

10 April 2013

State Development, Infrastructure and Industry Committee
Vegetation Management Framework Amendment Bill
Parliament House
George Street
Brisbane Qld 4000



To Whom it may concern,

This letter has been prepared as a submission to the State Development, Infrastructure and Industry Committee in response to the proposed Vegetation Management Framework Amendment Bill 2013 (VM Amendment Bill) which is currently open for public comment. Please find my comments and queries regarding the VM Amendment Bill detailed below.

Item	Section	Comment
1	19O	Query regarding the inclusion of 'relevant infrastructure activities to which the clearing cannot reasonably be avoided or minimised' to the application of the new self assessable codes. Will the definition of relevant infrastructure apply to the current definition of 'necessary built infrastructure'? Does relevant infrastructure apply to any proponent or only subject to government supported infrastructure providers (i.e. councils, regional providers etc)? Will there be a threshold on the amount of clearing allowed to occur under the self-assessable codes? Some infrastructure projects could require a substantial amount of clearance and allowing them to be self-assessable is risky to Qld vegetation communities as assessments could be relatively subjective if codes are not explicit enough in their wording. How does the government propose to audit and monitor the implementation of these codes and ensure that self-assessable development is occurring in accordance with the proposed codes? This is likely much more time consuming for the government than providing approvals and permit requirements that spell out the conditions under which the proposed clearing is required to be conducted.
2	19O	Query regarding the content of the new self assessable clearing codes. Are they expected to be of similar content to the existing Regional Vegetation Management Codes which require certain vegetation communities be maintained? If a certain performance requirement could not be achieved by the project would the proponent be able to offer an offset area in the notification process or would the assessment then require a formal assessment/permit?
3	20A	Agree that the combination of mapping layers into one Regulated vegetation map will simplify the process and assist in determination of assessable vs non-assessable vegetation clearance. Will these maps be rolled out in concurrence with the legislative amendments?
4	20A	With the 'locking in' of all non-assessable vegetation as Category X please confirm that this removes the requirement for any permits to clear native vegetation regardless of the land tenure (i.e. on state land). Will all areas mapped as high-value regrowth vegetation on the current mapping automatically transfer to Category X or is there an opportunity for some of these areas to be upgraded to remnant where it is likely that they now meet the 70/50 criteria?
5	20AA & 20AB	Would assessment against performance criteria related to waterways and wetlands be relevant to only those shown on the new vegetation management wetlands map and vegetation management watercourse map or would a project known to traverse a wetland identified in the field and not on the map require to address that unmapped wetland in the assessment?

Item	Section	Comment
6	Dictionary	Restricting the definition of high-value regrowth to represent only areas on leasehold land for agriculture or grazing will drastically reduce the legislative powers of vegetation protection in Queensland and puts at risk vegetation communities under threat and the flora and fauna they support. At a minimum high-value regrowth could be included in the self-assessable category (similar to it is now) to ensure that indiscriminate clearing of vegetation communities that are approaching remnant value (i.e. as they have been growing for >30 years) is not permitted even on freehold land – where a large portion of it occurs. Unregulated clearing of high value regrowth vegetation on freehold land sets Qld backwards with our environmental responsibilities and will significantly limit the effectiveness of the Act by hindering the ability to protect and improve vegetation cover in Qld.
7	Dictionary	High value agricultural clearing – nothing in the definition of this term requires that the proponent prove that the agricultural activities are ‘high value’. What is the limit for <u>high value</u> as this definition seems to include any and all establishment, cultivation or harvesting of crops.
8	Dictionary	Necessary environmental clearing includes a category to ‘divert existing natural channels in a way that replicates the existing form of the natural channels’. Please provide more information on what this entails. Does this apply only to reinstating modified channels or can waterways be diverted as part of other projects under this category as long as the diversion replicates the natural form? This could provide a questionable exemption for some projects that would otherwise be assessable.
9	Overall	Will the reforms to the VM Act also include changes to the VM Regulations? In particular are there proposed to be changes in relation to exemptions currently outlined in Schedule 24 of the regulations? There are already a number of exemptions that exist in this regulation and no further exemptions should be provided. If anything the exemptions should be simplified to be more consistent across land tenures and apply to clearing purposes. Exemptions on Freehold and state land for Least Concern remnant vegetation should be removed as they threaten areas that are essential habitat. Clearance in these areas should still be required to comply with a code (whether through a permit or at a minimum self assessable) to ensure ongoing unregulated clearance does not threaten the viability of these currently ‘Least Concern’ communities (and the fauna they support).

In general, I see the value in simplifying the assessment process in relation to the VM Act as it currently stands, however I caution the current government to ensure that it does not result in legislation that is too weak to genuinely protect our native vegetation in Qld. Even with the current measures in place the status of our remnant vegetation is decreasing and this is a chance to reassess our current process and strengthen our protections while still providing more flexibility to small scale and low impact activities. I believe that some of the proposed changes will set Qld backwards with our environmental responsibilities and significantly limit the effectiveness of the Act by hindering the ability to protect and improve vegetation cover in Queensland. In particular, I am concerned with the proposed changes to the following:

- restriction of high-value regrowth assessment to leasehold land (refer Item 6)
- inclusion of ‘relevant infrastructure’ entirely in the self-assessable process which leaves a door wide open to many projects that may have high-level of impacts/complexity to avoid permit requirements and limit the governments regulation over such projects (as the department would not be able to comment on proposed activities and provide conditions) (refer Item 1)
- ambiguity in some definitions that would allow some activities that may be questionable to fit into terminology that allows them exemptions/self-assessable status (refer Items 7 & 8).

Sincerely,

Lisa Carter

