

VEGETATION MANAGEMENT FRAMEWORK AMENDMENT BILL 2013 (QLD)

(Comments close by 10 April 2013)

Submission Prepared 10 April 2013 by

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STATE DEVELOPMENT, INFRASTRUCTURE
AND INDUSTRY COMMITTEE

LOGAN AND ALBERT CONSERVATION ASSOCIATION INC (LACA)

Submitted by

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Background

The Logan and Albert Conservation Association (LACA) has been working with the communities of Logan City Council and Scenic Rim Regional Council (previously Beaudesert Shire Council) for more than 20 years to improve environmental and community outcomes. Our membership extends across both Council areas.

LACA appreciates the opportunity to make a submission in relation to this Bill.

LACA does not support any reduction in the current legislative powers of the Vegetation Management Act 1999 as proposed in the Vegetation Management Framework Amendment Bill 2013. LACA has outlined below our reasons for concern about the proposed changes as outlined in the Bill. LACA is very concerned that there has been no consultation prior to the draft Bill being prepared, ,so it is likely that not all who have a stake in the issue will have had an opportunity to provide input.

LACA is available to make further comments in relation to the proposed changes to the Vegetation Management Framework Amendment Bill 2013. Please contact Anne Page on 3297 0624 or by email on mkpage@bigpond.com

Amendment	Description	Concerns About Proposed Changes
Changes to New Purpose of the Act	Regulate the clearing of vegetation in a way that 'allows for sustainable land use'	What is a sustainable land use? Vegetation clearing is inconsistent with sustainable land use because of impacts on loss of habitat, loss of biodiversity, reduced water quality, and adverse impacts on CO2 emissions.
The regulation of high value regrowth vegetation on freehold and indigenous land is	High value regrowth will only be regulated on a lease issued under the Land Act 1994 for agriculture and grazing purposes . Regrowth watercourse vegetation will also remain regulated.	Removing recognition for regrowth vegetation is an enormous issue under SEQRP

<p>being removed</p>		<p>Much of the region of Mt Lindesay North Beaudesert is regrowth vegetation – with endangered and of concern regrowth. If regrowth vegetation is not protected, then much of this vegetation will not mature to reach remnant vegetation status in the future. Currently regrowth vegetation is supporting endemic species like koalas (Vulnerable EPBC), spotted tail quolls (Endangered EPBC) e.g. Chambers Flat , Jimboomba, Logan Village, Munruben, Greenbank . Any proposed loss of protection for remnant or regrowth vegetation by the Queensland Govt is a threat to Matters of National significance in this MLNBA Region.</p> <p>Koalas and other native species do utilise regrowth vegetation areas. Local wildlife carers particularly utilise the new young growth for food for koalas in care. Personal communication with wildlife carers indicates that koalas prefer this new growth as a food source.</p>
<p>Self assessable code assessment</p>	<p>Head of Power inserted in the VMA to allow the Minister to make 'self assessable vegetation clearing codes' - this includes regrowth vegetation and native forest .Landholders can use self assessable code assessment to undertake clearing for development without the need to obtain a development permit .</p> <p>The amendments proposed will allow the Minister to make self-assessable vegetation clearing codes for relevant purposes, identified as the following: e.g. infrastructure activities, extractive industry, 'environment clearing' (e.g. flood mitigation) , native forest practice,</p>	<p>Proposes more code assessable approvals (ie fast tracking, tick off forms to seek vegetation clearing) which means that there is no checking or enforcement to ensure accountability for the community .Fast tracking does not mean more efficient processes . Developers and Industry require decisions in a short time frame, but best practice ecological assessment and decisions require the time needed to determine baseline data and to</p>

	<p>fodder harvesting, thinning, encroachment, high value regrowth and regrowth in watercourses.</p> <p>It will be an offence for a person to clear vegetation or conduct a native forest practice under a self-assessable vegetation clearing code without complying with the code.</p>	<p>review and evaluate practice over a longer period of time. Fast tracking does not ensure sustainable decision making or sustainable land use decisions are being made.</p> <p>Problems currently occur with other code assessable development approvals which make claims like “ koalas are extinct” (e.g. Teviot Downs DA in Greenbank” and these statements were not substantiated by subsequent community koala sightings). Code assessable approvals rely on the applicant presenting truthful and accurate information, which is not always the case.</p> <p>Often baseline environmental data is not available (e.g. koala and quolls populations for an area like Chambers Flat, Logan Village, or Jimboomba). This lack of baseline information means that assessment processes such as that for the Loganlea to Jimboomba Energex 110 kv Powerline and the Park Ridge Connector Rd (TMR) can imply that a lack of online data means that the habitat in these areas is considered not worth protecting for Matters of National Significance.</p> <p>Clearing exemptions are allowed for infrastructure, farming, mining. Mining exploration has occurred and is still proposed for CSG in the Scenic Rim Region area.</p> <p>It will be an offence for a person to clear</p>
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		<p>vegetation or conduct a native forest practice under a self-assessable vegetation clearing code without complying with the code. However, this depends on the non compliance being identified, inspected and reported . This is also dependent on legal action being taken against the individual who has not complied.</p>
High value Agriculture clearing	Landholders will be able to apply for high value agriculture clearing or irrigated high value agric clearing	<p>Grazing and other agriculture activities can occur with vegetation being retained on a property.</p> <p>In an agricultural region that has already experienced vegetation clearing, the remaining regrowth and remnant vegetation is of great significance for biodiversity, water quality and ecosystem values. In the region of the Logan and Albert Rivers, past land uses practices have removed most of the lowland vegetation and has threatened habitat connectivity from lowland to upland areas which helps to protect the resilience of biodiversity and ecosystems. The vegetation (remnant and regrowth) that remains in the Logan and Albert River Catchment needs to be retained and protected.</p>
Necessary 'environment' clearing	<p>Clearing that is necessary to achieve a beneficial environmental or social outcome</p> <ul style="list-style-type: none"> -restore ecological and environmental condition of the land -prepare for the likelihood of a natural disaster eg flooding - remove hazardous contamination from land 	<p>Much of the riparian vegetation along the waterways in Logan City Council and Scenic Rim Regional council areas ,and the surrounding vegetation ,has been removed by past land use practices. More protection and</p>

	<p>-divert existing channels in a way that replicates the existing form of the natural channel</p>	<p>retaining of native vegetation is required e.g. along waterways, habitat connectivity. Recent State Government policy has removed the need for new homes to have water tanks – this will have an increased amount of runoff from hard surfaces and increased potential risk of flooding e.g. Yarrabilba.</p> <p>Erosion impacts during flooding are greater when vegetation has been removed.</p>
<p>Simplified vegetation mapping</p>	<p>Changes propose to provide less detailed vegetation mapping</p> <p>New regulated vegetation management map, vegetation management wetlands map and a vegetation management watercourse map</p> <p>The PMAV mechanism will still be available to amend the regulated vegetation management map and expand category X areas (areas not assessable under VMA) .</p>	<p>Changes to mapping and Act will not protect regrowth vegetation (other than high value regrowth)and proposes to remove essential habitat mapping.</p> <p>Changes propose to provide less detailed mapping which will disadvantage the community and government decision makers (1). currently the VMA 1999 has remnant vegetation mapping (that includes endangered, of concern, and not of concern vegetation areas). These areas are also identified with their RE vegetation code . Essential habitat mapping is also mapped which indicates habitat that is essential for endangered, vulnerable and threatened species like the koala and rare frogs e.g. wallum froglet. In the VMA 1999 current mapping includes regrowth vegetation. These maps are based on scientific assessment by the Queensland Herbarium and so have a scientific basis. (2) the changes propose are to remove the classification of endangered and of concern and have 2 categories called category B and category C. It will not protect regrowth vegetation.</p>

		<p>Current RE mapping has not all been ground truther to confirm the RE identification or to confirm if the regrowth vegetation should be upgraded to remnant (eg Mt Lindesay North Beaudesert area and other areas in Qld.)</p> <p>More areas will be locked in as Category X vegetation. Some areas in Queensland have high value regrowth vegetation on Freehold and indigenous land (not cleared since 1989) that could be moved into this Category X and would no longer be protected (Environmental Defenders Office submission).</p> <p>Only vegetation on leasehold land for agricultural or grazing purposes that satisfies the definition of high value regrowth vegetation will be mapped as a category C area on the new regulated vegetation management map.</p>
Changes to compliance, offence and penalty provisions	Compliance, offences and enforcement provisions are significantly weakened.	Defences are expanded to include “ mistaken belief”. The penalty provisions are removed that allow for forfeiture of lease if a lessee has more than once conviction for a vegetation clearing offence.
Other changes	Removes Wild River provisions under VMA	Greater regrowth and remnant vegetation protection should apply to all waterways and wetlands in Qld , especially ‘wild’ rivers.
Material Change of Use and Reconfiguring Lot	Changes to lot size trigger from 2 hectares to 5 hectares	<p>There will be fewer referrals to DNRM to assess vegetation clearing (and will also require changes to Sustainable Planning Regulation 2009)</p> <p>In rural residential areas like in Logan City and</p>

		<p>the Scenic Rim Regional council, lots smaller than 5 hectares may contain valuable biodiversity or habitat connectivity that remains in the area. This bill proposes changes where no permit will be required for vegetation clearing for lots under 5 hectares. This will result in less clearing regulation and less or underestimated 'accounting' for vegetation loss in Qld.</p>
<p>Introduction of new exemptions to VMA</p>	<p>Introduction of new exemptions -(thorough changes to VMA and Sustainable Planning Regulation 2009)</p> <ul style="list-style-type: none"> -government supported transport infrastructure - infrastructure on land for community infrastructure designation under SPA - geotechnical works and land survey works - natural disaster events e.g. to protect human life, prevent injury, minimise damage to property and the environment 	<p>In Logan City Council, the community has numerous concerns about the loss of vegetation for community infrastructure projects eg.Park Ridge Connector (Gateway Motorway Extension) , Energex Loganlea to Jimboomba 110 kv Powerline, Water and Sewerage Infrastructure, and other community designated infrastructure. Much of this vegetation clearing for infrastructure will be in addition to vegetation that has or will be removed from the satellite urban developments of Yarrabilba and Greater Flagstone, the MDA of Park Ridge(with a collective proposed total population of 232 000) and the industrial development at Bromelton. This means that all vegetation clearing does need to be monitored, counted and regulated, which is not what is being proposed under this bill.</p> <p>Erosion impacts during flooding are greater when vegetation has been removed.</p>
<p>OTHER COMMENTS</p> <p>Ministerial authority</p>	<p>Under this Bill, the Minister has the sole authority (without any process of assessment, public consultation or even consulting experts or other government departments) to declare these High Value Agricultural areas wherever he determines it "necessary"</p>	<p>LACA has concerns about the extent of powers proposed to be given to the Minister.</p>

Exemptions	Exemptions for Clearing provide opportunities for clearing applications to be made for new additional purposes	Exemptions and self assessable code assessment will not protect endangered ecosystems, endangered species, waterways or wetlands. This Bill places at risk Matters of National Significance and habitats and ecosystems that support these.
Coastal Areas and Waterways	Exemptions for vegetation clearing for agriculture, mining and infrastructure	This means that vegetation (remnant and regrowth) in coastal areas, and along waterways will not be protected from clearing or development. For example, vegetation in all catchment of the Great Barrier Reef.
Less regulation of vegetation clearing	Exemptions for vegetation clearing	<p>Land clearing is listed as a 'Key threatening' Process under the EPBC Act (Commonwealth) since 2001. Advice from the Threatened Species Scientific Committee recognized that 'each State and Territory needs an appropriate response to this Key Threatening Process and further advises the (Federal) Minister that the Commonwealth should encourage and support land management quality assurance and planning mechanisms at the appropriate scales to ensure the conservation of biodiversity, especially threatened species and ecological communities . Impacts on nationally listed species (e.g. spotted tail quolls, koalas) were noted in the listing advise as being adversely impacted by land clearing. A relaxation of vegetation clearing laws in Qld will continue to reduce biodiversity .</p> <p>Loss of tourism and income earned from Tourism and Ecotourism in Qld. The tourism industry is very important to Qld and relies on the biodiversity, ecosystem and condition and health of waterways and coastal areas.</p>

		<p>Vegetation clearing increases erosion and runoff which contribute to the degradation of water quality in waterways and coastal areas e.g. Logan River and Moreton Bay. Degraded water quality has a social cost to communities that rely on them, impacts on fishing industry and to people who can no longer use them as recreation assets e.g. residents and tourists.</p> <p>Degraded water quality from vegetation clearing places at risk national assets like the Great Barrier Reef World Heritage Area. The GBR is a critical tourist and economic assts to Qld and Australia. All catchments that flow into the GBR will be open to increased risk of vegetation clearing, as will other waterway and coastal areas in Qld.</p>
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