



23 March 2018

Research Director
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
BRISBANE QLD 4000
sdnraidc@parliament.qld.gov.au

Dear Research Director

LGAQ Submission – *Vegetation Management and Other Legislation Amendment Bill 2018*

Thank you for the opportunity to provide input on the *Vegetation Management and Other Legislation Amendment Bill 2018*. Notwithstanding, the LGAQ is disappointed with the expedited introduction of the Bill and limited time to consult with local governments who play an important role in providing a range of essential services to communities relating to vegetation management.

Several Queensland councils have raised significant concerns about the potential impacts on their local economies as a result of reinstating strict vegetation management legislation. The primary concern is that many of the communities that will be affected by these proposed changes have also been significantly affected by drought and have either limited or zero / negative economic growth. In these situations, councils are concerned about the inadvertent socio-economic impacts in their local communities, such as increasing unemployment and depopulation, and that adopting a 'one-size-fits-all' approach across Queensland is grossly inappropriate.

Overall, Queensland councils require stable, evidence-based legislation that assesses all triple bottom-line outcomes and provides landholders, the community and councils the confidence to manage appropriate development, agriculture and conservation of native vegetation.

Notwithstanding, the consequential amendments to associated regulations, codes and guidelines will determine the full extent of changes and implications for local government. The LGAQ requests that the committee recommends at least 3 months consultation on all subordinate legislation to ensure there are no adverse impacts on a council's ability to undertake activities facilitating community services and safety.

For further information, please don't hesitate to contact Ms Kristy Gooding, Senior Advisor – Natural Assets and NRM via email: or phone

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Buckler', is written over a light blue horizontal line.

Sarah Buckler PSM
GENERAL MANAGER - ADVOCATE



Vegetation Management and Other Legislation Amendment Bill 2018

Submission

Local Government Association of Queensland Ltd

March 2018



The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individual needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.



1. General

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide comment on the *Vegetation Management and Other Legislation Amendment Bill 2018*.

Notwithstanding, the LGAQ is disappointed with the expedited introduction of the Bill and limited time to consult with its member councils. Local governments in Queensland play an important role in providing a range of essential services to communities relating to vegetation management such as:

- Encouraging stewardship and sound environmental management, including rehabilitation and restoration of vegetation and clearing of weeds
- Ensuring safe and accessible public areas
- Provision of disaster response activities
- Planning and activity for regional economic development.

The LGAQ Policy Statements, the definitive statement of the collective voice of local government in Queensland, hold the following relevant positions regarding vegetation management:

5.2.1.4 Local government supports the protection of natural resources such as good quality agricultural and strategic cropping land to ensure the future sustainability of local communities and industries.

5.3.6.2 Local government seeks to work cooperatively with the Federal and State Governments to protect biodiversity values in Queensland.

8.9.2 All spheres of government must work collaboratively in the early stages of developing and subsequent implementation of policies and plans that impact on the social, environmental and economic growth of regional Queensland such as the Queensland Plan, the Northern Australia White Paper and the Northern Australia Infrastructure Facility.

Recommendation 1: In order to appropriately engage with its members, the LGAQ recommends to Committee that further detailed consultation be undertaken with local governments to ensure no adverse impacts on councils' ability to undertake activities facilitating community services and safety.

2. Measuring the economic impacts on Queensland communities

Many Queensland councils have raised significant concerns about the potential impacts on their local economies as a result of reinstating strict vegetation management regulations. The primary concern is that many of the communities that will be affected by these proposed changes have also been significantly affected by drought and have either limited or zero / negative economic growth. In these situations, councils are concerned about the socio-economic impacts in their local communities, such as increasing unemployment and depopulation, and that adopting a 'one-size-fits-all' approach across Queensland is grossly inappropriate.

Stability in vegetation management legislation is critical for landholders, the community and councils in regard to enabling appropriate development, management, conservation and retention of native vegetation. The recent cyclical uncertainty in relation to legislation is not conducive to either economic development or the environmental outcomes detailed in the purpose of the Act. For example, when a landholder purchases a property for agricultural purposes, feasibility assessments are undertaken on inputs and expected yields. However, the removal of certainty in terms of the amount of land that can be cleared for agricultural development undermines the feasibility of a proposed agricultural purpose and ultimately the economic benefits for the broader community. The actual cost and net affect to landholders should be quantified as the effective sterilising of land is ultimately not too dissimilar to back-zoning land uses in a planning scheme, or acquiring land as part of a land acquisition, which both have associated compensation frameworks.

The LGAQ acknowledges that the State Government were given an exemption from providing a Regulatory Impact Statement by the Office of Best Practice Regulation to prevent pre-emptive clearing.



However, Queensland councils and their communities require evidence-based legislation that assesses all triple bottom-line outcomes, including the social and economic impacts.

Recommendation 2: The LGAQ recommends a Regulatory Impact Statement be completed prior to approval of the Bill to enable a comprehensive understanding of the environmental, social and economic impacts across all Queensland communities.

3. Clause 35 – 68CC Chief Executive may accept enforceable undertakings

The LGAQ supports having a range of compliance and enforcement tools in place, particularly where the impacts of illegal clearing can be rectified through revegetation and restoration. However, clear guidelines that outline how environmental impacts will be minimised through the revegetation/restoration process (through an enforceable undertaking) need to be developed.

Recommendation 3: The LGAQ recommends the establishment of clear guidelines for landholders that outline how the revegetation/restoration process should be undertaken as part of an enforceable undertaking to ensure overall environmental impacts are minimised.

4. Clause 37 - 133

Local governments acknowledge the intrinsic and economic value of the Great Barrier Reef and the importance of taking actions to ensure its long-term sustainability.

Recommendation 4: The LGAQ recommends the State Government provide support and guidance to local governments to minimise likely impacts incurred by additional reporting and notification activities.

5. Clause 48 – Schedule 21 (19A) b

The LGAQ supports the inclusion of the ability to clear vegetation to establish a necessary fence, firebreak, road or vehicular track as exempt clearing, if the clearing can not reasonably be avoided or minimised.

Recommendation 5: The LGAQ recommends that a definition for ‘can not reasonably be avoided or minimised’ is established to provide certainty for those undertaking this clearing.

6. Clause 51 – 218 (1) and Clause 55 – 814 (2)

Notwithstanding any exemptions that may be provided under a code or guidelines, this amendment has the potential to significantly impact local government activities such as the construction and maintenance of necessary built infrastructure. In particular, local governments that span large geographic areas will be particularly affected.

For example, road crews and pest management crews must drive hundreds of kilometres to reach an area and will often stay away from home for up to two weeks while working in remote locations of their local government area. Without an exemption for local government activities, council will need to send staff to a remote location to gather information required for a permit, submit the permit application, then send the crew out to do the work. This will increase costs, loss of staff time for other works and timeframes for the delivery of essential services such as the reinstatement of essential roads in remote locations.

Recommendation 6: To ensure costs to the community are minimised, the LGAQ recommends that local government activities be exempt. The LGAQ also recommends the amendment of S814 (2) to include items (a) to (j) of Section 22A (2) of the *Vegetation Management Act 1999*.

7. High Value Agriculture and Irrigated High Value Agriculture

The LGAQ notes that vegetation clearing for high value agriculture and high value irrigated agriculture is no longer considered a relevant purpose within the Bill. There are local government examples where



significant time and resources have been spent in creating a development plan in consultation with the Department of Natural Resources and Mines and Energy. The LGAQ queries the use of a one-size-fits-all approach in prohibiting this form of clearing and would support further conversations with affected local governments in relation to this proposed legislation.

Recommendation 7: The LGAQ recommends the establishment of a transition period for applications which are significantly progressed with the Department of Natural Resources, Mines and Energy, to ensure that local governments who have expended significant community resources are not disadvantaged.

8. Vegetation management monitoring

The LGAQ supports the establishment of a comprehensive monitoring program for the vegetation management framework to better support evidence-based policy.

Recommendation 8: The LGAQ recommends that appropriate departmental resources are directed to ensuring that real-time enforcement and the proposed regulated vegetation management map are based on the best available science and made available to councils.

9. Environmental Offsets

High Value Regrowth is not currently considered a Matter of State Environmental Significance in the *Environmental Offset Regulation 2014*. As a result, some councils have included High Value Regrowth as a Matter of Local Environmental Significance that can be offset within their planning scheme. The inclusion of High Value Regrowth as a Matter of State Environmental Significance in the *Environmental Offset Regulation 2014* may have implications for local government environmental offset arrangements.

Recommendation 9: The LGAQ seeks clarity regarding whether Schedule 2 of the *Environmental Offsets Regulation 2014* will be amended to include High Value Regrowth as a Matter of State Environmental Significance that can be offset.

10. Revision and implementation of acceptable development clearing codes

The Bill supports the implementation of the revised accepted development vegetation clearing codes which may have implications to the way local government conduct their activities.

Recommendation 10: The LGAQ recommends that Queensland local governments are consulted prior to the development/amendments to acceptable development clearing codes.

Please don't hesitate to contact Kristy Gooding, Senior Advisor – Natural Assets and NRM on
or at should you wish to discuss any aspect of this submission.