



Resourcing Queensland's future

20 March 2018

Committee Secretary  
State Development, Natural Resources and Agricultural Industry Development  
Committee  
Parliament House  
George Street  
Brisbane QLD 4000  
[sdnraidc@parliament.qld.gov.au](mailto:sdnraidc@parliament.qld.gov.au)

**Re: Vegetation Management and Other Legislation Amendment Bill 2018**

Dear Committee Chair,

The Queensland Resources Council (QRC) welcomes the opportunity to provide a submission to the State Development, Natural Resources and Agricultural Industry Development Committee (the Committee) on the *Vegetation Management and Other Legislation Amendment Bill 2018* (the Bill), as introduced to the Queensland parliament on 8 March 2018.

QRC is the peak representative organisation of the Queensland minerals and energy sector. QRC's membership encompasses minerals and energy exploration, production, and processing companies, and associated service companies. QRC works on behalf of members to ensure Queensland's resources are developed profitably and competitively, in a socially and environmentally sustainable way.

This submission focuses on two components of the Bill:

- The part that amends the *Water Act 2000* (the Water Act), specifically the changes to the Riverine Protection Permit (RPP) framework. The comments are substantially the same as made by QRC on the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* (the previous Bill), which also included these provisions; and
- The mapping arrangement provisions.

**Riverine Protection Permit requirements**

The following section provides comment on the proposed amendments pertaining to the Water Act, as outlined in the Bill, and impacts on related statutory instruments.

Part 5 of the Bill provides for amendments to the Water Act for the reinstatement of the RPP framework for the destruction of vegetation in a watercourse, lake or spring, which was in place prior to the introduction of the *Land, Water and Other Legislation Amendment Act 2013*. The current provisions of the Water Act only apply to activities that involve the excavation or placing of fill.

During consultation on the previous Bill, the then Department of Natural Resources and Mines (DNRM), now Department of Natural, Mines and Energy (DNRME) and Department of Environment and Heritage Protection (EHP), now Department of Environment and Science (DES), advised QRC on 5 April 2016 that there would be no changes to the exemption for mining currently provided under the *Water Regulation 2002*, which has now been superseded by the *Water Regulation 2016* (the *Water Regulation*), for the excavation and fill of a watercourse, lake or spring. QRC expressed its appreciation for the retention of the exemption.

While strongly continuing to support this position, QRC is concerned that without associated changes to the *Water Regulation* and the *Riverine Protection Permit Exemption Requirements* guideline (2017) (Exemption guideline), the reinstatement of the RPP framework will potentially constrain proponents from undertaking vegetation clearing in a watercourse, lake or spring.

Section 96(1)(e) of the *Water Regulation* refers to the Exemption Guideline. This document does not consider vegetation clearing in relation to RPPs. The former '*Guideline – Activities in a watercourse, lake or spring associated with a resource activity or mining operations*' (WAM/2008/3435) addressed all three aspects – excavation, placement of fill and vegetation clearing. However, this was superseded by the Exemption guideline when the 2013 amendments to the *Water Act* were implemented.

Similarly, Section 96(1) of the *Water Regulation* permits only excavating or placing fill in a watercourse, lake or spring and does not extend to vegetation clearing.

If the Bill is passed, QRC recommends that the *Water Regulation* and Exemption Guideline be amended to include vegetation clearing as an exempt activity, as this document provides a direct link to the exemptions under Section 814 of the *Water Act*. Such amendments, which recognise all three activities, would be consistent with the pre-2013 exemptions under a former ALP government.

If these statutory instruments are not updated, or if there is a lag between amendments to the Act and these instruments, the mining sector will have a situation where proponents are exempt from needing an RPP for excavation and the placement of fill, but will still need an RPP for any vegetation clearing associated with these same activities. This does not afford a streamlined process for Government or proponents.

### **Changes to mapping**

The following section provides comment on the proposed amendments regarding mapping arrangements, as outlined in the Bill, particularly Clause 37, Section 141 *Proposed map showing essential habitat*.

QRC is unclear as to the justification for the chief executive to publish a map during the interim period showing areas of proposed Essential Habitat for protected wildlife and near threatened wildlife on the DNRME website. While QRC is aware that there has been a long-standing Essential Habitat map administered by DNRME, the Explanatory Notes provide no recognition of this or comment on its status. In particular, that the inclusion of 'near threatened' areas on the Essential Habitat map is a return to the full suite of wildlife categories that existed prior to the 2013 legislation.

QRC recommends that the reason for the calling out of 'near threatened' areas of Essential Habitat in the interim map, for the purposes of transitional arrangements, be made clear in the Explanatory Notes.

As a related and significant issue, there is already a complex and burdensome suite of State vegetation mapping under multiple legislative instruments. This has subsequently resulted in inconsistencies between the mapping and complicated the assessment and approvals process for resources-related projects and others.

For example, the Vegetation Management (VM) Class mapping regulated under the *Vegetation Management Act 1999* (VM Act), the Biodiversity (BD) Status mapping and the Environmentally Sensitive Area (ESA) mapping referred to under the *Environmental Protection Regulation 2008* are all considered in an impact assessment. The VM Act, which governs the need for offsets under the *Environmental Offsets Act 2014* often places a different status level to that of other mapping (e.g. BD Status mapping) over the same area of vegetation. In this event, conditions may apply to the development without the need for an offset or vice versa.

Further, issues are terminology (e.g. two types of Category C areas), and differences in classification and colours over the same area of vegetation when using the VM Act and BD Status maps, which have a flow on effect to the ESA maps.

QRC has long raised issues with the State's vegetation mapping with Government and continues to advocate for improvements. While this is not directly within the remit of the Committee and its consideration of the Bill, QRC asks that the Committee urge Government to use the Bill as an opportunity to collaboratively consolidate and streamline Queensland's vegetation mapping with the aim of removing mapping inconsistencies to allow for a more efficient and transparent system.

## Recommendations

QRC submits the following recommendations to the Committee as detailed in the body of this submission:

- **Recommendation 1:** Section 96(1) of the *Water Regulation 2016* be amended to permit vegetation clearing in a watercourse, lake or spring in addition to excavation and placement of fill.
- **Recommendation 2:** The Exemption guideline (Version 1.04 24/10/2017) be amended to allow mining activities to clear vegetation in addition to the provisions for excavation and placement of fill in a watercourse, lake or spring (as per *Guideline – Activities in a watercourse, lake or spring associated with a resource activity or mining operations* (WAM/2008/3435)).
- **Recommendation 3:** The Explanatory Notes to the Bill be amended to provide an explanation for the inclusion of near threatened wildlife areas on the Essential Habitat map.
- **Recommendation 4:** Government collaboratively consolidate and streamline the vegetation mapping in Queensland to remove inconsistencies and allow for a more efficient and transparent system.

QRC would welcome the opportunity to discuss our submission further with the Committee during its consideration of the Bill. QRC's Policy Manager, Environment, Chelsea Kavanagh, and Policy Director, Environment, Frances Hayter have carriage of environment policy matters and can be contacted at \_\_\_\_\_ and \_\_\_\_\_.

Yours faithfully,



Frances Hayter  
**Policy Director, Environment**