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Parliament House
The Agriculture, Resources & Environment Committee Chair
The Honourable Ian Rickuss MP
George Street
BRISBANE QLD 4001

Attention: The Honourable Ian Rickuss

Dear Sir

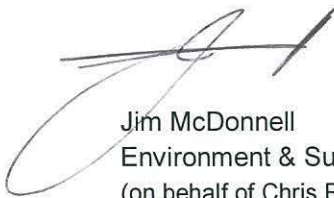
REVIEW OF THE NATURE CONSERVATION (PROTECTED PLANTS) AND OTHER LEGISLATION AMENDMENT BILL 2013

Council acknowledges your correspondence of 29th May 2013 inviting submission on the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013 (the Bill).

On behalf of Logan City Council, the Bill has been reviewed and endorsed by Committee members, with the attached comments provided herewith.

If you require any clarification or further information on the comments provided please do not hesitate to contact Council's Environment Officer, Ms Lee-Anne Veage on phone (07) 3412 4382.

Yours faithfully



Jim McDonnell
Environment & Sustainability Manager
(on behalf of Chris Rose, Chief Executive Officer)



LOGAN CITY COUNCIL SUBMISSION ON THE NATURE CONSERVATION (PROTECTED PLANTS) AND OTHER LEGISLATION AMENDMENT BILL 2013

Contact Officer: Lee-Anne Veage, Environment Officer Phone: 07 3412 4382 Email: Lee-AnneVeage@logan.qld.gov.au

Further to Logan City Council's submission in March 2013 regarding the Review of the Protected Plants Legislative Framework under the *Nature Conservation Act 1992* - Consultation Regulatory Impact Statement, clarification and information is still sought from our initial response.

The following comments are reiterated with respect to the *Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013*. Concern is raised on the basis that few if any of Logan City Council's issues previously submitted were acknowledged and/or addressed.

General Comments Reiterated:

In relation to the removal of the requirement for permits/licences for activities involving unrestricted least concern plants and not forming part of the immediate habitat of a threatened plant:

- Does the removal of permits and licences required for trading protected plants, apply to all levels of protected plants?
- What monitoring mechanism will be in place in relation to the trading of protected plants, to ensure natural stock levels are not depleted?
- Will the proposed framework allow for adaptive management if the clearing of protected plants is shown to impact threatened plants, which may become (or in fact do become) extinct, locally or otherwise?

How does the State Government propose to track and monitor whether due diligence has been undertaken in areas that are considered by the proponent to be 'low risk' (i.e. not in an area where there is a known record)?

Where flora surveys are only required for high risk clearing activities, e.g. urban development in greenfield areas, mining, broad scale clearing - built infrastructure high impact area, linear clearing over certain size or width, Material Change of Use and Reconfiguring a Lot over certain size:

- Are mechanisms in place to prevent a developer wishing to clear 10ha of land, clearing it in 2ha lot stages and therefore not required to conduct a flora survey nor seek a permit?
- When undertaking clearing works, mention is made of due diligence to search a relevant database. Which database(s) are relevant? Current available flora/fauna databases are not up to date. Clarification is needed on how data management will be managed including information capture, and updating species into the database. How frequently will this database be maintained and will adequate resources secure its continued management. Will Local Government have access to the database? There is information in the grey literature generated by research surveys and Local Governments which are not fed into the State database. When undertaking a 'relevant' database search for any threatened species in the proposed clearing area, it is possible that out of date information may potentially lead to the eradication of a significant species. Part of the purpose of flora surveys (currently undertaken in Option 1) is to identify species which may/may not be known to occur in the area, thereby increasing our knowledge and improving record keeping;

- What is the extent of database search required to ensure that the project is not within an area where there is a known record of a threatened species? For example HERBRECS, essential habitat search and Wildlife online, all present different data. Ideally the database information would be consolidated and simplified to ensure that all projects are undertaking the same level of due diligence in relation to threatened plants;
- No mention is made of buffer areas, or allowances for a threatened plant's expansion range, when undertaking clearing in or near threatened plant species. Least concern plant communities house repositories of great species diversity with most animals residing/inhabiting/utilising this vegetation. For example, if the habitat is known to support species such as quolls or koalas, at what point does least concern vegetation status become 'of concern'? Will there be regular monitoring and mapping updates to observe and keep track of these changes?

In circumstances where no previous threatened species records were known in the database but on the ground a significant population (not just one or two individuals) of a threatened plant was identified, would the exemption still apply or would this trigger assessment and permit requirements?

The exemption of all mining and petroleum activities, and instead, ensuring Environmental Assessment conditions that mitigate and/or offset the vegetation cleared, is not locally beneficial. These EA conditions are linked with the State offset policy, which supports approval to remove vegetation and replant the vegetation not in the local area from which it was cleared, but potentially in different regions. The replanting of vegetation in another ecosystem and different region does not replace the biodiversity lost from the local area.

New offences and compliance tools are proposed. No detail is provided in relation to the 'Protected Plant Assessment Code', which has not been written nor developed. Given the Code will be used by the State Assessment officers to assess each case, further information and detail is sought.

Selling and buying protected plants will be completely deregulated with record keeping replacing it.

- How will plant stock be managed &/or monitored and how will records be substantiated?

Further information was also sought in response to our initial feedback regarding specific questions posed.

Attachment 1 Discussion Paper – Comments to questions regarding Option 2

Q1). When should clearing outside a known threatened/near threatened plant record area be considered a high risk activity (ie. clearing that exceeds a certain specified size)?

Clearance thresholds that may impact significantly on threatened species may differ depending on environmental conditions and habitat type. Clearance of less than 1ha of remnant bushland may be higher impact than clearance of >2ha of previously cleared regrowth for linear infrastructure. In addition, there would be differences in clearing thresholds for SEQ vs the Brigalow Belt. LCC proposes that a number of thresholds are introduced dependent on remnant status, clearing type and position in the landscape (i.e. next to existing road etc).

Q2). *Regarding small scale clearing in a known threatened/near threatened plant species area, should there be any additional exemptions for clearing within known record areas? E.g. clearing to maintain existing infrastructure?*

There is a need to clearly define whether the infrastructure is an internal fence/dividing fence, internal track/access driveway, on a property power line/power easement, any building/approved building/dwelling. It is also suggested to exempt weed control such as removal of lantana by mechanical means while showing reasonable diligence to protect native species.

More information is required regarding the proposed protected plant code of practice. Clearance for maintaining existing infrastructure would need to comply with this code per section 2.2.

Q3). *Should there be any additional exemptions from requiring a harvesting license?*

It is recommended that seed harvesting for commercial propagation purposes require limits.

Comments on Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013

It is our understanding under the new framework that flora surveys and clearing permits requirements will only be triggered in areas where clearing poses a 'high risk' to plant biodiversity. As this was one of the specific questions posed on the initial consultation, clarification is sought on what the State defines 'high risk' to mean.

Amendment of s95 (Payment of conservation value)

Reference is made to enable the chief executive require a 'person' impacting on a protected plant to pay the relevant conservation value assigned to the plant in certain circumstances. Recommend in addition to 'person' that the terms 'organisation, company, entity' be included. As these entities are not legally deemed to be 'people', they would not therefore be subject to payment of conservation value. Given these entities would be conducting business within the realm of the Bill it should be amended as such to include them.

CONCLUSION

Logan City Council is generally supportive of the State government's *Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013*, which is to create the foundation for a new, simplified protected plants framework. Additional clarification is sought on several points as detailed above to ensure the conservation intent of the legislation is achieved.

