A lease is a category 6 lease only if—

- (a) the lessee is—
  - (i) a charitable organisation or non-commercial community service organisation; and
  - (ii) an organisation whose constitution does not permit its

*Land Regulation 1995*

---

- profits to be distributed to its members; and
- (iii) not a sporting or recreational organisation; and
- (b) the lease is used for providing—
  - (i) services that are charitable in nature; or
  - (ii) services that are non-commercial in nature and are aimed at improving community welfare or safety; and
- (c) the lease does not fulfil the requirements for another category.

*Examples of services under paragraph (b)(ii)—*

Services provided by surf lifesaving clubs (without full club liquor or gaming licences), scouts and guides associations and volunteer emergency service organisations including, for example, marine rescue and coast guard organisations.

**(2)** Despite subsection (1), a lease is also a category 6 lease if—

- (a) the lease is held by the State or a local government for a non-commercial community organisation; and
- (b) the lease is used by the organisation for providing community services, on a non-commercial basis, aimed to improve community welfare or safety; and
- (c) the lease does not fulfil the requirements for another category.

*Examples of organisations under paragraph (a)—*

Rural Fire Brigades and the State Emergency Service.

**Category 7 leases****15.** A lease is a category 7 lease if—

- (a) under its conditions the lease may be used for, or it is being used for, the provision, relay or transmission of telephonic, television, radio or other electronic communication services for commercial, domestic, emergency or essential service activities; or
- (b) the lease is being used in conjunction with an activity mentioned in paragraph (a).

**Category 8.1 and 8.2 leases**

**16.(1)** A lease is a category 8.1 lease only if its use provides benefit to the community or the public free of charge or at nominal cost.

**(2)** A lease is a category 8.2 lease if—

- (a) the lessee is a government leasing entity; and
- (b) the use of the lease is essential for the conduct of the lessee's core business.

*Examples of a lessee's core business—*

Operating hospitals, police stations, schools and offices and depots.

**(3)** In this section—

**“government company”** means a corporation incorporated under the Corporations Law all the stock or shares in the capital of which is or are beneficially owned by the State.

**“government leasing entity”** means—

- (a) the State or the Commonwealth; or
- (b) a Commonwealth or State authority, instrumentality or body corporate; or
- (c) a government company; or
- (d) a GOC; or
- (e) a local government.

**Category 9.1 and 9.2 leases**

**17.** A lease is a category 9.1 or category 9.2 lease only if it is a lease for, or ancillary to, a major tourist facility or a major resort development.

**Category 10.1, 10.2 and 10.3 leases**

**18.** A lease is a category 10.1, 10.2 or 10.3 lease, whether or not it fulfils the requirements for a different category, if—

- (a) the lessee is a sporting and recreational organisation; and
- (b) the lessee's constitution does not permit its profits to be

- distributed to its members; and
- (c) the lease is used for sporting and recreational purposes.

**Rate for calculating rent for leases—Act, s 183**

**19.** For section 183(1) of the Act, the following rates are prescribed—

- (a) for a category 1 lease—0.8%;
- (b) for a category 2, 3.1 or 3.2 lease—3%;
- (c) for a category 4 or 5 lease—
- (i) if the lease started before 1 July 1997, with a prescribed rate of less than or equal to 4.6% for the rental period ending 30 June 1997—4.6% for the rental period commencing on 1 July 1997, and 5% on and from 1 July 1998; or
- (ii) if the lease started before 1 July 1997, with a prescribed rate of more than 4.6% for the rental period ending 30 June 1997—5% on and from 1 July 1997; or
- (iii) if the lease starts on or after 1 July 1997—5%;
- (d) for a category 6 lease—0.5%;
- (e) for a category 7 lease—5%;
- (f) for a category 8.1 lease—1%;
- (g) for a category 8.2 lease—5%;
- (h) for a category 9.1 lease—5%;
- (i) for a category 9.2 lease—4%;
- (j) for a category 10.1 lease—5%;
- (k) for a category 10.2 lease—3%;
- (l) for a category 10.3 lease—1%.

**Minimum rent for lease—Act, s 183**

**20.** For section 183(4) of the Act, the minimum rent for a lease is—

- (a) for a category 7 lease for—



- (i) commercial use of a digital radio concentrator or VHF, UHF (narrow band) or HF aerials and masts—\$2 500; or
- (ii) commercial use of UHF (broad band), a microwave relay station, a satellite communication earth station or a cable regeneration facility—\$5 000; or
- (iii) emergency or essential services use of a facility mentioned in subparagraph (i) or (ii)—\$100; and
- (b) subject to paragraphs (c), (d) and (e), for a category 1, 2, 3.1, 3.2, 5, 8.1, 8.2, 9.1, 9.2, 10.1 or 10.2 lease—\$150; and
- (c) for a category 1, 2, 3.1, 3.2, 5, 8.1, 8.2, 9.1, 9.2, 10.1 or 10.2 lease, if the lease is a special lease taken under section 476 of the Act to be a term lease—\$75; and
- (d) for a category 1, 2, 3.1, 3.2, 5, 8.1, 8.2, 9.1, 9.2, 10.1 or 10.2 permit—\$75; and
- (e) for a category 1, 2, 3.1, 3.2, 5, 8.1, 8.2, 9.1, 9.2, 10.1 or 10.2 licence (other than a licence taken under section 480 of the Act to be a licence issued under the Act)—\$75; and
- (f) for a category 4 lease—\$100; and
- (g) for a category 6 or 10.3 lease—\$75.

### **Residential hardship concession criteria—Act, ss 187 and 459**

**21.** For section 187(1)(b) and 459(1)(b), the criteria prescribed are—

- (a) the lessee holds, or is entitled to hold, a Commonwealth concession card; or
- (b) the net value of the lease constitutes a significant proportion of the net value of all property owned by the lessee; or
- (c) the annual rent or instalment payable under the lease is a significant proportion of the lessee's annual income.

*Example for paragraph (a)—*

A pensioner health benefits card.

**When rent is payable—Act, s 190**

**22.(1)** For section 190(1) of the Act, the time by which rent must be paid for a development lease issued under part 9, division 1 of the repealed Act is on or before 1 January of the calendar year for which the rent is payable.

**(2)** For section 190(1) of the Act, the time by which rent must be paid for a lease other than a lease mentioned in subsection (1) is on or before 1 September of the financial year for which the rent is payable.

**When instalments are payable—Act, s 190**

**23.(1)** For section 190(1) of the Act, this section prescribes the time by which instalments must be paid.

**(2)** The prescribed time for a pre-Wolfe freeholding lease that is one of the following leases is on or before 31 March of the calendar year for which the instalment is payable—

- (a) a perpetual lease selection issued under part 4, division 2 of the repealed Act;
- (b) an agricultural farm issued before 31 December 1991 under part 4, division 1 of the repealed Act;
- (c) a grazing homestead freeholding lease issued under part 4, division 5 of the repealed Act because the application for conversion was received before 5 February 1990;
- (d) an auction perpetual lease that is a perpetual country, suburban or town lease issued under part 7, division 2 of the repealed Act.

**(3)** The prescribed time for a pre-Wolfe freeholding lease is on or before the quarter day that is the anniversary of the quarter day on which the lease commenced, if the lease is a perpetual country, suburban or town lease that was taken to be, under part 7, division 3 of the repealed Act, a lease for a term of years subject to a covenant entitling the lessee to the issue of a deed of grant if an application was received—

- (a) before 5 February 1990; or
- (b) for leases issued under the *Industrial Development Act 1963*—before 3 October 1991.

**(3A)** An instalment payable by the prescribed time mentioned in

subsection (3) is for the year ending on the day immediately before the quarter day on or before which the instalment is payable.

(4) The prescribed time for a pre-Wolfe freeholding lease that is a mining titles freeholding lease is on or before 31 December for the calendar year beginning on the following 1 January.

(5) The prescribed time for any other freeholding lease is on or before the anniversary of the day on which the lease started.

(6) An instalment payable by the prescribed time mentioned in subsection (5) is for the year ending on the day immediately before the anniversary on or before which the instalment is payable.

### **Where rent and instalments are payable—Act, s 190**

24. For section 190(1) of the Act, the place at which rent and instalments must be paid is an office of the department or a place mentioned on the account setting out the rent or instalment payable.

## **PART 4A—TREE MANAGEMENT**

### **Land highly vulnerable to land degradation—Act, s 253**

24B.(1) This section declares, for section 253 of the Act, definition “critical area”, paragraph (a), land that is highly vulnerable to land degradation.

(2) The land declared is land that, if it were to be cleared, reasonably could be expected to be subject to—

- (a) soil erosion that could not be controlled by recognised management practices; or
- (b) the development of salinity; or
- (c) heavy regrowth or weed invasion that would be impractical to control by recognised management practices; or
- (d) mass movement by soil creep, earth flow, slumping, landslide or rock avalanche.

**Land of high nature conservation value—Act, s 253**

**24C.(1)** This section declares, for section 253 of the Act, definition “critical area”, paragraph (a), land that is of high nature conservation value.

**(2)** The land declared is land that—

- (a) is the habitat of rare or threatened wildlife; or
- (b) is within 40 m of a non-tidal watercourse or lake; or
- (c) is within 400 m of a point the highest astronomical tide reaches on a watercourse; or
- (d) is within 1 km of the high water mark at the coastline; or
- (e) is wetlands; or
- (f) has landscape values—
  - (i) identified in a planning scheme; or
  - (ii) if the land is covered by an application for a tree clearing permit—stated by the chief executive in a written notice given to the applicant.

**(3)** However, subsection (2)(b) does not apply to land supporting a tree that is cleared for a routine rural management purpose mentioned in section 24J(1)(a) or (b).<sup>3</sup>

**(4)** Also, subsection (2)(b) does not apply to land supporting a tree that—

- (a) is cleared for a routine rural management purpose mentioned in section 24J(1)(c) to (m); and
- (b) is situated more than 5 m from the watercourse or lake.

**(5)** For a repair for a routine rural management purpose mentioned in section 24J(1)(a) or (b), subsection (3) applies to a tree situated within 5 m of the watercourse or lake only if another tree that was situated within 5 m of the watercourse or lake has not already been cleared for the repair.

---

<sup>3</sup> Section 24J (Routine rural management purposes for which tree clearing permit not required—Act, s 269)

(6) In this section—

“**planning scheme**” see *Local Government (Planning and Environment) Act 1990*, section 1.4.<sup>4</sup>

“**rare wildlife**” has the meaning given by the *Nature Conservation Act 1992*.<sup>5</sup>

“**threatened wildlife**” has the meaning given by the *Nature Conservation Act 1992*.<sup>6</sup>

### **Areas moderately vulnerable to degradation—Act, s 253**

**24D.(1)** This section declares, for section 253 of the Act, definition “**environmentally sensitive area**”, paragraph (d), areas that are moderately vulnerable to degradation.

**(2)** An area declared is an area that, if it were to be cleared, reasonably could be expected to be subject to—

---

<sup>4</sup> *Local Government (Planning and Environment) Act 1990*, section 1.4—

“**planning scheme**” means a scheme for town planning which conforms with section 2.1 and is approved by the Governor in Council.

<sup>5</sup> The *Nature Conservation Act 1992*, section 7 defines rare wildlife as follows—

‘ “**rare wildlife**” means native wildlife that is prescribed under this Act as rare wildlife.’.

The native wildlife prescribed as rare wildlife is specified in the *Nature Conservation (Wildlife) Regulation 1994*, schedule 4, parts 1 and 2.

<sup>6</sup> The *Nature Conservation Act 1992*, section 7 defines threatened wildlife as follows—

‘ “**threatened wildlife**” means native wildlife that is prescribed under this Act as—

- (a) presumed extinct wildlife; or
- (b) endangered wildlife; or
- (c) vulnerable wildlife.’.

The *Nature Conservation (Wildlife) Regulation 1994* (the “**wildlife regulation**”) prescribes the wildlife for each of the classes.

The native wildlife prescribed as presumed extinct wildlife is specified in the wildlife regulation, schedule 1, parts 1 and 2.

The native wildlife prescribed as endangered wildlife is specified in the wildlife regulation, schedule 2, parts 1 and 2.

The native wildlife prescribed as vulnerable wildlife is specified in the wildlife regulation, schedule 3, parts 1 and 2.

- (a) significant soil erosion; or
- (b) regrowth or weed invasion that would be difficult to control by recognised management practices; or
- (c) significant soil structural decline; or
- (d) another type of deterioration stated for the purpose in local guidelines applying to the area.

*Examples of areas for subsection (2)(a)—*

A sloping area, an area containing shallow-surface duplex soils and an area containing sodic soils.

### **Areas of nature conservation value—Act, s 253**

**24E.(1)** This section declares, for section 253 of the Act, definition “**environmentally sensitive area**”, paragraph (e), areas that are of nature conservation value.

- (2) An area declared is an area that—
- (a) has significant value for native plants or animals; or
  - (b) includes wetlands or a watercourse or lake, or is within the distance stated for the purpose in local guidelines applying to the area of wetlands or a watercourse of lake; or
  - (c) includes remnant vegetation corridors.

### **Trustees who do not need tree clearing permit—Act, s 257**

**24F.(1)** For section 257(b) of the Act, the following trustees are prescribed—

- (a) a Minister;
- (b) a chief executive of a department;
- (c) a port authority;
- (d) an electricity entity;
- (e) for an authorised activity—
  - (i) a trustee of trust land (other than continued trust land) dedicated or granted for an approved community purpose; or

- (ii) a trustee of continued trust land reserved or granted for an approved continued purpose.

(2) In this section—

**“approved community purpose”** means a purpose mentioned in schedule 1, part 1.

**“approved continued purpose”** means a purpose mentioned in schedule 1, part 2.

**“authorised activity”** see section 24G.

**“continued trust land”** means land reserved and set apart, or granted in trust, under the repealed Act consisting of a reserve or deed of grant in trust taken to be a reserve or deed of grant in trust under the *Land Act 1994*.

**“electricity entity”** see *Electricity Act 1994*, section 22.7

**“port authority”** see *Transport Infrastructure Act 1994*, dictionary.<sup>8</sup>

---

<sup>7</sup> *Electricity Act 1994*, section 22—

**22.(1)** An **“electricity entity”** is an entity that is a participant in the electricity industry.

(2) The following entities are the participants in the electricity industry—

- (a) generation entities;
- (b) transmission entities;
- (c) distribution entities;
- (d) retail entities.

<sup>8</sup> *Transport Infrastructure Act 1994*, dictionary—

**“port authority”** means—

- (a) the Ports Corporation of Queensland; or
  - (b) the Port of Brisbane Corporation; or
  - (c) the Gladstone Port Authority; or
  - (d) a harbour board continued in existence by section 154 (Continuation of port authorities); or
  - (e) a port authority established under section 155 (Establishment of new port authority); or
  - (f) another body established under the *Government Owned Corporations Act 1993* and declared by regulation to be a port authority;
- but does not include a port authority that has been abolished under section 156 (Abolition of port authority).

**Authorised activities**

**24G.(1)** This section establishes the meaning of “**authorised activity**” for section 24F(1)(e).

(2) An “**authorised activity**” is the clearing of a tree—

- (a) to establish a firebreak around a building or valuable natural feature; or
- (b) to maintain an existing boundary fence, road or firebreak; or
- (c) in an emergency to ensure the safety of persons or property.

(3) If the Minister approves a code of practice about tree clearing developed by a trustee, an “**authorised activity**” for the trustee also includes the clearing of a tree in accordance with the code of practice.

(4) Despite subsection (2), the clearing of a tree with heritage or cultural value for a purpose mentioned in the subsection is an “**authorised activity**” only if the carrying out of the purpose could not reasonably have been achieved without clearing the tree.

(5) Despite subsection (3), the clearing of a tree with heritage or cultural value in accordance with a code of practice mentioned in the subsection is an “**authorised activity**” only if compliance with the code could not reasonably have been achieved without clearing the tree.

**Plants for which tree clearing permit not needed—Act, s 257**

**24H.** For section 257(e) of the Act, lantana (*Lantana camara*) is a plant for which a tree clearing permit is not needed.

**Routine management purposes for which tree clearing permit not required—Act, s 268**

**24I.** For section 268(1) of the Act, the following purposes are prescribed—

- (a) to establish a firebreak around a building or valuable natural feature;
- (b) to reduce combustible material by controlled burning;



- (c) to clear regrowth on a category 3.1, 3.2, 4, 5, 9.1 or 9.2 lease;<sup>9</sup>
- (d) to maintain an existing boundary fence, road or firebreak;
- (e) to maintain a garden or orchard;
- (f) to ensure the safety of persons or property in an emergency.

**Routine rural management purposes for which tree clearing permit not required—Act, s 269**

**24J.(1)** For section 269 of the Act, the following purposes are prescribed—

- (a) to obtain replacement fence posts for a fence needing immediate repair if the fence is—
  - (i) an internal fence on the lease; or
  - (ii) a boundary fence for the lease;
- (b) to obtain replacement yard rails or yard posts for a yard on the lease needing immediate repair;
- (c) to establish, within the permitted distance, reasonable access for fence maintenance purposes—
  - (i) on each side of an existing internal fence; or
  - (ii) on the inside of an existing boundary fence;
- (d) to establish, within the permitted distance, a firebreak—
  - (i) on each side of an existing internal fence; or
  - (ii) on the inside of an existing boundary fence; or
  - (iii) around an existing building, stockyard or watering facility;
- (e) to remove a risk a tree represents in relation to an existing internal or boundary fence if the risk arises because—
  - (i) the tree may, because of its condition, fall and is of a height that, if it were to fall, it may strike the fence; and

---

<sup>9</sup> See section 8 for a description of the general purpose associated with each category of lease.

*Land Regulation 1995*

---

- (ii) having regard to the tree's general size, the type of fence and other relevant factors, the tree would be likely, if it were to strike the fence, to cause significant damage to the fence;
- (f) to establish a new acceptable fenceline having a width not more than the permitted distance;
- (g) to make and maintain a facility;
- (h) to make and maintain, within the permitted distance, a road giving access to a facility if the road is of reasonable proportions having regard to the frequency of use of the road and the type of facility;
- (i) to protect or maintain natural or lawfully established pasture by controlled burning aimed at—
  - (i) reducing combustible material; or
  - (ii) promoting regeneration of pasture; or
  - (iii) reducing unwanted woody regrowth;
- (j) to remove regrowth that has emerged after clearing under a permit issued after 31 December 1989;
- (k) to supply fodder if the clearing consists of the lopping of trees (other than sandalwood (*Santalum lanceolatum*));
- (l) to maintain a garden or orchard;
- (m) to ensure the safety of persons or property in an emergency.

(2) In this section—

**“acceptable fenceline”** means—

- (a) a fenceline that does not cross—
  - (i) a protected area; or
  - (ii) a classified vegetation type susceptible to adverse consequences; or
- (b) a fenceline it is not practical to establish without crossing a protected area but that crosses the area by the shortest possible route.

**“classified vegetation type”** means a vegetation type classified as being endangered or vulnerable in a broadscale tree clearing policy document

approved by the Governor in Council under section 271<sup>10</sup> of the Act.

“**facility**” includes a building, yard and watering facility, but does not include a fence.

“**part**”, of the State, means a part mentioned in schedule 1A, column 1 made up of the local government areas mentioned in column 2 of the schedule opposite the part.

“**permitted distance**”, for a purpose mentioned in subsection (1)(c), (d), (f) or (h) in relation to a lease, means the distance specified in schedule 1B, for the purpose, for the part of the State in which the lease is situated.

“**protected area**” means—

- (a) an area identified as a retention area or watercourse buffer in—
  - (i) a tree management plan included in a tree clearing permit; or
  - (ii) a condition to which a tree clearing permit is subject; or
  - (iii) local guidelines; or
- (b) an area that is a protected area under the *Nature Conservation Act 1992*.<sup>11</sup>

### **Trees for which permit exemption applies with conditions—Act, s 270**

**24K.** For section 270(1)(c) and (2) of the Act, the trees prescribed are the trees specified in schedule 1C.

---

<sup>10</sup> Section 271 (Approval of broadscale tree clearing policy)

<sup>11</sup> The *Nature Conservation Act 1992*, section 7 defines protected area as follows—  
‘ “**protected area**” means a protected area of a class mentioned in section 14.’.

The classes of protected areas mentioned in the *Nature Conservation Act 1992*, section 14 are national parks (scientific), national parks, national parks (Aboriginal land), national parks (Torres Strait Islander land), conservation parks, resources reserves, nature refuges, coordinated conservation areas, wilderness areas, World Heritage management areas and international agreement areas.

## **PART 5—REGISTRATION AND DEALINGS**

### **Land for which register to be kept—Act, s 276**

**24L.(1)** Harbours corporation land is prescribed for section 276(f) of the Act.

**(2)** In this section—

**“continuing powers”** means powers mentioned in the *Harbours Act 1955*, section 64 or 196 as in force immediately before the commencement of the *Transport Infrastructure Act 1994*, section 232.

**“harbours corporation land”** means the land for which, under the *Transport Infrastructure Act 1994*, section 232(3) (including under a decision of the Governor in Council), the Minister, may exercise continuing powers for the State.

### **Number of executed copies of a document to be lodged—Act, s 290**

**25.** For section 290 of the Act, the prescribed number of executed copies of a document is—

- (a) if the document is for an easement affecting land in more than 1 register in the land registry—2 copies; and
- (b) if paragraph (a) does not apply—1 copy.

*Example of paragraph (a)—*

An easement burdening a lease and benefiting freehold land.

### **Persons who may witness execution of a document—Act, s 310**

**26.** For section 310(2)(b) of the Act, the following persons may witness execution of a document—

- (a) a notary public;
- (b) a justice of the peace;
- (c) a commissioner for declarations or for taking affidavits;
- (d) a lawyer;

- (e) a conveyancer;
- (f) a person approved by the registrar of titles under the *Land Title Act 1994*, section 161.

### **Guidelines for subletting without Minister's approval—Act s 333**

**27.** The following guidelines are prescribed for section 333(2) of the Act for a sublease of a lease—

- (a) the areas of both the lease and the sublease must be clearly identified in the sublease;
- (b) if the lease is mortgaged, the written consent of the mortgagee to the sublease must be endorsed on the sublease;
- (c) the lessee must ensure that—
  - (i) the purpose for which the sublease is granted is not inconsistent with the purpose for which the lease was granted;
  - (ii) the term of the sublease is less than the balance of the term of the lease.

## **PART 6—GENERAL**

### **Different periods for filing notice of appeal for particular decisions—Act, s 428**

**28.** For section 428(4) of the Act, 14 days is the period for decisions under the following sections of the Act—

- section 118(2)— to exclude a person from a ballot or tender
- section 160(3)—to refuse a renewal application
- section 168(5)—to refuse a conversion application
- section 322(5)—not to approve a transfer
- section 332(6)—not to approve a sublease.

**Exemption of documents from stamp duty—Act, s 448(2)(i)**

**29.** The following documents about something done under the Act are exempt from stamp duty under the *Stamp Act 1894*—

- (a) for stamp duty payable on the document as a lease or agreement for a lease—a lease, licence or permit issued by or on behalf of the State;
- (b) a surrender of land held in fee simple to the State.

**PART 7—CONTINUED RIGHTS AND TENURES****Discount applying for pre-Wolfe freeholding lease—Act, s 457**

**30.** For section 457(1)(d) of the Act, the discount applying if the remaining purchase price of a pre-Wolfe freeholding lease is paid in cash during a lease is the percentage of the purchase price specified in schedule 2, column 2 opposite the balance of the term of the lease in years in column 1.

**Minimum instalments—Act, ss 457, 462 and 466**

**31.** For sections 457(1)(e), 462(1)(d) and 466(1)(d) of the Act, the minimum instalments are—

- (a) for a residential lease—\$200; and
- (b) for any other lease—
  - (i) for instalments that pay out the purchase price of the land—\$500; and
  - (ii) for instalments that pay out the purchase price of commercial timber on the land—\$500.

**Interest rate for instalments under post-Wolfe freeholding lease—Act, s 462**

**32.** For section 462(1)(b) of the Act, the rate of interest applying to instalments under a post-Wolfe freeholding lease is—

- (a) for an auction purchase freehold issued under the repealed Act on or before 31 December 1991—the fixed rate applying at the time of issue; and
- (b) for a special lease purchase freehold issued under the repealed Act because of an application for conversion of tenure received before 3 October 1991 for a special lease issued—
  - (i) under the repealed Act and the *Industrial Development Act 1963*, section 24; or
  - (ii) before the commencement of the *Industrial Development Act 1963*—under a recommendation of the Minister administering industrial development; or
  - (iii) subject to a condition about the freeholding of the lease—the fixed rate applying at the time of issue; and
- (c) for a special lease purchase freehold issued under the repealed Act because of an application for conversion of tenure received before 5 February 1990 for any other special lease—the fixed rate applying at the time of issue; and
- (d) for any other post-Wolfe freeholding lease—9%.

**Interest rate for instalments under grazing homestead freeholding lease—Act, s 466**

**33.(1)** For section 466(1)(b) of the Act, the rate of interest applying to instalments under a grazing homestead freeholding lease is—

- (a) if, in the Minister’s opinion, the lease has a higher value than for grazing or agriculture—9%; and
- (b) if paragraph (a) does not apply—6%.

**(2)** In this section—

**“grazing homestead freeholding lease”** means a grazing homestead freeholding lease (other than a pre-Wolfe freeholding lease) used for grazing or agricultural purposes.

**Discount applying for grazing homestead freeholding lease—Act, s 466**

**34.(1)** For section 466(1)(c) of the Act, the discount applying if the remaining purchase price of a grazing homestead freeholding lease is paid in cash during the lease is—

- (a) if, in the Minister’s opinion, the lease has a higher value than for grazing or agriculture—no discount; and
- (b) if paragraph (a) does not apply—the percentage of the purchase price specified in schedule 3, column 2 opposite the balance of the term of the lease in years in column 1.

**(2)** In this section—

**“grazing homestead freeholding lease”** has the meaning given by section 33(2).

**Discount for payment of purchase price on conversion of lease—Act, s 469**

**35.** For section 469(2) of the Act, the discount to which the lessee is entitled if the lessee elects to pay the purchase price by a single payment for conversion of a grazing homestead perpetual lease to freehold is the percentage of the purchase price specified in schedule 3, column 2 opposite the balance of the term of the lease in years specified in column 1.

**When freeholding lease may not be subdivided—Act, s 489**

**36.** For section 489(3)(d) of the Act, the prescribed amount is—

- (a) if the lessee is receiving a hardship concession or the subdivision is for a family member only—the minimum instalment payable under the lease; and
- (b) if paragraph (a) does not apply—\$5 000.



## **PART 8—MISCELLANEOUS**

### **Interest rate prescribed**

**37.** The rate of interest prescribed for a section of the Act is the rate shown in schedule 4, column 2 opposite the section shown in column 1 to which the rate applies.

### **Amount prescribed**

**38.** The amount prescribed for a section of the Act is the amount shown in schedule 5, column 2 opposite the section shown in column 1 to which the amount applies.

### **Fees**

**39.** The fees payable under the Act are in schedule 6.

## **PART 9—ARRANGEMENTS FOR MEETING MINIMUM INSTALMENTS—ACT, s 507**

### **Application of pt 9**

**40.** This part applies to a lease if—

- (a) section 31 prescribes a minimum instalment (the “**section 31 instalment**”) for the lease; and
- (b) at the commencement of section 507(3) of the Act, the instalment payable under the lease (the “**lessee’s instalment**”) was less than the section 31 instalment.

### **Operation of pt 9**

**41.(1)** This part prescribes arrangements for bringing the minimum instalment payable for a lease up to the level of the section 31 instalment.

(2) The minimum instalment payable for the lease is the amount determined by—

- (a) applying section 42 or 43 to the lease to find out the minimum instalment; and
- (b) if section 44 applies, making an adjustment increase under that section.

(3) For applying section 42 or 43—

“**x**” means the lessee’s instalment.

“**y**” means the section 31 instalment applying at the time section 42 or 43 is applied.

### **Residential leases**

**42.(1)** This section applies to a residential lease.

(2) If  $y - x$  is more than \$50 but less than or equal to \$100, the minimum instalment is, for the instalment payable on or after—

- 1 January 1997,  $x + \$50$
- 1 January 1998,  $y$ .

(3) If  $y - x$  is more than \$100 but less than or equal to \$150, the minimum instalment is, for the instalment payable on or after—

- 1 January 1997,  $x + \$50$
- 1 January 1998,  $x + \$100$
- 1 January 1999,  $y$ .

(4) If  $y - x$  is more than \$150, the minimum instalment is, for the instalment payable on or after—

- 1 January 1997,  $x + \frac{1}{3}(y - x)$
- 1 January 1998,  $x + \frac{2}{3}(y - x)$
- 1 January 1999,  $y$ .

**Leases other than residential leases**

**43.(1)** This section applies to a lease other than a residential lease.

(2) If  $y - x$  is more than \$100 but less than or equal to \$200, the minimum instalment is, for the instalment payable on or after—

- 1 January 1997,  $x + \$100$
- 1 January 1998,  $y$ .

(3) If  $y - x$  is more than \$200 but less than or equal to \$300, the minimum instalment is, for the instalment payable on or after—

- 1 January 1997,  $x + \$100$
- 1 January 1998,  $x + \$200$
- 1 January 1999,  $y$ .

(4) If  $y - x$  is more than \$300, the minimum instalment is, for the instalment payable on or after—

- 1 January 1997,  $x + \frac{1}{3}(y - x)$
- 1 January 1998,  $x + \frac{2}{3}(y - x)$
- 1 January 1999,  $y$ .

**Adjustment increase for whole year reduced term**

**44.(1)** The minimum instalment determined under section 42 or 43 for a lease must be increased to the extent necessary to ensure that the reduced term for the lease is a whole number of years.

(2) Subsection (1) does not apply to a mining titles freeholding lease.

**Retention of original term for discount purposes**

**45.** For applying section 30 to a lease to which this part applies, the balance of the term is taken to be the balance that would have applied if the lessee's instalment had continued to apply.

**SCHEDULE 1****APPROVED PURPOSES FOR CERTAIN TREE  
CLEARING PURPOSES**

section 24F

**PART 1—APPROVED COMMUNITY PURPOSES**

Cemeteries, crematoriums and mortuaries

Navigational purposes

Parks and gardens

Public halls

Public toilet facilities

Showgrounds

Sport and recreation

**PART 2—APPROVED CONTINUED PURPOSES**

Aerodromes

Cemeteries, mortuaries and burial places

Exhibition and show grounds

Landing grounds for aircraft

Libraries

Memorials and memorial halls

Parking of vehicles

Parks, gardens and recreation grounds

Public halls

## SCHEDULE 1 (continued)

Racecourses

War memorials and soldiers' memorial halls

Wharves, jetties, slips, quays and landing-places.

**SCHEDULE 1A****PARTS OF THE STATE**

section 24J

<b>Column 1</b>	<b>Column 2</b>
<b>Part</b>	<b>Local government areas making up part</b>
Part A	Beaudesert, Biggenden, Boonah, Brisbane, Bundaberg, Burnett, Caboolture, Caloundra, Cambooya, Chinchilla, Clifton, Cooloola, Crows Nest, Dalby, Eidsvold, Esk, Gatton, Gayndah, Gold Coast, Goondiwindi, Hervey Bay, Inglewood, Ipswich, Isis, Jondaryan, Kilcoy, Kilkivan, Kingaroy, Kolan, Laidley, Logan, Maroochy, Maryborough, Millmerran, Miriam Vale, Monto, Mundubbera, Murgon, Murilla, Nanango, Noosa, Perry, Pine Rivers, Pittsworth, Rosalie, Tara, Taroom, Tiaro, Toowoomba, Redcliffe, Redland, Stanthorpe, Waggamba, Wambo, Warwick, Wondai, Woocoo.
Part B	Aramac, Atherton, Aurukun, Balonne, Banana, Barcaldine, Barcoo, Bauhinia, Belyando, Bendemere, Blackall, Booringa, Boulia, Bowen, Broadsound, Bulloo, Bungil, Burdekin, Burke, Cairns, Calliope, Cardwell, Carpentaria, Charters Towers, Cloncurry, Cook, Croydon, Dalrymple, Diamantina, Douglas, Duaringa, Eacham, Emerald, Etheridge, Fitzroy, Flinders, Gladstone, Herberton, Hinchinbrook, Ilfracombe, Isisford, Jericho, Johnstone, Livingstone, Longreach, Mackay, Mareeba, McKinlay, Mirani, Mornington, Mount Morgan, Mount Isa, Murweh, Nebo, Paroo, Peak Downs, Quilpie, Richmond, Rockhampton, Roma, Sarina, Tambo, Thuringowa, Torres, Townsville, Warroo, Whitsunday, Winton.

**SCHEDULE 1B****PERMITTED DISTANCES FOR CERTAIN TREE  
CLEARING PURPOSES**

section 24J

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Part of State	m	m
Part A	6	50
Part B	10	100

**Explanation of how this schedule applies****General application of columns 2 and 3**

Columns 2 and 3 specify maximum distances (in metres) for certain purposes mentioned in section 24(J)(1),<sup>12</sup> for the part of the State mentioned in column 1 opposite the distances.

**Specific application of column 2**

Column 2 specifies each relevant distance for each of the following purposes—

- the purpose mentioned in section 24J(1)(c) (access for fence maintenance)
- the purpose mentioned in section 24J(1)(d)(i) or (ii) (firebreak for fence)
- the purpose mentioned in section 24J(1)(f) (new fenceline)
- the purpose mentioned in section 24J(1)(h) (access road).

<sup>12</sup> Section 24J (Routine rural management purposes for which tree clearing permit not required—Act, s 269)

## SCHEDULE 1B (continued)

**Specific application of column 3**

Column 3 specifies each relevant distance for the purpose mentioned in section 24J(1)(d)(iii) (firebreak for building, stockyard or watering facility).



---

**SCHEDULE 1C**
**TREES FOR WHICH PERMIT EXEMPTION  
APPLIES WITH CONDITIONS**

section 24K

**PART 1—TREES OF ANY DIAMETER OVERBARK**

<b>Common name</b>	<b>Species</b>
Sandalwood	<i>Santalum lanceolatum</i>

**PART 2—TREES WITH A DIAMETER OVERBARK  
OF MORE THAN 39 CM WHEN MEASURED AT A  
POINT 1.3 M ABOVE THE GROUND**

<b>Common name</b>	<b>Species</b>
Blackbutt	<i>Eucalyptus pilularis</i>
Broad-leaved red ironbark	<i>Eucalyptus fibrosa ssp.fibrosa</i>
Caley's ironbark	<i>Eucalyptus caleyi</i>
Cooktown ironbark	<i>Erythrophleum chlorostachys</i>
Darwin stringybark	<i>Eucalyptus tetradonta</i>
Forest red gum	<i>Eucalyptus tereticornis</i>
Grey ironbark	<i>Eucalyptus drepanophylla</i>
Gympie messmate	<i>Eucalyptus cloeziana</i>
Lemon-scented gum	<i>Corymbia citriodora</i>
Melville Island bloodwood	<i>Corymbia nesophila</i>

---

 SCHEDULE 1C (continued)

Narrow-leaved red ironbark	<i>Eucalyptus crebra</i>
River red gum	<i>Eucalyptus camaldulensis</i>
Rose gum	<i>Eucalyptus grandis</i>
Spotted gum	<i>Corymbia citriodora</i>
Spotted gum	<i>Corymbia maculata</i>
Sydney blue gum	<i>Eucalyptus saligna</i>
Tallowwood	<i>Eucalyptus microcorys</i>
White mahogany	<i>Eucalyptus acmenoides</i>
White stringybark	<i>Eucalyptus eugenioides</i>
Yellow box	<i>Eucalyptus melliodora</i>

**PART 3—TREES WITH A DIAMETER OVERBARK  
OF MORE THAN 19 CM WHEN MEASURED AT A  
POINT 1.3 M ABOVE THE GROUND**

<b>Common name</b>	<b>Species</b>
White cypress pine	<i>Callitris glaucophylla</i> .

**SCHEDULE 2****DISCOUNT APPLYING TO PRE-WOLFE  
FREEHOLDING LEASE**

section 30

<b>Column 1 Balance of term</b>	<b>Column 2 %</b>	<b>Column 1 Balance of term</b>	<b>Column 2 %</b>
1 .....	4.76	31 .....	49.70
2 .....	7.03	32 .....	50.62
3 .....	9.23	33 .....	51.51
4 .....	11.35	34 .....	52.37
5 .....	13.41	35 .....	53.22
6 .....	15.41	36 .....	54.04
7 .....	17.34	37 .....	54.83
8 .....	19.21	38 .....	55.61
9 .....	21.02	39 .....	56.37
10 .....	22.78	40 .....	57.10
11 .....	24.49	41 .....	57.82
12 .....	26.14	42 .....	58.52
13 .....	27.74	43 .....	59.20
14 .....	29.30	44 .....	59.86
15 .....	30.80	45 .....	60.50
16 .....	32.26	46 .....	61.13
17 .....	33.68	47 .....	61.74
18 .....	35.06	48 .....	62.34
19 .....	36.39	49 .....	62.92
20 .....	37.69	50 .....	63.49
21 .....	38.95	51 .....	64.04
22 .....	40.17	52 .....	64.58
23 .....	41.35	53 .....	65.11
24 .....	42.51	54 .....	65.62
25 .....	43.62	55 .....	66.12
26 .....	44.71	56 .....	66.61
27 .....	45.77	57 .....	67.09
28 .....	46.79	58 .....	67.55
29 .....	47.79	59 .....	68.01
30 .....	48.76	60 .....	68.45

**SCHEDULE 3****DISCOUNT APPLYING TO GRAZING HOMESTEAD  
FREEHOLDING LEASE**

sections 34 and 35

<b>Column 1</b> <b>Balance of</b> <b>term</b>	<b>Column 2</b> <b>%</b>	<b>Column 1</b> <b>Balance of</b> <b>term</b>	<b>Column 2</b> <b>%</b>
1 .....	2.75	16 .....	17.74
2 .....	4.05	17 .....	18.45
3 .....	5.30	18 .....	19.14
4 .....	6.50	19 .....	19.79
5 .....	7.66	20 .....	20.41
6 .....	8.77	21 .....	21.01
7 .....	9.84	22 .....	21.58
8 .....	10.87	23 .....	22.13
9 .....	11.86	24 .....	22.66
10 .....	12.80	25 .....	23.16
11 .....	13.71	26 .....	23.64
12 .....	14.59	27 .....	24.10
13 .....	15.43	28 .....	24.54
14 .....	16.23	29 .....	24.96
15 .....	17.00	30 .....	25.36

**SCHEDULE 4****INTEREST RATES PRESCRIBED**

section 37

<b>Section of Act</b>	<b>Yearly interest rate prescribed</b>
section 184(4) and (5)	5%
section 192(4)	5% calculated on yearly rests
section 195(1)	11.5% calculated on yearly rests
section 500(1)	5% calculated on yearly rests
section 503I(2)	5% calculated on yearly rests

**SCHEDULE 5****AMOUNTS PRESCRIBED**

section 38

<b>Section of Act</b>	<b>Amount prescribed</b>
section 47(3)	\$2 500
section 184(7)	\$50
section 191(1)	\$50
section 499(2)(e)	\$110

## SCHEDULE 6

### FEES

		section 39
		\$
<b>1.</b>	Application for—	
	(a) conversion of a lease—	
	(i) of town land or suburban land . . . . .	77.00
	(ii) of any other land . . . . .	154.00
	(b) a lease or subdivision or amalgamation of a lease—	
	(i) of town land or suburban land . . . . .	77.00
	(ii) of any other land . . . . .	154.00
	(c) approval to transfer freehold land under s 174(1) of the Act . . . . .	77.00
	(d) removal of a covenant under s 174(4) of the Act . . . . .	77.00
	(e) correction of a deed of grant or deed of grant in trust under s 359 of the Act . . . . .	77.00
	(f) permit to occupy under s 177 of the Act . . . . .	77.00
	(g) opening a road under s 94 of the Act . . . . .	154.00
	(h) closing a road under s 98 of the Act . . . . .	154.00
	(i) exchange of land under s 18 of the Act . . . . .	154.00
	(j) correction of a title under s 358 of the Act . . . . .	154.00
	(k) purchase of a reservation in title under s 24 of the Act . . . . .	154.00
	(l) purchase of land . . . . .	154.00
<b>2.</b>	Depositing a survey plan in the land registry—	
	(i) for plan only . . . . .	100.00
	(ii) additional fee for each lot or easement . . . . .	15.00
<b>3.</b>	Requisition of survey content of plan . . . . .	50.00
<b>4.</b>	Lodging—	
	(a) a document changing the lessee of a lease or the licensee of a licence—	
	(i) for 1 lease or licence . . . . .	87.00
	(ii) for each additional lease or licence . . . . .	20.00

## SCHEDULE 6 (continued)

(b)	an enduring power of attorney to replace a power of attorney lodged before 3 September 1990 . . . . .	nil
(c)	a surrender of a lease, s 57 lease, road licence, occupation licence or permit to occupy . . . . .	nil
(d)	a standard terms document (s 318 of the Act) . . . . .	nil
(e)	any other document . . . . .	87.00
(f)	a document received through the post, courier or document exchange service—additional fee . . . . .	20.00
<b>5.</b>	Examination of a sketch plan that is part of a document . . . . .	25.00
<b>6.</b>	Requisition of a document lodged for registration . . . . .	25.00
<b>7.</b>	Issuing and registering a deed of grant, other than a deed of grant issued under s 358 of the Act, and issuing a lease, licence, permit to occupy or substitute document . . . . .	40.00
<b>8.</b>	Computer print-out of the current details of a lease, licence, permit to occupy or reserve—	
	(a) generated within an office of the land registry . . . . .	10.00
	(b) generated by external access . . . . .	8.00
<b>9.</b>	Computer print-out of the historical details of a lease or licence—	
	(a) generated within an office of the land registry . . . . .	15.00
	(b) generated by external access . . . . .	13.00
<b>10.</b>	Optical disk print-out of a lease, licence, permit to occupy or document . . . . .	20.00
<b>11.</b>	Search statement of unregistered dealing, registered dealing or administrative advice against a lease or licence . . . . .	2.00
<b>12.</b>	Investigative search of the register by an employee of the department (not including providing copies of documents)—for each hour or part of an hour . . . . .	40.00
<b>13.</b>	Sending by facsimile a copy of a document mentioned in item 8, 9 or 10—	
	(a) from an office of the land registry . . . . .	8.00
	(b) automatically from the digital library . . . . .	2.00
<b>14.</b>	Certifying a copy of a document mentioned in s 285 of the Act . . . . .	20.00
<b>15.</b>	Preparing an advertisement for—	
	(a) dispensing with production of a document under s 314 of the Act . . . . .	10.00



---

 SCHEDULE 6 (continued)

	(b) issuing a substitute document under s 312 of the Act	10.00
<b>16.</b>	Notice of resumption under s 224 of the Act . . . . .	51.00
<b>17.</b>	Instrument resuming a lease or an easement over a lease—	
	(i) for 1 lease or easement . . . . .	102.50
	(ii) for each additional lease or easement . . . . .	51.00
<b>18.</b>	Instrument amending an instrument resuming a lease or an easement over a lease . . . . .	51.00

---

## ENDNOTES

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	48
3	Key . . . . .	48
4	Table of earlier reprints . . . . .	49
5	List of legislation . . . . .	49
6	List of annotations . . . . .	50

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 December 1997. Future amendments of the Land Regulation 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[x]	=	Reprint No. [x]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 224 of 1995	2 August 1995
1A	to SL No. 124 of 1996	1 October 1996

## 5 List of legislation

### **Land Regulation 1995 SL No. 186**

made by the Governor in Council on 8 June 1995  
notfd gaz 9 June 1995 pp 1165–71  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1995 (see s 2)  
exp 8 June 2005 (see SIA s 54)

as amended by—

### **Lands Legislation (Fees) Amendment Regulation (No. 1) 1995 SL No. 224 pts 1, 3**

notfd gaz 28 July 1995 pp 1768–9  
ss 1–2 commenced on date of notification  
ss 5–6 commenced 1 August 1995 (see s 2)

### **Land Amendment Regulation (No. 1) 1995 SL No. 385**

notfd gaz 15 December 1995 pp 1560–5  
commenced on date of notification

### **Land Amendment Regulation (No. 1) 1996 SL No. 124**

notfd gaz 7 June 1996 pp 902–5  
ss 1–2 commenced on notification  
remaining provisions commenced on 1 July 1996 (see s 2)

### **Land Amendment Regulation (No. 1) 1997 SL No. 188**

notfd gaz 27 June 1997 pp 1004–1010  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1997 (see s 2)

### **Land Legislation Amendment Regulation (No. 1) 1997 SL No. 214 pts 1–2**

notfd gaz 11 July 1997 pp 1229–30  
ss 1–2 commenced on date of notification  
remaining provisions commenced 13 July 1997 (see s 2 and 1997 SL No. 210)

**Land Amendment Regulation (No. 2) 1997 SL No. 356**

notfd gaz 24 October 1997 pp 786–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 November 1997 (see s 2 and 1997 SL No. 355)

**Land Amendment Regulation (No. 3) 1997 SL No. 410**

notfd gaz 28 November pp 1408–10

s 4 commenced 1 July 1997 (see s 2)

remaining provisions commenced on date of notification

**6 List of annotations****Definitions**

s 2A ins 1997 SL No. 356 s 4

**Categories of leases for rent assessment—Act, s 182**

s 8 amd 1997 SL No. 188 s 4

**Category 2 leases**

s 10 amd 1997 SL No. 188 s 5

**Category 3.1 and 3.2 leases**

prov hdg sub 1997 SL No. 188 s 6(1)

s 11 amd 1997 SL No. 188 s 6(2)–(3)

**Category 5 leases**

s 13 amd 1997 SL No. 188 s 7

**Category 6 leases**

s 14 amd 1997 SL No. 188 s 8

**Category 8.1 and 8.2 leases**

prov hdg sub 1997 SL No. 188 s 9(1)

s 16 amd 1997 SL No. 188 s 9(2)–(3)

**Rate for calculating rent for leases—Act, s 183**

s 19 sub 1997 SL No. 188 s 10

**Minimum rent for lease—Act, s 183**

s 20 amd 1997 SL No. 188 s 11; 1997 SL No. 410 s 4

**When instalments are payable—Act, s 190**

s 23 amd 1995 SL No. 385 s 3

**Land for which register to be kept—Act, s 276**

s 24A ins 1995 SL No. 385 s 4

om 1997 SL No. 410 s 6

**PART 4A—TREE MANAGEMENT**

pt hdg ins 1997 SL No. 356 s 5

**Land highly vulnerable to land degradation—Act, s 253**

s 24B ins 1997 SL No. 356 s 5

**Land of high nature conservation value—Act, s 253**

s 24C ins 1997 SL No. 356 s 5

**Areas moderately vulnerable to degradation—Act, s 253**

s 24D ins 1997 SL No. 356 s 5

**Areas of nature conservation value—Act, s 253**

s 24E ins 1997 SL No. 356 s 5

**Trustees who do not need tree clearing permit—Act, s 257**s 24F ins 1997 SL No. 356 s 5  
amd 1997 SL No. 410 s 7**Authorised activities**

s 24G ins 1997 SL No. 356 s 5

**Plants for which tree clearing permit not needed—Act, s 257**

s 24H ins 1997 SL No. 356 s 5

**Routine management purposes for which tree clearing permit not required—Act, s 268**

s 24I ins 1997 SL No. 356 s 5

**Routine rural management purposes for which tree clearing permit not required—Act, s 269**s 24J ins 1997 SL No. 356 s 5  
amd 1997 SL No. 410 s 8**Trees for which permit exemption applies with conditions—Act, s 270**s 24K ins 1997 SL No. 356 s 5  
amd 1997 SL No. 410 s 9**PART 5—REGISTRATION AND DEALINGS**pt hdg prev pt 5 hdg om 1997 SL No. 410 s 5  
pres pt 5 hdg ins 1997 SL No. 410 s 10**Land for which register to be kept—Act, s 276**

s 24L ins 1997 SL No. 410 s 10

**Guidelines for subletting without Minister's approval—Act s 333**

s 27 sub 1995 SL No. 385 s 5

**Interest rate for instalments under post-Wolfe freeholding lease—Act, s 462**

s 32 amd 1997 SL No. 410 s 11

**Interest rate for instalments under grazing homestead freeholding lease—Act, s 466**

s 33 amd 1997 SL No. 410 s 12

**PART 9—ARRANGEMENTS FOR MEETING MINIMUM  
INSTALMENTS—ACT, s 507**

pt hdg ins 1995 SL No. 385 s 6

**Application of pt 9**

s 40 ins 1995 SL No. 385 s 6

**Operation of pt 9**

s 41 ins 1995 SL No. 385 s 6

**Residential leases**

s 42 ins 1995 SL No. 385 s 6  
amd 1997 SL No. 188 s 12

**Leases other than residential leases**

s 43 ins 1995 SL No. 385 s 6  
amd 1997 SL No. 188 s 12

**Adjustment increase for whole year reduced term**

s 44 ins 1995 SL No. 385 s 6

**Retention of original term for discount purposes**

s 45 ins 1995 SL No. 385 s 6

**SCHEDULE 1—APPROVED PURPOSES FOR CERTAIN TREE CLEARING PURPOSES**

prev sch 1 amd 1996 SL No. 124 s 4  
om 1997 SL No. 188 s 13  
pres sch 1 (prev sch 1A) ins 1997 SL No. 356 s 6  
renum 1997 SL No. 410 s 13

**SCHEDULE 1A—PARTS OF THE STATE**

pres sch 1A (prev sch 1B) ins 1997 SL No. 356 s 6  
renum 1997 SL No. 410 s 13

**SCHEDULE 1B—PERMITTED DISTANCES FOR CERTAIN TREE CLEARING PURPOSES**

pres sch 1B (prev sch 1C) ins 1997 SL No. 356 s 6  
renum 1997 SL No. 410 s 13

**SCHEDULE 1C—TREES FOR WHICH PERMIT EXEMPTION APPLIES WITH CONDITIONS**

pres sch 1C (prev sch 1D) ins 1997 SL No. 356 s 6  
renum 1997 SL No. 410 s 13

**SCHEDULE 2—DISCOUNT APPLYING TO PRE-WOLFE FREEHOLDING LEASE**

amd 1997 SL No. 410 s 14

**SCHEDULE 4—INTEREST RATES PRESCRIBED**

sub 1997 SL No. 410 s 15

**SCHEDULE 6—FEES**

sub 1995 SL No. 224 s 6; 1997 SL No. 214 s 4  
amd 1997 SL No. 410 s 16