

Sub No. 151

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STATE DEVELOPMENT, INFRASTRUCTURE  
AND INDUSTRY COMMITTEE



## **Vegetation Management Framework Amendment Bill 2013**

**LGAQ Submission**

**10 April 2013**

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individual needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

## Submission

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

### 1. Consultation

The LGAQ is concerned that the Bill was presented to Parliament without any prior consultation with affected stakeholders, in particular local governments. Additionally, the State Development, Infrastructure and Industry Committee (Committee) consultation timeframe is not in line with the agreed timeframe for consultation with local government set out in the *Partners in Government Agreement* signed by the Premier and Minister for Local Government on behalf of the Government of Queensland.

As a result, the LGAQ has not had the opportunity to meaningfully engage with its members to determine a consensus position. Also, many individual councils were unable to make a submission, because the timeframe was too short to allow the submission to undergo due council process prior to being made to the Committee.

Further, the Bill is presented without accompanying regulations and proposed codes. It will not be possible to understand the full effect of the proposed amendments without this documentation.

### Recommendation 1

The LGAQ supports the Bill in principle (with the recommended changes below), pending consultation on the associated regulations and codes with the LGAQ, local governments and other key stakeholders; and

That the consultation timeframes for input on the associated regulations and codes is a minimum four weeks in line with the agreed timeframes of the *Partners in Government Agreement*.

### 2. Purpose of the amendment

The LGAQ supports regulatory simplification and green tape reduction where the processes and regulations do not practically contribute to or obstruct obligated persons in meeting the purpose and objects of the relevant legislation.

The purpose of the *Vegetation Management Act 1999* is proposed to be amended to include the term "sustainable land use", however the Bill does not include a definition of what sustainable land use is. This was a shortcoming in the original legislation as it does not provide for the future evaluation of the performance of the Act in meeting this purpose and should be rectified with this amendment.

A number of the proposed changes are being made to remove the overlap between the *Vegetation Management Act* and the *Nature Conservation Act*. The proposed amendments do not completely remove the need to obtain approvals under both Acts for different aspects of vegetation management and may cause confusion rather than the desired simplification and streamlining, by creating a new and unfamiliar process.

### Recommendation 2

Include a definition for "sustainable land use" that will allow for meaningful future evaluation of the performance of the Act against its stated purposes.

### Recommendation 3

Undertake consultation with key stakeholders prior to enactment of the Bill to ensure processes requiring multiple permits under more than one piece of legislation are appropriately streamlined and simplified.

### **3. Regrowth reforms**

The removal of the high value regrowth regulations from freehold and indigenous land is considered to be counter to the purposes of the legislation. Regrowth of endangered and of concern regional ecosystems should remain protected to ensure the purpose of the Act can continue to be achieved.

#### **Recommendation 4**

Include high value regrowth of endangered and of concern regional ecosystems into a category requiring full assessment.

### **4. New clearing purpose – necessary environmental clearing, pre and post natural disasters**

The LGAQ is concerned the allowance of self assessable clearing for the likelihood of natural disasters will result in significant unintended consequences. As was evidenced after recent disaster events in 2011 and early 2013, many landowners do not understand the important role of living vegetation in reducing the impacts of low to moderate flooding events in particular.

Clearing of an inappropriate nature, without appropriate checks and balances can result in increased sediment loads within waterways which impact water treatment plants, expensive infrastructure and the health of fisheries and recreation values in receiving waters.

#### **Recommendation 5**

Remove the allowance of self assessable clearing for the likelihood of natural disasters (and post disaster clearing) and retain appropriate checks and balances for the approval of clearing for these purposes or continue to provide a blanket exemption for a restricted period of time.

### **5. Comment on specific clauses**

Below is comment on specific clauses of the Bill, made with the caveat that further detail is required through the review of the regulations and codes to understand the full implications of the amendments.

The LGAQ recommends the committee notes and considers the following comments:

#### **S 20HB**

The new section 20HB requires that the chief executive responsible for administering the Vegetation Management Act update the “regulated vegetation management map” to reflect certified or amended PMAVs. To fulfil 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 for the chief executive to complete that updating process.

#### **S 20HC**

The new section 20HC prescribes the times for the amendments to the “regulated vegetation management map” to come into effect. Currently, 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 Vegetation Management Act. However, that simplified process is not restricted to amendments necessitated by certification of a PMAV and can occur more frequently than would otherwise be the case under the current regime.

Except for those changes triggered by a PMAV, this simplified process could present problems for development proponents that 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.

## **S 20V**

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.

For further information, please don’t hesitate to contact Ms Dorean Erhart, Principal Advisor – Natural Assets, NRM & Climate Change on phone: 07 3000 2202 or email: [dorean\\_erhart@lgaq.asn.au](mailto:dorean_erhart@lgaq.asn.au)