



Queensland

# **Vegetation Management and Other Legislation Amendment Bill 2005**





Queensland

# Vegetation Management and Other Legislation Amendment Bill 2005

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**2005**

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**A Bill**

for

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

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Vegetation Management and Other Legislation Amendment Act 2005*. 4  
5

**Part 2 Amendment of Vegetation Management Act 1999** 6  
7

**Clause 2 Act amended in pt 2** 8

This part amends the *Vegetation Management Act 1999*. 9

**Clause 3 Amendment of s 22 (Declaration for the Planning Act, s 1.3.4)** 10  
11

(1) Section 22, heading— 12

*omit, insert—* 13

**‘22 Declarations for the Planning Act’.** 14

(2) Section 22— 15

*insert—* 16

‘(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. 17  
18  
19  
20

‘(3) The chief executive may refuse the application. 21

‘(4) Subsection (5) applies if the chief executive is a concurrence agency for a development application under the Planning Act 22  
23

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and is satisfied there is commercial timber on the land the  
subject of the application. 1  
2

‘(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.’. 3  
4  
5  
6

**Clause 4      Amendment of s 74 (Existing development control plans  
and special facilities zones)** 7  
8

Section 74— 9

*insert—* 10

‘(2) Subsection (1)(b) applies to an area only if— 11

(a) the area continues to be designated as a special facilities  
zone, or like zone, under the scheme; or 12  
13

(b) the current planning scheme for the area no longer  
designates the area as a special facilities zone, or like  
zone, and— 14  
15  
16

(i) there is, for the area, a development permit granted  
for a development application (superseded  
planning scheme) under the Planning Act; or 17  
18  
19

(ii) the development rights conferred by the earlier  
designation as a special facilities zone, or like  
zone, have been preserved under the current  
planning scheme.’. 20  
21  
22  
23

**Clause 5      Insertion of new pt 6, div 3** 24

After section 80— 25

*insert—* 26

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<b>‘Division 3</b>	<b>Transitional provisions for Vegetation Management and Other Legislation Amendment Act 2005</b>	1 2 3
<b>‘81</b>	<b>Effect on existing riverine protection permits</b>	4
	‘(1) This section applies to the clearing of vegetation carried out—	5
	(a) after the commencement of this section; and	6
	(b) under the authority of a permit—	7
	(i) issued under the <i>Water Act 2000</i> , section 269; and	8
	(ii) in force immediately before the commencement of this section; and	9 10
	(c) in a watercourse or lake; and	11
	(d) on land other than freehold land.	12
	‘(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.	13 14 15 16
<b>‘82</b>	<b>Validation of particular clearing</b>	17
	‘(1) This section applies to the clearing of vegetation carried out—	18
	(a) after 20 May 2004 but before the commencement of this section; and	19 20
	(b) to the extent necessary for an activity approved under another Act; and	21 22
	(c) in a watercourse or lake; and	23
	(d) on land other than freehold land.	24
	‘(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.	25 26 27 28 29
	‘(3) In this section—	30



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*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.’. 1  
2  
3

<b>Clause 6</b>	<b>Amendment of schedule (Dictionary)</b>	4
	Schedule—	5
	<i>insert</i> —	6
	<i>‘bed and banks</i> —	7
	1 <i>Bed and banks</i> , 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.	8 9 10 11
	2 <i>Bed and banks</i> , does not include land adjoining or adjacent to the bed or banks that is from time to time covered by floodwater.	12 13 14
	<i>commercial timber</i> includes timber of a species prescribed under a regulation for section 70A(3).	15 16
	<i>lake</i> see the <i>Water Act 2000</i> .	17
	<i>watercourse</i> —	18
	1 <i>Watercourse</i> means a river, creek or stream in which water flows permanently or intermittently—	19 20
	(a) in a natural channel, whether artificially improved or not; or	21 22
	(b) in an artificial channel that has changed the course of the watercourse.	23 24
	2 <i>Watercourse</i> includes the bed and banks and any other element of a river, creek or stream confining or containing water.’.	25 26 27

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	<b>Part 3</b>	1
	<b>Amendment of Integrated Planning Act 1997</b>	2
<b>Clause 7</b>	<b>Act amended in pt 3</b>	3
	This part amends the <i>Integrated Planning Act 1997</i> .	4
<b>Clause 8</b>	<b>Amendment of sch 8 (Assessable development and self-assessable development)</b>	5
	(1) Schedule 8, part 1, table 4, item 1A(c)—	6
	<i>omit, insert—</i>	7
	‘(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—	8
	(i) is building work for which a development permit for a building development application under the Standard Building Regulation has been issued; or	9
	(ii) is building work mentioned in part 2, table 1, item 1; or	10
	(iii) is development to which chapter 5, part 6 <sup>1</sup> applies; or’.	11
	(2) Schedule 8, part 1, table 4, items 1B(b) and 1C(b)—	12
	<i>omit, insert—</i>	13
	‘(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—	14
	(i) is building work for which a development permit for a building development application under the Standard Building Regulation has been issued; or	15
	(ii) is building work mentioned in part 2, table 1, item 1; or	16

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1 Chapter 5, part 6 (Public housing)

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	(iii) is development to which chapter 5, part 6 applies; or’.	1 2
<b>Clause 9</b>	<b>Amendment of sch 10 (Dictionary)</b>	3
	(1) Schedule 10, definition, <i>watercourse</i> —	4
	<i>omit.</i>	5
	(2) Schedule 10—	6
	<i>insert</i> —	7
	<b>‘bed and banks</b> —	8
	1 <i>Bed and banks</i> , of a watercourse or lake, for the definition <i>specified activity</i> , 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.	9 10 11 12 13
	2 <i>Bed and banks</i> , does not include land adjoining or adjacent to the bed or banks that is from time to time covered by floodwater.	14 15 16
	<b>lake</b> see the <i>Water Act 2000</i> .	17
	<b>watercourse</b> —	18
	1 <i>Watercourse</i> , for schedule 8, part 1, table 4, item 5(b)(iv), means a river, creek or stream in which water flows permanently or intermittently—	19 20 21
	(a) in a natural channel, whether artificially improved or not; or	22 23
	(b) in an artificial channel that has changed the course of the watercourse.	24 25
	2 <i>Watercourse</i> , for the definition <i>specified activity</i> —	26
	(a) means a river, creek or stream in which water flows permanently or intermittently—	27 28
	(i) in a natural channel, whether artificially improved or not; or	29 30
	(ii) in an artificial channel that has changed the course of the watercourse; and	31 32

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|---|----|
| (b) includes the bed and banks and any other element            | 1  |
| of a river, creek or stream confining or containing             | 2  |
| water.’.  | 3  |
| (3) Schedule 10, definition <i>quarry material</i> , ‘item 6’—  | 4  |
| <i>omit, insert—</i>  | 5  |
| ‘item 5’.   | 6  |
| (4) Schedule 10, definition <i>specified activity</i> —         | 7  |
| <i>insert—</i>  | 8  |
| ‘(ab) clearing an area of vegetation that is less than 0.125 ha | 9  |
| within a watercourse or lake for an activity (other than        | 10 |
| an activity relating to a material change of use of             | 11 |
| premises or the reconfiguring of a lot) that is subject to      | 12 |
| an approval process and is approved under this or               | 13 |
| another Act if—   | 14 |
| (i) the area is shown on a property map of assessable           | 15 |
| vegetation as a category 3 area, a category 4 area or           | 16 |
| a category X area; or   | 17 |
| (ii) for the area, there is no property map of assessable       | 18 |
| vegetation and the vegetation is a remnant not of               | 19 |
| concern regional ecosystem or the vegetation is not             | 20 |
| remnant vegetation; or’.  | 21 |