

Carolyn Donnelly

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Committee Secretary
State Development, Natural Resources
And Agricultural Industry Development Committee
Parliament House
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Dear Committee

Submission to Vegetation Management of Other Legislation Amendment Bill 2018 (VMOLA Bill)

I am a landholder in the Central Queensland area of Mount Maria. This area comes under the Gladstone Shire and is located within the Baffle Creek catchment area. This catchment is one of the catchments which have been identified as a Great Barrier Reef Catchment. My property is approximately 96 ha in size and has 1 km of Baffle Creek frontage and includes lacustrine wetland and a number of creeks flow through my property to Baffle Creek (the river). It contains endangered and of concern regional ecosystems, both remnant and regrowth.

I am managing my property for conservation, which involves a significant restoration program to remove weeds (mainly introduced pasture grasses) that are the consequences of past clearing and grazing on the property. I have chosen to make this a large part of my life and undertake this, mostly, at my own expense. I derive great satisfaction from increasing the available habitat for local wildlife and improving environmental services generally. My goal is to make my property my business for my own income and to contribute to the local economy. I hope to inspire other landholders to find ways to make an income from improving and protecting the natural values of their property.

I applaud this government for acting swiftly to reintroduce this Bill to parliament on achieving majority government. Thank you for keeping your promise. I am grateful that this government recognises the need to regulate to protect our precious natural resources.

I have looked into the proposed changes under the VMOL. I have agreement with the Environmental Defenders Office submission on most of the aspects of the changes and provide their standard submission below. I have provided my own comments in italics to amend or provide further response based on my own views:

1. Removal of the ability to obtain permits for high value agriculture and high value irrigated agriculture.

The Statewide Landcover and Trees Study found that 10% of mature bushland clearing from 2013-2016 happened under these permit types, with generally insufficient verification that the land was high value agricultural land, was needed for agriculture, and was actually utilised for the agricultural activity applied for; (see clause 16)

2. Reintroduction of the requirement to obtain Riverine Protection Permits to better regulate damaging clearing in watercourses (see clauses 51 and 52);

I see this as an improvement for tributaries of rivers and smaller creeks. However, I have the following concerns:

- *50 metres is not enough of a buffer for a river. I am concerned that this may result in further clearing of river buffers if the riparian vegetation is not adequately protected.*
- *A quick glance at the Watercourses Mapping will reveal that most creeks have been determined as 'drainage features' under the Water Act. I wrote to the Minister for Natural Resources and Mines last year in regard to the issue of how creeks are determined (as a drainage feature or a watercourse) under this Act. Although I believe that the response from the Minister to my issues concerning determination of creeks on my own property have now been satisfactorily addressed, I believe that the broader issue of how creeks are determined remains.*

I am concerned that the current method that the government uses to interpret the legislation and make such determinations is resulting in a favouring of creeks to be 'drainage features'. Since looking into this issue, I have learned that many of the determinations that have resulted in a creek being a 'drainage feature' have been undertaken from the desk top. This appears to be for practical and administrative reasons in that the department does not have the resources to regulate the number of creeks in Queensland that would NOT fit the definition of 'drainage feature' under the Act (and therefore fit the definition of 'watercourse'). It appears, however, that the 'loose' wording of Section 5 of the legislation may allow for the department to make a determination of a 'drainage feature' at the discretion of the department without assessment. In light of this issue, the requirement to leave a vegetated buffer of 50m either side of a 'watercourse' provides little additional protection, given that most creeks have been determined as 'drainage features'.

From my discussions with DMRE, I have learned that the department considers that their role when administering the Water Act 2000 is one of regulating water extraction and they do not consider that they have a role in environmental protection – that environmental protection comes under other Acts such as the Vegetation Management Act 1999 and the Environmental Protection Act 1994. (This view has been communicated to me both verbally and outlined to me in writing from the department.) However, the Water Act 2000 quite specifically mentions as its Purpose (Part 1, S2(1)) that the main purpose of the Act is to provide a framework for sustainable management of Queensland water resources. To remove any doubts of the meaning of 'sustainable management' S2(2), a definition is provided in the very next subsection (S2(2)) and includes the wording 'sustains the health of ecosystems, water quality, water-dependent ecological processes and biological diversity associated with watercourses, lakes, springs, aquifers and other natural water systems, including, where practicable, reversing degradation that has occurred'.

I am concerned that this belief (that the department does not have a role in environmental protection) is not conducive to inter-department communication and co-ordination when determining the 'importance' of a waterway to water quality and biodiversity and is resulting in creeks that should be determined as 'watercourses' being determined as 'drainage features' and therefore reducing their protection.

There needs to be a change in the processes of DMRE when administering the Water Act 2000 to reflect all aspects of their role under this legislation in order for relevant changes proposed under the VMOL to result in any real additional protection of water quality and biodiversity.

3. Phasing out existing Area Management Plans which have allowed significant clearing under lower regulation across Queensland; (see clause 14)

4. Extended protections of regrowth vegetation near watercourses across Great Barrier Reef catchments, to reduce damaging runoff, including Eastern Cape York, Fitzroy and Burnett-Mary catchments which were not protected under the VM Act currently. (see clauses 133 and 38)

Please see my comments No. 2 above.

Generally support the following amendments except for concerns outlined above. I agreed with EDO that it is essential that these amendments are strengthened by EDOs proposed amendments to truly reduce excessive clearing of wildlife habitat, impacts to the Great Barrier Reef and climate change emissions:

1. Improved protected of 'high value regrowth vegetation', being vegetation that has grown back well after being cleared. The Bill creates a broader definition, including vegetation that hasn't been cleared for 15 years and re-extending regulation to freehold, indigenous land and occupational licences (see clause 38).

I am in support of this however I have concerns about the period within which regrowth can still be cleared. Regrowth can provide habitat for a range of flora and fauna well before it is 15 years old. I think 5 years would be more appropriate.

2. However, 'high value regrowth vegetation' must be extended to fully meet the government's election commitment by protecting high conservation value regrowth vegetation. Extra amendments are needed to allow much more extensive protection including endangered vegetation species and communities, vegetation in reef catchments, riparian areas, threatened species habitat and areas where landscape integrity is at risk¹.

3. Tightening of the definition of 'thinning' (now known as 'managing thickened vegetation') is supported. The Bill now requires that thinning activities must 'maintain ecological processes and prevent loss of diversity'. To ensure this definition is given effect there must be a requirement that it be demonstrated prior to clearing being allowed. (See clauses 4 and 38)

4. However, to truly reduce the significant clearing allowed for 'thinning' it should no longer be an allowable activity by permit or code, particularly not for mature and high value regrowth vegetation and under existing Area Management Plans. 'Thinning' can include clearing up to 75% of a forest under current laws and has been responsible for significant clearing across Queensland without scientific justification that this is a necessary activity at all.

5. The Bill clarifies that landholders may seek to amend their property map of assessable vegetation (PMAV) to re-regulate clearing in areas which were locked in across Queensland as not needing assessment under Newman Government laws. *This clarification is helpful.*

6. However, the Bill needs to be changed to require amendment of maps that lock in unregulated clearing of all high value vegetation. Under the Newman Government, significant areas of Queensland were locked in under property level maps which allowed the clearing of unregulated 'category X' even though the clearing would impact mature, high value vegetation. Leaving map

amendment up to the land owner will leave significant areas of Queensland where clearing is unregulated.

The soft approach taken by the government in the VMOL on Category X is disappointing.

Many landholders who have Category X on their property have not cleared this vegetation. As it is up to the landholder whether they clear or not, I do not see how leaving it up to the landholder to amend their PMAV will achieve any further protection, if this is the intention.

My property is downstream of a neighbour who purchased an adjoining property to my own and cleared it quickly just before the Queensland election. The vegetation that was cleared included Endangered Regional Ecosystem and Of Concern Regional Ecosystem both regrowth and remnant. I have witnessed first-hand the impacts from that clearing on the environment on his property and my own property, including:

- *large remnant trees with hollows that were once surrounded by protective mid storey vegetation suddenly left exposed to the weather and predators;*
- *loss of large areas of native groundcovers that were previously protected from weeds due to the integrity of remnant vegetation cover now quickly being out competed by invasive introduced pasture species;*
- *a large sand slug that has filled the creek that flows from the adjoining property through mine, filling the creek to the top of the low flow channel and smothering habitats. This sediment will continue to make its way to the river (Baffle Creek) where it deposited into the ocean causing further destruction along its path.*

That is just to name a few of the impacts of just one clearing event under Category X.

If we are serious about protecting our water quality and biodiversity in Queensland, I believe the government needs to take responsibility for amending property maps and removing the ability for landholders to undertake unregulated clearing altogether.

7. The Bill does not tighten excessive clearing allowed under fodder harvesting codes so amendments are needed. Fodder harvesting should be limited to where there is an official drought declaration.

Generally, I am happy and grateful that the Queensland government has kept their election promise to change current vegetation management laws in Queensland. I agree with most of the changes. However, I believe that these changes should be strengthened if we are to seriously address impacts on water quality and biodiversity across the state.

I understand that the government must take into account the requirements of all stakeholders and that there is immense pressure on the government to not over regulate. However, I implore the committee to consider the government's role in the light of the serious issues affecting our biodiversity and species loss, issues that far outweigh any inconvenience on industry that is not crucial to their ongoing productivity.

Thank you for considering my submission.

Kind regards

Carolyn Donnelly