



Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000
vminquiry@parliament.qld.gov.au

22 April 2016

Our Ref: D16/05184

Dear Sir/Madam,

Re: Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016

Thank you for the opportunity to provide comment on the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 currently under consideration by your committee.

There are five areas that are of concern to Cook Shire Council.

1. Consultation and period for submissions

- There was no consultation with Local Government regarding the potential impacts to their operations from the proposed changes.
- There was very little or no consultation with landholders on Cape York Peninsula who may be impacted by removing the ability to clear for high-value agriculture and irrigated high-value agriculture.
- There was no Regulatory Impact Statement prepared.
- There was no consultation in regard to the changes to the environmental offset requirements.
- The amount of time allowed for submissions was too short and did not allow for sufficient time for the full Council to debate this important issue, especially given the recent local government elections.

2. Retrospectively

- The backdating of the changes to section 22A of the Vegetation Management Act 2009 to the 17 March 2016 has not been widely advertised and very few people within Cook Shire were aware of this.
- An advertisement stating that applications for clearing would not be approved if the Bill was successful if lodged after 17 March 2016 was not published in the Cooktown Local News until Thursday 14 April, nearly a month after the cutoff date.

- The majority of the broad scale clearing that has occurred in Queensland has occurred outside Cape York Peninsula. By all means stop clearing for agricultural development in the areas where clearing has reached a critical state, and there is only limited areas of high value agricultural land remaining. But it is not appropriate to limit this clearing in the far north which will stifle development and prevent the local people from becoming economically dependent.
- There are adequate safeguards through the environmental assessment process via the clearing permit process and under other environmental legislation to ensure that the clearing is both justified and environmentally responsible.

Specific Comments

Vegetation Management Act 1999 (VMA)

S22A:

- (1) Removal of high agricultural clearing or for irrigated high value agriculture clearing. It is unclear if clearing for high value agriculture will be allowed under a development application and how it will be assessed. Clearing for these purposes should not be deleted from the VMA, but require a vegetation clearing application, which needs to be supported by appropriate regional land use mapping to demonstrate the suitability of the area for this type of use (there is often a requirement to assess under other legislation such as the *Nature Conservation Act 1992*).
- (2B) Changes to include clearing on Category C and R areas for agricultural or grazing purposes may have an adverse impact on Cook Shire industry.

67A Responsibility for unauthorized clearing of vegetation

Agree in principle with the reinstatement of this clause. However the Self-Assessable Codes need to make it very clear who is responsible for the clearing and who needs to notify the Department (if required) when clearing is planned. For instance Council has agreements with Indigenous land owners for taking gravel. If Council needs to clear additional Category C or R vegetation for this purpose does the Indigenous land owner have responsibility or the Council?

Sustainable Planning Act 2009

Schedule 24, Part 2, S5 Land that is a road under the Land Act 1994

- (a) (ii) Add Category C area
- (b) (i) Amend to reference Biosecurity Act 2014 instead of Land Protection (Pest and Stock Rote) Act 2002.

Water Act 2000

Changes require a permit for destroying vegetation in a watercourse, lake or spring. It is unclear whether all of Council's activities will be exempt from requiring a riverine protection permit. This requires clarification, especially the size and extent of vegetation that may be cleared under the exemption.

For further information please do not hesitate to contact Tim Cronin, Chief Executive Officer, or Cathy Johnson, Senior Biosecurity Officer, on 07 40695444.

Yours sincerely,

Peter Scott
Mayor

