



**Brisbane City Council**

**NATURAL ASSETS LOCAL LAW  
2003**

Consolidated as at 19 November 2013



**Brisbane City Council**

**NATURAL ASSETS LOCAL LAW 2003**

made under the  
*City of Brisbane Act 2010*

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## **Part 1 Preliminary**

### **1 Short title**

This law may be cited as the *Natural Assets Local Law 2003*.

### **2 Objects**

- (1) The objects of this local law are:
  - (a) protecting the biodiversity values of the city including, but not limited to, the habitat and ecological requirements of native flora and fauna; and
  - (b) preserving natural landforms such as waterways, wetlands, bushlands, ridgelines and steep slopes; and
  - (c) facilitating the retention of the landscape character of the city; and
  - (d) facilitating the retention of the historical and cultural values of the city;  
by restricting indiscriminate clearing of vegetation; and
- (2) The control of hazardous vegetation; and
- (3) The control and management of pest vegetation.

### **3 Definitions**

- (1) The dictionary in Schedule 4 defines particular words used in this local law.
- (2) A word used in this local law that is defined in the *City of Brisbane Act 2010* or the *City of Brisbane Regulation 2012* has the meaning given in that act or regulation, respectively, unless it is otherwise defined in the dictionary.
- (3) A reference in this local law to any act or local law includes a reference to any amended act or local law or to any act or local law that may replace the original one and which substantially fulfils the same purpose.

### **4 Application**

- (1) This law is in addition to and does not derogate from other local laws made by Council.
- (2) This local law is intended to complement the provisions of a planning scheme made by Council under a Planning Act.

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## **Part 2 Provisions relating to vegetation protection**

### **Division 1 Natural Assets Advisory Committee**

#### **5 Natural Assets Advisory Committee**

Council may establish a Natural Assets Advisory Committee, which is able to offer it expert advice about vegetation management.

#### **6 Council may seek advice from Natural Assets Advisory Committee**

In connection with any exercise, discharge or performance of a power, function or duty under this local law, Council—

- (a) may seek advice from the Natural Assets Advisory Committee; and
- (b) may have regard to, but shall not be bound by, any advice given to it by that Committee.

### **Division 2 Control of interference with protected vegetation**

#### **7 Restriction on interference with protected vegetation**

- (1) A person must not interfere with, or cause or permit interference with a tree on the footpath of any Council controlled road unless—
  - (a) the tree is on a footpath abutting the boundary of premises owned or occupied by the person; and
  - (b) the interference is strictly in accordance with a permit issued by Council.

Maximum penalty where the replacement value of the tree is \$4000.00 or less—  
50 penalty units.

Otherwise—

Maximum penalty where the offender is an individual—500 penalty units.

Maximum penalty where the offender is a corporation—850 penalty units.

- (2) A person must not otherwise interfere with, or cause or permit interference with a street tree or garden, or trees, gardens, or other vegetation in any park or other land or premises owned or occupied by Council.

Maximum penalty where the replacement value of the tree is \$4000.00 or less—  
50 penalty units.

Otherwise—

Maximum penalty where the offender is an individual—500 penalty units.

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Maximum penalty where the offender is a corporation—850 penalty units.

- (3) A person must not, unless strictly in accordance with a permit issued by Council, interfere with, or cause or permit interference with—

- (a) any other protected tree;

Maximum penalty where the replacement value of the tree, or the cost of rectifying any damage, is \$4000.00 or less—50 penalty units.

Otherwise—

Maximum penalty where the offender is an individual—500 penalty units.

Maximum penalty where the offender is a corporation—850 penalty units.

- (b) any protected vegetation other than trees.

Maximum penalty where the cost of rectifying any damage is \$4000.00 or less—50 penalty units.

Otherwise—

Maximum penalty where the offender is an individual—500 penalty units.

Maximum penalty where the offender is a corporation—850 penalty units.

- (4) For subsections (1) and (2), the replacement value of a tree is to be calculated by applying standards, as determined by Council, for valuing amenity trees that accord with best arboricultural practice at the date of the calculation.

- (5) Council may specify by subordinate local law the standards for valuing amenity trees to be applied for the purposes of this local law.

- (6) Subsections (1) and (2), do not apply—

- (a) to a Council employee or contractor in the due performance of his or her vegetation management duties;

- (b) to other persons if—

(i) Part 7 applies; or

(ii) section 49 applies.

## **Division 3 Vegetation protection orders**

### **8 Vegetation protection order**

- (1) If, in Council's opinion, there are grounds for considering that one or more of the objects of this local law would be fostered by providing for the protection of vegetation of any nature existing on a particular area of freehold land in the city, then Council may make a vegetation protection order applying to that vegetation.

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- (2) Council may make different classes of vegetation protection order.

*Examples-*

- (a) An order protecting all vegetation of a particular species on a particular area of land; or
- (b) An order protecting the whole of an individual tree; or
- (c) An order protecting all vegetation on a particular area of land which is 3m or more in height; or
- (d) An order protecting all trees and shrubs but not groundcovers on a particular area of land; or
- (e) An order protecting all vegetation of any nature on a particular area of land.

## **9 Notice of vegetation protection order**

- (1) As soon as practicable after Council makes a vegetation protection order it must—
- (a) notify each person who appears to it to be an affected person with respect to the order; and
  - (b) publish notice of the vegetation protection order on Council's website.
- (2) A notice referred to in subsection (1) must—
- (a) include a statement as to the effect of the vegetation protection order; and
  - (b) include a statement as to the right of any person to make a written submission by way of objection to the making of the vegetation protection order; and
  - (c) state a period (which must be at least 14 days from when the notice is given) for the making of written submissions to Council about the vegetation protection order; and
  - (d) include a statement that Council may upon a consideration of each submission made and without further consultation, confirm or revoke the vegetation protection order pursuant to section 14.
- (3) A notice under subsection (1)(a) may be given personally or by post.<sup>1</sup>

## **10 Request for vegetation protection order**

- (1) A person may request Council to make a vegetation protection order in respect of vegetation particularised in the request.
- (2) Any request must be in writing and demonstrate how protection of the subject vegetation would meet the objects of this local law.

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<sup>1</sup> See *Acts Interpretation Act 1954* section 39-Service of Documents and section 39A-Meaning of Service by post, etc.



## **11 Person requesting protection order may not make a submission**

If, as the result of a request referred to in section 10, Council makes a vegetation protection order, the person who made that request is not entitled to make a submission under section 12.

## **12 Submissions**

Any person may make a submission to Council about the making of a vegetation protection order, before 4 p.m. on the date notified by Council to be the last day for the receipt of submissions.

## **13 Requirements for submissions**

- (1) A submission made under section 12—
  - (a) is to be in writing and signed by the person making it; and
  - (b) is to be addressed to, and lodged with, Council; and
  - (c) is to state—
    - (i) the name and address of the person making it; and
    - (ii) the grounds of the submission; and
    - (iii) the facts and circumstances relied on in support of those grounds.
- (2) The grounds of a submission made under section 12 must be related to the objects of this local law.

## **14 Confirmation or revocation of vegetation protection order**

- (1) Council must consider submissions properly made in response to the notice under section 9.
- (2) Upon consideration of those submissions, Council may—
  - (a) confirm the vegetation protection order with or without modifications resulting from matters referred to in a submission or submissions; or
  - (b) revoke the vegetation protection order in whole or in part.

## **15 Subsequent revocation of confirmed vegetation protection order**

Council may revoke a confirmed vegetation protection order in whole or in part.

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## **16 Notice of confirmation or revocation of vegetation protection order**

As soon as practicable after Council confirms or revokes a vegetation protection order, it must give notice of the confirmation or revocation to each person who appears to it to be an affected person with respect to the order.

## **17 Time during which vegetation protection order remains effective**

- (1) A vegetation protection order takes effect upon being notified and remains effective until it is revoked.
- (2) An affected person is bound by a vegetation protection order immediately upon service<sup>2</sup> of notice under section 9(1)(a), whether or not a notice has been published in accordance with section 9(1)(b).

## **Division 4 Protected vegetation register**

### **18 Protected vegetation register**

- (1) Council shall maintain a register of land on which there is protected vegetation, recording—
  - (a) the location of such land by reference to the property description and postal address, or by use of a map, including mapping based on an electronic digital geographic information system; and
  - (b) further information, such as the type of protected vegetation.
- (2) Council may rectify mapping anomalies.
- (3) The register shall be open to inspection at the office of Council.

## **Division 5 Effect of development approval**

### **18A Change of category of protected vegetation following development approval**

- (1) If—
  - (a) there is protected vegetation on a lot; and
  - (b) as a consequence of the approval under a Planning Act of the reconfiguration of a lot, any new lot is or will be created from that lot; and
  - (c) the category of protected vegetation under this local law, which applied to the vegetation on the original lot, would no longer be applicable to the vegetation on any such new lot;

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<sup>2</sup> See *Acts Interpretation Act 1954* section 39-Service of Documents and section 39A-Meaning of Service by post, etc.

then—

- (d) any other category of protected vegetation under this local law, which would have applied to the vegetation if the new lot had existed at the commencement date of the *Natural Assets Amending Local Law 2013*, applies from the date of the development approval.

(2) If—

- (a) there is protected vegetation on a lot; and
- (b) as a consequence of the approval under a Planning Act of the reconfiguration of a lot, any new lot is or will be created from that lot; and
- (c) no category of protected vegetation under this local law, which applied to the vegetation on the original lot, would then be applicable to the vegetation on any such new lot;

then—

- (d) that vegetation ceases to be protected vegetation under this local law from the date of registration of the plan of subdivision; and
- (e) Council will amend its records accordingly, as soon as practicable after it receives written notice of the registration of the plan of subdivision.

*Example A—*

Significant urban vegetation is growing on Lot 50 on RP 123456. Development approval is given for reconfiguration of Lot 50 into Lots 1, 2 and 3. If all lots had existed at the date of the local law, 1 tree growing on Lot 1 would have met the definition of a significant landscape tree; a stand of trees growing on Lot 3 would have met the definition of significant urban vegetation, but a stand of trees on Lot 2 would not have met the definition of significant urban vegetation under this local law.

For subsection 1—

- the tree on Lot 1 is significant urban vegetation (a significant landscape tree) from the date of the development approval;
- the stand of trees on Lot 3 remains significant urban vegetation after the development approval.

For subsection 2—

- the stand of trees on Lot 2 is not protected vegetation from the date of registration of the plan of subdivision.

*Example B—*

Significant native vegetation is growing on Lot 20 on RP 654321. Development approval is given for reconfiguration of Lot 20 into Lots 1, 2 and 3. If all lots had existed at the date of the local law, 3 trees growing on Lot 1 would have met the definition of significant landscape tree; a stand of trees growing on Lot 2 would have met the definition of significant native vegetation, but a stand of trees on Lot 3 would not have met the definition of significant native vegetation under this local law.

For subsection 1—

- the trees on Lot 1 become significant **urban** vegetation (significant landscape trees) from the date of the development approval;
- the stand of trees on Lot 2 remains significant native vegetation after the development approval.

For subsection 2—

- the stand of trees on Lot 3 is not protected vegetation from the date of registration of the plan of subdivision.

## Part 3 Applications for permits

### 19 Application for permit

- (1) A person may apply for a permit by lodging the following items with Council—
  - (a) an application in writing in the prescribed form;
  - (b) consent in writing of the registered proprietor of the land on which the protected vegetation is growing, if the applicant is not the registered proprietor or an affected person;
  - (c) evidence that the applicant has obtained any consent required under any other law;
  - (d) information demonstrating that the design of any proposed structures or works reflects due consideration of measures available to avoid interference with protected vegetation;
  - (e) any prescribed fee;
  - (f) any further information and materials Council may specify by subordinate local law.
- (2) The applicant must, if Council so requires, lodge—
  - (a) detailed plans and specifications of existing and proposed structures on the land on which the protected vegetation is growing; and
  - (b) in the case of vegetation the subject of a vegetation protection order, the consent of affected persons in respect of that order; and
  - (c) any further information or documents that Council may require to decide the application.

*Examples for (c)—*

- if the applicant is an affected person, a submission by the registered proprietor referred to in subsection (1)(b), addressing the criteria in section 21;
- a Tree Protection and Management Plan in accordance with AS 4970 Protection of trees on development sites.

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(3) An application for a permit is not duly made until the applicant has complied with all the requirements of this section.

(4) An applicant must not provide information of a false or misleading nature.

Maximum penalty—100 penalty units.

(5) In this section, "vegetation protection order" means a vegetation protection order made under this or another local law.

## **20 Approval of application**

(1) Council may—

(a) approve the application;

(b) approve the application subject to conditions;

(c) refuse the application.

(2) If Council approves the application under either subsection (1)(a) or (1)(b), it will issue a permit in the prescribed form.

(3) If Council refuses the application under subsection (1)(c), it will advise the applicant in writing.

## **21 Criteria for considering application**

Council may consider every application having regard to—

(a) the extent to which the proposed interference conflicts with the objects of this local law;

(b) the environmental impact of the proposed interference;

(c) the purpose to be served by the proposed interference;

(d) whether there is any prudent and feasible alternative to the proposed interference;

(e) any applicable Commonwealth, State or Local Government plans, standards, agreements or requirements;

(f) the public interest;

(g) such additional criteria as Council may specify by subordinate local law.

## **22 Subject matter for conditions**

(1) Without limiting the power to impose conditions on a permit conferred by section 20(1)(b), Council may impose—

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(a) conditions relating to the following examples—

*Examples—*

Requiring—

- deposit by the applicant of a performance bond calculated by applying—
  - the standards, as determined by Council, for valuing amenity trees specified in a subordinate local law; and otherwise
  - standards for valuing amenity trees that accord with best arboricultural practice at the date of the calculation;
- removal of vegetation to be effected in such a manner as to ensure that adjacent protected vegetation is not damaged;
- a copy of the permit to be made available to all persons involved in vegetation clearance, earthworks and other works on the site before vegetation clearing commences;
- replacement tree planting to the extent that achieves no net canopy area loss within 3 years;
- a replacement tree, of a particular species or dimensions, or both, to be provided in a specified location;
- all surface areas of batter slopes associated with site works to be suitably mulched to an average depth of 100 mm, in addition to replanting or other treatment, in order to reduce the potential for batter destabilisation and soil erosion;
- an erosion and sediment control plan to be submitted which—
  - identifies how the applicant intends to control potential erosion and sedimentation due to site works;
  - is consistent with Council's current erosion and sediment control standard; and
  - is satisfactory to Council;
- trees to be retained to be protected by fencing around the root zone that—
  - prevents excavation or stockpiling, or the encroachment of equipment within the tree protection zone;
  - is constructed in accordance with Australian Standard AS 4970 Protection of trees on development sites;
  - is constructed prior to the commencement of, and retained until the completion of, works;
- the officer named at the top of the permit to be notified of the proposed commencement date of vegetation clearance pursuant to the permit, not less than 2 working days prior to the commencement of clearance;
- adjoining owners to be notified not less than 2 working days prior to the commencement of clearance of the type and proposed commencement date of vegetation clearance pursuant to the permit;

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- excluding root systems and basal stumps<sup>3</sup> from the vegetation authorised to be removed pursuant to the permit;
  - the permit holder to effect the interference in a specified manner which may include implementing an approved management plan;
  - declaration of compliance to be completed and returned by due date; and
- (b) any or all conditions that Council may specify by subordinate local law; and
- (c) a condition requiring the applicant to enter into and comply with a Protected Vegetation Management Plan.
- (2) Pruning conditions may specify which branches of a tree may be removed.
- (3) A Protected Vegetation Management Plan may require—
- (a) any matter mentioned in paragraphs (1)(a) or (b); and
  - (b) a site plan to scale; and
  - (c) any further information that Council may require, to secure adherence to the objects of this local law.

## 23 Term of permit

- (1) A permit that requires a Protected Vegetation Management Plan—
- (a) commences and terminates on the dates specified in the permit; and
  - (b) may specify dates and intervals relating to the actions covered by the plan.

*Example for paragraph (b)—*

Pruning on an annual basis for a period of 10 years may be allowed under a permit that provides for a Protected Vegetation Management Plan.

- (2) All other permits commence and terminate on the dates specified in the permit.

## 24 Compliance with conditions of permit

The holder of a permit or any person acting under it must not contravene a condition of the permit.

Maximum penalty—50 penalty units.

## 25 Variation of conditions of permit

- (1) A permit holder may apply in writing for Council to add to, vary or revoke a

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<sup>3</sup> Retention of root systems and basal stumps is important in maintaining bank stability.

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condition of that permit.

- (2) An applicant under subsection (1) must furnish any further information or documents that Council may require to decide the application.
- (3) Whenever Council considers it necessary or appropriate, it may, by notice in writing to a permit holder, add to, vary or revoke a condition of that permit.
- (4) An addition, variation or revocation takes effect from the time specified in the notice mentioned in subsection (3).

## **26 Permit not transferable**

A permit is not transferable.

## **27 Revocation of permit**

- (1) Council may, at any time, revoke a permit for any reason, which in the opinion of Council justifies the revocation.
- (2) Without limiting the generality of subsection (1), Council may revoke a permit upon any one or more of the following grounds—
  - (a) that the permit holder has been convicted of an offence against this local law; or
  - (b) that the permit holder has not complied with a requirement of this local law.
- (3) Council must give written notice to the permit holder of the proposed revocation and the holder's right to seek review under section 28.

## **28 Review of a decision relating to a permit**

- (1) (a) Subject to paragraph (b), a person who is aggrieved by a decision under any of the following sections (the *original decision*) may apply to Council to review the original decision—
  - (i) section 20(1)(b);
  - (ii) section 20(1)(c);
  - (iii) section 25(3);
  - (iv) section 27.
- (b) paragraph (a) does not apply if the original decision relates to an application made, or a permit issued, under section 7(1).
- (2) The application for review under subsection (1) (the *internal review*) may be on any one or more of the following grounds—



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- (a) that procedures that were required by law to be observed in connection with the making of the decision were not observed;
  - (b) that there was no evidence or other material to justify the making of the decision;
  - (c) that the making of the decision was an improper exercise of the power conferred by this local law.
- (3) The application for internal review must be—
- (a) in writing;
  - (b) received by Council within 21 days of the day on which Council gives the applicant notice of the original decision;
  - (c) state—
    - (i) the grounds on which the original decision is challenged; and
    - (ii) the facts and circumstances relied on in support of those grounds.
- (4) Within 21 business days after receiving a properly made application, Council must conduct the internal review.
- (5) If Council is satisfied in respect of the original decision—
- (a) that procedures that were required by law to be observed in connection with the making of the decision were not observed;
  - (b) that there was no evidence or other material to justify the making of the decision;
  - (c) that the making of the decision was an improper exercise of the power conferred by this local law;
- Council must state the reasons for the internal review decision and remit the matter to the person who made the original decision (the *original decision-maker*), for reconsideration.
- (6) The original decision-maker must reconsider the original decision having regard to the reasons for the internal review decision and decide to—
- (a) confirm the original decision; or
  - (b) revoke the original decision; or
  - (c) vary the original decision as appropriate; and
  - (d) state the reasons for doing so.
- (7) The internal review must not be dealt with by—
- (a) the original decision-maker; or

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- (b) a person in a less senior office than the original decision-maker.
  - (8) Within 10 business days of the original decision-maker's reconsidered decision under subsection (6) (the *reconsidered decision*), Council must give to the applicant, notice in writing—
    - (a) of the reconsidered decision and;
    - (b) the statement of reasons for that decision.
  - (9) A notice under this section may be given personally or by post.
  - (10) The application under this section does not stay the original decision.
  - (11) The determination under subsection (6) takes effect on the date stipulated in the notice under subsection (8) which must be at least 2 business days after Council gives that notice.
  - (12) For this section, an improper exercise of a power is—
    - (a) taking an irrelevant consideration into account in the exercise of the power;
    - (b) failing to take a relevant consideration into account in the exercise of the power;
    - (c) an exercise of the power for a purpose other than a purpose for which the power is conferred;
    - (d) an exercise of a personal discretionary power at the direction or request of another person;
    - (e) an exercise of a discretionary power in accordance with a rule or policy without regard to the merits of the particular case;
    - (f) an exercise of the power that is so unreasonable that no reasonable person could have so exercised the power.

## **28A Further review of a decision relating to a permit**

- (1) A person who is aggrieved by a reconsidered decision may apply to Council for a review of that decision.
- (2) The application for review under subsection (1) (the *further review*) must—
  - (a) be in writing;
  - (b) be received by Council within 21 days of the day on which Council gives the applicant notice of the reconsidered decision;
  - (c) contain a statement of the reasons for the application sufficient to enable the Council to readily identify the respects in which the applicant believes that the reconsidered decision is not the correct or preferable decision.

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- (3) For the purpose of the further review, the Council may exercise all the powers and discretions that were exercisable by the original decision-maker.
  - (4) Within 21 business days after receiving an application in accordance with subsection (2), Council must—
    - (a) consider any written submissions properly made by the applicant; and
    - (b) make a decision (the *further review decision*) to—
      - (i) confirm or revoke the reconsidered decision; or
      - (ii) vary the reconsidered decision in a way that Council considers appropriate; and
      - (iii) give written reasons for the further review decision, setting out its findings on material questions of fact and a reference to the evidence or other material on which those findings were based.
  - (5) The further review application must not be dealt with by—
    - (a) the original decision-maker;
    - (b) the person who conducted the internal review; or
    - (c) a person in a less senior office than either of those persons.
  - (6) Within 10 business days of the making of the further review decision, Council must give written notice of that decision to the applicant, including the matters specified in subparagraph (4)(b)(iii).
  - (7) A notice under this section may be given personally or by post.
  - (8) The further review application does not stay the reconsidered decision.
  - (9) The further review decision takes effect on the date stipulated in the notice under subsection (6), which must be at least 2 business days after Council gives that notice.

## **Part 4 Introduction of vegetation to Council controlled land and other areas**

### **29 Planting in streets**

No person other than a Council employee in the due performance of his or her duties may—

- (a) plant a tree or shrub in a street; or
- (b) make a hole or excavation for the purpose of planting in a street;

unless the activity is—

- 
- (c) strictly in accordance with a street planting plan approved by Council; or
  - (d) authorised under another local law or subordinate local law.

Maximum penalty—50 penalty units.

## Part 5 Vegetation Management

### 30 Hazardous vegetation

- (1) If an authorised person is satisfied that a tree on any land abutting Council land constitutes a public safety hazard, then the authorised person may issue an eradication notice.

*Examples—*

- Branches overhanging streets and footpaths may impede motorists' sightlines or injure pedestrians;
- Root systems may uplift footpaths.

- (2) If an authorised person is satisfied that any other vegetation on any land constitutes a fire or other public safety hazard, then the authorised person may issue an eradication notice.

*Examples—*

Overgrown land can pose a threat to both health and property—

- it can harbour vermin and pests;
- a number of grasses and weeds also can trigger bronchial or skin allergies in many people;
- especially during periods of hot, dry weather, it increases the risk of fire.

- (3) An eradication notice may require the owner or occupier of the land to do any or all of the following—

- (a) to eradicate that vegetation;
- (b) to otherwise deal with that vegetation as specified in the notice;

within such time as may be specified in the notice and in any case not exceeding 1 month from the service of the notice; and

- (c) to ensure that the land or a specified part of the land remains free from any of that vegetation every day of the 12 months following the date the notice is given.
- (4) A person must comply with an eradication notice.

Maximum penalty—50 penalty units.

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## **31 Pest management**

- (1) If an authorised person finds a person in possession of pest vegetation, the authorised person may issue an eradication notice.
- (2) An eradication notice may require the owner to do any or all of the following—
  - (a) to eradicate that vegetation;
  - (b) to otherwise deal with that vegetation as specified in the notice;within such time as may be specified in the notice and in any case not exceeding 1 month from the service of the notice; and
  - (c) to ensure that land or a specified part of the land remains free from any of that vegetation every day of the 12 months following the date the notice is given.
- (3) A person must comply with an eradication notice.

Maximum penalty—

Where the vegetation to be eradicated covers less than 1 hectare—50 penalty units.

Where the vegetation to be eradicated covers 1 hectare or more and the offender is an individual—200 penalty units.

Where the vegetation to be eradicated covers 1 hectare or more and the offender is a corporation—850 penalty units.

## **Part 6 Enforcement**

### **Division 1 Inspection**

#### **32 Inspection of premises**

An authorised person may inspect any land to which this local law applies to investigate whether the owner has complied with—

- (a) if a permit is in force, the conditions of the permit;
- (b) an eradication notice.

#### **33 Production of permit**

- (1) A person performing work requiring authorization by permit under this local law must produce that permit immediately upon demand by an authorised person.
- (2) A person must comply with subsection (1).

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Maximum penalty—50 penalty units.

## **Division 2 Oral compliance directions and compliance notices**

### **34 Oral compliance direction**

- (1) If, in the opinion of an authorised person, a person is engaging in conduct that is, or is preparatory to, a contravention of a requirement of local law, the authorised person may orally direct that person to do any one or more of the following—
  - (a) stop the conduct;
  - (b) take specified action to remedy the contravention.
- (2) The person must comply with the direction straight away.

Maximum penalty—50 penalty units.

- (3) A direction may be given under this section in addition to any other action prescribed by any act, local law, or other statutory instrument.

### **35 Compliance notices**

- (1) If, in the opinion of an authorised person, a person has contravened, or is contravening, a requirement of this local law, the authorised person may give to that person a notice (a **compliance notice**) under this section.
- (2) To remove any doubt, an authorised person may give a compliance notice to a person who does not comply with section 34(2).
- (3) A compliance notice may—
  - (a) if the contravention is of a continuing or recurrent nature, require the person to stop the contravention within a time specified in the notice;
  - (b) require the person to take specified action, within a time or times specified in the notice, to remedy the contravention.
- (4) If—
  - (a) the person was an employee or agent of the owner or of the permit holder when the circumstances referred to in section 35(1) arose; or
  - (b) the person who was the owner or the permit holder when the circumstances referred to in section 35(1) arose, for any reason does not or will not have an unconditional right of entry to land that it is necessary to enter to remedy the contravention; or
  - (c) the vegetation involved in the contravention is or was on Council land;

the action specified may be to pay Council an amount representing the full

replacement value of the vegetation involved in the contravention.

- (5) A notice may be given under this section in addition to any other action prescribed by any act, local law, or other statutory instrument.
- (6) A compliance notice may be served personally or by post.
- (7) Subject to section 36, a person must comply with a notice under this section.

Maximum penalty—500 penalty units.

### **36 Special provision relating to compliance notices**

- (1) A compliance notice must state—
  - (a) the date by which any requirement in the notice must be met; and
  - (b) that, if the person has not met any requirement by the specified date, Council may, in addition to any other action authorised by law, remedy the contravention at the expense of the person and—
    - (i) Council may recover its remediation costs and expenses under section 38; or
    - (ii) a Court may order payment of those amounts under section 39 in addition to any penalty; and
  - (c) that, before the date specified in subsection (1)(a), the person may apply to Council to review the requirements in the notice.
- (2) The application for review under subsection (1)(c) (the *review*) must be—
  - (a) in writing;
  - (b) received by Council within 14 days of the date of the notice;
  - (c) supported by enough information to enable Council to decide the application.
- (3) Within 10 business days after receiving an application in accordance with subsection (2), Council must—
  - (a) consider any written submissions properly made by the applicant; and
  - (b) make a decision (the *review decision*) to—
    - (i) confirm or revoke the original requirement; or
    - (ii) vary the original requirement in a way that Council considers appropriate.
- (4) The application for review must not be dealt with by—

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- (a) the person who issued the compliance notice; or
  - (b) a person in a less senior office than the person who issued the compliance notice.
- (5) Within 2 business days of making the review decision, Council must give written notice of the review decision to the applicant, stating reasons for the decision to confirm or vary the original requirement.
- (6) A notice under this section may be given personally or by post.
- (7) If a person makes an application for review in accordance with this section—
- (a) the original decision, except for the date for compliance, stands unless and until Council gives the applicant notice that it was varied on review; and
  - (b) the date for compliance with the compliance notice is extended to the date the review decision takes effect as specified under subsection (8).
- (8) The review decision takes effect on the date specified in the review notice, which must be at least 2 business days after Council gives the review notice.

## **Division 3 Remedial actions**

### **37 Power of Council to enter land in certain circumstances**

- (1) If a compliance notice requires a person to perform remediation work and the person fails to do so within the time specified in the compliance notice or as extended under section 36(7), Council, by its servants or agents, may enter the land and perform the work at the expense of that person.
- (2) Council, by its servants or agents, may enter land at all reasonable times to undertake works if—
- (a) a compliance notice requires the undertaking of works on land other than land owned or occupied by the person to whom the compliance notice is addressed; and
  - (b) Council is satisfied that the person has taken reasonable steps to obtain the agreement of the owner of the land to enable the works to proceed, but has not been able to obtain such an agreement; and
  - (c) the action is necessary to satisfy the compliance notice.

*Example—*

A person cuts down a protected tree to open a river view from their land. The land is sold and possession passes before compliance notice is issued, or satisfied. If the incoming purchaser refuses access to permit the vendor to remediate in accordance with the compliance notice, Council may enter to remediate.



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## **Division 4 Recovery of expenses**

### **38 Civil remedy**

- (1) If Council undertakes remediation work pursuant to section 37(1), Council may give a person referred to in section 35(1) an account for the amount of any cost or expense incurred by Council in undertaking the remediation work including any necessary approvals or inspections.
- (2) If the account is not paid on or before a date for payment fixed in the account, Council may recover the total amount claimed from the person to whom the account was given, as a debt with interest.
- (3) If an amount specified under section 35(4) is not paid on or before the date for payment fixed in the notice, or under section 37(1), Council may recover the amount claimed from the person to whom the notice was given, as a debt with interest.
- (4) If Council performs work on Council land to remediate a contravention referred to in a compliance notice—
  - (a) Council may give a person referred to in section 35(1) an account for the amount of any cost or expense incurred by Council in undertaking the remediation work including any necessary approvals or inspections; and
  - (b) if the account is not paid on or before a date for payment fixed in the account, Council may recover the total amount claimed from the person to whom the account was given, as a debt with interest.
- (5) Subsections (2), (3), and (4)(b) apply whether proceedings for an offence have been instituted or not, but if Council recovers the amounts under subsection (2), (3), or (4)(b), section 39(2) does not apply.

### **39 Order on conviction**

When any person is convicted of an offence against this local law, the Court in which the conviction is made shall have jurisdiction to order the person—

- (1) if the offence included failure to comply with a compliance notice, to perform the works and other actions specified in the compliance notice; and
- (2) to pay, in addition to the penalty, any or all of the following—
  - (a) the value of the vegetation involved in the offence;
  - (b) the amount of any damage attributable to the act or default constituting the offence;
  - (c) the amount of any cost or expense, including that of any necessary approvals or inspections, incurred by Council in remediating any such damage;

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- (d) if the omission to pay any fees, charges, or other amounts was an element of the offence—those fees, charges, or other amounts.

#### **40 Evidence**

- (1) In any evidence led by Council in any proceedings, a certificate by an authorised officer stating that stated costs and expenses were incurred by Council, and the way and purpose for which they were incurred, is evidence of the matters stated, until the contrary is proved.
- (2) In this section, "authorised officer" means the officer responsible for finance and accounting for the subunit of administration responsible for carrying out the work.
- (3) In determining the value of vegetation in any proceedings under this local law, a Court may, at its discretion, have regard to any subordinate local law made by Council specifying its standards for valuing amenity trees.
- (4) In any evidence led by Council in any proceedings, a certificate by an authorised officer stating the nature, protection status, or location of vegetation, by reference to Council's geographic information system or to any map generated by Council's geographic information system, is evidence of the matters stated, until the contrary is proved.
- (5) In determining the nature, protection status, or location of vegetation in any proceedings under this local law, a Court may have regard to Council's Protected Vegetation Register or to any map generated by Council's geographic information system.

### **Division 5 Miscellaneous**

#### **41 Obligations joint and several**

- (1) Where under this local law an obligation is imposed on a person, the obligation is imposed jointly and severally on each of the persons who is the permit holder or is engaging in the activity or conduct concerned.
- (2) Where, under this local law, a notice or direction may be given to the permit holder or person who is engaging in, or has engaged in, the activity or conduct concerned, the notice or direction may be given to all or any one or more of those persons, and the obligation to comply is imposed, jointly and severally, on each person who receives the notice or is given the direction.
- (3) Proceedings for an offence may be taken against any one or more of the persons who fail to comply with an obligation referred to in subsection (1) or (2).
- (4) It is no defence to proceedings for a breach of section 34(2) or section 35(7) that the person was an employee or agent of another person when the oral compliance direction was given or the circumstances referred to in section 35(1) arose.
- (5) Council may, by a single action or successive actions, recover costs under this local law from any one or more of the persons who fail to comply with an

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obligation referred to in subsection (1) or (2), but the total amount recovered must not exceed the amount of Council's costs and the interest to which it is entitled.

## **42 Executive officers**

- (1) The executive officers of a corporation must ensure that the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the executive officers of the corporation also commits an offence, namely, the offence of failing to ensure the corporation complies with this local law.
- (3) Maximum penalty—the penalty for the contravention of the provision by an individual.
- (4) Evidence that the corporation committed an offence against this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complies with this local law.
- (5) However, it is a defence for an executive officer to prove—
  - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer took all reasonable steps to ensure the corporation complied with the provision; or
  - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

## **43 No right to compensation**

The exercise by Council in good faith of any authority conferred upon it by this local law does not give rise to a claim for compensation by any person.

# **Part 7 Exemptions**

## **44 Exempt activities**

- (1) A person may interfere with protected vegetation without a permit under this local law if that interference constitutes—
  - (a) interference with protected vegetation as permitted under an existing authorisation mentioned in section 49 of this local law;
  - (b) removal of trees or parts of trees that are causing an immediate and significant threat to persons or property as demonstrated by—
    - (i) adequate photographic evidence submitted to Council within 10 business days of the occurrence of the threat event; and, if requested
    - (ii) an arborist's report;

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*Examples of emergency situations—*

- Split tree trunks;
- Leaning tree(s) with soil upheaval.

- (c) removal of vegetation—
- (i) where the removal is essential for emergency access or emergency works; or
  - (ii) where the removal is immediately required in response to an accident or emergency;
- (d) pruning to accommodate overhead and underground utilities in accordance with standards agreed between Council and the utility provider;
- (e) pruning vegetation other than a significant landscape tree for the purpose of maintenance or hazard management, as long as—
- (i) no more than 20% of the live foliage volume of a tree or shrub is removed in any 12-month period; and
  - (ii) the part removed is distributed sufficiently evenly over the whole crown that the tree or shrub is not left lop-sided;

*Example for (ii)—*

Pruning of overhanging foliage of a tree whose trunk is on adjoining land will not be exempt if the overhanging foliage represents 20% of the live foliage volume or, if less than 20%, removal of all the overhanging foliage leaves the tree lop-sided.

- (f) removal of a tree or part thereof, other than a significant landscape tree, as long as—
- (i) the whole trunk is located within 3m of an existing lawfully constructed and occupied dwelling on a property less than or equal to 4000m<sup>2</sup> in area;
  - (ii) the whole trunk is located within 6m of an existing lawfully constructed and occupied dwelling on a property greater than 4000m<sup>2</sup> in area;
- (g) interference with pasture vegetation;
- (h) interference with garden vegetation other than—
- (i) a significant landscape tree; or
  - (ii) a tree greater than 30cm in trunk diameter;
- (i) constructing a boundary fence, as long as the vegetation that is interfered with—
- (i) is located within 3m of a property boundary; and

- 
- (ii) is smaller than 20cm in trunk diameter; and
  - (iii) is not a significant landscape tree; and
  - (iv) is not in a waterway corridor or wetland;
  - (j) the removal of a dead tree where that tree is—
    - (i) smaller than 20cm in trunk diameter; and
    - (ii) is not providing habitat for native fauna;
  - (k) the removal of a dead limb where that limb is—
    - (i) smaller than 20cm in diameter; and
    - (ii) is not providing habitat for native fauna.

#### **45 Exemption relating to clearing pest vegetation**

A person may interfere with pest vegetation without a permit under this local law as long as the works—

- (a) are done without damage to adjacent protected vegetation<sup>4</sup>; and
- (b) minimise disturbance to soil profiles and the potential for soil erosion; and
- (c) otherwise comply with guidelines for managing pest vegetation issued by Council from time to time.

#### **46 Limited exemption for firebreaks**

A person may interfere with protected vegetation without a permit under this local law<sup>5</sup> only if that interference is in accordance with a written (or oral, in emergency circumstances) direction to clear a firebreak given by a Fire Warden, the Queensland Fire and Rescue Authority or an authorised person under this local law.

#### **47 Installation and maintenance of utilities**

- (1) Where some other law requires Council to agree to the determination of the location of lines for utility installation, Council must not agree to any location or construction or installation technique which would or would be likely to require interference with protected vegetation unless it is satisfied that it would not be practicable for the services to be made available otherwise than by installation in

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4 A range of protective measures is listed in the examples at section 22.

5 A State law requiring a permit may apply to activity which is exempt from a permit requirement under a local law.

that place or by that technique.

- (2) Where some other law empowers Council to determine the location of lines for utility installation, Council is not to determine a location which would or would be likely to require interference with protected vegetation unless it is satisfied that it would not be practicable for the services to be made available otherwise than by installation in that place.
- (3) A person may interfere with protected vegetation without a permit if—
  - (a) that interference occurs to permit installation or maintenance of a service by or approved by another authority permitted by law to do so; and
  - (b) Council is satisfied that it would not be practicable for the service to be made available otherwise than by installation in that place; and
  - (c) the works constituting the interference meet environmental management best practice standards.

## **Part 8 Subordinate local laws**

### **48 Subordinate local laws**

Council may make subordinate local laws about any or all of the following—

- (a) information and materials required for a permit application;
- (b) additional criteria against which a permit application may be considered;
- (c) conditions applicable to permits;
- (d) a register of significant native vegetation or a register of significant urban vegetation;
- (e) Council's Standards for Valuing Amenity Trees;
- (f) any other matter about which this local law specifically allows for subordinate local laws.

## **Part 9 Transitional**

### **49 Existing authorisations**

- (1) This Part applies to any permit approval or other authorization that is in force immediately before the commencement of this Part under any of—
  - (a) sections 31 and 34 of Part 1 of the *Streets, Bridges, Culverts, Etc, Local Law*;
  - (b) section 8 of Division 3 of Part 2 of the *Public Health, Safety and Convenience Local Law*;

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- (c) division 7 of Part 2 of the *Public Health, Safety and Convenience Local Law*;
  - (d) the *Vegetation Protection Local Law*; or
  - (e) the *Natural Assets Local Law (Interim) 2002*.
- (2) Any such permit, approval or other authorization is taken to be a permit under this local law applicable to the activity to which the permit, approval or other authorization applies.
  - (3) Any such permit, approval or other authorization continues in force as a permit properly issued under this local law until that permit, approval or other authorization would have ceased to have effect under the applicable local law.

## **Part 10 Repeal**

### **50 Local laws repealed**

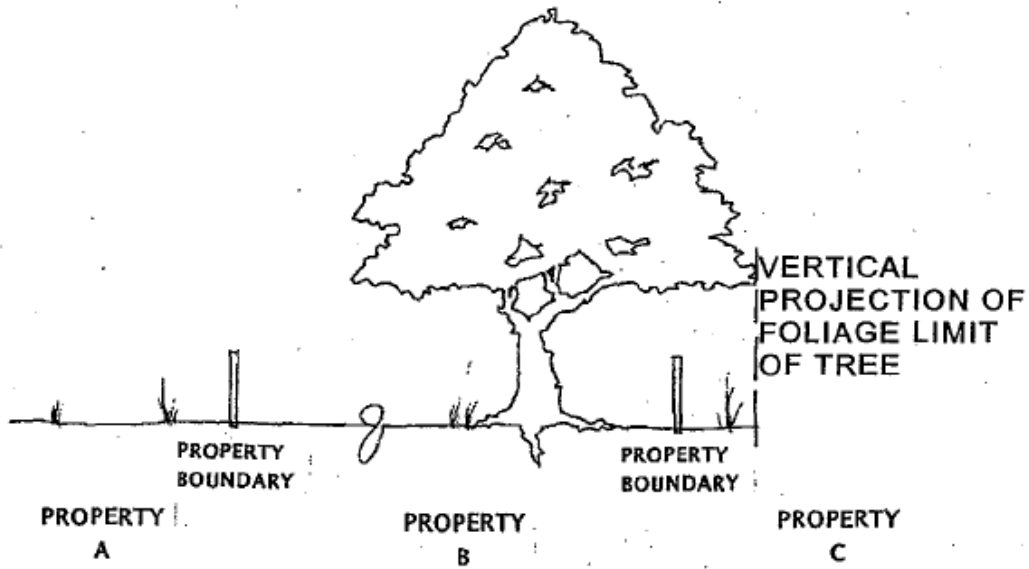
The *Natural Assets Local Law (Interim) 2002* is repealed.

### **51 Repeal of local law provisions**

- (1) Section 1(c) of Part 10 of the *Legal Proceedings Local Law*—  
*omit.*
- (2) Sections 31, 34 and 35 of Part 1 of the *Streets, Bridges, Culverts, Etc. Local Law*—  
*omit.*
- (3) Section 8 of Division 3 of Part 2 of the *Public Health, Safety and Convenience Local Law*—  
*omit.*
- (4) Division 1 of Part 2 of the *Public Health, Safety and Convenience Local Law*—  
*omit.*
- (5) The *Vegetation Protection Ordinance*—  
*omit.*

**Schedule 1 Root Zone “Affected Person” Section 3**

**ROOT ZONE—“AFFECTED PERSON” SECTION 3**



**THE OWNERS OF PROPERTY “B” AND PROPERTY “C” ARE “AFFECTED PERSONS”**



## Schedule 2 Significant Landscape Trees

SPECIES	COMMON NAME	DIMENSIONS
<i>Ficus- benjamina, obliqua, platypoda, microcarpa var. hillii, bengaliensis, macrophylla, religiosa, virens, watkinsiana</i>	Fig trees	Greater than or equal to- 100cm trunk diameter*
<i>Mangifera indica</i>	Mango trees	Greater than or equal to- 80cm trunk diameter*
<i>Delonix regia Jacaranda mimosifolia</i>	Poinciana Jacaranda	Greater than or equal to- 80cm trunk diameter*
<i>Araucaria-cunninghamii, bidwillii Agathis robusta</i>	Native pines	Greater than or equal to- 60cm trunk diameter*
<i>Eucalyptus tereticornis Eucalyptus microcorys Eucalyptus racemosa</i>	Forest red gum Tallow wood Scribbly gum	Greater than or equal to- 60cm trunk diameter*

\* In all cases, trunk diameter is measured at a point 1.4m above the "natural" ground level-that is, the ground level prior to the commencement of any works.

### Schedule 3 (Protected Vegetation Table)

<b>Protected Vegetation</b>	
<b>Column 1</b>	<b>Column 2</b>
Categories of protected vegetation in paragraphs (a) to (g) of the definition in section 3 of the <i>Natural Assets Local Law 2003</i> as originally made	Corresponding category of protected vegetation in subsections (1)(a) to (e) of the definition in Schedule 4 of the <i>Natural Assets Amending Local Law 2013</i>
<ul style="list-style-type: none"> <li>• Council controlled vegetation</li> </ul>	Council Vegetation
<ul style="list-style-type: none"> <li>• Waterway Vegetation</li> </ul>	Waterway & Wetland Vegetation
<ul style="list-style-type: none"> <li>• Wetland Vegetation</li> </ul>	
<ul style="list-style-type: none"> <li>• Significant Landscape Trees</li> </ul>	Significant Urban Vegetation
<ul style="list-style-type: none"> <li>• Valued Urban Vegetation</li> </ul>	
<ul style="list-style-type: none"> <li>• Vegetation Protection Orders (VPOs)</li> </ul>	
<ul style="list-style-type: none"> <li>○ VPO-Individual Trees</li> </ul>	
<ul style="list-style-type: none"> <li>○ VPO-Groups of Trees</li> </ul>	
<ul style="list-style-type: none"> <li>○ VPO-Vegetation of Particular Class</li> </ul>	Significant Native Vegetation
<ul style="list-style-type: none"> <li>○ VPO-Vegetation of Any Nature</li> </ul>	
<ul style="list-style-type: none"> <li>○ VPO-Vegetation of a Particular Species</li> </ul>	
<ul style="list-style-type: none"> <li>• Significant Native Vegetation</li> </ul>	

## Schedule 4 (Dictionary)

### Section 3

In this local law—

**affected person** means any person other than Council who is the owner of land in the root zone, as depicted in Schedule 1.

**arborist** means a person who is—

- (a) trained to a minimum AQF level 5 in arboriculture; and
- (b) insured for both public liability and professional indemnity in an amount that meets Council's standards; and
- (c) experienced in arboricultural principles and practices, including tree hazard assessment and reporting, to a standard that satisfies Council.

**authorised person** means an appropriately qualified person appointed by Council as an authorised person under the *City of Brisbane Act 2010*.

**city** means the area comprised in the city of Brisbane under the *City of Brisbane Act 2010*.

**conviction** includes—

- (a) payment of a fine stated in an infringement notice; and
- (b) a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.

**Council** means the Brisbane City Council.

**Council controlled road** means a local government road as defined in Schedule 6 of the *Transport Infrastructure Act 1994*.

**Council land** means any land owned, occupied or controlled by Council.

**Council vegetation** means vegetation in or upon any land or premises owned, occupied or controlled by Council.

**Council's Planning Scheme** means the planning scheme made or amended from time-to-time by Council under a Planning Act.

**garden vegetation** means any vegetation planted and maintained in a formal garden area for food or ornamental purposes, including lawn.

**grazing** means the consumption of groundcovers and grasses by livestock.

**infringement notice** means a notice under section 15 of the *State Penalties Enforcement Act 1999* for an offence under this local law.

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***interfere with***—

- (a) does not include clearing vegetation that triggers a requirement for development approval under a Planning Act; but otherwise
- (b) means to engage in any activity damaging or leading to the death, disfigurement or mutilation of vegetation and includes any one or more of the following—
  - (i) to lop or top as defined in Australian Standard AS 4373—2007 Pruning of amenity trees, as amended from time to time;
  - (ii) to poison (including by contamination);
  - (iii) to spill oil, petroleum, paint, cement, mortar, or other deleterious substances onto a root zone;
  - (iv) to cut or tear branches and roots other than in the course of pruning as permitted under this local law;
  - (v) to ringbark;
  - (vi) to scar bark;
  - (vii) to fix any object into living tissue or surrounding bark;
  - (viii) to use tree-climbing spikes in healthy trees other than in accordance with AS 4373—2007 Pruning of amenity trees;
  - (ix) to damage a root zone by compaction, excavation or filling;
  - (x) to uproot or displace;
  - (xi) to effect any hydrological scheme which causes draining or flooding of vegetation;
  - (xii) to burn, scorch, singe, or damage by radiant heat;
  - (xiii) to introduce livestock into an area of protected vegetation in a manner which is incompatible with the objects of this local law.

***mapping anomaly*** means any disparity between vegetation actually present on a parcel of land and vegetation indicated as being present according to a mapping layer on Council's geographic information system, where that disparity is attributable to cartographic constraints such as—

- (a) the scale at which mapping of vegetation has been carried out; and
- (b) cadastral shifts.

***owner*** includes any person other than Council who is—

- (a) the occupier of land within the city upon which protected vegetation grows or lies; and

- (b) the registered proprietor of the land.

**pasture vegetation** means vegetation which, prior to the commencement of this local law, has been subject to—

- (a) mowing or slashing at regular intervals of not less than six months; or
- (b) grazing.

**pest vegetation** means any species of vegetation, except a significant landscape tree, identified as pest vegetation in—

- (a) Council's list of pest vegetation species published from time to time; or
- (b) a Pest Management Plan made by Council under an act.

**Planning Act** means the legislation under which a Planning Scheme or Development Application referred to in this local law is made or administered.

**Protected Vegetation Management Plan**—see section 22(3).

**protected vegetation** means—

- (1) any or all of the following as set out in Column 2 of the Table in Schedule 3—
  - (a) Council vegetation;
  - (b) significant native vegetation;
  - (c) significant urban vegetation;
  - (d) waterway and wetland vegetation;
  - (e) vegetation the subject of a vegetation protection order made under this or another local law; and
- (2) vegetation protected by a development approval under a Planning Act, given after the date of this local law, for reconfiguring a lot.

**pruning** means maintenance or remedial pruning in accordance with AS 4373—2007 Pruning of amenity trees.

**root zone** means the zone of soil and roots described in area by the vertical projection of the foliage limit of the tree, to a depth of 1m and including buttress roots on and above the soil surface.

**significant landscape tree** means a tree—

- (a) described in Schedule 2 and growing on a lot greater than 810m<sup>2</sup> in area, which is situated within a zone or area designated *Emerging Community* under Council's Planning Scheme; or
- (b) included in a register in a Planning Scheme Policy under *Brisbane City Plan*

2000; or

- (c) protected—
  - (i) under an existing vegetation protection order in the class IT or GT; or
  - (ii) as a significant landscape tree under a vegetation protection order made after the commencement date of the *Natural Assets Amending Local Law 2013*.

***significant native vegetation*** means native vegetation with characteristics predominantly reflecting or promoting the objects stated in section 2(1)(a) and (b) and—

- (a) growing, subject to mapping anomalies identified by Council, in an area designated the SNV layer on Council’s geographic information system as amended from time to time; or
- (b) included in a register in a subordinate local law.

***significant urban vegetation*** means a significant landscape tree and trees with characteristics predominantly reflecting or promoting the objects stated in section 2(1)(c) and (d) and—

- (a) growing, subject to mapping anomalies identified by Council, in an area designated the SUV layer on Council’s geographic information system as amended from time to time; or
- (b) included in a register in a subordinate local law.

***trunk diameter*** means—

- (a) for trees that are multi-stemmed below a point measured at 1.4m above natural ground level, the trunk diameter is the quotient derived by dividing the combined diameters of all the stems by the number of stems, in accordance with the example equation below; but otherwise
- (b) the diameter of a tree trunk measured at a point 1.4m above natural ground level.

*Example equation for paragraph (a) Multi-stemmed tree DBH =  $\sqrt{(\text{Stem 1 DBH squared} + \text{Stem 2 DBH squared} + \text{Stem 3 DBH squared, etc})}$*

***utility installation*** means any of the following—

- (a) supply of water, hydraulic power, electricity or gas;
- (b) provision of sewerage or drainage services; and
- (c) provision of telecommunications services.

***vegetation*** includes trees, plants and all other organisms of vegetable origin, whether living or dead and whether regrowth or otherwise, including their root systems.

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**vegetation protection order** means a vegetation protection order made under this or another local law<sup>6</sup>.

**waterway and wetland vegetation** means vegetation with characteristics predominantly reflecting or promoting the objects stated in section 2(1)(a) and (b) and—

- (a) growing, subject to mapping anomalies identified by Council, in an area designated as a waterway corridor or wetland layer on Council's geographic information system as amended from time to time; or
- (b) included in a register in a subordinate local law.

**waterway corridor** means an area designated the waterway corridor layer on Council's geographic information system as amended from time to time.

**wetland** means an area designated the wetlands layer on Council's geographic information system as amended from time to time.

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<sup>6</sup> Existing vegetation protection orders, made under the *Vegetation Protection Local Law*, continue to operate according to their terms, pursuant to section 20 of the *Acts Interpretation Act 1954*, except with respect to the exemptions provided for in this local law.

## Endnotes

List of amendments

### Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 27 January 2014.

<b>Part 1</b>		<b>Preliminary</b>
<b>Definitions</b>		
s 3	amd	<i>Natural Assets Amending Local Law2013</i> s.3
<b>Application</b>		
s 4(2)	amd	<i>Natural Assets Amending Local Law2013</i> s.4
<b>Part 2</b>		<b>Provisions relating to vegetation protection</b>
<b>Restriction on interference with protected vegetation</b>		
s.7 prev	om	<i>Natural Assets Amending Local Law2013</i> s.5
s.7	ins	<i>Natural Assets Amending Local Law2013</i> s.5
<b>Notice of vegetation protection order</b>		
s.9	amd	<i>Natural Assets Amending Local Law2013</i> s.6
<b>Protected vegetation register</b>		
s.18 prev	om	<i>Natural Assets Amending Local Law2013</i> s.7
s.18	ins	<i>Natural Assets Amending Local Law2013</i> s.7
<b>Effect of development approval</b>		
Div 5 hdg	ins	<i>Natural Assets Amending Local Law2013</i> s.8
<b>Change of category of protected vegetation following development approval</b>		
s.18A	ins	<i>Natural Assets Amending Local Law2013</i> s.8
<b>Part 3</b>		<b>Applications for permits</b>
<b>Application for permit</b>		
s.19(1)(b)	amd	<i>Natural Assets Amending Local Law2013</i> s.9
s.19(1)(f)	ins	<i>Natural Assets Amending Local Law2013</i> s.9
s.19(2) examples	ins	<i>Natural Assets Amending Local Law2013</i> s.9
<b>Criteria for considering application</b>		
s.21(g)	ins	<i>Natural Assets Amending Local Law2013</i> s.10
<b>Subject matter for conditions</b>		
s.22 prev	om	<i>Natural Assets Amending Local Law2013</i> s.11
s.22	ins	<i>Natural Assets Amending Local Law2013</i> s.11
<b>Term of Permit</b>		
s.23 prev	om	<i>Natural Assets Amending Local Law2013</i> s.12
s.23	ins	<i>Natural Assets Amending Local Law2013</i> s.12
<b>Review of a decision relating to a permit</b>		
s.28 prev	om	<i>Natural Assets Amending Local Law2013</i> s.13
s.28	ins	<i>Natural Assets Amending Local Law2013</i> s.13
Further review of a decision relating to a permit		
s.28A	ins	<i>Natural Assets Amending Local Law2013</i> s.14
<b>Part 5</b>		<b>Vegetation Management</b>
<b>Hazardous vegetation</b>		
s.30 prev	om	<i>Natural Assets Amending Local Law2013</i> s.15
s.30	ins	<i>Natural Assets Amending Local Law2013</i> s.15
<b>Part 6</b>		<b>Enforcement</b>
<b>Compliance notices</b>		
s.35 prev	om	<i>Natural Assets Amending Local Law2013</i> s.16
s.35	ins	<i>Natural Assets Amending Local Law2013</i> s.16
<b>Special provisions relating to compliance notices</b>		
s.36 prev	om	<i>Natural Assets Amending Local Law2013</i> s.17
s.36	ins	<i>Natural Assets Amending Local Law2013</i> s.17



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**Power of Council to enter land in certain circumstances**

s.37 amd *Natural Assets Amending Local Law2013 s.18*

**Recovery of cost of work**

s.38 prev “Civil remedy” om *Natural Assets Amending Local Law2013 s.19*

s.38 ins *Natural Assets Amending Local Law2013 s.19*

**Order on conviction**

s.39 prev om *Natural Assets Amending Local Law2013 s.20*

s.39 ins *Natural Assets Amending Local Law2013 s.20*

**Evidence**

s.40(3-5) ins *Natural Assets Amending Local Law2013 s.21*

**Obligations joint and several**

s. 41(2-4) prev om *Natural Assets Amending Local Law2013 s.22*

s.41(2-5) ins *Natural Assets Amending Local Law2013 s.22*

**Part 7 Exemptions**

**Exempt Activities**

s.44 prev om *Natural Assets Amending Local Law2013 s.23*

s.44 ins *Natural Assets Amending Local Law2013 s.23*

**Installation and maintenance of utilities**

s.47 amd *Natural Assets Amending Local Law2013 s.24*

**Part 8 Transitional**

*Renumber as Part 9*

**New Part 8 Subordinate local laws**

s.48 ins *Natural Assets Amending Local Law2013 s.25*

**Part 9 Transitional**

**Existing Authorisations**

s.48 *renumber as s.49* *Natural Assets Amending Local Law2013 s.26*

**Part 9 Repeal**

*Renumber as Part 10*

Ss 49-50 *renumber as Ss 50-51* *Natural Assets Amending Local Law2013 s.27*

**Protected Vegetation Table**

Sch 3 ins *Natural Assets Amending Local Law2013 s.28*

**Dictionary**

Sch 4 ins *Natural Assets Amending Local Law2013 s.29*