

SUBMISSION

Murweh Shire Council provided this 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 Murweh Shire Council 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.

Murweh Shire Council does not in any way support broad scale land clearing or land degradation, however strongly feel that proposed vegetation management laws will negatively impact on the towns and communities within our council area, placing further pressure on farmers and reducing the opportunities for future regional development.

Please further explanation 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).

Response -

Protection of high value regrowth detailed under Category C is important however concerns are raised at the increased level of restriction of Mulga lands able to be cleared to establish or increase grazing pastures. Value of mulga lands as an establish food source for our agricultural industry is imperative for the sustainability of the grazing industry long term and the inability to previously apply via a development permit for clearing is certainly disappointing. Council will wait on the proposed mapping depicting category C vegetation and what impacts locally this will produce.

Given our communities have been established over many years through the efforts of our agricultural industry these restrictions could well see the further decline of our rural communities and the downturn in our economic viability long term. Will we see young aspiring Graziers wanting to enter the market "I think not" given this is certainly a large disincentive.

Flow on effect of diminished grazing pastures will affect the whole of the Rural community including our townships, business enterprises etc. These towns have long been established to support our Grazing population and further decline in this industry will have major impacts on towns especially our smaller rural communities.

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."

Response-

One cannot argue about the need to protect our endangered wildlife and essential habitat however We would argue that in our region of South West Queensland that devastation of our endangered wildlife etc. is not from broadscale clearing but from nature's pets in dingoes, wild dogs and feral cats. Control measures would seem inadequate given the present population of these pests.

We ask that there be a balance in the areas provided for near-threatened species and quality agricultural land to enable sustainability of our food source long term.

Again, Council will be keen to view maps of conservation areas within our region and to understand the importance of these areas in connection with our grazing industry.

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.

Response-

While the above regulation has little impact on our region Council requests some clarity in respect to the re-regulation of the removal of vegetation in a watercourse under a riverine protection permit.

The Department would be fully aware of the consequences for our regional waterways in the South West Queensland with possible flooding if Councils did not have the assurances to enable clearing of our waterways.

Our waterways do not run regularly and continued regrowth does not allow our rivers to run freely and without continued removal of re-growth could see our waterways choked leading to increased sediment.

Council therefore seeks unrestricted access to our waterways for regrowth clearing for mitigation purposes.

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."

Response-

Council is again disappointed that further restrictions have been placed on landowners with respect to thinning of vegetation with the code being withdrawn and landowners now wishing to undertake thinning of vegetation activities having to meet requirements through a development application.

The application process per the regulation appears on face value to be quite cumbersome and expensive with the process to cost above \$3,000 let alone the cost of thinning. This is yet another adverse restriction of the grazing community adding further uncertainty for the industry.

In certain country types thinning of the vegetation is a necessary pre-requisite to ensure grasses can be maintained for feeding purposes. Although accepting that the activity at this stage has not been removed the onerous application process coupled with the stringent compliance regime will leave many grazers to reconsider this activity.

FODDER CODE

Clause 37 (new Part 6, Division 13 – s139 'Revocation of particular area management plan')

- s139(1) – the 'Managing Fodder Harvesting Mulga Lands Fodder Area Management Plan' is revoked. A new revised Code is in place – 'Managing fodder harvesting accepted development clearing code'.
- s139(2) - A notice of intended clearing under the Plan ceases to have effect on 8 March 2018, and no further clearing can be carried out under the Plan from 8 March 2018. Landholders need to lodge a new notification under the new Code and follow the requirements of the new Code.
- 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 fodder harvesting continues but only remains in force until 8 March 2020.
- Landholders need to lodge a new notification under the new Code.

Introductory Speech - Dr LYNHAM: "In conjunction with this bill, I asked my department to progress the review of the revised fodder code on which we consulted in 2016 and commence a rolling program to revise and implement the other acceptable development codes throughout 2018. The revised managing fodder harvesting code has been developed by my department based on scientific input from the Queensland Herbarium and the CSIRO. The immediate remake of the managing fodder harvesting and the managing thickened vegetation codes will invalidate all previous clearing notifications and introduce for the first time size and time limits on the areas able to be notified for clearing under an accepted development code. My department will be consulting throughout 2018 with stakeholders to finalise the remaining codes."

Explanatory Notes: Revoking the Mulga Lands Fodder Area Management Plan reinforces the role and function of the accepted development vegetation clearing code for fodder harvesting being the supported mechanism in which low-risk clearing activities are undertaken. Landholders can continue to undertake self-assessable clearing under the accepted development vegetation clearing code for fodder harvesting, or alternatively, apply for a development permit under the Planning Act 2016.

The two year period recognises that, in some instances, the clearing requirements for encroachment, thinning and fodder harvesting under current area management plans may not be consistent with the best available science.

Response-

Murweh Shire Council being a Rural Shire with over 38,000 sq. klms of mulga lands for agricultural production, one of the fundamentals of this region is the ability to fodder harvest our mulga. The provision from the self -assessment via Fodder Area Management Plans to a new code assessment which severely restricts the ability to fodder harvest will have devastating effects on our rural industry.

Mulga is the fundamental food source “grass” for our industry and must be able to be harvested without increased restrictions on the harvesting of this resource.

Council cannot emphasize or underestimate the importance of this activity for our grazing community. Further restrictions coupled with penalties for non-compliance as placed in the current legislation leaves our grazing community questioning whether they can continue to operate given the current restricted regulations.

Being a Shire experiencing over six (6) years of severe drought, many of our graziers would have left their properties except for the ability to fodder harvest their mulga pending substantial rainfall.

Council seeks your consideration to exempt mulga lands from these prescriptive regulations or as a minimum at least during drought times for the viability of our region.

PENALTY UNIT INCREASES

Clauses 19, 22-23 and 25-33

- Various amendments to Penalty Units for Maximum Penalty. Eg. 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.

Response-

In analysing the increased and additional penalties one can only presume that the

increased penalties are sought on mistrust as opposed to trust. The penalties would seem to infer a deliberate breach as opposed to negligence or oversight. If the penalties have been increased to deter abuse then Council must seek to ensure that the regulations are implemented with compassion and disseminated to enable full understanding of the requirements of the legislation.

Council will advocate in the strongest possible terms for the landholder should "Tree Police" undertaking compliance for breaches of a minor nature as opposed to deliberate breaches are heavy handed.

Present penalties could see landowners bankrupted and the industry thrown into 'Chaos' if not administered in a compassionate and understanding manner.

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."

Response-

Council has operated for over one hundred years to ensure the growth and prosperity of our grazing industry and community. Our grazing community is the fabric of our Society and We will strenuously support the continuance of this important industry.

With severe drought and economic downturn the community has faced substantial population decline with Council working hard to redress this decline. These laws will only have a negative effect on the industry and our community in general.

Rural communities need a strong Agricultural sector to support our business

enterprises and without this sector our communities will diminish and eventually close.

Agriculture is the life blood of our communities – it's our biggest employer and keeps our communities alive. These laws will put all of our communities at risk.

Many rural towns in South West Queensland have prospered through the efforts of our Agricultural industries and the inability to continue to generate prosperity with continual red-tape and bureaucracy will send our western communities especially our business and commercial sectors to DECLINE and our small centres to become 'ghost towns'.

Surely this is not the expectation of government and seeks Government to reconsider this restrictive legislation for the survival of our Rural communities.

Further, Council expresses their disappointment at the short timeframe for submissions and the unusual step taken in passing legislation prior to the calling for submissions.

Signed:

N. Polglase (CEO)

Date:

22/03/2018.