



BRIEFING



ACCELERATING BUSHLAND DESTRUCTION IN QUEENSLAND

Clearing under Self Assessable Codes takes major leap upward

Executive Summary

- In just seven months from Aug 2016 to Feb 2017, about 273,000 ha of remnant or high value regrowth bushland in Queensland has been notified for clearing under self-assessable codes (SACs), eclipsing the areas approved for high value agriculture and approaching the scale of the total area cleared in 2014-15 of 296,000 ha. A notification does not mean it has been cleared, only that it may be cleared.
- Areas notified for clearing under self-assessable codes tripled in one month from Jan to Feb 2017 from 36,000 ha to 117,000 ha. However, much of this increase was due to just one property for which two duplicate notifications were made. Nonetheless, even excluding this property, notifications increased by 50% from January to February 2017.
- 93% of the total area notified falls under just four codes: thinning (58%), treatment of encroachment (18%), forestry (10%) and fodder harvest (7%).
- Thinning in particular, allows the bulldozing of up to 75% of trees in a forest, leaving only a scatter of trees behind. It is merely clearing for pasture masquerading as a beneficial treatment.
- *The Queensland Government must tighten these codes as soon as possible to prevent the growing tsunami of landclearing in Queensland.*
- Despite notifications on 312 properties entailing clearing of habitats for 142 species, and eight ecological communities listed as threatened under the Commonwealth *Environment Protection and Biodiversity Conservation Act* (EPBC Act), and despite the fact that over half the notified clearing falls in Great Barrier Reef catchments, not a single notification has been referred for approval under that legislation.
- *The Queensland Government must start warning proponents at time of notification that they may also have to refer their proposed action for EPBC Act approval.*
- *The Australian Government must start to make use of the notifications register and pro-actively warn proponents that they may have to refer the notified action.*

Landclearing controls weakened

In 2013, the *Vegetation Management Act* in Queensland was greatly weakened allowing clearing of remnant bushland at unlimited scale under “self-assessable codes” for specific purposes: thinning to correct supposed “thickening” of forests, reversing encroachment of trees in grasslands, mulga pushing for stock fodder, forestry, operational efficiency of agriculture and others. Previously most such clearing had required a permit.

After the 2013 changes, the only clearing requiring a permit was for a new category of “high value agriculture” which had been banned at the end of 2006. Due to tightening of administration in the past two years however, there has not been a high value agriculture approval on the public register since Jan 2016. Nonetheless, high value agriculture permits already approved continue to be valid and are still being exercised.

Prior to July 2016, self-assessable code notifications of unknown area

Clearing under “self-assessable codes” has seen major increases. The law only requires a proponent clearing under a code to notify the regulator, the Department of Natural Resources and Mines (“DNRM”). DNRM in turn, is required to post an online register of notifications. This didn’t happen until July 2016. At that time, the process of notification was also greatly improved.

Prior to this, the register contained very little information.¹ There were a total of 3,157 notifications, however no areas were reported and one notification might contain several codes mixed in together. Teasing this information out, all we can produce is the number of notifications for the four dominant purposes of thinning, treating encroachment, native forest practices and fodder harvest (Table 1).

Table 1: Numbers of notifications given for the four major SACs, from 2014 to July 2016.

Thinning	Encroachment	Forest	Fodder
874	111	1185	251

Clearing under self-assessable codes triples in one month

After 20 July 2016, DNRM also began including in the register areas notified for clearing under specific codes.² The areas notified every month did not change greatly up until Feb 2017, when the area notified shot up to more than three times the area notified in January (Fig 1). It turns out that 64,000 ha of this was for two notifications for one property, 32,000 ha for encroachment and 32,000 ha for thinning. Since the property itself is only 32,000 ha it is clear the proponents have lodged a blanket notification for either thinning (which only applies to forests) or encroachment (which only applies to grasslands) over the entire property. Nonetheless even removing this double counted notice, February notifications at around 84,000 ha still greatly exceed those in January 2017. Even excluding this property entirely, notifications increased by 50% from January to February 2017.

Nearly 60% of all notifications by area are for thinning, with encroachment, forestry and fodder taking 18%, 10% and 7% respectively (Fig 2).

As the example above makes clear, the areas notified cannot be simply added up to produce an overall estimate of areas notified for clearing.

Some landholders notified multiple codes over the same areas, such that when you add up all notifications it exceeds the regulated vegetation available for clearing under the code on the property. Because the actual maps of areas notified are not made public it is impossible to resolve these overlaps satisfactorily on current information. Accordingly, if we found all notifications for a given property exceeded the area of regulated vegetation on the property, we reduced the area notified to that area.

273,000 ha of regulated vegetation subject to clearing codes in just 7 months

When these corrected areas are all summed we found approximately 273,000 ha of regulated vegetation has been notified for clearing under the codes from 20 July 2016 to 28 Feb 2017, about seven months.

This does not mean that this entire area will be cleared only that it may be cleared. Until the next SLATS report is produced we will not be able to cite reliable numbers of how much clearing was undertaken of that notified. As

¹ File provided by Dept of Natural Resources and Mines

² <https://data.qld.gov.au/dataset/vegetation-management-register-of-self-assessable-code-notifications>

the example above shows, some landholders seem to notify their entire property, perhaps with no intention of exercising the code over the entire property.

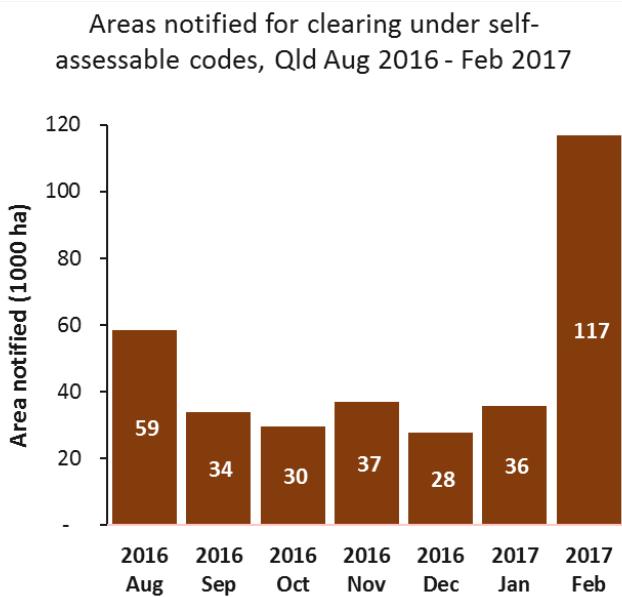


Figure 1. Total areas notified under all codes each month from Aug 2016 to Feb 2017.

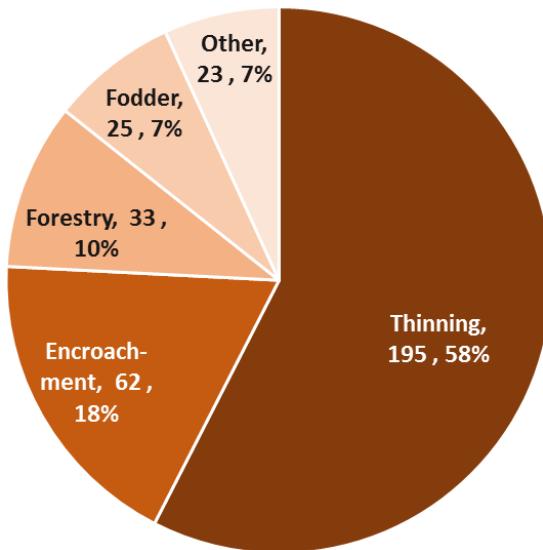


Figure 2. Areas and proportions of all notifications by area in the four dominant codes and all other minor codes combined. Units are 1000 ha.

Thinning code now the major breach of the 2006 ban on broadscale clearing

Thinning is the code of greatest concern because it is the dominant code notified by area. The code like all existing codes, remains unreformed from 2014. The existing thinning code allows that up to 75% of a standing forest can legally be bulldozed leaving scattered trees behind. The code is built on a pretence that the forest is still in remnant status, and that the purpose is to correct an unproven ecological problem of “thickening” (Fig 3).

There is no doubt that the thinning code is the main source of resurgent industrial scale bulldozing of remnant forests for cattle pasture, clearing that had been banned in 2006 by the Beattie government.

DNRM conducted a review and consultation on draft reformed codes in 2016.

The Queensland Government must tighten these codes as soon as possible to prevent the growing tsunami of landclearing in Queensland.

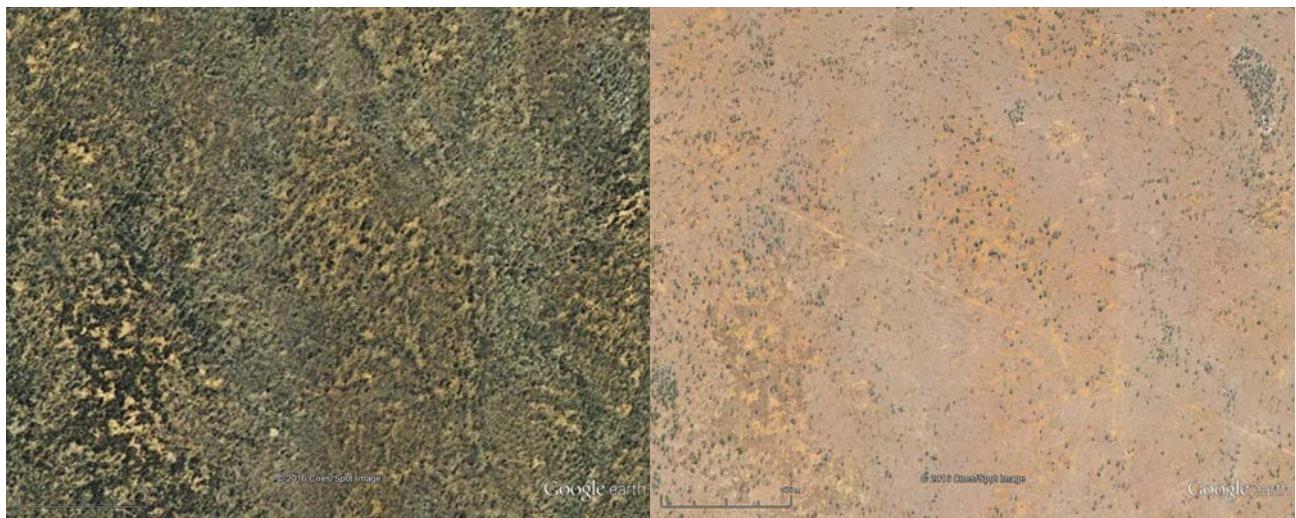


Figure 3. Left before and right after “thinning” under the self-assessable code for the Brigalow Belt, showing the aftermath of bulldozing of approx. 80% of the tree cover. An audit was conducted by DNRM and reportedly found the action was largely consistent with the code, with a few small infractions. A close-up of this clearing is shown at the top of the front page.

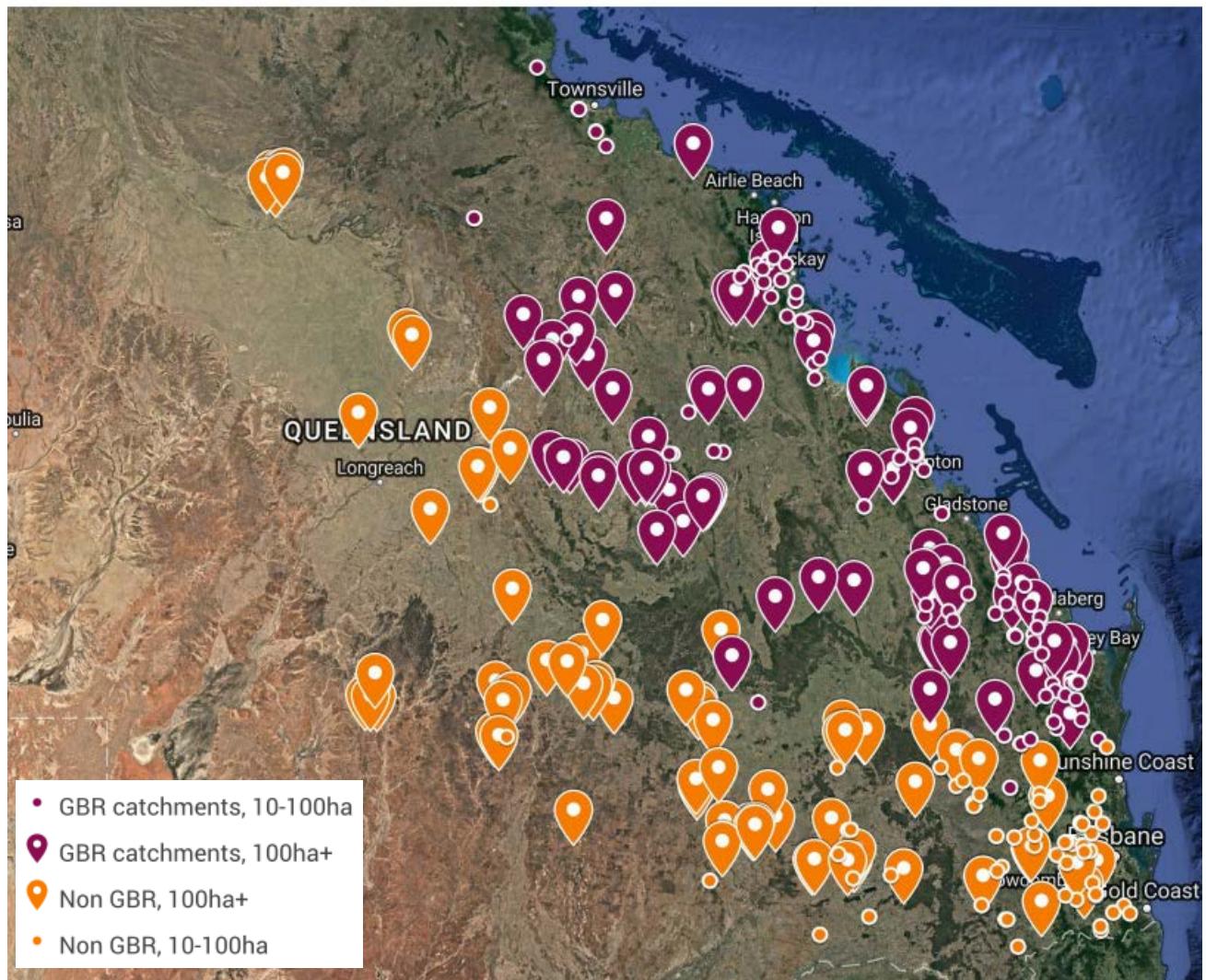


Figure 4. Locations and types of the 315 properties where SAC notifications exceed 10 ha. An interactive version of this map can be accessed here: <https://drive.google.com/open?id=1L3revYC3nAXTLDCTlobq-0nbQ6c>

Non-referral of SAC clearing under Environment Protection and Biodiversity Conservation Act

The Commonwealth *Environment Protection and Biodiversity Conservation Act*, requires proponents to refer an action for approval if it will significantly impact on the matter of national environmental significance.

We intersected the boundaries of regulated vegetation subject to the various codes on the properties for which notifications were made since July 2017, and found:

- a) No overlap with available spatial data for EPBC referrals current up to 31 Jan 2017.³
- b) 433 properties in total were either in Great Barrier Reef catchments or involve clearing of habitats of TECs or SNES (Table 2), 315 of which involve clearing of more than 10 ha (Fig. 4).

Table 2. Numbers of properties and areas under SAC notifications from Aug 2016 to Feb 2017 with potential impacts on Matters of National Environmental Significance (MNES).

MNES	No. lots	No. lots (%)	Area of notifications (ha)	Area (%)
GBR catchments	240	55%	150,930	55%
TEC or SNES	193	44%	122,160	45%
Neither	7	2%	10	0%
Total	440	100%	273,100	100%

In all, eight TECs had significant overlaps of greater than 1ha with areas notified for clearing. These were: Box-gum Grassy Woodland (Critically endangered), Brigalow (Endangered), Coolibah - Black Box (Endangered), Littoral Rainforest (Critically endangered); Lowland Rainforest (Critically endangered); Semi-evergreen Vine Thicket (Endangered); Swamp Tea-tree (Critically endangered) and Weeping Myall Woodlands (Endangered).

Also, 142 species of national significance had significant habitat overlaps with areas within which notifications of clearing have been made. An overlap was counted significant if more than 1ha of known habitat or more than 5ha or likely to occur habitat overlapped the notified property.

A majority of properties, 240 with notifications totalling 150,930 ha, fall in Great Barrier Reef catchments (Table 2), where clearing could also cause water pollution which could harm Great Barrier Reef World Heritage values.

The spatial data for referrals is only current to Jan 2017, which may not reflect the more recent Jan and Feb 2017 notifications. However, the more up to date Referrals List⁴ shows only 19 referrals for Queensland for 2017 as of the date of this briefing, and none of them involve clearing under a self-assessable code relevant to agriculture. There is only one referral for an irrigated high value agriculture project that was approved by the Queensland Government in 2015, for Mio Farming near Clare in Central Queensland.

Clearing under codes, thinning in particular, can result in drastic habitat destruction and degradation for matters of national significance. As such significant impact is likely and such actions should be referred under the provisions of the EPBC Act.

There is no evidence in the referrals list of a single referral for a notification of clearing under self-assessable codes, despite notification of intent to clear hundreds of thousands of hectares of habitat for listed species and ecological communities.

³ <http://www.environment.gov.au/fed/catalog/search/resource/details.page?uuid=%7B5D63C9A1-B20F-4708-AFD9-5A2EB0CE5E02%7D>

⁴ <http://epbcnotices.environment.gov.au/referralslist/>

Almost all SAC clearing is for agriculture. However there have been only four referrals for agriculture since 2010:

- 2017/7876 Mio College High Value Agriculture, Clare
- 2016/7751 Clearing of vegetation at Kingvale Station, Cape York
- 2016/7838 Meadowbank Station high value cropping, Mt Garnet
- 2015/7440 Agricultural clearing, Lot 10 Munbury Road, Munbury

The Munbury clearing project was withdrawn. The Kingvale project was “called-in” or “deemed” by the Department of Environment.⁵ There are no referrals relevant to thinning, encroachment, private native forestry or fodder harvest in Queensland.

The absence of referrals suggests that proponents are unaware that their notified clearing also may require approval under the EPBC Act.

Governments must take steps to remedy this situation.

- **The Queensland Government must start warning proponents at time of notification that they may also have to refer their proposed action for EPBC Act approval.**
- **The Australian Government must start to make use of the notifications register and proactively warn proponents that they may have to refer the notified action.**

⁵ http://epbcnotices.environment.gov.au/_entity/annotation/9e69ef08-375d-e611-84ca-005056ba00a7/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1470713770895

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To stop the degradation of the planet's natural environment and
to build a future in which humans live in harmony with nature.

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