



# Recent History

2013:

- Vegetation management framework amended to:
  - Remove regulation of high value regrowth (post 1989 regrowth) on freehold and indigenous land
  - Introduce high value and irrigated high value agriculture and necessary environmental clearing
  - Introduce self-assessable clearing codes
  - Simplify vegetation mapping
  - Remove some compliance and evidentiary provision
- *Water Act 2000* (Water Act) amended to
  - Remove vegetation destruction as a consideration in riverine protection permits

# Recent History cont...

2016

- *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* introduced in Parliament
- Parliament did not pass the Bill



# Government commitments

- Election commitment to
  - protect remnant and high conservation value regrowth vegetation
  - review self-assessable codes based on Qld Herbarium advice
  - update and improve mapping
  - establish a land restoration fund.



- *Reef 2050 Long-Term Sustainability Plan*
  - Strengthen vegetation management legislation to protect remnant and high value regrowth native vegetation, including riparian zones



# ***Vegetation Management and Other Legislation Amendment Act 2018***

- Bill introduced into Parliament on 8 March 2018.
- Parliamentary Committee consideration.
- Committee tabled report on 23 April 2018.
- Parliament passed the Bill on 3 May 2018.
- Act assented to on 9 May 2018.

# VMOLA amends:

- *Vegetation Management Act 1999 (VMA)*
- *Planning Act 2016*
- *Water Act 2000*
- Some parts have retrospective effect from the date of introduction.

# VMOLA

- Redefines and expands high value regrowth vegetation (VMA) – ***from introduction***
- Expands regulation of vegetation along watercourses and drainage features in the Burnett Mary, Eastern Cape York and Fitzroy Great Barrier Reef catchments (VMA) – ***from introduction***
- Removes provisions permitting clearing for high value agriculture (HVA) and irrigated high value agriculture (IHVA) – ***from introduction***

# VMOLA

- Reinstates the inclusion of near threatened species under the Nature Conservation Act into the essential habitat map (VMA) - ***from introduction***
- Enhances compliance measures (VMA) – ***some from commencement and some later***
- Reinstates riverine protection permit provisions in the *Water Act 2000* – ***from commencement***



# VMOLA does not:

- Reintroduce 'reverse onus of proof' provisions
- Remove 'mistake of fact' as a defence

# VMOLA does not affect:

- PMAVs made prior to 8 March 2018
- PMAV applications lodged prior to 8 March 2018
- Any PMAV application not involving areas proposed for regulation
- Development approvals for HVA and IHVA issued prior to 8 March 2018
- Development applications for HVA and IHVA, properly made prior to 8 March 2018

# High Value Regrowth (HVR)

VMOLA redefines HVR to:

- native vegetation that has not been cleared in the last 15 years
- on leasehold, freehold and indigenous land and occupational licences (new tenure).

During retrospective period:

- HVR referred to as proposed category C areas on the Proposed Regulated Vegetation Management Map
- Clearing could occur consistent with:
  - New Managing category C regrowth vegetation accepted development vegetation clearing code, or
  - Exempt clearing work under the Planning Regulation

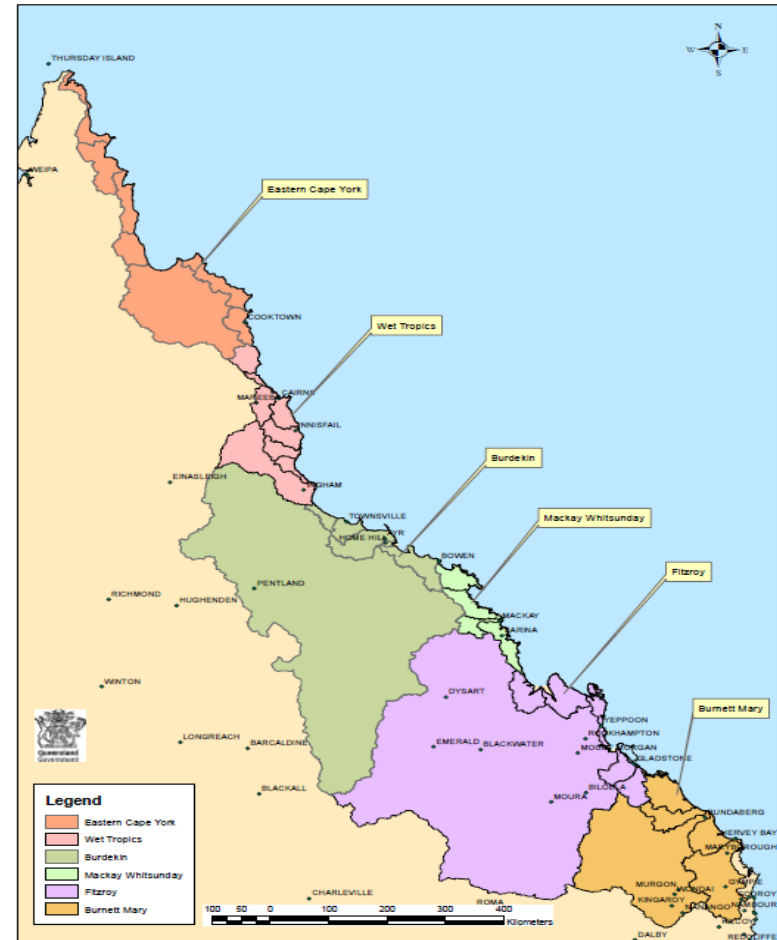
# Great Barrier Reef Watercourses

Category R areas will be regulated in the following catchments

- Burnett Mary (new)
- Eastern Cape York (new)
- Fitzroy (new)
- Burdekin (existing)
- Mackay Whitsunday (existing)
- Wet tropics (existing)

Expands regulation to all Great Barrier Reef catchments

Great Barrier Reef Catchments



# Great Barrier Reef Watercourses

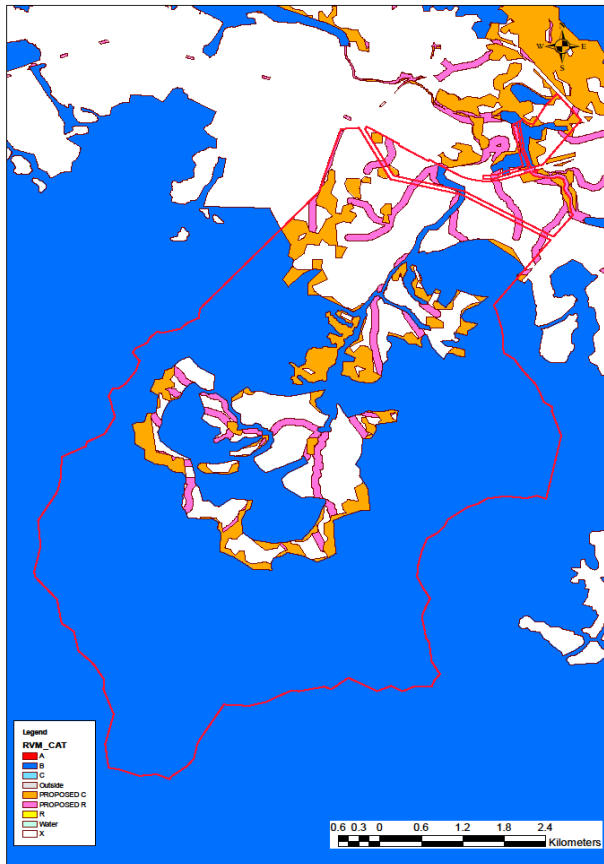
VMOLA regulates the clearing of regrowth vegetation within 50 metres of a watercourse or drainage feature in additional Great Barrier Reef catchments

During retrospective period:

- Referred to as proposed category R areas on the Proposed Regulated Vegetation Management Map
- Clearing could occur consistent with:
  - the Managing category R regrowth vegetation accepted development vegetation clearing code; or
  - Exempt clearing work under the Planning Regulation

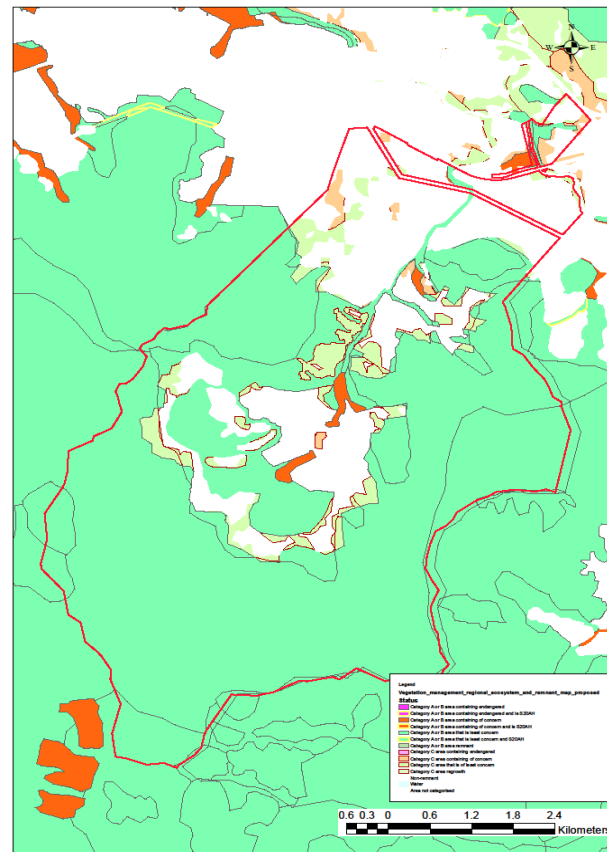
# Proposed Regulated Vegetation Management Maps

Proposed Regulated Vegetation Management Map



Prepared 5/04/2016. Department of Natural Resources and Mines

Proposed Vegetation Management Supporting Map



Prepared 5/04/2016. Department of Natural Resources and Mines

# High value agriculture / Irrigated high value agriculture

- VMOLA makes HVA / IHVA clearing prohibited development.
- Properly made development applications and previous approvals under the Planning Act/s continue unaffected.
- Does not affect the operation of coordinated projects under the *State Development and Public Works Organisation Act 1971*, or special indigenous purpose under *Cape York Peninsula Heritage Act 2007*.

# Area Management Plans

- VMOLA removes the ability to apply for an area management plan.
- Existing applicant driven AMPs for managing thickened vegetation, fodder harvesting and encroachment will remain in place for 2 years but no new notifications.
- The Mulga lands AMP has been repealed by the Act.
- AMPs for other purposes unaffected.



# Unlawful Clearing During Retrospective Period

- Individuals will not be held criminally liable for unlawful clearing as offence provisions under the Planning Act do not apply. Restoration provisions under VMA will apply.
- Consequence of unlawful clearing will be that individuals may be required to undertake restoration activities, including land that was unlawfully cleared, and additional land.
- In deciding the additional area of restoration, the chief executive (VMA) may have regard to the Environmental Offsets Act, and the Environmental Offsets Policy.

# Compliance measures

- VMOLA aligns with compliance provisions from other NR legislation (Water Act and EP Act).
- Key changes include:
  - Increasing the max penalty units a court can impose for offences
  - Enforceable undertakings for negotiate outcomes (similar to EP Act)
  - Expansion of powers of entry with notification (AMPs and ADVCCs)
  - Exemption for clearing in accordance with compliance notice

# ***Water Act 2000 changes***

- VMOLA amends Water Act to:
  - Reinstate riverine protection permits for destroying vegetation within a watercourse, lake or spring.
  - Consistent with requirements in place prior to 2013.
- Does not apply retrospectively.



# Accepted development vegetation clearing codes

- Managing thickened vegetation and fodder harvesting codes reviewed by the Queensland Herbarium and CSIRO.
- CSIRO recommended the managing thickened vegetation code be removed.
- Interim managing thickened vegetation code in place.
- New fodder harvesting code and interim category C codes in place.
- Remaining codes will be reviewed during 2018.

# Vegetation mapping

- Updated mapping released on 8 March 2018
- Change from Version 8 to Version 10 regional ecosystem mapping
- Updates to
  - Remnant extent (category B)
  - Regional ecosystem status'
  - Essential Habitat map
  - Wetland map

# Communication

- Emails sent to anyone who downloaded a vegetation map since 2016. (17,000+)
- Emails or letters sent to everyone who notified under the previous codes, area management plans and affected clearing applications. (2,000+)
- Veg Hub (1600+ calls)
- Social media campaigns

# Further Information

Contact DNRME - 135 VEG (13 58 34),  
[vegetation@dnrme.qld.gov.au](mailto:vegetation@dnrme.qld.gov.au)

DNRME webpage - <https://www.dnrme.qld.gov.au/>