

2013 Corporate Partners



10 April 2013

Mr David Gibson MP
Chair
State Development, Infrastructure and Industry Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Mr Gibson *David*

Vegetation Management Framework Amendment Bill 2013

Thank you for the opportunity to provide feedback on the *Vegetation Management Framework Amendment Bill 2013* (Bill).

The Property Council is supportive of the move to reduce the regulatory burden created through the Queensland Government's Vegetation Management Framework.

After reviewing the Bill, the Property Council provides the following comments.

Policy objectives

As noted, the Property Council is supportive of legislative changes that will ease the burden of regulation on landowners, businesses and government.

Throughout 2012 the Property Council worked closely with the Queensland Competition Authority's Office of Best Practice Regulation (OBPR) in the development of their *Report on Measuring and Reducing the Burden of Regulation*.

As you would be aware the OBPR commissioned further research by Synergies Economic Consulting into the number of regulatory requirements associated with the *Vegetation Management Act* (VMA). Their findings show there are 613 regulatory requirements (including prohibitions) under the VMA.

Proposed amendments to the VMA introduced as a result of the Bill will go some way to reducing the complexity and burden of Queensland's vegetation management provisions, while protecting the environment and supporting the property industry as one of the four pillars of Queensland's economy.

High value regrowth

One of the key benefits of the proposed amendments will be the repeal of regrowth regulations for the clearing of high value regrowth on freehold and indigenous lands.

This will have a positive impact on the property industry through reducing the number of applications unnecessarily triggered through current provisions.

Sub No 66



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Regulated vegetation management map

The Property Council is supportive of the move to a single regulated map to enable landholders to easily identify which vegetation category has been assigned to their land.

Through 'locking-in' all non-assessable vegetation as Category X the new mapping framework will create certainty through eliminating the current issue of shifts in mapping boundaries and classification changes.

The Bill's explanatory notes outline that the stand-alone map will not contain detail of regional ecosystems, remnant vegetation or regrowth vegetation. As regional ecosystems and conservation status still form part of the *Vegetation Management Regulation 2012*, the Property Council is keen to understand how this information will now be displayed.

The Bill indicates that all non-assessable or non-regulated vegetation (including regrowth vegetation on freehold land) will be identified as Category X upon commencement of the Bill. The Property Council seeks confirmation that previously assessable vegetation (including regrowth vegetation on freehold land) will be *automatically* included on the new map as Category X, without requiring a property map of assessable vegetation (PMAV) application to be lodged.

Property map of assessable vegetation (PMAV)

Retention of the PMAV system is supported by the Property Council, as it allows for ground-truthing and error correction of the regulated vegetation management map.

Through limiting the application of Category C (and thereby expanding the scope of non-assessable vegetation), the number of PMAV applications should be significantly reduced, thus allowing faster turnaround times for decisions on applications and the making of PMAVs by the Department of Natural Resources and Mines (DNRM).

The Property Council would appreciate greater clarification regarding the timeframes that will be adopted for publishing the updated regulated vegetation management map, to reflect the creation or update of a PMAV.

Self-assessable codes

Providing a head of power for the Minister to make self-assessable codes acknowledges the ability of the industry to self-regulate within a given framework, with minimal oversight from DNRM.

As the proposed operation of the self-assessable vegetation clearing codes under the VMA will be the same as self-assessable development under planning schemes, the proposed changes will provide a level of consistency for the property industry.

As the codes are not yet available, the Property Council is unable to provide further comment on their applicability.

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Prosecution principles and right to appeal

The Property Council is supportive of proposed changes through *Clause 56* of the Bill, which would see the return of standard prosecution principles to vegetation clearing offences, ensuring those who make an honest mistake are not charged with an offence.

The proposed definition of 'relevant PMAV application' under the new Section 68CA states 'relevant PMAV application means a PMAV application made on or after 8 October 2009 and before the date of assent'.

While the current Section 68CA of the VMA has the same wording, the only PMAV applications affected are those made on or after 8 October 2009 and before 3 November 2009.

The Property Council recommends the proposed definition be amended to reflect the date of assent of the VMA (3 November 2009), as if the current wording is retained, any application made between 8 October 2009 and the date before the assent of the *current* Bill will not be able to use any review mechanisms available in the VMA (including the right of appeal to the Queensland Civil and Administrative Tribunal (QCAT)).

The proposed amendment of Section 68CB limits appeal rights to jurisdictional error, in decisions relating to a chief executive certifying, amending or replacing PMAVs.

The Property Council seeks greater clarification as to how this proposed change aligns with the provisions within the VMA, which allow for internal review and appeals to QCAT with respect to PMAV applications.

Conclusion

The Property Council supports the Government's commitment to the reduction of red and green tape in Queensland, and sees changes to the Vegetation Management Framework as a key way of achieving this.

This Bill, along with recent amendments to the *Environmental Protection Regulation 2008* and the current review of the *Protected Plants Legislative Framework*, are critical in reducing the spiraling level of duplication and regulation in environmental management in Queensland.

The Property Council would appreciate the opportunity for any further engagement or discussion on vegetation management in Queensland.

If you have any further questions about the Property Council or this submission, please do not hesitate to contact Jen Williams on 07 3225 3000 or jwilliams@propertyoz.com.au.

Yours sincerely



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