

Ipswich

City Council

Subordinate Local Law No. 49.1 (Protection of
Important Vegetation) 2019

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019*.

2 Commencement

This subordinate local law commences on the date notice of the making of the local law is published in the gazette.

3 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 49 (Protection of Important Vegetation) 1997*.

4 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 49 (Protection of Important Vegetation) 1997* by specifying those matters necessary for the protection of important vegetation in the local government area.

5 Definitions – Dictionary

The dictionary in the authorising local law also defines words used in this local law.

6 Local laws repealed

This local law repeals:

- (1) *Local Law Policy No. 49A (Permitted Damage) 1997*; and
- (2) *Local Law Policy No. 49B (Management Policies) 1997*.

Part 2 Permitted Damage

7 Permitted Damage

- (1) Subject to subsection (2), for the purpose of section 22 of the authorising local law, Schedule 1 specifies the circumstances in which damage to protected vegetation is permitted.

- (2) Subsection (1) does not apply if the vegetation is protected under the *Queensland Heritage Act 1992*, unless 1 or more of the following apply –
 - (a) the development complies with the conditions of the General Exemption Certificate – Queensland Heritage Places given by the Department of Environment and Science; or

 - (b) an exemption certificate under the *Queensland Heritage Act 1992* has been given for the development; or

 - (c) a development approval under the Planning Act has been given for the development.

Part 3 Permits

8 Deciding an application for a permit

For the purpose of section 24(3)(a) of the authorising local law, Council may consider the following additional criteria deciding an application for a permit under the authorising local law – none specified.

9 Criteria for grant of permit

For the purpose of section 24(3)(b) of the authorising local law, before Council decides to issue a permit under the authorising local law, an authorised person must first undertake an inspection of the land and the vegetation the subject of the application.

10 Term of a permit

For the purpose of section 25(3)(b) of the authorising local law, a permit may be granted for a fixed period of 1 year.

11 Conditions of a permit

For the purpose of section 26(3)(a) of the authorising local law, the conditions set out in Schedule 2 will ordinarily be imposed on any permit issued by Council.

Part 3 Transitions, Savings and Repeals

12 Repeals

The following subordinate local laws are repealed –

- (1) *Local Law Policy No. 49A (Permitted Damage) 1997*, and
- (2) *Local Law Policy No. 49B (Management Policies) 1997*.

Schedule 1 Permitted Damage

Section of authorising local law	Circumstances where damage of protected vegetation is permitted
s 22(b)(i)	<ul style="list-style-type: none"> (a) within 3m of a lawfully constructed building on an allotment of less than 2000m²; (b) within 6m of a lawfully constructed building on an allotment more than 2000m², but less than one hectare; or (c) within 15m of a lawfully constructed building on an allotment greater than one hectare
s 22(e)	<ul style="list-style-type: none"> (a) Within 3m of a boundary line, including internal property boundary lines, for the construction or maintenance of a boundary fence; or (b) Within 3 metres of a boundary line for the purpose of erecting or maintaining a dividing fence between land under separate ownership.
s 22(f)	Within 2 m of a boundary line for the purpose of surveying by a registered surveyor.
s 22(g)(iii)	<ul style="list-style-type: none"> (a) within 3 metres on any one side of an internal fence; or (b) identified in a fire management plan that is endorsed by the Queensland Fire and Emergency Services.
s 22(h)	The property is recognised as meeting the category of farming under Chapter 2, Subdivision 2 of the <i>Land Valuation Act 2010</i> .

s 22(i)	<p>(a) the property is recognised as meeting the category of farming under Chapter 2, Subdivision 2 of the <i>Land Valuation Act 2010</i>; and</p> <p>(b) the area of land on which the operations are carried out is more than 4 hectares.</p>
s 22(k)	For the removal of weeds as listed on the Ipswich City Council's Weeds List and biosecurity matter or designated biosecurity matter under the <i>Biosecurity Act 2014</i> for the purpose of maintaining the condition and integrity of protected vegetation.

Schedule 2 Standard Conditions

- (1) The holder of the approval must dispose of the vegetation at an approved Council waste transfer facility.
- (2) The holder of the approval must ensure that appropriate measures are in place to comply with applicable laws and standards relevant to erosion and sediment control.
- (3) The holder of the approval must comply with any approved plan relating to the vegetation which is permitted to be damaged.