



ENVIRONMENTAL DEFENDERS OFFICE
(QLD) INC.

ENVIRONMENTAL DEFENDER'S OFFICE OF
NORTHERN QUEENSLAND INC.



**BULLETIN – NOVEMBER/DECEMBER
2003**

EDO-Qld and EDO-NQ wish all members and Bulletin readers a very Merry Christmas and a Happy New Year!

What's in this Bulletin?

This month we report on the breathtaking news that 33.3% of the Great Barrier Reef will be protected, outline the breakthrough land clearing commitment made by Premier Beattie, and note two important draft Water Resource Plans open for comment. We also update you on environment legislation rolled-in to the *Integrated Planning Act* and the consequences of this, and share some good news about Commonwealth enforcement of environmental laws and an excellent Court decision for the Gold Coast! As well, the results of our court cases about the Nathan Dam and development on Springbrook will both be known tomorrow, as the Judges hand down their decisions- see below for details if you want to come along and listen! Finally, thank you to our members for your continued support, and we wish you a safe, happy and environmentally sustainable festive season!

World first - 33.3% of the Great Barrier Reef protected!

The revised Great Barrier Reef Marine Park (GBRMP) **Zoning Plan** was tabled in Federal Parliament on 3 December 2003, after more than 5 years of preparation and two major rounds of public consultation. The Zoning Plan will protect habitats that are representative of all the 70 bioregions in the GBRMP by establishing a network of no-take marine sanctuaries, known as 'Green Zones', where diving, snorkelling and boating are permitted but not extraction of marine life. The Zoning Plan increases these Green Zones from currently 4.5% to 33.3% of the total GBRMP, a six-fold increase in protected areas of the GBRMP that will create the largest network of highly protected marine areas in the world. In November 2003, Federal Cabinet agreed in principle to a structural adjustment package to assist commercial fishers and others adversely affected by the upcoming re-zoning. We congratulate the GBRMP Authority, the Federal Government, WWF reef campaigners Imogen Zethoven, Richard Leck and Sarah Lowe and all the others who have created this internationally outstanding achievement.

Nathan Dam case and Springbrook Cabins case to be decided on Friday 19 December 2003!

Members will recall EDO Qld's two court cases, one about the sufficiency of the environmental assessment processes for the proposed Nathan Dam and the other about a proposed extension of tourist cabins in an important part of Springbrook on the Gold Coast. Well, we have just been told by the Courts that both of these cases will be decided tomorrow!

For the **Nathan Dam case**, Justice Kiefel of the Federal Court will be giving her decision at 10:15am on Friday 19 December 2003, at Court 3 on Level 7 of the Commonwealth Law Courts building, at 119 North Quay in Brisbane. For the **Springbrook Cabins case**, Judge Newton of the Planning and Environment Court will be giving his decision at 10am on Friday 19 December 2003, at Court 14 on Level 3 of the Southport Courthouse, at Hinze Street in Southport, Gold Coast.

Members are welcome and encouraged to attend either of these court decisions, ensuring mobile phones are switched off and whispering is kept to a minimum up the back of the court rooms!

For more information about either of these cases, contact Larissa Waters or Jo Bragg at EDO Qld.

EDO Christmas holidays

The EDO(Qld) office will be closed or without legal staff from Tuesday 23 December 2003 until Monday 12 January 2004, and EDO-NQ will be without legal staff from Friday 15 December 2003 until Monday 5 January 2004. All clients requiring assistance or other callers should leave answering machine messages with the relevant EDO and we will respond upon our return.

Welcome land clearing commitment by Premier Beattie!

On 27 November 2003, Qld Premier Peter Beattie announced in Parliament that the Qld government would go it alone on land clearing law reform, after months-long silence from the Federal Government. As readers would recall, in May 2003 Queensland and the Commonwealth agreed to each provide \$75 million towards a compensation package for farmers whose clearing rights would be restricted by planned tightening of Queensland land clearing laws.

Congratulations to Premier Beattie for promising to introduce new land clearing laws in the first sitting week of Parliament next year (24 - 27 February 2004) regardless of the Commonwealth's involvement! Premier Beattie has committed to:

- protect "of concern" vegetation on freehold land (currently only protected on leasehold land); and,
- phase out clearing of remnant vegetation by 2006.

EDO Qld will be making submissions on the scope of the amendments and on drafts of the Bill prior to its presentation in Parliament. A letter from the main environment groups (QCC, WWF, The Wilderness Society and ACF) based on EDO Qld advice will be sent to Premier Beattie this week, outlining necessary changes to implement Beattie's Parliamentary promises, and also noting opportunities for other amendments to fix existing problems and further protect

Queensland vegetation. However there is still time for the Federal Government to do the right thing and honour its earlier commitment to contribute \$75 million to this package. Premier Beattie's Parliamentary statement is available via <http://www.parliament.qld.gov.au/hansard/Documents/2003.pdf/031127ha.PDF>.

For further information on the proposed land clearing reforms and update on the process towards a draft Bill contact Jo Bragg or Larissa Waters at EDO Qld on 32 10 0275.

New Draft Water Resource Plans released for comment

The Georgina and Diamantina Rivers and Condamine-Balonne draft Water Resources Plans have now been released for public comment. EDO Qld will be assisting conservation groups to make comments on the Condamine-Balonne draft Water Resource Plan, which could impact upon the infamous water-storing Cubbie Station. As readers would know, Water Resource Plans (WRPs) are designed to plan for the allocation and sustainable management of water in Queensland, to enable security of supply to human water users and to provide for environmental flows sufficient to protect the integrity of ecosystems. You have until **3 February 2004** (for the Condamine-Balonne) or **5 March 2004** (for the Georgina and Diamantina) to lodge a written submission on the draft WRP with the Department of Natural Resources and Mines. Note that until the WRPs are finalised, the existing moratorium on new water developments and diversions in the plan areas remains in force. Copies of the draft WRPs are available from the Department's website <http://www.nrm.qld.gov.au>.

For guidance on what to address in a submission, see EDO Qld's Toolkit for Submissions on draft WRPs on our website at www.edo.org.au/edoqld or contact Jo Bragg on 32 10 0275.

Coastal, heritage and environmental protection laws rolled-in to IPA system

Development that previously required permission under the *Coastal Protection and Management Act* and the *Queensland Heritage Act* will now be assessed using the Integrated Development Assessment System (IDAS) process established by the *Integrated Planning Act* ("IPA"), as part of the government's attempt to roll development processes into one single development application process (IDAS). Some types of activities under the *Environmental Protection Act* not previously rolled into IDAS such as mobile and temporary environmentally relevant activities are also rolled in. The tight IDAS timeframes favour well-resourced developers over the community, however one positive is that members of the public have good enforcement rights under IPA, being able to seek court orders against unlawful IDAS development or breaches of IDAS development conditions. In brief, the roll-in of the *Coastal, Heritage and Environmental Protection Acts* into IPA will mean:

- An IPA development application will be required for development in a "coastal management district" involving a material change of use, reconfiguration of a lot (subdivision), building work on land seaward of a coastal building line, or operational work on or above tidal waters. "Coastal management districts" extend along the coast and tidal waters,

and comprise 'erosion prone areas' and 'control districts' under the old, now repealed *Beach Protection Act*;

- An IPA development application must be lodged for development in places of cultural heritage significance listed on the Queensland Heritage Register (which can be accessed via www.epa.qld.gov.au), with some exceptions. Renovations and activities like painting and work on fittings which may substantially alter heritage significance and appearance will now be covered; and
- An IPA development application will be required to develop contaminated land or to conduct Environmentally Relevant Activities (except mining or petroleum activities), replacing the current system of 'environmental authorities'.

For more information about the roll-in of Coastal Protection, Queensland Heritage and Environmental Protection laws into IPA, contact EDO (Qld) on 3210 0275 or edoqld@edo.org.au.

More good news!

Reef Water Quality Protection Plan

The Great Barrier Reef also wins with the release of the **Reef Water Quality Protection Plan**, a joint initiative of the Queensland and Commonwealth governments 3 years in the making. Prime Minister Howard and Premier Beattie recently signed the Plan, which will now be implemented in an attempt to reverse the decline in the quality of water entering the reef lagoon within 10 years. The Plan identifies catchments and reefs at risk from runoff and promotes best land management and incentives to protect and restore significant wetlands. The Plan implements the commitment made by the Prime Minister and the Premier in an August 2002 Memorandum of Understanding, and will be reviewed in 2010. A copy of the Plan is available from www.deh.gov.au/coasts or www.thepremier.qld.gov.au/reefwater.

Gold Coast wises up

Readers should be heartened by the decision of Planning and Environment Court Judge Robin QC in the recent case of *Terton Corporation Pty Ltd v Gold Coast City Council* [2003] QPEC 060, concerning the proposed subdivision of a further 23 lots at the Golden Valley Estate in Bonogin on the Gold Coast. Council laudably refused approval for the development, and in the unsuccessful developer appeal, Judge Robin emphasised the sensitive ecological values of the site and took a **precautionary approach towards the practical impacts of subdivision**. Both the Council and the Court have made decisions that achieved positive environmental outcomes for this site.

Minister Kemp takes Court action to enforce the EPBC Act!

A shark fisherman from Port Lincoln in South Australia has been fined \$25,000 for taking his vessel into a marine park when it was closed to protect whales. The Federal Court found that Ronald Atterton breached the Commonwealth EPBC Act by entering the Great Australian Bight Marine Park in October 2001, at a time when commercial fishing boats were banned from entering. The Head

of the Bight is a nationally significant breeding ground for the endangered southern right whale. While the Marine Park is generally open for commercial fishing, areas near the Head of the Bight are closed for six months during their annual migration to protect the southern right whales being disturbed or harmed by vessels or fishing gear. The Federal Court's decision sounds a warning to commercial fishing vessels that they must not breach the laws designed to protect our endangered species. Congratulations to Minister Kemp for the **Department's successful first civil action to enforce the EPBC Act** (previous civil enforcement cases have predominantly been brought by environmentalists represented by EDO Qld).

EDO Northern Territory office seeks solicitor

The EDO(NT) is seeking a lawyer to provide legal advice and representation, carry out educational activities, promote policy and law reform in environmental law, and to supervise the administration of the Office. Applicants should be eligible to obtain an unrestricted practising certificate in the Northern Territory and have a commitment to the protection of the environment. Salary negotiable, relocation expenses provided, and position available at full or part time hours. *For position description, selection criteria and enquiries please phone Gill on (08) 8982 1182 or email edont@edo.org.au.*

EDO-NQ website updated

Checked out the EDO-NQ website lately? We've updated our site, and you can now find all our recent Bulletins, news of upcoming workshops, factsheets, and other useful information about the organisation!
See the updated EDO-NQ website at www.edo.org.au/edonq.

To subscribe free to the monthly joint EDO (Qld) and EDO NQ Bulletin, email edoqld@edo.org.au or edonq@edo.org.au

To subscribe free to the EDO NSW Bulletin, (covering Cth and NSW issues) please send an email to edonsw@edo.org.au

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