



The heart of Cape York Peninsula

Committee Secretary
State Development, Natural Resources
and Agricultural Industry Development Committee
Parliament House
George Street
BRISBANE QLD 4000
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22 March 2018

Our Ref: D18/06032

Dear Sir/Madam,

Re: Vegetation Management and Other Legislation Amendment Bill 2018

Thank you for the opportunity to provide comment on the Vegetation Management and Other Legislation Amendment Bill 2018 currently under consideration by your committee.

Cook Shire Council would like to raise several issues with the Bill as detailed below:

1. Consultation and period for submissions

- There was no consultation with Local Government regarding the potential impacts to their operations from the proposed changes prior to the Bill being introduced.
- There was no consultation with landholders on Cape York Peninsula who may be impacted by removing the ability to clear for high-value agriculture and irrigated high-value agriculture; and clearing of regrowth within 50m of a watercourse.
- It is insufficient to assume that discussions undertaken with select stakeholders during 2015 constitute adequate consultation.
- The amount of time allowed for submissions was too short and did not allow for Council to assess the full ramifications for its operations and planning nor allow elected members to consult with their constituents on impacts the changes may have to their business or to determine the broader implications these changes may have on our Shire. Consequently the comments provided are limited to those of a broad nature that are likely to impact council operations and the agricultural sector within our local government area.

2. Retrospectivity

- The backdating of changes to the *Vegetation Management Act 1999* to the 8 March 2018 has not been advertised and so very few land owners within Cook Shire or Cape York would be aware that they may be clearing illegally (if the Bill is passed).

- Landowners would not be aware that Eastern Cape York catchments have been added to the category R regulations for regrowth vegetation within 50m of a watercourse and a code now applies to clearing these areas. Nor would they be aware they need to notify the Department prior to clearing. It is unacceptable that non-compliance with the code could result in a direction to restore the area if cleared after 8 March 2018.
- Landowners would also be unaware that thinning notifications lodged prior to the 8 March 2018 are now invalid and they will need to be assessed and require development approval. It is unacceptable that landholders will only be informed about the new requirements after they have been deemed illegal.
- If Council has cleared vegetation in Category C or Category R (newly added for Cape York Peninsula) after the 17 March and the Bill is passed then Council will be required to reinstate these areas, with no right to any compensation, even though these new requirements were not widely known.
- High value re-growth will be aligned with High Conservation Values by amending the definition of essential habitat to include that of near-threatened species, for both remnant and high value regrowth vegetation. This will be applied retrospectively to the 8 March 2018 if the Bill is passed, meaning that if anyone clears this classification of vegetation they may be required to restore cleared areas. Once again no-one knows about this change and that they may need to restore areas cleared after the 8 March 2018.

3. Inconsistency with other Government directions

- The removal of the ability to clear for high-value agriculture and irrigated high value agriculture is inconsistent with the Australian Government's White Paper for Developing the North, and the Queensland Department of State Development, Infrastructure and Planning's Cape York Regional Plan 2014.
- The White Paper focuses on developing food and agribusiness, providing economic opportunities for Indigenous people and improving governance, and included reducing barriers to better use of land and water resources. It supports pastoral lease reform to make it easier for pastoralists to diversify their businesses. The potential opportunities caused great excitement in Cook Shire and many hold out hope of a prosperous future. It will be hard to develop in this way if clearing for agricultural purposes is not allowed.
- The purpose of the Cape York Regional Plan "is to enhance the quality of life throughout the region by facilitating opportunities for appropriate economic development while recognizing the need to protect Cape York's regionally important environmental areas". It establishes land use categories that can be used to inform development applications under the Sustainable Planning Act and assessment under other state legislation. It aims to improve and grow the region's economic development, including building on existing agricultural industries and opportunities for developing native foods and remedies. The plan identifies clearly areas of differing land use including priority agricultural areas, as well as those of high conservation value.
- While Council supports the need to conserve areas of high ecological or cultural value, and is committed to protecting the Great Barrier Reef as a Reef Guardian Council, economic development is vital to the survival of the Shire and indeed the viability of the Council itself as ratable land is linked to commercial value.

- There is inconsistency between the *Water Act 2000* and the Vegetation Management Act 1999 (VMA) when considering Category R vegetation. The VMA defers to the Water Act for the definition of a watercourse, which states clearly that it **does not include a drainage feature**. Yet the VMA defines category R area “that is a regrowth watercourse and drainage feature area” (S20ANA). This could be very confusing for landholders and Council workers alike when determining if they are required to notify of clearing category R vegetation.
- 4. Lack of clarification and understanding of the impacts of the proposed changes**
- There is a distinct lack of information about how Council’s operations may be impacted by the proposed changes. For example: will Council be required to notify DNRME before clearing Category C vegetation on its own freehold or other freehold or Indigenous land (say in the case of establishing or expanding a gravel pit or building a turkey’s nest dam for road works)?
 - The changes to the Self-Assessable Codes were not provided as part of the Explanatory Notes and although the revised codes have since been uploaded onto the DNRME web site there has been insufficient time to fully understand the proposed changes so it is difficult to assess exactly what additional requirements may be placed on Council.
 - It is unclear if Council will need to advise DNRME if they intend to clear in a Category R area prior to clearing. This is likely to hold up essential road works or pest management work if either notification is required or a riverine protection permit is required. Given that Cook Shire covers an area of over 106,000 sq km, much of which is remote, it is impractical to assume that crews can go and assess what work is required and the vegetation that is likely to be impacted and then come back to the office and submit the required notification or permit applications.
- 5. One size fits all approach**
- Council generally supports the protection of native vegetation and the need to control clearing within Queensland. However the Government is taking a one-size-fits-all approach.
 - The majority of the broad scale clearing that has occurred in Queensland has occurred outside Cape York Peninsula. By all means stop clearing for agricultural development in the areas where clearing has reached a critical state, and there is only limited areas of high value agricultural land remaining. But it is not appropriate to limit this clearing in the far north which will stifle development and prevent the local people from becoming economically dependent.
 - There are adequate safeguards through the environmental assessment process via the clearing permit process and under other environmental legislation to ensure that the clearing is both justified and environmentally responsible.
- 6. Issues with regulated vegetation mapping for Cape York.**
- There are several changes that relate to different vegetation categories shown on the regulated vegetation management map. It is a known fact that there are many vegetation types incorrectly classified on the mapping for Cape York Peninsula. While landholders are able to have the mapping changed by

submitting a PMAV for approval, landholders, including Council, lack either the resources or skills (or both) to prepare such maps for submission.

- Council calls on the Queensland Government to undertake a ground truthing exercise for the regulated vegetation mapping, including essential habitat mapping, for far north Queensland, including CYP prior to modifying any regulations for Categories C, R and X.
- Category R area will be expanded to include Eastern Cape York catchments however it is unclear exactly what area on the ground this will cover. The VMA defines a watercourse as having the same meaning as the Water Act, but also “includes anywhere that is downstream of the downstream limit of the watercourse” and section 20ANA of the VMA also includes drainage features in the 50m category R zone. This in effect could cover a large percentage of CYP given it lies in the tropics prone to an intense wet season when much of the landscape is flooded. Add this to the fact that most clearing in the past has been along watercourses this is also the most likely area that regrowth would occur that is required to be re-cleared. It is unclear at this stage what impact this may have on Council operations.

7. **Costs for implementation**

The Explanatory Notes estimates the financial cost of implementing the legislation to be cost neutral, but this only considers the cost to the Queensland Government. The cost to local government has not been considered and in particular the loss of rates to rural councils like Cook Shire due to lost agricultural opportunities and additional planning section assessment costs. In addition there may be direct costs and interruption to operational works connected to the extended category R areas and requirements to obtain riverine protection permits to clear in a watercourse; and some areas may trigger both these requirements in eastern parts of the Shire.

Specific Comments

Proposed amendments to the Vegetation Management Act 1999 (VMA)

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High value agricultural clearing or irrigated high value agriculture clearing should not be removed as relevant purposes. These should be retained and applicants be required to provide more detailed information justifying the need and appropriateness of the clearing, supported by appropriate regional land use mapping to demonstrate the suitability of the area for this type of use.

(2B) Changes to include regulated clearing of category C areas on freehold and Indigenous land or land subject to an occupational lease may have an adverse impact on Cook Shire’s agricultural or grazing industries.

Water Act 2000

Changes require a permit for destroying vegetation in a watercourse, lake or spring. It is unclear whether all of Council’s activities will be exempt from requiring a riverine protection permit, for example when working on non-gazetted roads, reserves held in trust or its own freehold land. This requires clarification, especially the size and extent of vegetation that may be cleared under the exemption.

At this present time it is unclear exactly what additional imposition will be made on Council's already limited resources as a consequence of the proposed amendments. Council respectfully requests additional consultation be undertaken with all affected stakeholders prior to this Bill being tabled in Parliament for consideration, so that all potential impacts, whether intentional or not, can be understood and considered.

For further information please do not hesitate to contact Ray Burton, Acting Chief Executive Officer, or Cathy Johnson, Manager Biosecurity Services, on 07 40695444.

Yours faithfully,



Peter Scott
Mayor