

# Environmental Defender's Office Of Northern Queensland Inc.

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## **EDO Alert! New appeal regarding cassowary habitat in Mission Beach**

5<sup>th</sup> September 2005

### **New Case – Community for Coastal and Cassowary Conservation v Johnstone Shire Council & Cavanah & Ors**

EDO-NQ and barrister Chris McGrath are representing the Community for Coastal and Cassowary Conservation (C4), an environment group based at Mission Beach in their Planning and Environment Court Appeal.

C4 have appealed the decision of Johnstone Shire Council to grant development approval to Cavanah for a material change of use (uses consistent with the Rural Residential and Conservation Zone) and a development permit for a reconfiguration of a lot (1 lot into 21 lots plus balance) of land situated at Alexander Drive, Mission Beach.

### **Background to the Case**

C4 will argue that the material change of use conflicts with the Rural Conservation Zoning of the land. Rural conservation zoning allows certain limited development rights with up to 4 bonus lots for development in certain areas, if the owner seeks to formally protect other areas of their property through conservation covenants. In this case the developer has provided a conservation covenant over part of the land and applied for the rest of the block to be 22 lots of rural residential land. C4 will argue that the decision conflicts with the Planning Scheme requirements for rural conservation land, compromises the desired environmental outcomes for the area and also conflicts with the State Planning Policy on Good Quality Agricultural Land.

### **What is the Environmental Significance of this Case?**

Southern Cassowaries are highly endangered species. It is estimated that there are between 1000-1500 left in Australia. The adult population of Southern cassowaries at Mission Beach is currently 40, and has declined significantly over the last 10 years (only this week another cassowary was hit and killed by a car at South Mission Beach). Further fragmentation of cassowary habitat will have a detrimental effect on the survival of the Southern Cassowary population in this area. C4 is seeking to ensure that Johnstone Shire Council complies with its own Planning Scheme by carefully managing development in the rural conservation zoning to protect the viability of cassowary habitat. Rural conservation zoning in the Johnstone Shire contains significant areas of cassowary habitat that could easily be revegetated to improve the viability of these areas.

*For more information, contact Kirsty Ruddock at EDO-NQ on (07) 4031 4766.*

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