

Environmental Defender's Office of North Queensland Inc.



Monthly Newsletter: October 2011

*Current public interest environmental law matters affecting
the community in Northern Queensland*

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Commonwealth Minister will review two FNQ developments

On 8 September 2011, EDO-NQ made a joint submission with the Cairns and Far North Environment Last month's newsletter described two proposed developments in Far North Queensland whose potential to adversely affect the environment prompted EDO-NQ to join with other environmental groups to call for Federal review of the proposals under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* ("EDO-NQ Opposes Coal Mine On Princess Charlotte Bay", p 2 and "Commonwealth Urged To Reject Sand Mine", p 3). The first proposal (EPBC 2011/6092) involves a proposed underground coal mine and associated infrastructure, including barge loading and shipping operations, to be located near Princess Charlotte Bay and on Bathurst Bay, some 150 km north of Cooktown. The mine's proponent, Aust-Pac Capital Pty Ltd, plans to mine some 50 million tonnes of coal located at a depth of approximately 250 metres. Among other things, EDO-NQ (in a joint submission with CAFNEC) noted that the "bord-and-pillar"



(Photo: Princess Charlotte Bay (2005), SEPM Sequence Stratigraphy Web)

mining method proposed by Aust-Pac presents serious risks of surface subsidence likely to adversely impact threatened species and the ecological values of the nearby Great Barrier Reef. The second proposal by Bedrock Landscape Supplies (QLD) Pty Ltd (2011/6072) involves sand mine that would produce 50,000 tonnes per year of sand from 34 Ha of property located some 360 metres from internationally protected Ramsar wetlands at Bowling Green Bay near Cape Cleveland, south of Townsville. In a joint submission with the Mackay Conservation Group, EDO-NQ noted that the proposed sand mine would likely impact both surface and groundwater that is hydrologically connected to the

wetlands and would also adversely affect threatened and migratory species occurring on the site.

EDO-NQ is pleased to report that both proposals were declared "controlled actions" subject to review and approval by the Commonwealth Environment Minister. Both proposals will be reviewed under the full array of criteria established in the EPBC Act, namely World Heritage, National Heritage, Internationally Important Wetlands, Threatened Species, Migratory Species and the Great Barrier Reef Marine Park; the Wongai project will also be assessed for its impacts on Commonwealth Marine Area. In the Minister's 26 September decision regarding Bedrock's proposed sand mine, the Commonwealth determined that the proposal will be reviewed against the environmental impact assessments contained in current (i.e., "preliminary") documentation, meaning no further materials will be developed. The Wongai project, on the other hand, will be the subject of greater scrutiny in the context of a full Environmental Impact Statement, which is subject to further public review and comment. As noted in EDO-NQ's weekly "Alert" to members, public comment on the guidelines for the draft EIS process is due 18 November 2011. EDO-NQ urges members and concerned citizens to consider submitting further comments on the Wongai proposal – and to closely monitor developments with both proposals and update the Commonwealth if conditions change at either site.

Comment for Hinchinbrook Management Plan extended

In response to public feedback, the Department of Environment and Resource Management (“DERM”) has extended the period for submissions regarding the draft Hinchinbrook Area Island and Marine Management Plan (“HAIMMP”) to Friday 9 December 2011. Submissions originally were due 31 October 2011.

The draft HAIMMP, which has been prepared and circulated by the Queensland Parks and Wildlife Service (“QPWS”), the agency within DERM charged with managing national parks within the State, is approximately 140-pages long (not counting another 22 pages of maps, definitions, etc). Once finalised, the HAIMMP will be a statutory instrument under the *Nature Conservation Act 1992 (Qld)* and *Marine Parks Act 2004 (Qld)* that must be taken into account when local and state government decisions are made regarding the area subject to the plan. The draft HAIMMP sets forth desired outcomes, actions and guidelines that will be applied to decisions made on permits and approvals, camping bookings, access to the area by visitors and tourists (both recreational and commercial), aquaculture operations and other development in the area. The proposed plan is intended to compliment the *Hinchinbrook Plan of Management (2004)* prepared by the Great Barrier Reef Marine Park Authority (“GBRMPA”), which manages those areas of the Reef under Commonwealth jurisdiction.

EDO-NQ has been reviewing the draft HAIMMP and, in conjunction with the Alliance to Save Hinchinbrook Inc. (“ASH”), has been preparing comments in response to the draft HAIMMP. While EDO-NQ and ASH are generally supportive of some of the proposals contained in the draft HAIMPP, there are a number of proposals – particularly in connection with increasing commercial tourism, marine access and additional development – that are unacceptable in their current form and that will be the subject of our joint submissions.

Members of the public interested in making a submission on the draft HAIMMP are urged to have a look at the plan, which we can provide upon request – as well as other related materials.

EDO-NQ secures additional government funding

We are very pleased to announce that EDO-NQ has been successful with a grant application and have been awarded a once-off grant of \$37,500 from the Legal Practitioner Interest On Trust Accounts Fund (“LPITAF”). Under our ongoing funding arrangements EDO-NQ is only funded for two full-time positions. With the support of some top-up funding from DERM and by tightening our budget belt, we believe the LPITAF grant will enable us to support a part-time administration position.

EDO-NQ was one of many community legal centres that were not awarded additional funding to meet wage increases and has been under financial pressure over the past two and half years. Whilst ongoing funding for the administration position would have been preferred, these additional funds are much appreciated.

EDO-NQ welcomes new members and management at AGM

The Annual General Meeting of EDO-NQ's members was held on Thursday, 20 October 2011. We're pleased to report that the AGM was well attended – with over 25 members in attendance or nominating proxies. We'd like to thank our guest speaker, Kristjan Sorensen, Sustainable Industries Officer with Northern Gulf Resource Management Group's ("NGRMG") Mareeba office. NGRMG focuses on issues concerning land management, biodiversity conservation, water quality and management, coastal and marine management, indigenous management and community capacity within its region. The region served by NGRMG encompasses the catchments of the Norman, Gilbert, Staaten and Mitchell river systems, covering a land area of approximately 196,000 km², from roughly Kowanyama to Karumba along the Gulf of Carpentaria, an area well south of Croydon, and east to Mt. Molloy and Atherton. Kristjan focused on issues impacting water resources affecting landowners in this area and opportunities for EDO-NQ and NGRMG to work together to address those issues. We thank Kristjan – and his colleague, Trevor Parker – for attending the meeting.

In addition to hearing reports from the organisation's deputy president (John Seccull), treasurer (Brynn Mathews) and principal solicitor (Patrick Pearlman), members also voted in new members of the EDO-NQ's Management Committee. We welcome several current members of the Committee back – John Seccull, Mark Buttrose, Brynn Mathews, Gail Hamilton and Jeremy Little – and new members Renee Lees (CAFNEC's nominee) and Christine Carlisle (nominated by Mackay Conservation Group). EDO-NQ's staff looks forward to working with the Management Committee over the coming year toward improving the quantity and quality of service delivered to our members and the public.

If you were unable to attend this year's AGM, we hope we'll see you at next year's meeting – or perhaps at regional meetings that we're exploring currently.

Can you help? Call for clerical/administrative volunteers

EDO-NQ's files are due for a tidy up. We are looking for a volunteer to help staff sort through archive boxes and old files. There are a number of boxes to go through and a few hours from a willing volunteer will help get the job done quickly. So if you have a few hours free and could come into EDO-NQ's office, please give our Office Administrator, Angela, a call (4031 4766) or email (adminnq@edo.org.au) to arrange a time that suits. Any enquiries are much appreciated.

EDO-NQ joining regional conservation sector committees

EDO-NQ's principal solicitor, Patrick Pearlman, is in the process of nominating to participate on two regional conservation sector committees – the Wet Tropics Management Authority's ("WTMA") Conservation Sector Liaison Group ("CSLG") and the Northern Gulf Resource Management Group's ("NGRMG") Conservation Sector Group.

WTMA's CSLG members represent key conservation groups throughout the Wet Tropics region. Representatives from Queensland Parks and Wildlife Service also regularly attend CSLG meetings. The CSLG discusses a broad range of conservation issues which affect the World Heritage Area and surrounds, including regional planning, conservation legislation, cassowary and other wildlife conservation, rainforest rehabilitation, and World Heritage governance. The CSLG is appointed by the WTMA Board.

The Conservation Sector Group of NGRMG provides a coordinating role for groups and individuals working for, or interested in, nature conservation and environment protection in the Northern Gulf region and, among other things, assists the NGRMG in advocating nature conservation and protection of the total environment of the region and developing and promoting environmental research appropriate to the objectives of the NGRMG. The Group also operates in recognition of the native title rights and traditional land relationships of the Aboriginal people of the Northern Gulf in order to protect and manage conservation values of traditional lands and waters.

Contact EDO-NQ

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

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