

# Environmental Defender's Office of North Queensland Inc.



## Monthly Newsletter: October 2009

*Current matters of public interest environmental law and how they affect  
the community in North Queensland*

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## ***New Laws for Clearing Regrowth Vegetation***

New laws for clearing regrowth vegetation have come into effect in October. Previously, a moratorium preventing the clearing of high-value regrowth vegetation has been in effect. This moratorium ended 7 October 2009, and the new laws came into effect 8 October 2009.



The new laws require landowners who wish to clear certain types of regrowth vegetation to do so in accordance with the new regrowth vegetation code. The

regrowth vegetation code applies to high-value regrowth vegetation, and regrowth vegetation located within 50 metres of a regrowth watercourse.

The location of high-value regrowth vegetation and regrowth watercourses throughout Queensland is shown on the regrowth vegetation map. The regrowth vegetation map can be found on the website of the Department of Environment and Resource Management (“DERM”), at:

[http://www.derm.qld.gov.au/wildlife-ecosystems/biodiversity/regional\\_ecosystems/introduction\\_and\\_status/regional\\_ecosystem\\_maps/](http://www.derm.qld.gov.au/wildlife-ecosystems/biodiversity/regional_ecosystems/introduction_and_status/regional_ecosystem_maps/)

If the map indicates the vegetation to be cleared is high-value regrowth vegetation or located within 50 metres of a regrowth watercourse, the landowner must then check the regrowth vegetation code for its requirements. Different requirements apply based on the purpose of the clearing, the type of vegetation to be cleared, and whether the clearing is in a restricted area.

For example, regrowth vegetation seen as “of least concern” can often be cleared for any purpose, whereas “endangered” vegetation can only be cleared for essential purposes. Vegetation in restricted areas – essential habitat, wetlands, steep slopes and stream protection zones; can only be cleared for very few purposes. In some cases, clearing of vegetation will require the landowner to provide an exchange area of uncleared vegetation to offset the clearing.

After the landowner has ascertained the requirements under the code, they must then notify DERM before clearing the vegetation. The landowner does not need a permit from DERM to conduct the clearing, but DERM may monitor the clearing to ensure compliance with the code.

For more information, contact our office or visit DERM’s website, at: [http://www.derm.qld.gov.au/vegetation/regrowth\\_vegetation\\_regulations.html](http://www.derm.qld.gov.au/vegetation/regrowth_vegetation_regulations.html)

## ***The Draft State Coastal Plan 2009***

DERM is seeking public comments on the Draft Queensland Coastal Plan 2009. The Draft Queensland Coastal Plan 2009 is to replace the current State Coastal Management Plan as the policy which determines the Queensland Government's approach to protecting and managing Queensland's coastal environments.

Comments are due by 30 November 2009. EDO-NQ is writing a submission on the draft plan. Some of our concerns with the draft plan include:



- The previous whole-of-catchment definition of a coastal zone has been limited to the area within 5 kilometres of the coast. This allows actions that originate beyond 5 kilometres of the coast, but nevertheless have a potentially large impact on the coast (such as river pollution) to not be regulated by the plan.
- The draft plan makes inadequate provisions for managing the effects of climate change. In particular, the plan anticipates only a 0.8 metre sea level rise over the next 100 years. This is inadequate – even the science which this estimate was based on acknowledged that there are large uncertainties and that the actual sea level rise could be greater.
- The draft plan allows developments which have been approved but not yet constructed to proceed in areas which are highly vulnerable to coastal hazards.

EDO-NQ encourages members of the public to comment on the draft plan. Comments can be made using the form provided on DERM's website, at:

[http://www.derm.qld.gov.au/coastalplan/draft\\_queensland\\_coastal\\_plan\\_submission.html](http://www.derm.qld.gov.au/coastalplan/draft_queensland_coastal_plan_submission.html)

Commenting on the draft plan is important – the best time to improve environmental laws and policies is while they are still being drafted. If any member of the public needs advice on the content of their submission, contact us and EDO-NQ can help.

### ***Farewell to Adam Millar***

It is with regret that EDO-NQ says farewell to our Principal Solicitor & Coordinator Adam Millar. Adam has decided that it is time to move on after three years with EDO-NQ.

During his time with EDO-NQ, Adam made a very valuable contribution to the work of EDO-NQ, and the level of dedication he showed to individual clients was exemplary.

In the meantime, the Principal Solicitor role will be handled by Justine de Torres while we finalise recruitment for a permanent replacement for Adam. Justine has many years of experience working in the area of environmental law, including as a solicitor with EDO-NSW.

## **Two New Factsheets**

EDO-NQ has published two new factsheets – *An overview of the Nature Conservation Act 1992 (Qld)*, and *The State Development and Public Works Organisation Act 1971 (Qld) and the environment*.

The *Nature Conservation Act 1992 (Qld)* is used to declare and protect a variety of protected areas in Queensland, including national parks, conservation parks, resource reserves, nature refuges, coordinated conservation areas and wilderness areas. It is also used to manage and protect wildlife (including native wildlife) in Queensland.

The factsheet - *An overview of the Nature Conservation Act 1992 (Qld)* explains these topics and how the *Nature Conservation Act 1992* attempts to achieve its object of creating “an integrated and comprehensive conservation strategy for the whole of the State”.

The *State Development and Public Works Organisation Act 1971 (Qld)* (“SDPWOA”) is not particularly well-known by the community, but it contains a number of powers which may affect environmental protection and conservation, and assessment of environmental impacts from development.

The SDPWOA is often used to fast track large or critical projects which purport to progress Queensland’s economic development, and contains a variety of powers to allow the Queensland Government to do that.

The factsheet - *The State Development and Public Works Organisation Act 1971 (Qld) and the environment*, helps to explain and de-mystify the main aspects of the SDPWOA, and how environmental impacts from development are taken into account by it.

Both factsheets are now available for download from our website at: <http://www.edo.org.au/edonq/website/general/factsheets.html>

## **Receive our newsletters**

To receive our newsletters for free each month, please email our administrator, Angela Strain, at [edonq@edo.org.au](mailto:edonq@edo.org.au). However, if you no longer wish to receive these newsletters, please send an email with “unsubscribe newsletter” in the subject line. Your email address will be removed from our database and we will not send you our newsletters by email.

## **Contact us**

To become a member of EDO-NQ, or to receive legal advice on matters of public interest environmental law, please contact us:

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