



Our ref: 4666/508568

22 April 2016

Research Director
Agriculture and Environment Committee
Parliament House
Brisbane, QLD, 4000
Via email: vminquiry@parliament.qld.gov.au

To whom it may concern,

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

Thank you for the opportunity to provide feedback on the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016.

The Far North Queensland Regional Organisation of Councils (FNQROC) represents 10 member Councils being Cairns, Cassowary and Tablelands Regional Councils, Cook, Croydon, Douglas, Etheridge, Hinchinbrook and Mareeba Shire Councils, and Yarrabah and Wujal Wujal Aboriginal Shire Councils. Member Councils cover more than 250,000 square kilometres with a total population of approximately 267,000. Our large environmentally diverse region encompasses two world heritage listed areas; the Wet Tropics and the Great Barrier Reef. We rely on our environment and economic growth to work hand in hand, without one the other will degrade.

We welcome the opportunity to provide comment on the proposed amendment. As an organisation representing 10 local governments in Far North Queensland it is important we provide comment on matters which have direct or indirect influence on councils.

We must note upfront that it is difficult to provide a great level of detail due to:

- The complexity of unpacking and understanding the outcomes of the proposed changes and the multitude of scenarios in which they will be applied.
- The length of time provided for comment and the degree of consultation for the complexity of the matter could have been more substantial to entail appropriate discussion; and
- the timing in relation to local government elections was not useful for an organisation such as ours to consult our members in detail. We are also mindful of the diversity of the perspectives and requirements in regard to vegetation management of our member councils and their constituents.

As such we have provided an overall commentary on elements most relevant to councils being;

- a. the day to day operations of councils by way of strategic planning and infrastructure management and;
- b. the regional economic development considerations in which councils are engaged.

The proposed amendments align with the purpose of the act, however as with any legislation many of the practical implications are unable to be unpacked until the supporting regulation are available or developed. We believe it essential for detailed and ongoing consultation with local government in relation to this matter.

Cyclical uncertainty in relation to vegetation management laws is not conducive to either economic development or the environmental outcomes detailed in the purpose of the Act. Although the VMA was introduced with a degree of bi-partisan support, since it's adoption has become something of a political football with considerable amendments ensuing each change of office. Without an adequate solution being reached where a workable balance is met, ongoing uncertainty will continue to complicate the context appropriate management of vegetation.

We acknowledge that the scale and diversity (economic, social, environmental and culture) of the state of Queensland offers little by way of simplifying the task of attaining a one size fits all framework for vegetation management. The concept itself is further complicated by the often uncomplimentary requirements of realising both public whole-of-environment benefit and economic sustainability. This is aptly exemplified in this region by our dual economic reliance on both agriculture and tourism (land based and GBR) which both relate directly to the allocation of land-use and the management of these.

With these considerations in mind we question whether more emphasis should be placed on future investment in appropriately scaled and consulted regional instruments which better define nodes for agricultural or other intensive land uses and as such provide a clear path for investment or a more considered and economically viable mandate for land stewardship.

Comments on proposed changes

1. Reinstating the protection of high-value regrowth on freehold and Indigenous land (category C) –

- a. As per our above comments on public benefit versus economic sustainability the reinstatement would be well supported by more accessible stewardship incentive or economic imperative for landholders to retain or sustainably manage regrowth vegetation. This is particularly relevant for remote and regional communities where there is often little opportunity for income generation from lands within their charge yet an ongoing expectation it will be managed in a particular way.

A stop-start policy environment has done little to enable diversification of the regions land use to take advantage of alternatives to clearing vegetation. A significant policy investment with stronger alignment to regionally driven economic development planning may enable this to be presented as an opportunity, rather than a threat to landholders. Direct economic strategies which support landholders with proportionate incentive for personal income to

deliver public benefit for ecosystem services provided is an essential component of this.

- b. In the local government operational context of managing roads we request the consideration of inclusion category C within clauses regarding clearing for particular land being a road (Land Act 1994). More detailed consultation with local governments on the operational and strategic impacts for councils on this element of the amendment would be welcomed as the interpretation of individual circumstance across multiple legislation is not straight-forward.
- c. Given the exceptional diversity of native vegetation even within this region (let alone Queensland) we are concerned a one size fits all approach for the identification and management of regrowth vegetation is not the most effective approach; or at least one which requires more investment to articulate usefully. We would welcome more regionally scaled, consulted and communicated mapping products to support this.

We are seeking:

- **Cessation of stop-start policy**
- **Direct economic strategies which support landholders with proportionate incentive for personal income to deliver public benefit for ecosystem services**
- **More detailed consultation with local governments on the operational and strategic impact on councils.**
- **More regionally scaled, consulted and communicated mapping products.**

2. *Removing provisions permitting clearing for high-value agriculture and irrigated high-value agriculture –*

- a. The current inclusion of these provisions are perhaps too broad-brush and do not identify the discrete and specific circumstances where the potential for this level of agricultural development is suitable or sustainable. As such they are contradictory to the primary purpose of the VMA S3 (1)(a-g) in that they enable the broad-scale clearing of vegetation on the premise of allowing for sustainable land use S3 (1)(h).

The current provisions pass significant economic risk on to landholders and companies by enabling projects which may fail due to selection of unviable investments; whilst the general public bears the potential future costs of unwarranted environmental degradation. The development or reinstatement of appropriately scaled and consulted intensive agricultural development planning on a regional basis would be a desirable and necessary outcome if these provisions are amended.

- b. Across our membership some councils are rightly concerned by the potential impacts on economic development within the agricultural sector. Further unpacking of more appropriate instruments to facilitate intensive agricultural development within defined nodes or precincts would be welcomed.

We are seeking:

- **Further unpacking of more appropriate instruments to facilitate intensive agricultural development within defined nodes or precincts.**

3. *Broadening protection of regrowth vegetation in watercourse areas (category R) to cover all Great Barrier Reef catchments-*

- a. As stated in our opening comments we are very much cognisant of our dual economic reliance on both agriculture and tourism (land based and GBR) and are in principal in support of appropriate measures to protect both our terrestrial water resources and the GBR. Further detailed consultation with the newly annexed catchment areas (in our situation Cape York) is warranted to understand the implications of this amendment.

We are seeking:

- **Further detailed consultation with the newly annexed catchment areas (in our situation Cape York) is warranted to understand the implications of this amendment.**

4. *reinstating compliance provisions –*

- a. Local governments (particularly those with a large geographic area) may be vulnerable to reverse onus of proof provision on land they manage as it is a plausible scenario that illegal clearing by private parties is more likely to occur on lands in councils charge than on private adjoining lands. We believe further consultation and consideration of clauses or exemptions for local government are warranted.

We are seeking:

- **Further consultation and consideration of clauses or exemptions for local government.**

5. *reinstating provisions in the [Water Act 2000](#) to regulate against the destruction of vegetation in a watercourse under a riverine protection permit*
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1. The proposed amendment has potential impacts on local government management and development of essential community infrastructure and safety. It is likely to increase the requirements in site inspections and vegetation surveyed prior to routine operations which may be better supported through self-assessable codes and best management practice guidelines and capacity building; or by more detailed mapping of specific areas of activity i.e. road easements and sensitive sites.

We are seeking:

- Self-assessable codes and best management practice guidelines, and
- More detailed mapping of specific areas of activity i.e. road easements and sensitive sites.

6. amending the [Environmental Offsets Act 2014](#) in relation to determining impacts and Commonwealth offsets.

No comment at this stage.

Additional comments

Self-assessable codes

We welcome the fact that certain provisions introduced in the previous amendment which provided for self-assessable codes will not be amended which is of particular relevance to the routine operations of councils in roadside vegetation and weed management.

We note and support the specific comment in regard to the identification of invasive (translocated) native species submitted by LGAQ and the reiterate the importance of alignment with provisions under the pending rollout of the Biosecurity Act 2014.

Mapping

Irregularities and errors in elements of the regulated vegetation mapping remain and this will no doubt be somewhat exacerbated by the reinstatement/inclusion of high value regrowth mapping. Appropriate support to assist local governments and landholder interpret and understand the requirements of the existing or proposed amended legislation should be considered an ongoing priority.

Overall it would be very useful for more detailed consultation with local governments, particularly in a regional context to ascertain;

- potential increase in administrative burden,
- operational complexities and interpretation, and
- long term economic implications in both land stewardship incentives and sustainable agricultural development.

Should you wish to discuss any aspect of this submission further please contact Mr Travis Sydes, Regional Coordinator – Natural Assets and Sustainability, FNQROC.
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