

From: [REDACTED]
To: [SDNRAIDC](#)
Subject: Updated Signatories for Moran Trading Pty Ltd
Date: Thursday, 22 March 2018 12:34:04 PM
Attachments: [Vegetation Amendment Bill 2018 Moran Trading Pty Ltd Submission.pdf](#)

Dear Secretary,

It has come to my attention that our earlier submission had myself as the Primary Contact for the Submission and my Father in Law and owner of the business as the signatory. In the essence of accountability, please find attached the same document co-signed by both parties. I understand that this is submitted beyond the 12pm time frame, however there are no changes to the original document other than in the area of the signatories.

Please accept the amended document, which is an equally true and correct submission as the original document.

Kind Regards

Shontae Moran

From: [REDACTED]
Sent: Thursday, 22 March 2018 12:08 PM
To: 'sdnraidc@parliament.qld.gov.au' <sdnraidc@parliament.qld.gov.au>
Subject: Moran Trading Vegetation Management Submission

We have been trying to send this through since 11:55am but due to traffic on the website we could not submit the document till after the closing time.

Good Morning,

Please find attached our submission to the Standing Committee for State Development, Natural Resources and Agricultural Industry Development.

I must apologise for the lack of referencing throughout the document, as the short time frame, coupled with long standing work commitments we had during the past two weeks has meant that I was unable to appropriately reference specific information regarding Woodland Thicketing, specific research papers relating to outcomes from the current Vegetation Management Act 2002 and a number of other clauses.

We send this to the Committee with the good faith that our comments will be duly noted by the Committee and that common sense will prevail and this Amendment Bill removed from Parliament.

Kind Regards,

Shontae, Dan and Brendan Moran

[REDACTED]



SUBMISSION

I provide my submission in respect of the proposed Vegetation Management and Other Legislation Amendment Bill 2018 to be included in the SDNRAIDC's detailed consideration.

In providing this submission I refer directly to the Vegetation Management and Other Legislation Amendment Bill 2018, the Introductory Speech of the Hon Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy, of 8 March 2018, and the Explanatory Notes that encompass the proposed changes to the above Acts and a range of commentary and issues.

In my opinion the Vegetation Management and Other Legislation Amendment Bill 2018 proposed changes are oppressive, restrictive and onerous and do not reflect the expert knowledge and understanding that landholders hold after decades of sustainable land management.

I do not in any way support broad scale land clearing or land degradation however I do not support and cannot operate with our industry being heavily regulated and debilitated by new oppressive vegetation management laws.

My opinion is set out below:-

HIGH-VALUE REGROWTH

Clause 38 of the Bill (proposed new definition of '*high-value regrowth*' (a) and (b) in Schedule (Dictionary) of the *Vegetation Management Act 1999*) and Clause 16 (omission of s22A(2)(k) and (l) to delete *high-value agriculture clearing* and *irrigated high-value agriculture clearing* as relevant purposes).

- Changing the definition of *high-value regrowth* vegetation - this term will now apply to vegetation not cleared in the last 15 years – rather than since 31 December 1989 (28 year old trees).
- Regulating regrowth on freehold land, Indigenous land and occupational licences in addition to leasehold land for agriculture and grazing.
- Removal of high value agriculture and irrigated high value agriculture as a relevant purpose under the *Vegetation Management Act 1999*. This will remove the ability to apply for a development approval for clearing for high-value and irrigated high value agriculture.

Introductory Speech - Dr LYNHAM: "I would like to draw the attention of the House specifically to the removal of provisions that allowed for clearing for high-value agriculture and irrigated high-value agriculture.....The bill will reinstate the protection of high-value regrowth vegetation on freehold and Indigenous land. The bill will change the definition of 'high-value regrowth' to ensure that additional vegetation that has significant environmental value is protected.....it is proposed to change the 'high-value regrowth' definition that currently exists from woody vegetation that has not been cleared since 31 December 1989 and forms an endangered, of concern or least concern regional ecosystem vegetation to high-value regrowth vegetation that has not been cleared for 15 years.....Under the new definition, high-value regrowth will continue to be mapped as category C on freehold and Indigenous land, as well as on leasehold land, that is, agriculture and grazing leases. Restoring the pre-2013 mapping of high-value regrowth on freehold and Indigenous land protects approximately 630,000 hectares on freehold and Indigenous land.....With the changes I am proposing to the definition of 'high-value regrowth', our government will protect an additional 232,275 hectares. These two measures will protect an additional 862,506 hectares of high-value regrowth. Importantly

for the environment, approximately 405,000 hectares or 47 per cent of this is within the Great Barrier Reef catchments."

*NB: A landholder could previously apply for a development approval to broadscale clear remnant vegetation for high value agriculture (clearing carried out to establish, cultivate and harvest crops) or irrigated high value agriculture (clearing carried out to establish, cultivate and harvest crops, or pasture, that will be supplied with water by artificial means).

- The addition of this amendment will stifle development of the Northern areas of Qld. These same areas are currently being encouraged by Government to become more 'drought proof'. Options could include the clearing of High Value Regrowth areas to develop on farm fodder production to allow growers to stockpile dry feed or silage to carry livestock through dryer times. It is a contradictory policy amendment.
- The amendment specifically excludes 'extractive industries' highlighting the reliance on government to target 'soft industries' i.e. agriculture, without the escape clauses afforded extractive industries e.g. Offsets.
- Development of a property is often staged because of the cost.
- Land purchased post 15 years ago with the intent to reinvigorate overgrown pastures over time is now unable to meet its production targets. This will have an impact on their capacity to repay debt and create a larger problem whereby the block of land is unsaleable, or saleable at a greatly reduced price and will ADD to the current concerns around agricultural debt (General Comment). Again, this is a contradictory policy amendment.

NEAR-THREATENED SPECIES

Clause 37 of the Bill (new Part 6, Division 13 – s141 'Proposed map showing essential habitat' and s142 'Provision about essential habitat').

- **A map showing areas of proposed essential habitat for protected wildlife and near threatened wildlife will be published and land will be covered by an area management plan.**

Introductory Speech - Dr LYNHAM: *"Importantly, our government will be providing better protections under the vegetation management framework for near-threatened species. These are species that are listed under the Nature Conservation Act 1994, where our scientists have evidence that the population size or distribution of the wildlife is small, may become smaller or has declined and there is concern for their survival. Our near-threatened plants and animals were dismissed by the LNP government as not worthy of protection. On the other hand, the Labor party is of the firm belief that these species need our protection, otherwise we face the regretful prospect of their decline. Near-threatened species were removed from the essential habitat mapping layer in 2013. When we compared the high conservation values' methodology to the existing statutory framework, it showed that near-threatened species have limited regulatory protection. The essential habitat mapping layer used in the Vegetation Management Act will be updated, protecting endangered, vulnerable and near-threatened species. The essential habitat of our valued animals and plants will be protected in both remnant and high-value regrowth vegetation. Offsets will apply to approvals for any significant residual impact on near-threatened species where the clearing of remnant vegetation cannot be reasonably avoided and minimised."*

- The maps downloaded for our property were very vague and difficult to clearly make out the boundaries of shaded areas.

- There are no timeframes indicated as to how long the process of having a 'Management Plan' created for Landowners and what rights they have in the interim period. I would suggest if the State wishes to remove the right for the landowner (who has rightfully paid for the area they are no longer able to manage as a part of their business), then the State should fairly compensate the Landholder for the loss of that parcel of land. As having a Management Plan 'drawn up' indicates that the State wishes to own that parcel of land without having to purchase it outright.
- The amendment that no compensation will be payable to landholder subject to added layers of regulation could arguably be defined as 'theft'.

REGROWTH VEGETATION IN WATERCOURSE AREAS

Clause 37 of the Bill (new Part 6, Division 13 – s133 'How definition regrowth watercourse and drainage feature area applies during and after the interim period') and addition to *regrowth watercourse and drainage feature area* definition in the Schedule (Dictionary) of the *Vegetation Management Act 1999*

- Extension of Category R areas (from the Burdekin, Mackay Whitsunday and Wet Tropics Great Barrier Reef catchments) to include new catchments to encompass all Great Barrier Reef catchments
- Addition of three catchments – the Burnett-Mary, eastern Cape York and Fitzroy catchments – affecting regrowth vegetation in areas located within 50m of a watercourse or drainage feature located in these additional catchments.
- This regulation applies across freehold, indigenous and leasehold land.

Introductory Speech - Dr LYNHAM: *"This bill will also extend protection to regrowth vegetation in watercourse areas for the Burnett-Mary, eastern Cape York and Fitzroy catchments, providing consistent protection to regrowth vegetation in all Great Barrier Reef catchments. This builds on the measures introduced in 2009 which regulate the clearing of vegetation within 50 meters of a watercourse in the Burdekin, Mackay-Whitsunday and Wet Tropics. The bill will also amend the Water Act to re-regulate the removal of vegetation in a watercourse under a riverine protection permit."*

Explanatory Notes: Expanding the regulation of riverine regrowth to include these catchments will increase the protection for the Great Barrier Reef from sediment run-off and other impacts of clearing.

- Tree's do not prevent erosion. Whilst streams and creeks should never be void of trees, a balance of grasses is far superior as soil stabilisers. Our experience has consistently been that the landscape will heal itself along creeks and gullies on our property, once the thickened trees were removed from the site and the grass cover improved.

Following is an image that reflects the baring-off of the ground under suckers that we have left along a creek and the potential for erosion at this site.



A small creek (right) beside soil that has been left exposed due to the thickness of the brigalow canopy (even though it is only a small sucker), (bare ground to the left).

- The inclusion of the new catchments will ultimately increase sediment run off into the reef as trees thicken, choke out grass cover and lead to a baring-off of the soil. We see this time and time again on our property. Healing occurs once grass cover is increased.
- We draw your attention to the collaborative work being conducted between NQ Dry Tropics and the *Landholders Driving Change – Burdekin Major Integrated Project*. Working with Landholders to achieve positive outcomes both for the environment AND their businesses is a win/win that will lead to better and better results *over time*.

LOW-RISK ACTIVITIES

Clause 17 of the Bill (new s22B 'Requirements for vegetation clearing application for managing thickened vegetation' of the *Vegetation Management Act 1999*) and Clause 37 (new Part 6, Division 13 – s136 'Area management plans that are to remain in force for 2 years').

- Thinning redefined as '*managing thickened vegetation*' – s22A(2)(g).
- Withdrawal of Code for clearing of vegetation for thinning. *Managing thickened vegetation* now requires notification under the new interim Code until the Bill has passed when a development application will be required.
- Requirements to be demonstrated in a development application for managing thickened vegetation – location and extent of clearing, clearing methods, evidence restricted to prescribed regional ecosystems and restrictions and evidence that the regional ecosystem has thickened in comparison to the same regional ecosystem in the bioregion.
- New s136 phases out landholder-driven area management plans as a mechanism for managing low-risk clearing that is or may be managed by the accepted development vegetation clearing codes. This new section provides that an area management plan relating to the clearing for encroachment or thinning continues but only remains in force until 8 March 2020.
- Notification of an intention to clear vegetation made under the plan before 8 March 2018 may continue while the plan remains in force however an entity may not give notification under the plan after 8 March 2018.

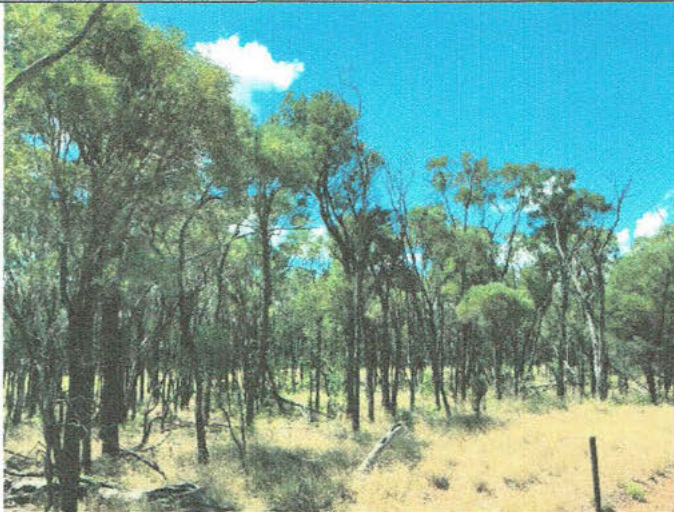
Introductory Speech - Dr LYNHAM: *"The government is committed to retaining accepted development codes for low-risk activities, while ensuring they deliver appropriate protections.....Following a review by the Queensland Herbarium, and subsequent review by the CSIRO, a decision was reached that thinning is not a low-risk activity. Therefore I intend to withdraw this accepted development code from the regulation once this bill commences. In the interim, I am remaking the code to include the best scientific advice on how to minimise the risks until the code can be withdrawn. I will retain an assessment pathway in the legislation for those landholders who need to manage thickened vegetation. It will remain a relevant purpose in the Vegetation Management Act for which development applications can be made."*

- Thinning decreases the amount of basal area shading that ultimately results in the choking out of groundcover. Increasing ground cover increases soil stability and reduces sediment loss over time. See below images that show the bared ground under thick tree cover that is regenerated over time once sunlight can infiltrate the canopy.

The images following highlight the impact a thick unchecked canopy has on the underlying ground cover as opposed to thickened vegetation that has been managed (thinned).



The thick canopy has resulted in the choking out of the ground cover and large areas of bare ground.



Where the canopy has been opened up, grass species flourish, ground cover is increased and the soil is stabilised.

- Research is continually showing an improvement to land and water quality under the current Vegetation Management Act 2002.
- Outstanding research over a 40-year period conducted by Professor Bill Burrows needs to be returned to the table. That kind of data is invaluable in making measured, educated policy decisions. The destruction of that information by previous Labor Governments should be considered criminal, and is attributing to long term environmental degradation due to legislation created for political gain rather than positive environmental outcomes for either the landscape or the rightful land managers.
- The two-year restriction gives no certainty to landholders, their financial backers outside of that very narrow window.

PENALTY UNIT INCREASES

Clauses 19, 22-23 and 25-33

- **Various amendments to Penalty Units for Maximum Penalty. E.g. s54B(5) 'Non-compliance with Restoration notice' - penalty increasing from 1665 to 4500 penalty units and s58(1) (false or misleading statement) – increasing from 50 to 500 penalty points.**
- We have recently invested quite heavily in 50cm mapping for our property as a detailed Property Management Plan is being updated and there was a need for clear and accurate imagery. Overlaying the Veg Management Mapping showed the incredible inaccuracy of the maps provided by the Government that we are supposed to work with. In some areas, portions of the Council Road Easement are marked as 'protected'. A \$750,000 fine for using mapping that is not accurate, or has been incorrectly interpreted because of the lack of provision by the Government of accurate imagery to support this onerous legislation is a ridiculous concept. The Government commissioned the 50cm imagery to be obtained and has out sourced the distribution of the mapping. We paid for it out of our business expenses. Surely for landholders to remain compliant it should be a legal obligation for the

State to provide accurate imagery so that landholders can be sure of operating within the boundaries of the regulation. They have commissioned this imagery in the first place.



Screen shot of 50cm Spatial Imagery overlaid with current, State Government supplied Vegetation mapping highlighting the inaccuracies of data supplied to landholders to make decisions. The yellow line dissecting the image is the Council Road.

OTHER RELEVANT MATTERS

Introductory Speech - Dr LYNHAM: "I believe this bill and the complementary measures that I have outlined will deliver on the election commitment to deliver a more sustainable vegetation management framework for Queensland. This government will continue to work with our vital agricultural sector so that together we can care for the environment and ensure that their farms can pass, in good condition and in safe hands, from generation to generation."

"The amendments that I bring into the parliament are necessary to protect Queensland's remnant and high-value regrowth vegetation. It is all about restoring a sustainable vegetation management framework for managing a valuable resource on behalf of the people of Queensland."

"Within three years in Queensland clearing rates of remnant native vegetation increased from 59,800 hectares in 2012-13 to 138,000 in 2015-16. This amendment bill seeks to end the levels of broadscale clearing that the LNP legislation created."

- The blanket approach taken by this legislation will have long lasting negative environmental impacts. Our environment is a patchwork of many things, hence why the collaboratively developed Regional Ecosystem mapping has worked so well. With seven different soil types on our property we are very aware of how one management strategy cannot be applied to all situations and with 45 years of experience on our block, we have developed a deep understanding and appreciation for these different landscape qualities.
- The PMAV process works. It provides a level of certainty to landowners (and their lenders) regarding the security of their investment in time, energy and \$\$\$. It strikes a balance between Government requirements to meet their Kyoto commitments (though neither compensation or congratulation is passed on to landholders for their unintentional bearing of the load for the perceived greater good) and is a document that allows landholders to conduct future planning.
- Further to comments made regarding Clause 37 (new Part 6, Division 13 – s141 'Proposed map showing essential habitat' and s142 'Provision about essential habitat'). Landscape knowledge passed down from generation to generation will always surpass desktop 'management plans'. Each RE on

individual properties has particular nuances that exist within their own unique micro-climates that cannot be understood unless the individual has experienced its ebb's and flow's. So many ancient cultures have persisted using this knowledge exchange without the perceived need for a university degree. We are fortunate to have these people living amongst us and should take a 'leaf' out of their incredibly landscape connected 'book'.

- What is truly devastating is that the passion that Green groups have for their cause has taken them to a point where they feel that they can slander even the good land stewards, who are improving land quality outcomes. Ultimately both sides of the argument want the same thing so what their intention is is now lost to our family as we feel as though we are working towards a common goal – a vibrant, biodiverse landscape.
- This group of people accounted for 3% of the voting population at the last Qld State election. This incredibly small group have somehow managed to manoeuvre themselves into a position that allows them to devastate an industry that gives back so much more and still has so much more to give. This legislation cannot claim to be in the best interest of all Queenslanders when the statistics tell a very different story. This legislation is clearly politically motivated and flies in the face of democracy. It leans towards a culture of governance that is unAustralian. This legislation cannot be quantified by peer review or open scientific scrutiny.

FINAL THOUGHTS

In all other industries, to be considered productive is an achievement to be celebrated. Somewhere along the line this has become blurred with regards to agriculture. To be considered productive in agriculture today is immediately (and incorrectly) associated with a poor land manager who is 'milking their land for all its worth'. In this day, age and climate, the one thing you can be sure of is that if you abuse our landscape, you'll go broke. Those landholders who are turning a *profit* can ONLY do so because their landscape is flourishing. Profit is inexplicably linked to carrying capacity which is linked to ecosystem health. They are carefully recognising the direct needs of their immediate environment and nurturing it till it finds its balance and then becomes the best it can be. It is IMPOSSIBLE to get blood out of a stone – a starved landscape is not a profitable one, nor is it an outcome that responsible land custodians ever aspire to see in their or anyone's lifetime. This takes time, effort and considerable investment on behalf of the landholder.

We are continually educating ourselves to improve the way we interact with our environment. We have completed the Grazing Best Management Practice Modules (BMP) and are currently in the early stages of Executive Link, a Resource Consulting Services advanced program that supports us to look deeply at what we are doing and what our ultimate goals are for our property and ourselves. For us it is biodiversity, balance in our environment, home life and economics (to smooth out the challenging years through good early intervention and management policies), stringent multi-faceted record keeping and to leave the land in better condition than we found it. This legislation does not allow for the natural order of Regional Ecosystems to be restored over time as it is a continually changing beast that is impossible to keep up with. Environmental legislation based on political agenda's will never achieve positive landscape outcomes.

The Queensland Government needs to start again. Celebrate the Landholders who are protecting and achieving balance in their environment and encourage them to go out and share their stories.


It is glaringly obvious from Spatial Mapping Data the enterprises that need assistance to change their management policies to create a more balanced landscape that will only benefit all involved. Punishing the

majority for the errors of the minority has created a culture of panic, distrust and frustration. The bloke next door that has cleared everything in sight is rewarded by not having to be concerned at all about Vegetation Reforms whilst the responsible majority are having to do battle with ever changing legislation. A collaborative approach would yield outcomes that I think all parties underestimate.

This legislation is flawed, based on selective scientific information and borders on 'theft'. It will only create long term damage to our beautiful State and for this reason we cannot support the *Vegetation Management and Other Legislation Amendment Bill 2018*.

Signed:

Date:

DJ 
DJ MORAN
22-3-2018