

SUBMISSION ON THE "VEGETATION MANAGEMENT (REINSTATEMENT) AND OTHER LEGISLATION BILL

DATE DUE: 25TH APRIL 2016

I wish to make a submission and raise objections which my family have regarding the impacts of these changes (dated 17th March 2016) will have on the operation of the family property at Riverview, Rathdowney, South-East Queensland.

██████████ established in 1883, has been in continuous freehold ownership of the one family. Firstly, my great-grandfather and his family, and then my mother (his grand-daughter) and her family. With that in mind we have continuous records for all operations on this property. From the first State Government policies which required selectors/farmers to clear all vegetation (timber and undergrowth) in the 1880's, 1890's and 1900's (leading to widespread erosion/ slips and loss of soil) to the introduction of the 1997 Vegetation Act. We have in place a Property Management Plan (1995) as well as historical and oral records. This Plan allows Riverview (1029ha.) to maintain Native Forestry Operations, Cattle and Cropping Activities.

██████████ being on the Logan River, has a river frontage of approximately 4kms which is carefully managed to prevent erosion and degradation.

The concerns which my parents and the family have are as follows:

1. Certainty of the Definitions of the new Category C areas.
2. Guilty until Proven Innocent.
3. The retrospectivity of the Law back to the 17th March 2016.
4. State Government and State Employee exemption from prosecution for providing false and incorrect information.
5. Impacts on Property Income, no compensation clause.
6. Flood impacts on the Riparian Zone.

Firstly the proposed Category C containing both "endangered regional ecosystems" and of "concern regional ecosystems" raises serious concerns within the owners for the protection of the riverbanks and the surrounding cattle grazing areas.

The proposal does not quantify in its descriptions exactly what Category C and Proposed Category C (both endangered and of concern) will entail. No explanation of restrictions and usage have been given. Also in reading the changes to Act associated with the documents it states that these criteria could be changed at the discretion of the supervisor with no consultation with the owners who are impacted. The new fawn and pink coloured areas which now lie upon Riverview effectively impacts all of the beef operations at the front of the property adjoining the Logan River. By not knowing the criteria's we presume that no control on regrowth will be allowed where our cattle graze. The new proposed areas (now coloured) impacted 50% of the area where our beef operations occur. Although the Reinstatement document states that there will be negligible or no financial impact to farmers, these changes on

Commented [K1]:

██████████ will lower the carrying capacity of beef herd, reducing our numbers, therefore reducing the number of cattle breed, and hence the number we sell.

Moreover, the areas that have been left white in the PMAV will have to carry a higher density of cattle to maintain the production, to maintain the profit and operating costs. This on the alluvial flats and slopes will mean more mechanical intrusion, higher fertilizer and chemical applications and more than the current 1-2 crop rotation planted each year. Realistically we will have to go to a 4 crop rotation.

The historical evidence and oral family knowledge clearly shows that the degradation/erosion/ lowering of soil quality and soil compaction will be the result. This occurred with the Queensland State Government policy which enacted clearing in the 1880's -1900's. The owners, my parents, have maintained a careful balance and learnt their lessons well.

At Part 4 Amendment to Water Act 2000 proposed Clause 14 amending section 218, it clearly states that absolutely no native vegetation is to be removed from the riparian zones. Some points to this should be mentioned.

Although weed control will still need to be maintained, many weeds can grow in a short space of time to small to medium shrubs and trees. Castor Oil Tree, Camphor Laurel, Green Cestrum, Soda Pear and Groundsil can all grow quite tall in these riparian zones. There is no flexibility in the description to allow for these to be addressed.

Also if weed control occurs (which it must) and the remaining stalks and trucks are mistaken for native shrubs and trees then there no recourse for the owners if they haven't taken (at their cost) proper preventative measures. The only action for a landholder, whether freehold or indigenous, is at their own expense to document before and after photographs and to get a third party independent report to verify the above actions. These documents must be able to stand up in court. Not to mention the additional financial costs place on the owners of the land.

The guilty until proven innocent poses a huge impost on any landholder, whether freehold or indigenous. If by chance the owner seeks advice and maps from the relevant State Government agencies, it is extremely unsettling to know that the amendment to the Vegetation Act stating that said State Government Agencies and their employees are exempt from prosecution. That no charges or prosecution can be laid against the department or individual employees.

We live in a democracy where in the case of major issues in the law courts, we are innocent until proven guilty. The argument that this reinstatement to the Vegetation Acts is like a speeding ticket/ fine is unbelievable in its logic. In a traffic fine you are charged on the spot by a police officer, a person of Law, or photographed with date/time and location stamp. The resultant penalty is a fine and demerit points. These vegetation prosecutions are not anything like a traffic fine. They are not a several hundred dollar fine, but hundreds of thousands of dollars plus legal costs. Not only that these prosecution could cost, with the size of the fine, court and legal costs, and resultant expert reports, a farmer/ landholder (whether freehold or indigenous) their properties, homes and livelihoods.

If the current State Government wish to put such an impost on the landholders, then they themselves must accept that no-one is above the law when you make a mistake. Their Government Departments

and employees should be exposed to the full letters of law, as every day Queenslanders are. The transparent lack of accountability and acceptance that these actions will not financially impact the landholders, the cost of running and profitability of properties like [REDACTED] is complete and utter nonsense.

The projected loss of income, increased mechanical and higher density will impact Riverview to a projected loss of 40-45%. This does not include any percentage given to possible third party reports or legal costs. Added to the environmental impacts to the land available, unhindered by the Categories on the PMAV, and to maintain current production of beef higher levels of cattle density and over cultivation of the land, will lead (as we know from our historical records and oral knowledge) to sinkholes, compacted/ poor soil and possible salt impacts. Also unlike our beef and cropping production which my parents rely on for income each, the Native Forestry operation only generates an income once every 40 years or so. Over the last 133 years the property forestry has only been harvested 3 times before, with the 4 round of selective timber harvesting occurring now. Also the new amendment ruling out any compensation to the landholders means the owners of the land bear all the cost of this Governments changes. We object to 'no compensation' clause if this Government wishes to impose higher costs and legal guilt onto all landholders, with no recourse in the courts against the State Government for mistakes and mis-information from their Departments.

The retrospectivity of the Law back to the 17th March 2016 is another point to which we object. IF with due public consultation, advertising of changes, review with relevant impacted bodies including all representatives of agriculture/ forestry and water management, there may not be this strong feeling that this Law has been rushed and poorly executed. However we as a family feel that due democratic process has been ignored by the current government, not only for freeholders but all indigenous communities that rely on their commercial operations. If this was done in the months leading up to the 17th March 2016 we as farmers would know where they stood. Lack of information, uncertainty of definitions in the proposed changes, expectations of guilt, state departments and employees exemption from prosecution, and poor consultation reinforces this lack of confidence we as a family have for the current changes proposed to the Vegetation Act. The way these changes were introduced to Parliament, with minimal consultation with the effected landholders leaves us with a feeling of distrust from our State Government that we, as farmers are incapable of looking after our land.

There is a final point of note, which hasn't been taken into account in Part 4 Amendment to Water Act 2000 proposed Clause 14, and to which we strenuously make is the maintenance of the Riparian Zones. Without a Clause to tell us what to do my parents have maintained the Riparian Zones on [REDACTED] not because the Government told them to do it, but because of the lessons learnt in the 133 years of operation of Riverview.

My parents have all of the flood records for [REDACTED], both written and in some case oral history handed down from my Great Grandfather. They know the heights and impacts that the flood did to [REDACTED] including the 1893. One major benefit of this is that it has become apparent of the 133 years that the Riparian Zone left in the Logan River needed to be carefully managed. The careful and meticulous weed control and small woody removal has kept the riverbank at Riverview from eroding.

Under the 1997 Act by not removing some vegetation and weed, when the flood water impacted [REDACTED] whole sections of riverbanks including native, both large trees and small, low shrubs, weeds and grass, were eroded leaving large portions of riverbank on our property eroded -which can still be seen today. By selectively opening high water areas, which doesn't allow for buildup of debris again the shrubs and small plants it reducing the erosion and loss of soil. We as a family would never abuse or destroy our land, but we manage it with care to minimize the destruction cause by swift, fast rising flood waters. This leaves our riverbanks, as can be seen of any aerial, to be tree and grass belts, stable and with minimal erosion.

As a family who is connected to this property for this length of time, the emotional cost of seeing [REDACTED] slowly degrade is a painful path we as a family envisage under these new laws. We see no need to change the previous Vegetation Act which was valid prior to 17th March 2016, and object as mentioned above to the 6 points currently proposed by this Government.

Kathy Turner (daughter of Brian and Kathleen Panitz)

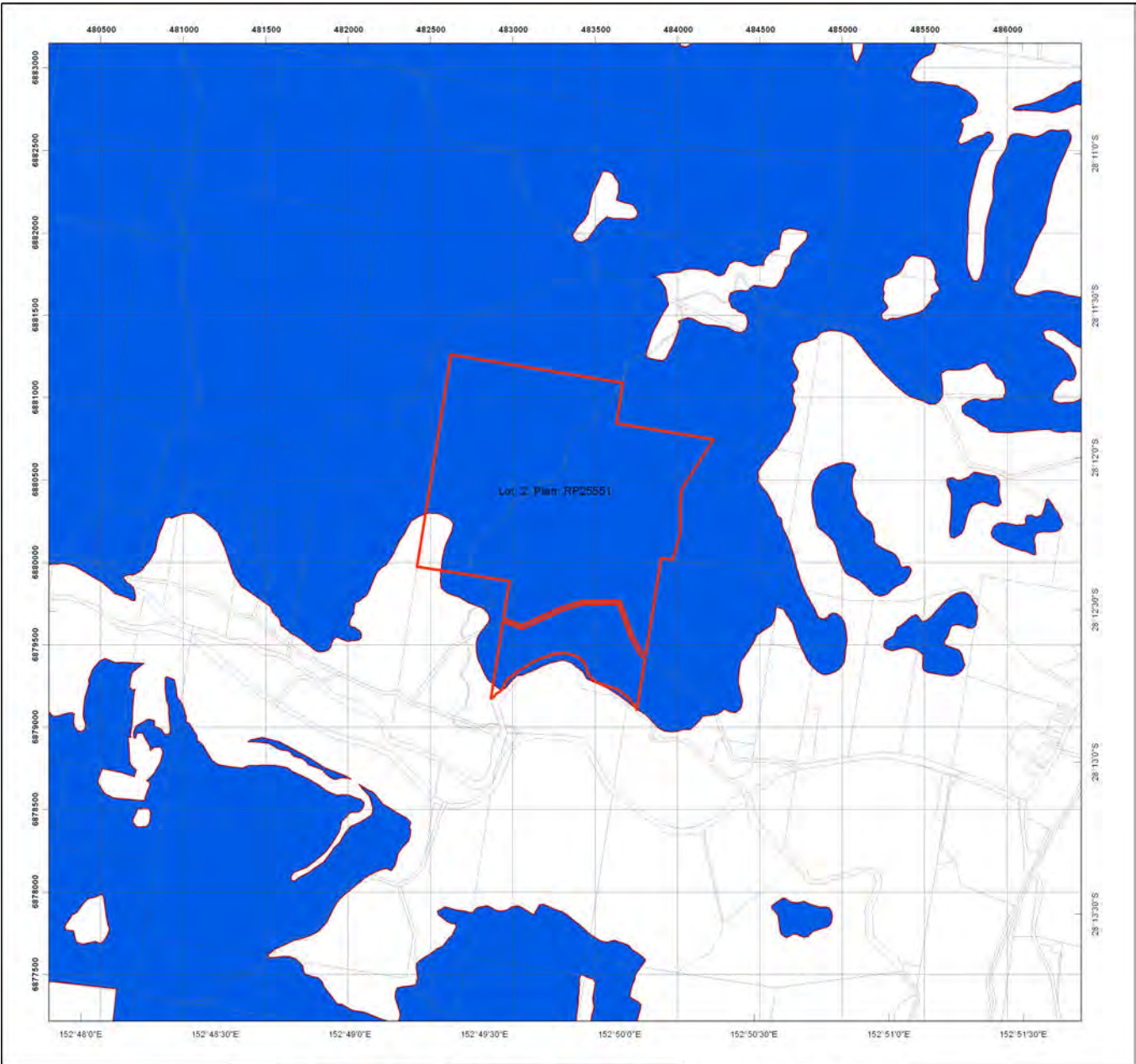
On behalf of the Panitz Family

[REDACTED]

Contact details:

Kathy Turner, [REDACTED] Beaudesert QLD 4285

[REDACTED]



Regulated Vegetation Management Map

Please note, the Government has proposed changes to the Category C and Category R areas which are shown on the Proposed Regulated Vegetation Management Map. For more information on these changes, please refer to the Department's website.

Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Vegetation not regulated under the VMA)
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only



This product is projected into:
GDA 1994 MGA Zone 56

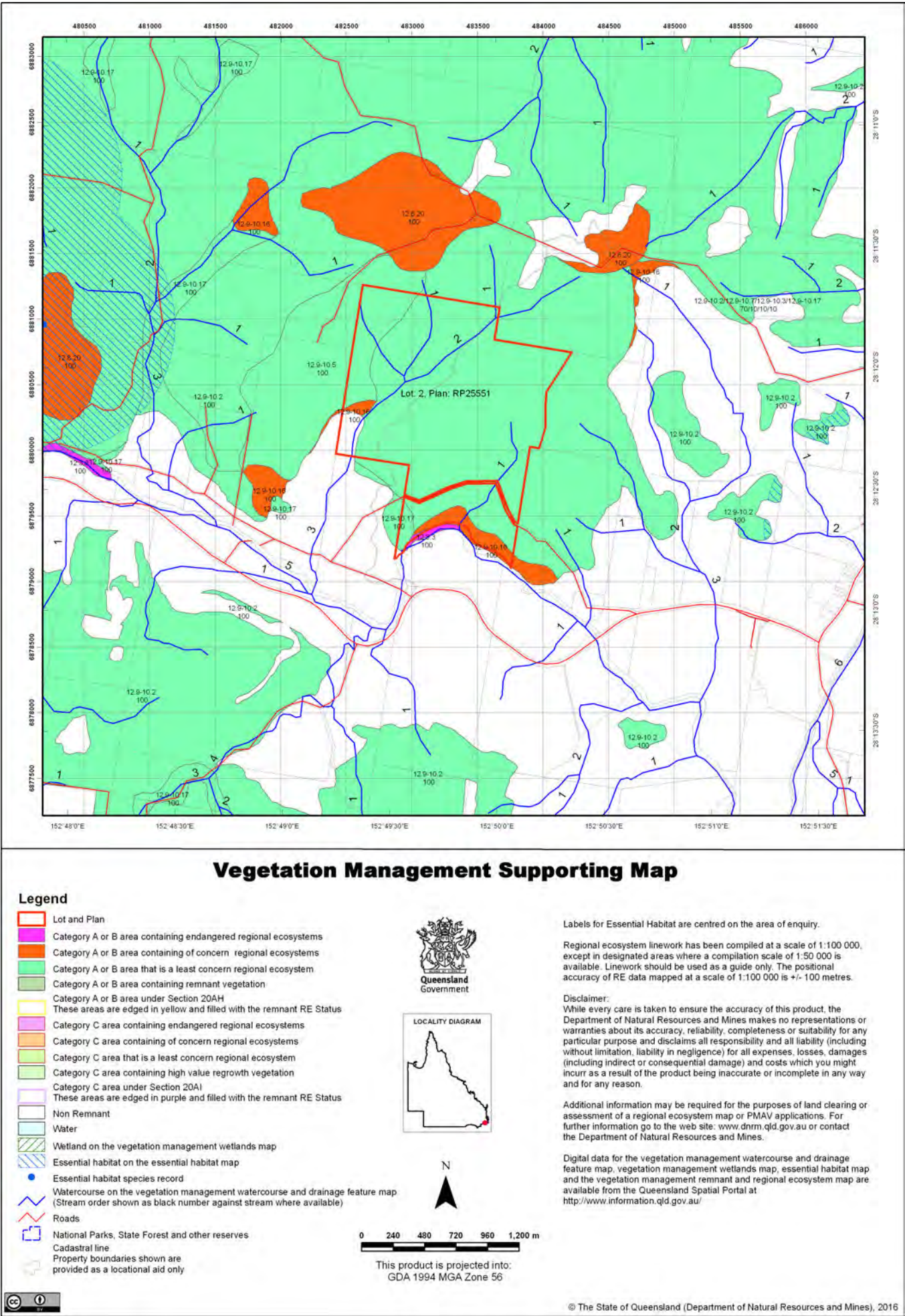
Disclaimer:
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources and Mines makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

Additional information required for the assessment of vegetation values is provided in the accompanying "Vegetation Management Supporting map". For further information go to the web site: www.dnrm.qld.gov.au or contact the Department of Natural Resources and Mines.

Digital data for the regulated vegetation management map is available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

This map is updated on a monthly basis to ensure new PMAVs are included as they are approved.





Vegetation Management Act 1999 - Extract from the essential habitat database

Essential habitat is required for assessment under the:

- State Development Assessment Provisions - Module 8: Native vegetation clearing which sets out the matters of interest to the state for development assessment under the *Sustainable Planning Act 2009*; and
- Self-assessable vegetation clearing codes made under the *Vegetation Management Act 1999*

Essential habitat for one or more of the following species is found on and within 1.1 km of the identified subject lot/s or on and within 2.2 km of an identified coordinate on the accompanying essential habitat map.

This report identifies essential habitat in Category A, B and Category C areas.

The numeric labels on the essential habitat map can be cross referenced with the database below to determine which essential habitat factors might exist for a particular species.

Essential habitat is compiled from a combination of species habitat models and buffered species records.

The Department of Natural Resources and Mines website (<http://www.dnrm.qld.gov.au>) has more information on how the layer is applied under the State Development Assessment Provisions - Module 8: Native vegetation clearing and the *Vegetation Management Act 1999*.

Regional ecosystem is a mandatory essential habitat factor, unless otherwise stated.

Essential habitat, for protected wildlife, means a category A area, a category B area or category C area shown on the regulated vegetation management map-

- 1) (a) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential habitat database; or
- 2) (b) in which the protected wildlife, at any stage of its life cycle, is located.

Essential habitat identifies endangered or vulnerable native wildlife prescribed under the *Nature Conservation Act 1994*.

Essential habitat in Category A and B (Remnant vegetation species record) areas 1100m Species Information

(no results)

Essential habitat in Category A and B (Remnant vegetation species record) areas 1100m Regional Ecosystems Information

(no results)

Essential habitat in Category A and B (Remnant vegetation) areas 1100m Species Information

(no results)

Essential habitat in Category A and B (Remnant vegetation) areas 1100m Regional Ecosystems Information

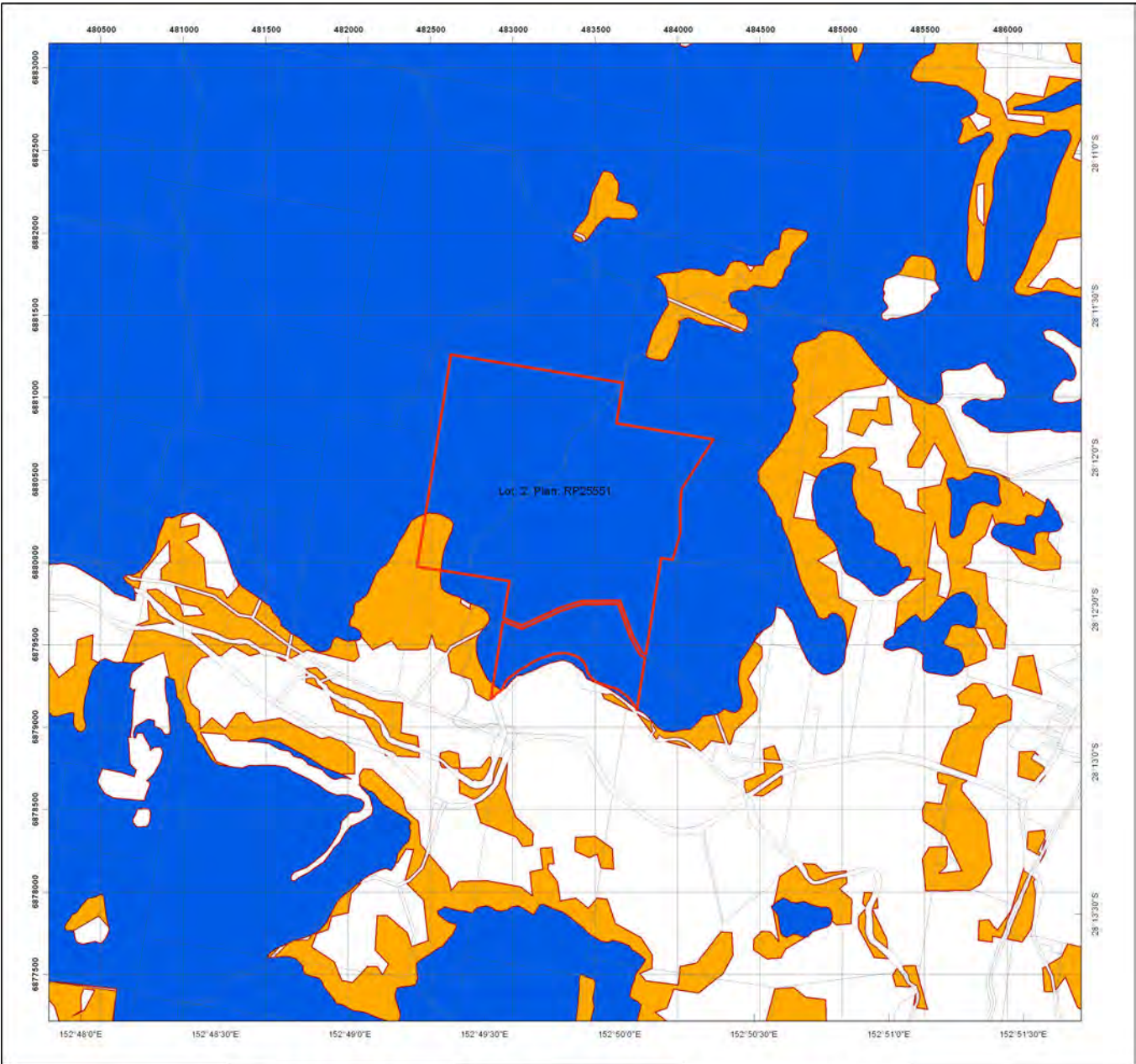
(no results)

Essential habitat in Category C (High value regrowth vegetation) areas 1100m Species Information

(no results)

Essential habitat in Category C (High value regrowth vegetation) areas 1100m Regional Ecosystems Information

(no results)

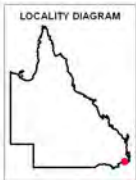


Proposed Regulated Vegetation Management Map

Please note, the Government has proposed changes to the Category C and Category R areas which are shown on this map. For more information on these changes, please refer to the Department's website.

Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Vegetation not regulated under the VMA)
- Proposed category C area
- Proposed category R area
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only



This product is projected into:
GDA 1994 MGA Zone 56

Disclaimer:
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources and Mines makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

Additional information required for the assessment of vegetation values is provided in the accompanying "Proposed Vegetation Management Supporting map". For further information go to the web site: www.dnrm.qld.gov.au or contact the Department of Natural Resources and Mines.

Digital data for the regulated vegetation management map is available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

This map is updated on a monthly basis to ensure new PMAVs are included as they are approved.



