

SUBMISSION TO:
**Vegetation Management (Reinstatement) and Other Legislation
Amendment Bill 2016**

SUBMISSION COVER SHEET

Closing date for submissions is 25 April 2016.

Please complete and submit this form with your submission to:

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SUBMISSION

VEGETATION MANAGEMENT (REINSTATEMENT) AND OTHER LEGISLATION AMENDMENT BILL

We do not support the amendments contained within the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill.

Government Departments continue to make changes to all legislation and it is impossible for the average person to follow the numerous changes. All Acts and forms (Vegetation Management Act 1999, Sustainable Planning Act 2009, Environmental Offsets Act 2014, Fisheries Act, Water Act 2000, IDAS forms etc.) are intertwined and constantly refer to different sections of various Acts creating major confusion in trying to understand the legal process. This means that before doing anything on a rural property we have to contact the various Departments in an effort to obtain information on what can or can not be done. This is time consuming and it is unusual to gain the information in one day. Departments all require a lot and plan number and need to ring back. This is almost impossible when very few small businesses have a full time office person and many have limited mobile coverage. Further, Departmental representatives only give out minimal information and if you do not know what questions to ask then you are not given a complete picture.

We object for the following reasons:

- The government can not govern in their own right so should undergo extensive public consultation prior to introducing their election promises.
- The LNP made the original changes to the Vegetation Management Act after extensive consultation with the people.
- The name of the bill is very deceiving as the legislation is clearly much more than reinstating the tree clearing laws.
- The bill involves removing the right to clear high-value and high-value irrigation clearing.
- Environmental offset requirements actually increased under the LNP not decreased.
- The government is using the Great Barrier Reef as an excuse to meet their election promise to the Greens.
- The government has not identified how the proposed bill will affect the financial and economic viability of Queensland.
- No change is necessary to the *Sustainable Planning Act 2009* as Section 22A of the Vegetation Management Act already ensures that development applications are for a relevant purpose.
- The Environmental Offsets Policy already ensures that adequate conservation outcomes are applied. Development applications are being stifled by the cost of environmental offsets.
- The government have not looked at any alternative way of achieving their policy objectives but picked on the population with the lowest voting power.
- The bill does not meet Legislative Standards Act, section 4(3)(g).
- Public consultation was not and still is not being done by the government.
- The government has not informed what changes will be made to the self-assessable codes for Category C & R vegetation if the bill is passed.
- It is not necessarily an easy process to 'lock in' a PMAV.
- Category R areas are over all drainage features & depressions not just watercourses identified on the Vegetation Management Watercourse and Drainage Feature Map.

Introduction of Bill to Parliament

1. Hon JA TRAD when presenting the bill to parliament on 17th March 2016 stated that “It was a very clear election commitment of the Palaszczuk government”.
 - The government does not have a mandate to introduce any of their election promises as they are unable govern in their own right – they require the continual support of independents.
 - Since they do not have a mandate from the public they should undergo comprehensive public consultation prior to the introduction this bill and all legislative changes.
 - The introduction of the bill is fulfilling an election promise to green environmental groups, not necessarily representing the people of the State. The fact that environmental groups refused to participate in the roundtable consultation process unless there was a moratorium on tree clearing is liken to holding the entire State of Queensland to ransom.
2. Hon JA TRAD further stated, “After a few short years in charge of this state, the LNP wreaked havoc”.
 - The LNP introduced changes to the Vegetation Management Act 1999 and Water Act 2000 as a direct result of consultation with the people they represented. Our area was one region that dealt directly with Government Ministers to implement legislative changes that benefited our agricultural land. Democracy working.
 - The number of seats held during the last term of government indicated that they had a mandate to make legal legislative changes where deemed necessary.
3. Hon JA TRAD states, “This bill will reinstate key components to the Vegetation Management Act that were trashed by the Newman government”.
 - The bill proposes many more changes than just reinstating the Vegetation Management Act.
 - Changes that affect rural Queensland without any consultation with industry groups, business organisations or the people being impacted.

4. Hon JA TRAD maintains “This bill also removes the ability to apply for high-value and irrigated high-value agricultural”.
- Properties throughout Queensland can no longer survive on a single industry like the beef industry. They need to diversify. The current Queensland drought emphasises the need for all properties to have an alternative income.
 - The Townsville meatworks were unable to open until 31st March this year due to inadequate supply of cattle. More improved pasture means more cattle which in turn guarantees supply even in periods of drought.
 - Selective and sustainable clearing for hay production, cropping, horticultural industries and water storage facilities are necessary if rural Queensland is to prosper.
 - Cape York especially needs the ability to diversify.
 - The recent report *Land cover change in the Cape York region 2012-14* by Department of Science, Information Technology and Innovation clearly identifies where clearing in Cape York has occurred and the type of vegetation cleared.
 - Information summarised from Tables 1 and 5.

Year 2013 – 14			
Cape York			
<u>Clearing Purpose</u>	<u>Hectares Cleared</u>	<u>Type of Vegetation Cleared</u>	
Mining	1892		
Pasture	683	Remnant	2292
Infrastructure	217	Non-remnant	519
Settlement	19		
Total Clearing	2811	Total Cleared	2811

- Mining has the highest clearing rate in Cape York. Mining receives approval from the State Government. They already have control of the industry responsible for the majority of clearing in Cape York.

5. Hon JA TRAD continues, “At the same time as clearing was escalating, the requirements to offset cleared vegetation were reduced”.
- This statement is totally untrue. The LNP Government in fact increased compliance with the Environmental Offset Policy.
 - The table below outlines the numerous changes to SDAP Module 8 – Clearing Native Vegetation and the increased requirements for an environmental offset when completing a Clearing Native Vegetation development application. Please note a sample example only from each SDAP version is given in the Environmental offset statement column.

SDAP Module 8 – Clearing Native Vegetation			
SDAP Version	Date Published	Date of Commencement	Environmental offset statement
SDAP	20/06/13	1/07/13	No reference to offset policy
Version 1.1 Version 1.2 Version 1.3	22/11/13 11/04/14 9/05/14	2/12/13 28/04/14 16/05/14	Where it can be demonstrated that clearing cannot be avoided, and the extent of clearing has been minimised, an environmental offset is provided for the clearing of endangered regional ecosystems and of concern regional ecosystems. Editor’s note: Refer to Appendix A: Policy for vegetation management offsets of the code for guidance regarding the provision of an environmental offset.
Version 1.4 Version 1.5	20/06/14 10/10/14	4/07/14 27/10/14	Where it can be demonstrated that clearing cannot be avoided, and the extent of clearing has been minimised, an environmental offset is provided for any significant residual impact from clearing of vegetation associated with a natural wetland. Editor’s note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to the relevant Queensland Environmental Offsets Policy.

6. Hon JA TRAD also states, “This bill also reaffirms the Palaszczuk Labor government’s commitment to protect the Great Barrier Reef by extending the protection of regrowth vegetation along watercourses in all reef catchments”.
- Placing Eastern Cape York in the ‘reef catchments’ will not make any difference to the Great Barrier Reef. More sediment occurs from the many hectares of naturally occurring dispersive soils in the catchment than happens from 346 hectares of clearing. Data collected from water quality testing being conducted in the various tributaries within the catchment proves this. Specific information is available in the Eastern Cape York Water Quality Improvement Plan.
 - Tables 3 and 4 from *Land cover change in the Cape York region 2012-14* by Department of Science, Information Technology and Innovation for the Normanby River catchment provide the following information:

Normanby River Catchment 2013 - 14	
Area cleared in 2013 – 14	346 hectares
Total Land Area	1,484,000 hectares
Total Area cleared	82,000 hectares
% of area undisturbed woody vegetation	95 %

- The proposed changes are not designed to protect the Great Barrier Reef but to raise revenue. More legislation requires more development approvals which have an application fee and often result in an environmental offsets payment and requires more public servants to process.
 - If any Government was committed to protecting the Great Barrier Reef they would encourage inland development and have incentives for urban Queenslanders to settle inland away from the coast.
7. Hon JA TRAD continues “The government believes that the retrospectivity of elements within this bill are necessary as the interests of the public as a whole outweighed the interests of an individual in this case”.
- The interests of individuals were not considered at all. The interests of the Green/Labour alliance were the sole consideration.
 - There was no public consultation to ascertain the interests of the public or gauge how the proposed bill will affect future developments and therefore the State’s economy and unemployment.

Explanatory Notes – Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016

1. “*Sustainable Planning Act 2009* (Sustainable Planning Act) to ensure that operational works and material change of use development applications must be for a relevant clearing purpose under section 22A of the *Vegetation Management Act*”.
 - No amendment is necessary as detailed information must be forwarded to DNRM prior to receiving written confirmation from DNRM that the application satisfies Section 22A of the *Vegetation Management Act*. This written confirmation must accompany the development application being submitted.
 - A development application for operational works or material change of use that involves clearing native vegetation must complete IDAS form 11-Clearing native vegetation. This form must be used for development applications that involve the clearing of native vegetation.
 - Mandatory supporting information, For all applications, of IDAS form 11 requests that: “Written confirmation that the chief executive of the Department of Natural Resources and Mines is satisfied the proposed clearing is for a relevant purpose under the *Vegetation Management Act 1999*, section 22A.”

The request can be made in writing to the Department of Natural Resources and Mines and sent to northvegetation@dnrm.qld.gov.au and include;

 - A detailed description of the proposed works, including construction materials and exactly what the development involves.
 - Details on why the development is necessary.
 - A map showing the location of the development.
 - Details on the availability of suitable alternative sites for the development and why the development is proposed in the location identified.
2. “Reinstate environmental offset requirements that ensure adequate conservation outcomes for prescribed environmental matters.”
 - The Environmental Offset Act is an extremely complex document and does not take into account any financial or economic benefit a development application may provide to the State. Eg. A new water storage in a watercourse or drainage feature cannot avoid an environmental offset. Water infrastructure creates employment opportunities. We have attended a pre-lodgement meeting with the State Assessment Authority for construction of a Dam. Notional offset area 30.7 hectares, financial offset settlement \$302,766, employment opportunities 100 new positions in the banana industry.
 - Further disclosure is needed to understand the difference between a ‘significant residual impact’ and a ‘residual impact’. The existing *Environmental Offsets Act 2014* has “State guidelines that provides guidance on what constitutes a significant residual impact on Matters of State Environmental Significance (MNES)”.
 - The bill does not provide any indication on what the new guidelines will constitute as a residual impact.
 - The residual impact determines the environmental offset payment required.

3. Alternative ways of achieving policy objectives
 - The bill in its current format selects one section of the Queensland population (rural land holders, especially those in a reef catchment) to be the environmental conscience of all Queenslanders.
 - Reducing carbon emissions, protection of the states biodiversity and the Great Barrier Reef is everyone's responsibility not just rural Queenslanders.
 - All people must be prepared to share the financial burden associated with environmental outcomes.
4. Does the legislation adversely affect rights and liberties, or impose obligations, retrospectively – Legislative Standards Act, section 4(3)(g).
 - The government had indicated prior to the introduction of the bill that they intended revoking the high value agricultural and high value irrigation development across the state. This allowed time for individuals to complete a development application prior to the introduction of the bill.
 - However the Government gave no indication, or the media did not report, that they intended regulating freehold and indigenous land the same as lease land or introducing restrictions in three extra "priority Great Barrier Reef catchments".
 - The Bill therefore breaches Legislative Standards Act, section 4(3)(g).
 - Owning freehold land will be no different to owning leasehold land.
5. Consultation
 - The Explanatory Notes state; "Limited consultation was undertaken". We do not believe that any consultation was undertaken by the Government with the people being affected by these changes. Changes made by the LNP during their term in government were made at the request of the people they represented. Prior to the introduction of the Bill the Government should have undergone extensive consultation with all groups affected.
 - The Government still has not provided satisfactory advertising regarding the proposed changes.
 - For the last two weeks they have had an advertisement in the Country Life and the Cairns Weekend Post however the advertisement does not inform the public that the bill is open to public submissions.
 - Ag Force has been forced to do public consultation on behalf of the government. Again rural Queenslanders have had to pay.

Notes on Provisions

Part 2 Amendment of Vegetation Management Act 1999

1. “New section 129 How definition *high value regrowth vegetation* and category C code apply during interim period.”
 - This new section 129 means that during the interim period, areas identified on the Proposed Regulated Vegetation Management Map as proposed category C areas are regulated by the *Managing category C regrowth vegetation* self-assessable vegetation clearing code.
 - Section 5.2 Agriculture and Grazing of the *Managing category C regrowth vegetation* self-assessable code states; “Under this code, clearing for agriculture means the complete clearing of an area for either high value agriculture or irrigated high value agriculture”.
 - Considering high value agriculture and irrigated high value agriculture will, under the bill, be prohibited then this code must be reviewed. What changes are proposed to the *Managing category C regrowth vegetation* self-assessable code?
2. New section 130 How definition *regrowth watercourse and drainage feature area* and category R code apply during interim period.
 - This new section 130 means that during the interim period, areas identified on the Proposed Regulated Vegetation Management Map as proposed category R areas are regulated by the *Managing category R regrowth vegetation* self-assessable vegetation clearing code.
 - Section 5.2 General Purpose of the *Managing category R regrowth vegetation* self-assessable code states; “In some circumstances, landholders can clear Category R vegetation for agricultural, pasture or some other purpose”.
 - What changes are proposed to the *Managing category R regrowth vegetation* self-assessable code?
 - Will the three new proposed ‘reef catchments’ also have to abide by the Queensland Department of Environment and Heritage Protection (EHP) reef protection regulations (Smartcane Best Management Practise (BMP), Grazing BMP) as do the Wet Tropics, Burdekin and Mackay- Whitsundays?

Transcript of Proceedings

1. Mr Nicholas states that it is a very simple and straight forward process with no detailed investigation to lock in a PMAV.
 - This statement is correct if the Regulated Vegetation Management Map and the Vegetation Management Supporting Map accurately depicts the vegetation on the property.
 - Category X areas should automatically be 'locked in' on a PMAV as the Regulated Vegetation Management Map clearly refers to Category X areas as "Vegetation not regulated under the VMA". How then can these be changed?
 - Amendments to the vegetation mapping are not a simple straight forward process. To modify a vegetation management map the application for a PMAV must include:
 - The PMAV application form.
 - The application fee (currently \$405.20)
 - The following information is required to accompany a PMAV application form:

"Provide information that defines the boundaries of the vegetation category areas (i.e. B, C, R and /or X) you are proposing to show on the PMAV. Use one of the following options:

Option 1 – Supplying a map showing

 - i. The vegetation category area and the boundaries of the areas proposed for the PMAV; and
 - ii. A description of the boundaries of the areas by reference to Map Grid of Australia 1994 coordinates and zone references for the area.

OR

Option 2 - Supply a map showing:

 - i. The vegetation category area and the boundaries of the areas proposed for the PMAV; and
 - ii. Five or more points that correspond to identifiable features; and
 - iii. The Map Grid of Australia 1994 coordinates and zone reference for each point, acquired by GPS or similar system of satellites that receives and processes information; and
 - iv. A description of the feature that each point represents.

OR

Option 3 – Provide a dataset, which can be used in a Geographical Information System, showing the vegetation category areas and the boundaries of the areas proposed for the PMAV.

AND

If you are proposing to change the vegetation boundaries shown on the Regulated Vegetation Management Map, please attach information to demonstrate that the proposed boundaries are accurate. Suitable information may include valid clearing permits, site photographs taken at recorded GPS locations, aerial imagery or Google Earth screenshots with boundaries shown, flora and vegetation structure assessments.

AND

If you are proposing to change the regional ecosystem/s described for an area, please attach information to demonstrate that the vegetation's floristic composition and structure is consistent with the proposed regional ecosystem/s. Suitable information may include photographs of identified tree species (with corresponding GPS coordinates) and a description of the land zone and soil type of the area."

- Amendments generally require the services of a vegetation specialist and a geologist. And expensive service in rural remote Queensland.
2. Mr Nicholas when discussing the width of the Category R buffer states the "further upstream then the area that is actually regulated reduces. As you get up to what they call stream water 1 you can actually get close into the bank".
- This is extremely misleading. Our property, which is to be included in the Eastern Cape York reef catchment, is over two hundred kilometres from the coast and has proposed category R mapped as a 50 m buffer either side of drainage features not marked on the Vegetation Management Watercourse and Drainage Feature Map. This map accurately depicts what is classified as a watercourse, lake or spring for vegetation purposes.
 - The proposed category R maps on Google Earth do not just map category R on watercourses identified within the Vegetation Management and Drainage Feature Map. It maps category R on all drainage features and depressions within the reef catchment.
 - Please see attached Google Earth map. The watercourses shown as blue on the map are watercourses regulated under the Vegetation Management Act. Proposed category R areas are regulating more than the stream order 1 watercourses referred to by Mr Nicholas.

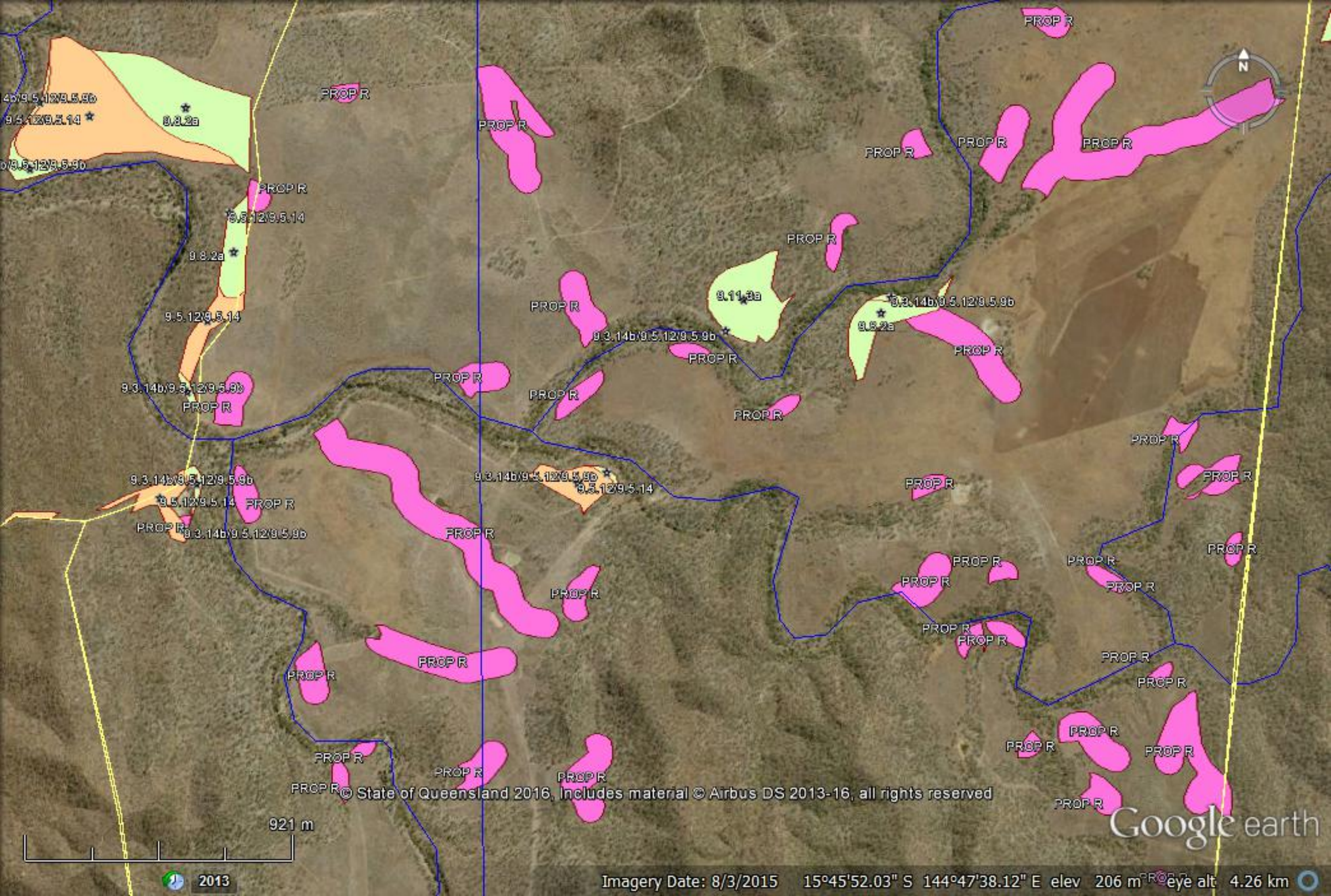
The Queensland Labour Government has not based their proposed changes included in The Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 on fact. They have distorted the facts to dramatise and misinform people into believing that the proposed bill is absolutely necessary and only these proposed changes will save the Great Barrier Reef, Queensland's biodiversity and reduce Queensland's carbon emissions.

During the introduction of the bill to parliament Hon JA TRAD did not back any of her statements up with factual data. The minister's choice of words i.e. 'wreaked havoc', 'slash and burn', 'trashed' indicate a willingness to use rhetoric to mislead the people of Queensland.

The government has selectively picked what information is given to the media to avoid telling Queenslanders the truth regarding tree clearing. They have not undertaken any public consultation regarding the proposed bill and its implications. It appears that the government is trying to push the bill through without public scrutiny.

We do not believe that the Queensland Government or the green groups have any idea on the effects that these proposed changes will have in the management of a property. Red tape is time consuming and costly.

Thank you for allowing public submissions to the Agricultural and Environment Committee. We trust you will seriously consider our concerns.



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9.5.12/9.5.14 *

9.8.2a *

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9.11.3a

9.3.14b/9.5.12/9.5.9b

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Imagery Date: 8/3/2015 15°45'52.03" S 144°47'38.12" E elev 206 m eye alt 4.26 km