

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

## **Amendments agreed to during Consideration**

### **1 Clause 4**

At page 5, lines 14 to 23—

*omit, insert—*

‘(b) the current planning scheme for the area no longer designates the area as a special facilities zone, or like zone, but there is, for the area and in relation to the zone—

(i) a development permit that—

(A) was given before the designation ceased; and

(B) has not lapsed; and

(C) is for building work or operational work under the Planning Act; or

(ii) an acknowledgment notice mentioned in the Planning Act, section 3.2.5(1); or

(iii) a development permit granted for a development application (superseded planning scheme) under the Planning Act.

‘(3) However, subsection (1)(b) also applies to an area if—

(a) the current planning scheme for the area no longer designates the area as a special facilities zone, or like zone, but the development rights conferred by the earlier designation have been preserved under the scheme; and

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

**2 Clause 5**

At page 7, after line 3—

*insert—*

**‘83 Validation of regional vegetation management codes**

‘(1) Each relevant code—

- (a) is valid, and has effect, as a regional vegetation management code under this Act; and
- (b) is taken, on and from its approval or purported approval under section 75(2), always to have been valid, and always to have had effect, as a regional vegetation management code under this Act.

‘(2) Without limiting subsection (1), the subsection applies—

- (a) despite the following provisions (including any requirements included in the following provisions)—
  - (i) part 2, division 3 as in force before 21 May 2004;
  - (ii) part 2, division 3 as in force on or after 21 May 2004;
  - (iii) section 75; and
- (b) even if a relevant instrument for the relevant code was certified, or was prepared and certified, or otherwise came into existence, after the relevant code was approved, or purportedly approved, under section 75(2).

‘(3) In this section—

***relevant code*** means a document that the Minister, on or after 21 May 2004 but before 26 June 2004, approved under section 75(2), or purportedly approved under section 75(2), as a regional vegetation management code.

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

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