

Sub No 54



10 April 2013

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



Dear Sir / Madam

REVIEW OF VEGETATION MANAGEMENT FRAMEWORK AMENDMENT BILL 2013

Thank you for the opportunity to provide a response to the Vegetation Management Framework Amendment Bill 2013.

Due to the limited time available to prepare this submission, the comments provided are from council officers and do not reflect the views and opinions of the Sunshine Coast Council.

Viable ecosystems that maintain biodiversity values, including the management of vegetation and healthy waterways and foreshores are emerging priorities of council's corporate plan. In response council in partnership with the community are implementing the Sunshine Coast Biodiversity Strategy 2010-2020 and the Waterways and Coastal Management Strategy which provides the framework and direction for biodiversity conservation and waterway management. This submission has been informed by the principles and strategic directions outlined in these strategies.

In the past vegetation clearing across Queensland has been extensive and the remaining remnant and regrowth vegetation has become more important for the protection and enhancement of the state's valuable biodiversity. This is particularly evident in urban areas where biodiversity is under considerable pressure from habitat loss associated with clearing and development.

Given the importance of the state's vegetation to biodiversity, the need to facilitate additional clearing for the purposes of economic development needs to be demonstrated. The framework does not appear to demonstrate how the proposed changes will achieve an appropriate (sustainable) balance with regard to desired environmental, economic, social and governance outcomes, while also ensuring that environmental benefits can be preserved while implementing reforms that reduce red tape.

As a result, it is suggested that the proposed provisions that allow for the clearing of native vegetation for 'sustainable land use' should state that this is only to occur where the development provides for a net gain in native vegetation and biodiversity values, rather than 'significant beneficial impact to the biodiversity values' which is potentially open to much greater interpretation and potential misapplication.

It is also suggested that implementation of the proposed Vegetation Management Framework Amendment Bill 2013 may be deferred until appropriate assessments are undertaken and all stakeholders have been informed and consulted with regard to:

- 1) The identification of environmental outcomes which should be achieved by the Vegetation Management Framework;
- 2) The identification of the strengths and weaknesses of the current and proposed frameworks;
- 3) A comparison of the environmental, economic and social costs and benefits of the current and proposed policy frameworks, including an analysis with regard to the National Competition Policy test endorsed in the Queensland Competition Authority Issues Paper; and
- 4) Incorporating the desired environmental outcomes into the policy framework and its realignment to achieve the required environmental outcomes.

The attachment provides further comments and responses to the proposed Vegetation Management Framework Amendment Bill 2013.

I trust these comments are of assistance and would welcome the opportunity to further engage with state government officers as this project evolves.

Should you have any questions with regard to this submission, please contact Gary Duffey

Yours sincerely



R ROBYN DOUGLAS
ACTING MANAGER – ENVIRONMENT POLICY BRANCH

ATTACHMENT

1 Achieving appropriate environmental outcomes

The explanatory notes for the proposed Vegetation Management Framework Amendment Bill 2013 make reference to the review completed by the Office of Best Practice Regulation (OBPR) and the OBPR final report (8 February 2013) which cites the Centre for International Economics (CIE) report on Prioritisation of Regulatory Reforms (October 2012).

Within the CIE report, it is indicated that previous attempts to reform the Vegetation Management Framework had not considered whether appropriate environmental outcomes could only be achieved through restrictive regulation, or whether the environmental benefits outweigh the economic and social costs, as required under the National Competition Policy test endorsed in the Queensland Competition Authority Issues Paper.

The OBPR final report also indicates that an inquiry should be established, with regard to the need for reform of the Vegetation Management Framework, in order to determine how environmental benefits can be preserved with reforms that reduce red tape. (Similar provisions appear in the OBPR interim report (November 2012) to the Queensland Government.)

There does not appear to be any evidence to indicate that these matters have been incorporated into the reform process.

2 Maintaining protection and management of Queensland's native vegetation resources

Within the Explanatory Notes it is indicated that the policy objectives of the Vegetation Management Framework Amendment Bill 2013 are to amend the vegetation management framework, Land Act 1994, Sustainable Planning Act 2009, and Wild Rivers Act 2005 to:

- Reduce red tape and regulatory burden on landholders, business and government.
- Support the four pillar economy – construction, resources, agriculture and tourism.
- Maintain protection and management of Queensland's native vegetation resources.

A review of the Vegetation Management Framework Amendment Bill 2013 and associated explanatory notes identified the following matters of concern:

- 1) It is unclear whether a shift to a reliance on self-assessable vegetation clearing codes has the potential to result in excessive clearing and other environmental impacts.

For example, excessive clearing could occur if code provisions are open to interpretation or the use of code provisions promotes vegetation management which is focussed on achieving minimum requirements rather than best practice. In addition, reliance on self-assessable vegetation clearing codes should be underpinned by appropriate monitoring and enforcement mechanisms, yet there is no indication that appropriate resources to successfully implement this approach is provided;

- 2) The discussion on the proposed reforms does not appear to quantify the implications for native vegetation resources within Queensland and, more specifically, on the Sunshine Coast, should protection be removed for areas of regrowth vegetation which is located on freehold land.

3 Local government consultation and engagement

There is limited evidence that local government has been appropriately consulted with regard to the current and proposed Vegetation Management Frameworks.

Declarations by Minister

In instances where the Minister declares a high value declaration area to be a restricted high value agricultural area, local government should be notified of the proposal before it is declared and provided with an opportunity to comment on the proposal in relation to its planning scheme provisions and potential conflict with localised biodiversity strategic directions.

Self-assessable vegetation clearing codes

Local government and other key stakeholders should be engaged in the development of the proposed self-assessable codes.

4 Specific issues

4.1 Protection of regrowth vegetation

The reforms propose to only map high value regrowth vegetation for leasehold land for agriculture and grazing.

There are concerns with this approach given the important function that regrowth vegetation has in maintaining and supporting biodiversity.

Regrowth mapping across the state should therefore be reviewed to map high value regrowth vegetation for freehold and Indigenous lands to ensure positive conservation outcomes deliver a net gain in vegetation cover over time.

Maintaining requirements for exchange areas (offset) areas for clearing of regulated regrowth vegetation on leasehold and freehold lands is an important part of this and therefore should not be removed from code requirements.

4.2 New Clearing Purposes: High value agriculture clearing, irrigated high value agriculture clearing and environmental clearing

It is difficult to appreciate the implications or limitations of the proposed clearing purposes without considering the associated code requirements. The provisions regarding clearing for natural disasters may be exploited unless code requirements clearly set out the intent and restrictions. Furthermore, it is suggested further consideration is given to the potential downstream flooding and environmental impacts and changes to natural flow paths.

4.2.1 Determining 'necessary environmental clearing'

The framework proposes the creation of a new clearing purpose, 'necessary environmental clearing' and the associated self-assessable vegetation clearing code for 'necessary environmental clearing'.

Further clarification would benefit landholders, business and government with a clearer understanding of the scope and nature of the activities which are to be considered 'necessary environmental clearing', particularly with regard to the following:

- Determining the circumstances where diversion of natural channels is appropriate.

While it is understood that diversion of existing natural channels is used as a management approach, particularly within the resource sector; this practice is not considered appropriate

for all sectors nor is it considered consistent with current best practice, particularly within the Sunshine Coast.

- Determining when it is appropriate to undertake vegetation clearing in order to prepare for the likelihood of a natural disaster.

In particular, the proposed changes to the policy framework should seek to avoid vegetation clearing for the likelihood of a natural disaster, where the clearing is likely to increase risk to people and assets on land which adjoins or is located downstream of the vegetation which is proposed to be cleared.

4.2.2 Determining 'necessary built infrastructure'

Currently the term 'necessary built infrastructure' is undefined and, as a result, it is unclear as to the nature of the infrastructure that the term applies to and the criteria which indicates that the infrastructure is 'necessary'.

The scope and nature of 'necessary built infrastructure' should be defined within the proposed policy framework for clarification and effective application.

4.2.3 Requirements for making an application

The requirements for making an application should also include the need to demonstrate a net gain in vegetation or biodiversity values and not just provide for a higher level of protection for the remaining existing vegetation through a change in tenure.

The need to demonstrate that the clearing will have a significant beneficial impact on biodiversity values of the land should be supported by detailed code requirements that set out what needs to be achieved in terms of compensatory planting, revegetation, restoration options and offset areas.

It is suggested that the code requirements should require the implementation of best practice approaches to land management (actions that should be done anyway as part of best practice) and that these should not go towards demonstrating a net benefit.

4.2.4 Clearing of endangered or of concern regional ecosystems

The clearing of native vegetation in an endangered regional ecosystem or of concern regional ecosystem should be avoided to the greatest extent possible and this should be the primary consideration when weighed against economic viability considerations.

4.2.5 Pre-emptive clearing

There is concern that land holders in high value coastal areas will seek to carryout pre-emptive clearing for future urban development under the guise of high value agricultural clearing.

It is suggested that changes to the policy framework are considered to avoid this outcome.

5 Vegetation management mapping

The introduction of a simplified system of vegetation mapping that incorporates regional ecosystem mapping, remnant vegetation and regrowth vegetation has merit as does the proposal for a single state wide watercourse map to provide for a single point of reference for watercourse mapping.

However, it should be noted that inaccuracies in relation existing state mapping associated with the scale at which it is developed compared with detailed localised mapping where available can lead to problems in applying the legislation and result in a lack of certainty to stakeholders.

Maintaining healthy waterways and coastal foreshores on the Sunshine Coast is identified in Council's Corporate Plan as a priority. Therefore it is concerning that the Framework for category R only relates to the areas within 50m of a watercourse shown on the vegetation management watercourse map in the Burdekin, Mackay Whitsunday and Wet tropics catchments and cannot be made category X. It is suggested that these provisions should be extended to all state watercourses to assist with the effective management and delivery of healthy waterways for the state.

In response to this issue, local government should be engaged in the development of the proposed vegetation mapping and, where possible, the vegetation mapping should be informed by local government spatial data where it provides the capacity to improve the accuracy of the vegetation mapping associated with that area.

6 Interactions with strategic cropping land

The Single State Planning Policy once completed should clarify the interactions between the Vegetation Management Framework as it relates to agriculture and the SPP1/12 Strategic Cropping Land.