

Moreton Bay
Regional Council

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Sub No 56.



The Research Director
State Development, Infrastructure and Industry
Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir or Madam,

**SUBMISSION ON THE VEGETATION MANAGEMENT FRAMEWORK AMENDMENT
BILL 2013**

Thank you for the opportunity to comment on the proposed Vegetation Management Framework Amendment Bill 2013.

Officers within Council have considered the proposed amendments to the current vegetation management framework and have identified the following issues of concern in relation to those amendments:-

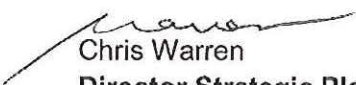
- 1) Council acknowledges that a balance needs to be sought between economic need and environmental sustainability. However, to enable it to determine whether or not an appropriate balance has been achieved in this instance, Council needs to have a clear understanding of the overall intent of the proposed changes to the "vegetation management framework". From the explanatory notes prepared for the Bill, it appears that a number of the proposed reforms are dependent upon the content of codes which are yet to be prepared as well as corresponding changes to both the *Sustainable Planning Regulation 2009 (SPR)* and the *Vegetation Management Regulation 2012 (VMR)* that are yet to be released. Council has concerns about a process which requests comments on an incomplete set of interrelated documents and can see no reasonable justification for adopting such an approach given that the entire suite must be in place before the majority of the changes proposed under the Bill come into effect.

- 2) It is noted that a number of the proposed changes are being made with the intention of removing the overlap between the *Vegetation Management Act 1999* (VMA) and the *Nature Conservation Act 1992* (NCA). While that is seen as an admirable cause, the proposed amendments don't completely negate the need to obtain approvals under both Acts for different aspects of vegetation management. Council believes that more work needs to be undertaken in this area.
- 3) The wording of the new section 19Q indicates that if a "self-assessable vegetation clearing code" is made for an activity, that activity takes on self-assessable status as long as it is conducted in strict compliance with the requirements of that code. The reference in this new provision to the "Planning Act" has the effect of overriding the assessment status that would otherwise apply to that activity under the *Sustainable Planning Act 2009* (SPA), its associated Regulation and the various local planning instruments administered by local governments. Such an outcome departs from the undertaking given by the Government in power at the time when the VMA came into effect that local planning instruments would be able to establish higher development standards for native vegetation clearing than the defaults that would otherwise apply through SPA. That change in position is likely to be of significant concern to those Councils that have consciously adopted higher standards in their planning schemes.
- 4) The new section 20HB requires that the chief executive responsible for administering the VMA update the "regulated vegetation management map" to reflect certified or amended PMAVs. To fulfill the stated intent of ensuring that the "regulated vegetation management map" is as up-to-date as practicable at all times, the provision needs to be expanded to set a time limit within which the chief executive should complete that updating process.
- 5) The new section 20HC will prescribe the commencement times for amendments to the "regulated vegetation management map". Under the current version of the VMA, commencement is triggered by the preparation and adoption of a Regulation specifically for that purpose. The proposed changes will simplify the process by replacing the requirement for a Regulation with certification of the modified map by the chief executive responsible for administering the VMA and potentially result in changes occurring more frequently than is possible under the current regime. If that simplified process was restricted to those amendments necessitated by certification of a PMAV Council could see merit in the proposed change. However, no such restriction is proposed in this instance and, as a result, the simplified process could present problems for development proponents who have developed their schemes based on one version of a "regulated vegetation management map", but a different version which imposes different development constraints is in place before a development application is actually made.
- 6) The proposed changes to section 20V appear to remove the requirement for the "register of area management plans" to be published on the Department's website. That requirement needs to be reinstated for public convenience and transparency purposes.

- 7) The amendments will remove an authorised officer's power of entry (without owner's consent) to investigate suspected breach activities related to "native forest practice" and "area management plans". Such restrictions on access powers appear to be unwarranted.
- 8) The new sections 117 and 120 outline transitional arrangements for activities that commence prior to the amendments proposed under this Bill coming into effect. Both of those sections deal with compliance with codes adopted under the VMA. However, the current wording of those provisions has a degree of retrospectivity by requiring compliance with the "self-assessable vegetation clearing codes" that are yet to be released for the vegetation clearing aspects of the activity that had not been completed when the new codes came into effect. If the new codes are more onerous than those that are currently in place, some existing self-assessable activities could be forced to cease until a development approval has been obtained merely because of non-compliance with more onerous requirements within new codes.
- 9) Council is concerned that land on which clearing is undertaken under a new exemption or a more "relaxed" standard of a new "self-assessable code" could subsequently be used for a purpose for which such clearing would otherwise have been precluded or severely constrained. While the development proponent may not have been deliberately seeking to circumvent reasonable vegetation clearing constraints, the result is the same as one which had been premeditated and represents a totally undesirable outcome.

Council appreciates the opportunity to comment on the changes envisaged under the Vegetation Management Framework Amendment Bill 2013 and trusts that its concerns outlined in this submission are given the appropriate consideration.

Yours faithfully,



Chris Warren

Director Strategic Planning & Development