

## QUESTION ON NOTICE

No. 607

asked on Thursday, 20 May 2005

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MR FOLEY ASKED THE MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY (MR ROBERTSON)—

QUESTION:

Why can a property developer buy a heavily timbered block of land and completely strip it of all vegetation turning it into a “Lunar Landscape” when all other Queenslanders are denied the right to clear trees even when it affects their livelihood?

ANSWER:

The *Vegetation Management and Other Legislation Amendment Act 2004* (VMOLA), which commenced on 21 May 2004, provides a framework for phasing out broadscale clearing of remnant vegetation under a transitional cap and ballot process.

Under the new vegetation management legislation, an exemption applies for clearing remnant of concern and remnant not of concern vegetation on freehold land in urban areas, if the clearing is for an urban purpose. A permit is required to clear endangered vegetation in urban areas. This exemption has been carried forward from the previous legislative framework.

The urban exemption recognises the legitimate role of local government as the tier of government with primary responsibility for land use planning and development control in urban settings. It is a matter for individual local governments to determine the level of regulation they place on clearing in urban areas over and above that which the State imposes.

However, a number of changes have been made to the urban exemption. First, the clearing itself must now be for an urban purpose, as defined under the legislation, and second, rural residential zones are no longer included in the definition of urban area. Following legislative changes later this year, my Department will become a concurrence agency for development applications involving material change of use and reconfiguring lots where there would be impacts on remnant vegetation. This will give my Department the ability to assess development proposals at an earlier stage and either condition the approval to protect remnant vegetation or recommend to the relevant council that the application be refused.

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It is undesirable to see developments continuing with “lunar landscape” type clearing in Queensland and most councils have either planning scheme provisions or local laws regulating clearing of vegetation in urban areas. Many projects have approvals that date back to well before September 2000, when the State introduced legislation to regulate clearing on freehold land. It is fair to say that all sectors of the community, including developers and the local councils, are aware of the need for adequate retention of green space within urban areas for amenity and for conservation of biodiversity.

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