



Queensland

# Nature Conservation and Other Legislation Amendment Regulation (No. 1) 2006

## Subordinate Legislation 2006 No. 209

made under the

*Integrated Planning Act 1997*

*Nature Conservation Act 1992*

*State Penalties Enforcement Act 1999*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Nature Conservation and Other Legislation Amendment Regulation (No. 1) 2006*.

### 2 Commencement

This regulation commences on 2 October 2006.

## Part 2 Amendment of Integrated Planning Regulation 1998

### 3 Regulation amended in pt 2

This part amends the *Integrated Planning Regulation 1998*.

### 4 Amendment of sch 2 (Referral agencies and their jurisdiction)

(1) Schedule 2, table 2—

*insert—*

Development in koala conservation area or koala sustainability area		
'33 Reconfiguring a lot in a koala conservation area or koala sustainability area that will result in— (a) an increased number of lots; or (b) clearing of native vegetation over an area greater than 2500m <sup>2</sup>	The chief executive under the <i>Nature Conservation Act 1992</i> —as a concurrence agency	The purposes of the <i>Nature Conservation Act 1992</i>

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<p>34 Operational work in a koala conservation area or koala sustainability area that is the clearing of native vegetation that—</p> <p>(a) is made assessable under the Act, schedule 8, part 1, table 4, items 1A to 1G; and</p> <p>(b) is not associated with a reconfiguration mentioned in item 33; and</p> <p>(c) will result in the clearing of native vegetation over an area greater than 2500m<sup>2</sup></p>	<p>The chief executive under the <i>Nature Conservation Act 1992</i>—as a concurrence agency</p>	<p>The purposes of the <i>Nature Conservation Act 1992</i>’.</p>
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(2) Schedule 2, table 3—

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*insert—*

Development in koala conservation area or koala sustainability area		
<p>‘18 A material change of use of premises in a koala conservation area or koala sustainability area that—</p> <p>(a) is not for a domestic activity; and</p> <p>(b) will result in—</p> <p style="padding-left: 20px;">(i) clearing of native vegetation over an area greater than 2500m<sup>2</sup>; or</p> <p style="padding-left: 20px;">(ii) a new building and any reasonably associated structure with a total footprint greater than 1000m<sup>2</sup>; or</p> <p style="padding-left: 20px;">(iii) an extension to an existing building and any reasonably associated structure if the extension has a total footprint greater than 1000m<sup>2</sup>; or</p> <p style="padding-left: 20px;">(iv) extracting gravel, rock or sand from an area greater than 5000m<sup>2</sup>; or</p> <p style="padding-left: 20px;">(v) excavating or filling an area greater than 5000m<sup>2</sup>; or</p> <p style="padding-left: 20px;">(vi) additional traffic, in a koala conservation area or koala sustainability area, between 6p.m. on a day and 6a.m. on the following day</p>	<p>The chief executive under the <i>Nature Conservation Act 1992</i>—as a concurrence agency</p>	<p>The purposes of the <i>Nature Conservation Act 1992</i></p>

<p>‘19 Operational work in a koala conservation area or koala sustainability area that—</p> <p>(a) is not for a domestic activity and is not associated with a material change of use mentioned in item 18, or a reconfiguration mentioned in table 2, item 33; and</p> <p>(b) will result in—</p> <p>(i) clearing of native vegetation over an area greater than 2500m<sup>2</sup>; or</p> <p>(ii) extracting gravel, rock or sand from an area greater than 5000m<sup>2</sup>; or</p> <p>(iii) excavating or filling an area greater than 5000m<sup>2</sup></p>	<p>The chief executive under the <i>Nature Conservation Act 1992</i>—as a concurrence agency</p>	<p>The purposes of the <i>Nature Conservation Act 1992</i>’.</p>
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## 5 Amendment of sch 14 (Dictionary)

Schedule 14—

*insert—*

**‘domestic activity** means the construction or use of a single residence on a lot and any reasonably associated building or structure.

*Examples of a building or structure that could be reasonably associated with a single residence—*

caretaker’s residence, granny flat, building or structure used for a home business

**koala conservation area** see the *Nature Conservation (Koala) Conservation Plan 2006*, schedule 2.

**koala sustainability area** see the *Nature Conservation (Koala) Conservation Plan 2006*, schedule 2.

**total footprint**, of a building and any reasonably associated structure, or an extension of an existing building and any reasonably associated structure, means the total area of land developed for the building and structure, or the extension, including, for example, the areas covered by the following—

- (a) the floor area of the building and structure or the extension;
- (b) landscaping and fencing for the building and structure or the extension;
- (c) a car park, driveway or other facility associated with the building and structure or the extension.’

## **Part 3                          Amendment of Nature Conservation (Administration) Regulation 2006**

### **6                          Regulation amended in pt 3**

*This part amends the Nature Conservation (Administration)  
Regulation 2006.*

### **7                          Insertion of new pt 9**

After section 159—

*insert—*

## **‘Part 9                          Fees payable under the Integrated Planning Act 1997**

### **‘160                          Fees payable**

‘(1) For the *Integrated Planning Act 1997*, section 3.3.3(1)(c), the fees payable to the chief executive for assessing, as a concurrency agency, a koala development application against the purposes of the Act are stated in schedule 6.

‘(2) In this section—

*concurrency agency* see the *Integrated Planning Act 1997*, schedule 10.

*development* see the *Integrated Planning Act 1997*, section 1.3.2.

***koala development application*** means a development application for development in a koala conservation area or a koala sustainability area.’.

## 8 Amendment of sch 1 (Overview of regulation and management instruments)

Schedule 1, section 3—

*insert—*

- ‘(14) Part 9 provides for the fees payable to the chief executive for assessing, as a concurrence agency, particular development applications under the *Integrated Planning Act 1997*.’.

## 9 Insertion of new sch 6

After schedule 5—

*insert—*

### ‘Schedule 6 Fees payable under the Integrated Planning Act 1997

section 160

\$

- |   |   |        |
|---|---|--------|
| 1 | Assessing development application for reconfiguring a lot or operational work in a koala conservation area or koala sustainability area . . . . . | 211.10 |
| 2 | Assessing development application for a material change of use of premises in a koala conservation area or koala sustainability area—             |        |
|   | (a) if the change of use is for services provided, or activities conducted, by a volunteer community organisation . . . . .                       | 211.10 |
|   | (b) if—   |        |
|   | (i) the change of use is not for a purpose mentioned in paragraph (a); and  |        |



	\$
<ul style="list-style-type: none"> <li>(ii) the change of use is for community infrastructure or will result in extracting gravel, rock or sand from an area greater than 5000m<sup>2</sup>; and</li> <li>(iii) the new use of the land the subject of the change of use is not consistent with the stated use for the land under the local government planning scheme applying to the land . . . . .</li> </ul>	791.00
(c) otherwise . . . . .	211.10’.

## 10 Amendment of sch 7 (Dictionary)

Schedule 7—

*insert—*

**‘community infrastructure** means community infrastructure mentioned in the *Integrated Planning Act 1997*, schedule 5.

**development application** see the *Integrated Planning Act 1997*, schedule 10.

**koala conservation area** see the *Nature Conservation (Koala) Conservation Plan 2006*, schedule 2.

**koala sustainability area** see the *Nature Conservation (Koala) Conservation Plan 2006*, schedule 2.

**material change of use** see the *Integrated Planning Act 1997*, section 1.3.5.

**operational work** see the *Integrated Planning Act 1997*, section 1.3.5.

**reconfiguring a lot** see the *Integrated Planning Act 1997*, section 1.3.5.

**volunteer community organisation** means an organisation that has organising the provision of community services by volunteers as its primary object or function.’.

## **Part 4** **Amendment of Nature Conservation (Wildlife Management) Regulation 2006**

### **11 Regulation amended in pt 4**

This part amends the *Nature Conservation (Wildlife Management) Regulation 2006*.

### **12 Amendment of s 9 (Purpose of pt 1)**

Section 9, note—

*omit, insert—*

*Notes—*

- 1 The Administration Regulation, section 30, and the Dugong Conservation Plan, section 5, contain other restrictions on grant applying to all wildlife authorities.
- 2 The Koala Conservation Plan, sections 18 and 19 contain other restrictions on grant applying to most wildlife authorities.’

### **13 Amendment of s 136 (Purpose of licence and division 8)**

Section 136(3)—

*insert—*

*Note—*

The Koala Conservation Plan, section 20, contains other restrictions on the grant of a wildlife exhibitor licence for koalas.’

### **14 Amendment of s 210 (Restriction about animals for which permit may be granted)**

Section 210—

*insert—*

*Note—*

The Koala Conservation Plan, section 20, contains other restrictions on the grant of a rehabilitation permit for koalas.’

**15 Amendment of s 220 (Restriction on grant of permit for whales or dolphins)**

- (1) Section 220, heading, ‘whales or dolphins’—

*omit, insert—*

**‘particular mammals’.**

- (2) Section 220(2)—

*insert—*

*‘Note—*

For restrictions on the grant of a scientific purposes permit for koalas, see the Koala Conservation Plan, section 21.’.

**16 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4—

*insert—*

**‘Koala Conservation Plan** means the *Nature Conservation (Koala) Conservation Plan 2006*.’.

- (2) Schedule 4, definition *prescribed natural habitat*, paragraph (a)—

*insert—*

*‘Note—*

For koalas, see the Koala Conservation Plan, schedule 2.’.

**Part 5 Amendment of State Penalties Enforcement Regulation 2000**

**17 Regulation amended in pt 5**

This part amends the *State Penalties Enforcement Regulation 2000*.

**18 Amendment of sch 2 (Environmental legislation)**

Schedule 2—

*insert—*

**‘Nature Conservation (Koala) Conservation Plan 2006**

<b>Column 1</b> <b>Infringement notice offence</b>	<b>Column 2</b> <b>Infringement notice fine</b> <b>(penalty units)</b>
s 15(1) .....	4
s 16(2) .....	4

**Authorised person for service of infringement notices**—a conservation officer appointed under the *Nature Conservation Act 1992*, section 127<sup>1</sup>.

ENDNOTES

- 1 Made by the Governor in Council on 10 August 2006.
- 2 Notified in the gazette on 11 August 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Environmental Protection Agency.

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1 *Nature Conservation Act 1992*, section 127 (Appointment of conservation officers)