

Queensland



VEGETATION (APPLICATION FOR CLEARING) ACT 2003

**Reprinted as in force on 2 June 2003
(Act not amended up to this date)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2004 Act No. 1 s 43

Information about this reprint

This Act is reprinted as at 2 June 2003.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made omit the enacting words (s 42A).

See endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

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

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	3
2	Definitions	3
	PART 2—APPLICATIONS FOR DEVELOPMENT APPROVAL	
3	Particular applications must be refused.	3
4	Restriction on changing application or development approval	4
	PART 3—APPLICATIONS FOR TREE CLEARING PERMITS	
5	Particular applications must be refused.	5
6	Restriction on changing application or permit	6
	PART 4—MISCELLANEOUS	
7	No appeal.	6
	SCHEDULE	8
	DICTIONARY	
	ENDNOTES	
1	Index to endnotes.	9
2	Date to which amendments incorporated.	9
3	Key	9
4	Table of reprints	10
5	List of legislation	10

VEGETATION (APPLICATION FOR CLEARING) ACT 2003

[reprinted as in force on 2 June 2003]

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

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 3,¹ for a development approval involving assessable development mentioned in IPA, schedule 8, part 1, item 3A.

(2) Despite IPA, section 3.2.1²—

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

2 IPA, section 3.2.1 (Applying for development approval)

- (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—
 - (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 3.5.21.³

“**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.

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 6,⁴ 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 262⁵ 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;

3 IPA, section 3.5.21 (When approval lapses)

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

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

(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—

(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

Vegetation (Application for Clearing) Act 2003

- (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*.

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	9
3 Key	9
4 Table of reprints	10
5 List of legislation	10

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the *Vegetation (Application for Clearing) Act 2003* 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	retro	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Notes
1	none	2 June 2003	

5 List of legislation

Vegetation (Application for Clearing) Act 2003 No. 38

date of assent 2 June 2003
commenced on date of assent