CTS No. 02305/13

sch4p3(3) Prejudice

Chief of Staff ..... OK
Dated 21/2/13
Approved / Not Approved / Noted
Further information required
Minister .....
Dated 21/02/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Submerged Historic Aircraft Wreck off Bowen**

TIMEFRAME

- **Urgent** noting of this brief is required due to imminent media coverage.

RECOMMENDATION

It is recommended that the Minister:

- **note** that the wreckage of a Royal Australian Air Force (RAAF) PBY Catalina has been discovered in waters off Bowen near the Abbot Pt Coal Terminal dredge material relocation site
- **note** that the Department of Environment and Heritage has no jurisdiction over the wreck as it is outside state waters and is not protected under the *Historic Shipwreck Act 1976 (Cwth)*.

BACKGROUND

- The Catalina 'Flying Boat' A24-24 (20th Squadron RAAF) was lost in 1943 due to an accident with the loss of 14 lives.
- Two survivors were recovered clinging to a wing section but the exact location of the main wreck was unknown.

CURRENT ISSUES

- The location of the Catalina wreck was discovered in approximately 2009 but apparently it was not formally reported to or investigated by the RAAF.
- The wreck became a fishing site for locals and was the subject of an article in a fishing magazine in 2011 (**Attachment 1**).
- In response to the Abbot Point Coal Terminal Public Environment Report, members of the local dive community reported the wreck to the Department of Environment and Heritage Protection (EHP) on 3 February 2013, as the Director of the Heritage Branch is the Queensland Delegate under the *Historic Shipwrecks Act 1976* (HSA).
- The report was initiated due to concerns the wreck may be impacted by the disposal of dredge material associated with the expansion of the Abbot Point terminal.
- The department raised the potential for historic shipwrecks to be within the Abbot Point area in the EHP's formal advice to North Queensland Bulk Ports Corporation (NQBP) for their Accumulative Impact Assessment on 3 December 2012 (**Attachment 2**).
- Other forms of submerged heritage – such as aircraft - are not currently protected under the HSA and therefore were not mentioned in the advice.
- A group of divers associated with the local dive company submitted images and footage of the wreck on 8 February 2013. The material was referred to the RAAF, which confirmed they are of a Catalina.
- The A24-24 is the only known submerged Catalina wreck in the Bowen area.
- The wreck is lying at a depth of 40m on a muddy seafloor and has broken up into large sections that are largely intact. The cockpit area has not been located.
- The local dive community have proposed placing a commemorative plaque on site to mark the 70th anniversary of the incident in August.
- There is potential for human remains to be preserved within the fuselage if victims remained trapped after impact.
- The wreck is not protected under the HSA as it is an aircraft. The HSA is under review and the future inclusion of submerged aircraft has been flagged.
- The Australian National Shipwreck Database (ANSDB) was updated in 2011 to include historic aircraft in preparation for anticipated legislative changes.
- The wreck of the A24-24 is entered into the ANSDB, but the location of the wreck was based on historic records and was previously thought to be further south.

Rec'd - ODG
21 FEB 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Paddy Waterson Position: Principal Heritage Officer Tel No: 3330 5848 Date: 20 February 2013	Name: Fiona Gardiner Position: Director, Heritage Tel No: 3330 5873 Date: 21 February 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy & Planning Tel No: 3330 5990 Date:21 February 2013 sch4p	Name: Andrew Chesterman Position: DG, DEHP Tel No: 3330 6298 Date: 21.2.13

- The wreck is located outside state waters and therefore outside the jurisdiction of the *Queensland Heritage Act 1992*; it is therefore not protected under any dedicated heritage legislation.
- The wreck is located with the Great Barrier Reef Marine Park, which is managed by the Department of National Parks, Recreation, Sport and Racing (NPRSR).
- The near shore dredging associated with the expansion of Abbot Point will be assessed as part of EHP's statutory obligations under the *Environmental Protection Act 1994 (EP Act).*
- The Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) will need to issue the permit for dumping the dredge spoil under the *Environment Protection (Sea Dumping) Act 1981* (Cwth) and could take the presence of the wreck into account.
- The wreck is located approximately 3km south of the south-east corner of the proposed dredge material relocation area. This places the wreck on the very edge of the expected dredge spoil plume that was modelled as part of the Public Environment Report (**Attachment 3**).
- NQBP was apparently not previously aware of the wreck but was informed of its location by locals during recent public forums in early February 2013.
- The actual impact of the dredge spoil dumping on the wreck is currently unclear. The proponent has indicated they will now address the matter in their state application under the EP Act and in their response to public submissions.

CONSIDERATIONS

- *Consultation:*
  - Wing Commander Gregory Williams, Missing In Action Investigations Officer, RAAF has been notified and has initiated an investigation. In the absence of substantiated evidence of human remains, it may not be feasible for the Department of Defence to take the matter further, especially given the depth, substrate and condition of the wreck. If remains were identified on the wreck, they would be recovered and reinterred in a formal war grave.
  - On 21 February 2013 Wing Commander Williams advised Heritage Branch they had been contacted by the media and had reiterated the above position.
  - The acting Director of Marine Parks, Damien Head, and Senior Ranger Darren Larcombe of NPRSR have been advised of the wreck and its potential significance.
  - Katrina Clarke, Manager Central Region, Environmental Services and Regulation, EHP is managing the Department's statutory obligations under the *Environmental Protection Act 1994* and has been advised of the Catalina wreck.
  - Ricci Churchill, Manager, Environmental Services and Regulation Mackay, EHP has advised that Adam Smith, Manager Ports and Shipping from the Great Barrier Reef Marine Park Authority was recently made aware of the Catalina Wreck and is waiting for NQBP's response to the public submissions for further information.
  - Andrew Viduka, Assistant Director Maritime Heritage, SEWPaC, confirmed that the provisions of the HSA do not cover Catalina's even though they were "flying boats" – this matter had been raised previously in relation to wrecks off Darwin and Broome.
  - Mr Viduka further advised that from a conservation perspective if the wreck is consistently covered with sediment to a minimum depth of 0.5m, it will assist preservation. However strong currents in the area tend to scour and its burial would negate public visitation; it is therefore recommended it should remain as is.
- *Key Communication Messages:* There could be a perception that the currently proposed dredge material relocation from the Abbot Point Coal Terminal expansion, will 'desecrate a war grave'.

MINISTER'S COMMENTS

RTI DL Release

ATTACHMENTS

- **Attachment 1**: Article from Fish and Boat Magazine regarding the Catalina – May 2011
- **Attachment 2**: Historic Shipwreck Advice including in the EHP Abbot Point Submission
- **Attachment 3**: Map of the dredge relocation plume modelling with the location of the Catalina wreck.

Author	Cleared by	Cleared by	Recommended:
Name: Paddy Waterson Position: Principal Heritage Officer Tel No: 3330 5848 Date: 20 February 2013	Name: Fiona Gardiner Position: Director, Heritage Tel No: 3330 5873 Date: 21 February 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy & Planning Tel No: 3330 5990 Date:21 February 2013	Name: Andrew Chesterman Position: DG, DEHP Tel No: 3330 6298 Date:

ANZAC Special

Lest We Forget: Bowen's Catalina Wreck

By Dan Kaggelis
Images Dan Kaggelis, Ann Mecklem Bowen

Anzac Day is one of those very special days where all of Australia celebrates those brave men and women who fought and died protecting our freedom and the Australian way of life. It is a day which remembers the roots of Australia's mateship filled larrikin identity, and most importantly ignites nationalistic pride for our special sunburnt country.

Living in the historically rich town of Bowen, there are countless told and untold tales of wartime adventures. However, there is one story in particular that holds a special interest to Bowen fishermen. As most Bowenites know, our special coastal town was a base for air operations between 1942 to the end of 1943 during WW II. Squadrons of RAAF Catalina Aircraft resided in the sheltered waters of Sinclair Bay, just off Bowen's front beach. These aircraft took part in many important reconnaissance missions and air and sea battles including the Battle of the Coral Sea in the Pacific. However, on the 18 August 1943, in an ironic, cruel twist of fate, the first Catalina aircraft to arrive in Bowen in 1942 proved never destined to leave after mysteriously crashing into the sea some ten miles from the mouth of Bowen's Don River taking with it six lives before sinking into the dark filled ocean depths below.

Since this tragic event, the RAAF Catalina A24-24, and much of her crew, have lain on the silt covered bottom of Bowen waters with its only visitors being Bowen's old salt fishermen who through accidental discovery, word of mouth, and secret code, have gained knowledge of where this fallen soldier and her crew lie.

The Catalina Wreck is a special place, and for those who have had the privilege to wet a line on her watery grave will know that it is one spot where fishing dreams can come true. Lying in complete isolation in 120 feet of water, much of her main fuselage remains intact, however instead of carrying sea going mines and war time equipment; it is now home to millions of barnacles, colonies of coral polyps and most importantly schools of great fighting fish.

Fishing the Catalina is like taking a flight on a major airline and her inflight services differ depending on whether you are in the first class section, business class section, and of course the dreaded economy section. Fishing this spot is all about getting the perfect hang and if you get your anchor right and your baits hanging in the perfect spot, you will find yourself in the first class section where you will be tangling with a red hot bite of fish like big coral trout, largemouth and smallmouth nannygai, fingermark and even red emperor.

> Whilst the battles that take place on the Catalina today might not involve bullets, mines and shrapnel, there have still been plenty of epic skirmishes between big fish and man which will never be forgotten.

However, find yourself ten metres off the first class mark and you will now be in business class territory where you will notice the fishing quality diminishes slightly. Whilst there is still the chance of tangling with a first class fish, in business class you are more likely to snare large grunter, black Jew and cobia which love to hang around the sandy holes which surround the wreck.

Only a few metres and a curtain screen width away from business class and you will find yourself in the dreaded economy class. Like today's economy class, this section is packed in tight and full of loud noise and screaming. That is, packed in tight with large stubborn trevally, big batfish and even bigger catfish which all fight like hell and make reels scream like a 1950's teenage girl watching Elvis (still can't work out why they loved that bloke so much, he wasn't even a fisherman?) This is a great spot for sport fishers, but constant doubles of big bludger trevally is just as painful as a long economy flight stuck in the middle seat between two 120kg blokes.

Finally, in typical airline flight procedure, you need to arrive at least an hour before departure or else someone else may beat you to it, essentially making you 'miss the plane'.

The Catalina is only a one boat spot due to its limit in size. Therefore, being the first boat with a first class hang is crucial and will see other wannabe passengers forced to watch you take off down the runway to fishing heaven whilst they are stuck in the proverbial terminal.

The Catalina Wreck is a fishing spot where mateship and larrikin attitudes thrive, similar to those that would have been found on the shores of Gallipoli. Whilst the battles that take place on the Catalina today might not involve bullets, mines and shrapnel, there have still been plenty of epic skirmishes between big fish and man which will never be forgotten.

Two things recently stirred my interest in writing this piece about the fallen Catalina. The first was when the local PADI Scuba Dive Company, Aussie Reef Dive, dove on the Wreck, bringing back stunning images of this once magnificent boat plane. Whilst I had viewed the wreck on side scan sonar which showed an outline of what lay below, seeing those underwater photos really opened my eyes to the sad fate of a fallen warrior. Unlike her brethren planes of the 111 Squadron which continued to conduct naval war time battle missions, including dropping emergency supplies to Australian prisoners of war in PNG, the only battle this A24 would now see was the slow futile battle against corrosive attrition.

The second was watching a mate of mine's young son hook, fight, and land one of the biggest bar cheek coral trout I have seen from the belly of the wreck. The fight was a real twelve round slug fest and there were times during the battle when he only had one foot on the floor and if we hadn't grabbed him he may have ended up in the cockpit of the Catalina below! It really was an epic battle and I am sure it will be one of those fishing experience he will never forget, let alone best.

Nathan Wilde and 90cm worth of bar cheek coral trout. Thanks to those who fought we can all enjoy catching fish like this.

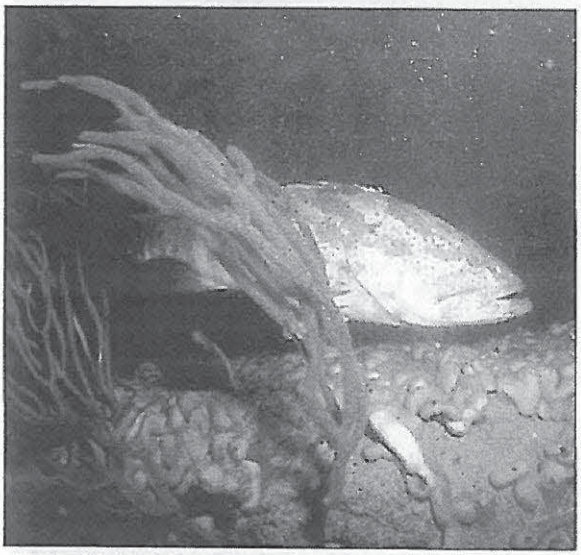
Like many other young Australians, I have never seen nor experienced war first hand and so can't really understand how lucky we are to have so much freedom and choice in our everyday lives.

But watching that young kid catch that magic fish off the watery grave of a fallen World War Two warrior and her crew, really reinforced the idea of just how lucky we are that so many people fought so we could enjoy the spoils of freedom and a country free of tyranny. Without this sacrifice many of us would have never have wet a line or even had a chance to even know what fishing is.

The Catalina and her fallen crew symbolise the fate of many brave Australian soldiers whose sacrifice we should never forget, and hopefully these words will somehow serve as a small memorial to not only the Catalina but to those men and women who went down with her.

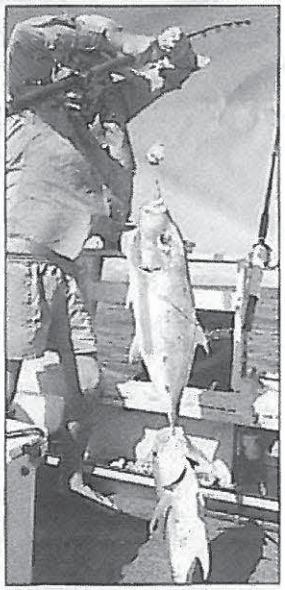
If you ever get the chance to fish this magical spot remember to pay your respects and most importantly never forget the sacrifices made so we can all enjoy the freedoms of life which includes fishing the bountiful waters of what can only be described as the greatest country on earth.

One of Bowen's Catalina warriors that is now lying at rest in the sheltered waters of Sinclair Bay.



The wreck is home to some big predatory fish like estuary cod, coral trout and even large pelagics.

Lhaleigh Hall and Ann Mecklem Bowen are two of the divers have explored the wreck.



Rob Wilde finds himself in economy class with a double header of bludger and tea leaf trevally.

RTI Released

Marine Archaeology - Historic Shipwrecks.

There is recognition of the need to manage historic shipwrecks within the Abbot Point CIA, however, the proposed response is not comprehensive, relies on incomplete data and does not account for the possibility of incidental finds.

The CIA correctly acknowledges that historic shipwrecks are recognised as cultural heritage under the broad definition in the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)*. There are aspects of the proposed project that could impact upon potential historic shipwrecks such as jetty construction, wharfage, anchorage areas, dredging and dredge spoil disposal. It is not clearly stipulated within the CIA that under Guideline 1.1 by the Department of Sustainability, Environment, Water, Population and Communities, that historic shipwrecks within the Great Barrier Reef Marine Park is a Matter of National Environmental Significance (MNES) under the EPBC.

It should also be recognised that there is broad protection throughout state and commonwealth waters for all historic shipwrecks older than 75 years under both the *Historic Shipwrecks Act 1976* (Cwth) and the *Queensland Heritage Act 1992*, regardless of whether their exact location is known, or not. The trigger provisions under both these Acts are also 'any impact', not just 'significant impact' which is the trigger for MNES under the EPBC.

It is recognised that there are no known historic shipwrecks within the development impact areas. There are 14 known maritime incidents/wrecks within in the greater area surrounding Abbot Point, these are:

1. Comet	1832	East of Bowen
2. Presto	1864	Just off the beach at Port Denison (Bowen)
3. Queen of the Colonies	1866	Driven Ashore on Bowen Beach
4. Julia Percy	1867	Total wreck after returning to Port Denison – salvaged'
5. Day Dawn	1884	Lost off Bowen
6. Catharine Jane	1884	Driven Ashore near Cape Upstart
7. SS Wentworth	1887	Wrecked near entrance to Port Denison – loss but refl
8. Freddy	1887	Grounded in bay on north of Cape Upstart
9. Redcliffe	1887	Rocks off Poole Island - probably refloated
10. SS Iona	1888	Burnt to water line at Bowen
11. Bronzewing	1888	Off Cape Upstart
12. Crinoline	1889	Refloated

13. Curlew	1893	Reported wrecked off Cape Upstart - never seen again.
14. Mary Peverley	1915	Beached Upstart Bay

The CIA refers to the Australian National Shipwreck Database (ANSDB), citing that the known wrecks in the area are concentrated to the north and south of the Abbot Point development area. None of these wrecks have as yet been positively located and/or identified. Many of the historic reports regarding the above wrecks are based on broad geographic references with very little specific detail; it is therefore possible that one or more are located within the impact area.

The CIA recognises that the data within the ANSDB is limited and does not accurately position the wrecks; it therefore proposes an 800m buffer around all estimated positions. This does not sufficiently mitigate the risk that historic shipwrecks and associated artefacts could be impacted by the various proposed elements of the projects. Estimated wreck positions have often been found to be in error by many kilometres, even with relatively well known wrecks and they can be extremely difficult to identify, especially early timber wrecks that leave little obvious evidence above the seafloor. Even refloated wrecks can leave behind historic evidence, such as Captain Cook's anchors and cannon from the *HMB Endeavour*.

The Port of Abbot Point Offshore Dredged Material Relocation Area Site Selection Report (BMT WBM 2012) is not included in the available documentation so the above advice is preliminary.

Given the possibility that shipwrecks could be located in the area and the high impact of some proposed activities, it is recommended that as a minimum, the proponents undertake remote sensing surveys of the 'dredged material relocation area' and high impact zones within the proposed developments. In many instances seafloor mapping and assessment work would be required as part of the engineering and design components of proposals. If remote sensing data already exists for these areas, it should be assessed by a qualified and experienced maritime archaeologist in order to identify potential targets for follow up investigation. This approach has been adopted in other marine infrastructure projects around Australia and resulted in significant archaeological discoveries. Ideally, the anchorage zones should also be surveyed and assessed. Final management documents should also have contingency plans for the incidental discoveries once construction and operations commence.

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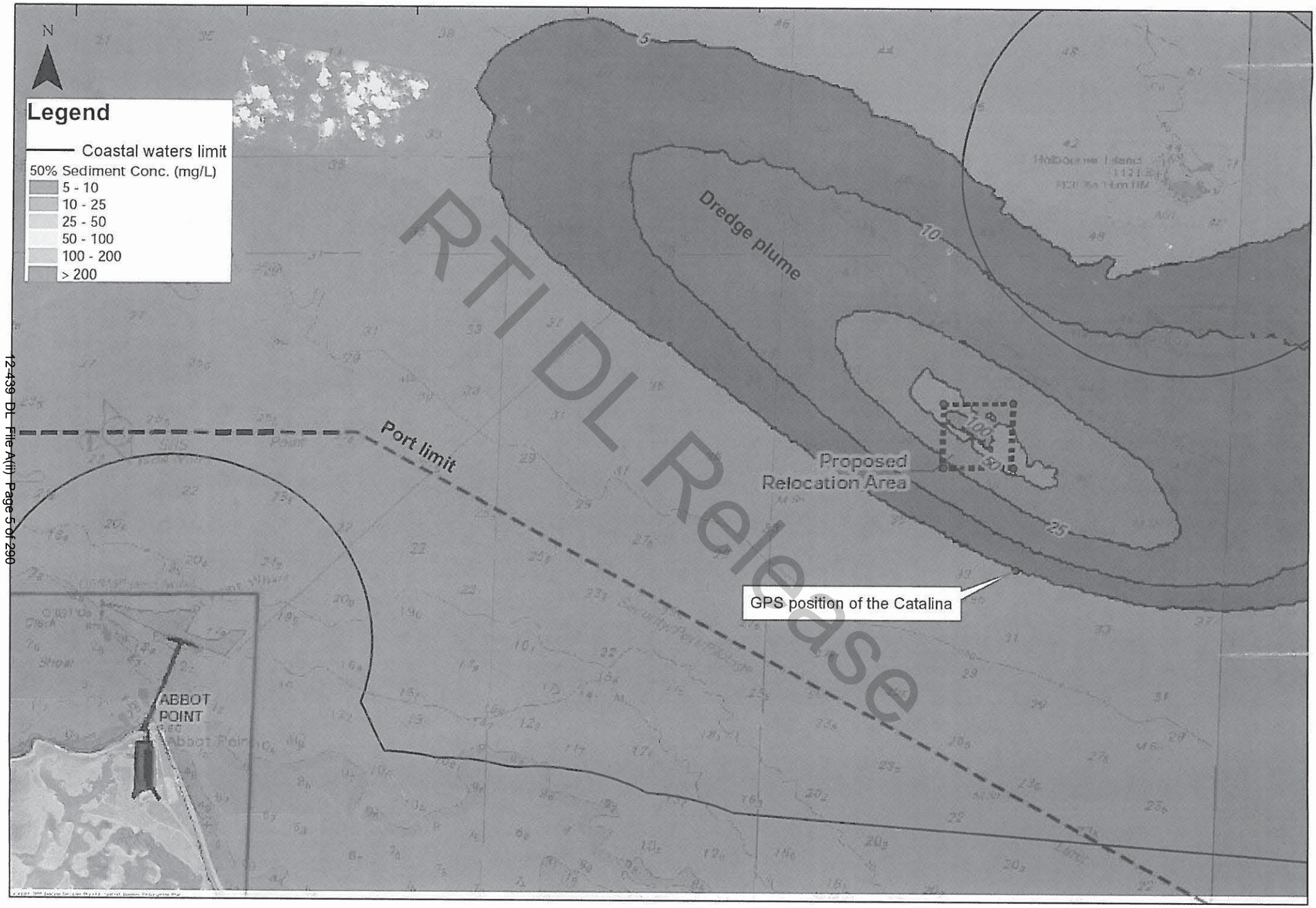

RTI DL Release

12-439 DL File A(ii) Page 5 of 290

CTS No. 02306/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

sch4p3(3) Prejudice t

Chief of Staf . OK
Dated 28 / 2 / 13
Approved Not Approved Noted
Further information required
Minister
Dated 28 / 02 / 13

TO: Minister for Environment and Heritage Protection

SUBJECT: Wreck of the *SS Dicky*, Caloundra

RECOMMENDATION

It is recommended that the Minister:

- **note** that recent media coverage has stated that the wreck of the *SS Dicky* will soon disintegrate
- **note** that the Department of Environment and Heritage Protection (EHP) can provide advice to the Sunshine Coast Regional Council about the preservation of the wreck
- **note** that there is an opportunity for the Minister to inspect the wreck. — please make arrangements.

BACKGROUND

- The *SS Dicky* is an iron hulled steamer that ran aground near Caloundra during cyclonic conditions in 1893. Attempts to refloat the *Dicky* failed and it was sold for salvage. Valuable materials were salvaged from the wreck, but the hull remained on the beach due to the low value of the iron.
- The beach on which it grounded was named after the wreck and it soon became a tourist attraction.
- It is often claimed to be the only recreational beach in the world named after a shipwreck, but this is erroneous as numerous other beaches are also named after shipwrecks, including Coolangatta.
- The wreck deteriorated quickly after it was abandoned due to its location in the intertidal zone; compounded by human intervention.
- Only the lower section of the hull remains, with ribs and iron plating protruding through the sand.
- The wreck of the SS Dicky remains a highly popular local and tourism attraction and is on the Sunshine Coast Regional Council (SCRC) Heritage Register.
- The wreck is located above the Lowest Astronomical Tide and therefore is not within the jurisdiction of the Commonwealth's *Historic Shipwreck Act 1976 (HSA).*
- In 2007, the *Queensland Heritage Act 1992* was amended to provide broad protection for shipwrecks 75 years and older within Queensland; this provides complementary protection for those wrecks not administered under the *HSA*.
- There have been periodic calls for the wreck to be removed, either for its conservation or due to the potential risk it poses to beach goers.
- In 2006, the then Caloundra City Council sought advice from a conservator on management options and subsequently spent $10,000 partially exposing the hull and spraying it with a fish oil mixture that retards corrosion. During these works some fabric came loose and was collected for storage.
- The heavy machinery used to expose the exterior hull may have caused some damage to the wreck.
- Consideration was again given to completely removing the wreck in 2007. The then Director of Heritage Branch, Mr Peter Hutchison wrote to Caloundra City Council arguing against its removal and for its potential heritage significance (**Attachment A**).
- In 2007-08 Caloundra City Council commissioned a management plan by a well respected maritime archaeologist.

Rec'd - ODG
26 FEB 2013

CURRENT ISSUES

- The Courier Mail and Sunshine Coast Daily have recently run articles featuring Mr Paul Seto, who has stated that the wreck has lost its iconic "ship shape" and that it could be completely gone by the end of the year without intervention (**Attachments B and C**).
- The article from the Sunshine Coast Daily claims the wreck is not included in the Australian National Shipwreck Database – this is not accurate as the database does have a detailed history with historic images and up to date information about the wreck's condition.
- The 2008 report stated that the wreck "...is deteriorating and changing in form but at a slower rate than was experienced in the first 40 years after it was wrecked. In 2008 is was estimated that the rudder post would collapse within 10 to 20 years, which would take the stern area with it.

Name: Paddy Waterson Position: Principal Heritage Officer Tel No: 3330 5848 Date: 19 February 2013	Cleared by Name: Fiona Gardiner Position: Dir Heritage Branch Tel No: 3330 5873 Date:	Cleared by Name: Tony Roberts Position: Deputy Director-General, Environmental Policy & Planning Tel No: 3330 599[redacted] sch4p3(Date::	Recommended: Name: Andrew Chesterman Position: DG, DEHP Tel No: 3330 6298 Date: 27.2.13

RTI DL Release

- It was further estimated that it may take up to a century for the disappearance of the wreck above normal sand levels and many centuries more for the remains of the *Dicky* below normal sand levels to become "unrecognisable as a wreck" (Coroneos et.al 2008:62).
- The 2008 *SS Dicky Management Plan* outlines and costs a range of management options, from doing nothing through to re-location.
- Based on the significance assessment, international management best practice and cost, the best option was to manage the wreck in-situ.
- The report recommended that exposed areas of the wreck be resprayed with fish-oil solution every two years. There are also options for sacrificial anodes to be attached to the wreck and a patch repair to be undertaken to the stern post (which had been cut to remove the anchor in 1963).
- Mr Denis Shaw, Coast and Canals Manager for SCRC has informed EHP that SCRC has not undertaken any works since spraying the fish oil in 2006.
- Mr Shaw also advised that recent extreme weather events have caused the wreck to deteriorate much quicker than anticipated, especially over the last six months; the stern section has partially collapsed and the wreck above sand is breaking up.
- Mr Shaw believes it may no longer be viable to implement the recommended measures and stabilise the wreck above the sand, but acknowledged that the buried potion of lower hull is stable.
- In-situ management options were costed (in 2008) as an initial outlay of $5000 with ongoing costs of up to $35,000 every five years.
- Relocation and conservation costs were estimated at an initial minimum outlay of $150,000 with ongoing costs of $10,000 every five years – these figures are conservative.
- In-situ management is still endorsed as the best option to preserve the wreck, but as the upper sections become less prominent, they will not be visible at high tide and become a greater hazard.
- EHP's maritime archaeologist has been invited by SCRC to inspect the wreck so previous management recommendations can be reviewed and updated – a date has not been scheduled.

CONSIDERATIONS

- *Budget*: The wreck is not protected under the historic shipwrecks and therefore Commonwealth funds provided under the Historic Shipwreck Program cannot be used to manage this wreck.
- *Consultation:* Mr Denis Shaw, Coast and Canals Manager, SCRC, has confirmed there is a high degree of public concern and Council is interested in options to manage the wreck.
- *Legislation:* Any interference with the wreck of the *SS Dicky* requires approval from the chief executive or their delegate under S91 of the *Queensland Heritage Act 1992*.
- *Key Communication Messages:* The wreck of the SS Dicky is a Sunshine Coast icon that is protected by both the Regional Council and under the *Queensland Heritage Act 1992*. EHP will assist Council to re-evaluate the wreck's condition and find the best way to manage this important part of Queensland's history.
- An opinion piece in the Sunshine Coast Daily outlines the debate on whether to preserve the wreck and recognises there will be concerns about heritage and cost **(Attachment D)**.
- There is a media opportunity for the Minister to visit the wreck and promote the importance of in-situ preservation for shipwrecks and the Queensland Historic Shipwreck Survey.

MINISTER'S COMMENTS

RTI DL Release

ATTACHMENTS

- Attachment A: Letter from EPA to Caloundra City Council, 4 June 2007 – Proposed Removal of *SS Dicky*.
- Attachment B: 'Now you see it, soon you won't': *Sunshine Coast Daily* 11 February 2013.
- Attachment C: Wrecked Beyond Repair. Courier Mail 11 February 2013, p13.
- Attachment D: Time Running Out to Save a Piece of History *Sunshine Coast Daily* 11 February 2013.

Name: Paddy Waterson Position: Principal Heritage Officer Tel No: 3330 5848 Date: 19 February 2013	**Cleared by** Name: Fiona Gardiner Position: Dir Heritage Branch Tel No: 3330 5873 Date:	**Cleared by** Name: Tony Roberts Position: Deputy Director-General, Environmental Policy & Planning Tel No: 3330 5990 Date::	**Recommended:** Name: Andrew Chesterman Position: DG, DEHP Tel No: 3330 6298 Date:

Enquiries Cameron Harvey
Telephone (07) 3227 6197
Your reference
Our reference BNE30070

4 June 2007

The Chief Executive
Caloundra City Council
PO Box 117
CALOUNDRA QLD 4551

RTI DL Release

Dear Sir/Madam

Proposed removal of the S.S. Dicky from Dicky Beach, Caloundra

I write with regard to the S.S. Dicky. It has been brought to the attention of the Environmental Protection Agency (EPA) that there may be a proposal to remove the remains of the wreck of the S.S. Dicky from Dicky Beach, Caloundra. As the wreck lies within State waters, the protection provided for historical heritage places under the *Queensland Heritage Act 1992* applies and the EPA has an interest in the future of the wreck.

The EPA believes that the S.S. Dicky is potentially a place of cultural heritage significance. As part of the State Government's five year statewide assessment of historical heritage across Queensland, the wreck will be one of many places considered for future entry in the Queensland Heritage Register. The significance of the wreck is based on its potential to meet criteria (a), (b) and (g) under Section 34 of the *Queensland Heritage Act 1992*. Criterion (e) may also be argued for the landmark qualities of the wreck. The wreck's historical significance is linked to it being a representative place for the coastal steamer trade off Queensland in the later 19th century. The maritime industry and associated heritage places are currently under-represented on the Queensland Heritage Register. The wreck also has a strong social significance to the local community and possibly to the wider community as well. It is well known and the community identifies it with Caloundra. The wreck was also used for many social events such as dances that were held on the deck, as a bathing change room, and it is a popular landmark and tourist attraction for people holidaying in Caloundra and the region.

Heritage places should be managed with reference to heritage legislation but also to the *Burra Charter*. The *Burra Charter* (also known as the Australia ICOMOS Charter for Places of Cultural Significance) sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians. Basic conservation principles of the *Burra Charter* include a preference for the

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retention of places in their original setting. It is the assertion of the EPA that the wreck is significant while in its original context and removal from its current location will only diminish its value to the community. In accordance with Article 9 of the *Burra Charter*, the physical location of a place is part of its cultural significance and relocation is generally considered unacceptable unless it is the sole practical means of ensuring a place's survival. In this instance, the continuation of the *in-situ* preservation regime commenced by the Caloundra City Council in 2006, for which expert heritage advice was sought from the Western Australian Maritime Museum, is preferable to relocation. It is also quite possible that removal of the wreck from its current location will be an extremely costly exercise and may well result in the destruction of the remains during the process.

If you have any questions regarding this matter, please contact Mr Cameron Harvey, Principal Heritage Officer, on (07) 3227 6197.

Yours sincerely

Peter Hutchison
Director, Cultural Heritage Branch

RTI DL Release

CTS No. 02859/13

sch4p3(3) Prejudice th

Chief of Staff ... OK
Dated 6/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 07/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Battery Product Stewardship**

TIMEFRAME

- The Senior Officials Committee (SOC) established under the Standing Council for Environment and Water (SCEW) meets on 15 March 2013. Approval of the preferred option is required before 8 March 2013 to ensure the agenda paper can be circulated prior to the meeting.

RECOMMENDATION

It is recommended that the Minister:

- **agree** to Queensland taking a lead role in relation to battery product stewardship
- **note** that this issue is on the SOC agenda for discussion
- **note** that if SOC agrees, the issue will be recommended for discussion at the SCEW meeting on 11 April 2013 with a recommendation that batteries will be placed on the SCEW work plan.

BACKGROUND

- Batteries were previously a waste of interest for the (then) Environment Protection and Heritage Council.
- The Australian Battery Recycling Initiative (ABRI), a not-for-profit organisation made up of NGOs, battery manufacturers, recyclers, government agencies and consumer electronics suppliers (**Attachment 1**), was established in 2008 to promote the collection, recycling and safe disposal of all batteries.

CURRENT ISSUES

- While batteries have been a waste of interest nationally for a number of years, recent product stewardship work has focused primarily on packaging, televisions and computers and used tyres.
- As such, there has been no national work undertaken in relation to battery product stewardship.
- While used lead acid batteries have a well-established collection and recycling framework, and have a high resource value, the collection of handheld batteries is still in its infancy.
- A study commissioned by ABRI in 2010 looked at all categories of batteries – handheld, automotive and industrial – and estimated that around 353 million are consumed each year.
- Of this number by far the largest proportion by number is handheld batteries (those batteries weighing less than 1kg), accounting for about 345 million or 98% of the total. This category includes the common household batteries such as AA, AAA and D alkaline and carbon zinc batteries, and more specialised batteries for laptops, mobile phones, power tools, MP3 players and hearing aids.
- The study estimated that approximately 264 million handheld batteries (around 13,000 tonnes) reach the end of their useful life each year.
- Of this number approximately 8000 tonnes end up in landfill with only 500 tonnes (or around 5%) collected for recycling.
- Another 3000 tonnes is thought to be stockpiled informally, for example in broken or obsolete electronic equipment, home appliances or toys.
- The resource value of batteries varies considerably. For example, alkaline batteries are comparatively cheap to manufacture, retail at a relatively low cost and have little inherent end-of-life value. This makes recovery and recycling options significantly higher per unit cost for these batteries than for other batteries such as lithium-ion batteries typically used to power mobile phones.

Author	Cleared by	Cleared by	Recommended:
Name: Kylie Hughes Position: Manager Tel No: 3330 5020 Date: 25 February 2013	Name: Elisa Nichols Position: A/Executive Director Tel No: 3330 5988 Date:	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 5990 Date: SIGNED TR 1/3/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 4/3/13 SIGNED DG

RTI DL Release

- While there are proven systems to recover and recycle batteries, the value of the recovered metals (such as zinc, manganese and steel) does not cover the collection and reprocessing costs.
- Several businesses and organisations currently collect batteries in Australia for recycling (**Attachment 2**). Battery World stores were the first retailers in Australia to provide a drop-off service for people to bring back end-of-life batteries. The franchisee of the Townsville store has previously expressed an interest in progressing voluntary arrangements. Of the 78 stores Australia-wide, the largest number of stores (26) are located in Queensland.
- Some basic dismantling of handheld batteries is done in Australia; however, all handheld batteries collected in Australia are exported to complete the recycling process.
- ABRI acknowledges that battery recycling currently comes at a cost. Countering this is the increasing community interest in battery recycling.
- Importantly, if the weight of batteries collected increases and recovery processes become more efficient, the cost of recycling will decrease, making recycling more viable.
- While ABRI's preference is for a co-regulatory scheme, they acknowledge that a voluntary product stewardship program, funded by battery brand owners, is initially the more appropriate course of action at this stage.
- Currently, however, ABRI's membership does not include the handheld battery manufacturers such as Duracell and Energizer. These two companies alone make up around 65% of batteries on the market.
- Both companies have indicated that they are not currently prepared to join ABRI until they have to. They are, however, keeping a watching brief on regulatory developments in Australia and ABRI believes that the placement of handheld batteries on the product stewardship list will prompt voluntary action.
- In the United States the four largest battery manufacturers have formed the Corporation for Battery Recycling and developing a voluntary program that is expected to slowly roll-out in 2013. This program could help to inform development of a voluntary product stewardship in Australia.
- ABRI met with the Department of Environment and Heritage Protection (EHP) on 29 January 2013 regarding support for a product stewardship approach. At that meeting EHP undertook to champion the issue through the Waste and Chemical Thematic Oversight Group (WCTOG), a group comprising of senior officials established under SCEW.
- At the WCTOG teleconference on 18 February 2013, Queensland sought support for handheld batteries to be placed on the national product stewardship list. This action was supported and SOC endorsement for batteries to be placed on the SCEW work plan will be sought at the SOC meeting on 15 March 2013.
- If batteries are placed on the work plan as a product that is suitable for a product stewardship approach, Queensland indicated that we could support the development of a voluntary scheme by convening a government/industry implementation working group and facilitating the sector's involvement in and development of a scheme. This approach was quite successful in achieving momentum for the development of a voluntary scheme for used tyres.
- There are some risks associated with this approach. Product stewardship will not work without the involvement of the handheld battery manufacturers. However, ABRI and governments believe that the threat of future regulation may motivate voluntary involvement by these major manufacturers.
- One of the biggest risks to implementation of a scheme is that there are a considerable number of inexpensive 'no-brand' batteries imported as loose batteries or included in toys and other battery operated products. This 'free-rider' potential may threaten to impact on the viability of a voluntary scheme; however, the information gained from development of the e-waste and used tyre schemes could help inform an approach to free-riders.
- The product stewardship list is reviewed annually. Unlike the previous EPHC work program, end-of-life products can be removed from the list if there is no action or unwillingness by the responsible parties to participate. This minimises the risk to governments in continuing to support a process for which there is no or minimal sectoral support.
- Sustainability Victoria has commissioned research on the business case for battery stewardship and the public policy case for regulation. This work is anticipated to be completed mid-year and will help inform national discussions on battery stewardship options.

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Author	Cleared by	Cleared by	Recommended:
Name: Kylie Hughes Position: Manager Tel No: 3330 5020 Date: 25 February 2013	Name: Elisa Nichols Position: A/Executive Director Tel No: 3330 5988 Date:	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 5990 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

Preferred approach

- The preferred approach is to initiate a national battery product stewardship approach by agreeing to place batteries on the product stewardship list and to work with the sector to develop a voluntary arrangement.
- This will involve support from SOC on 15 March 2013 and for you to sponsor a SCEW paper proposing that handheld batteries be placed on the product stewardship list to form part of the SCEW work plan.
- If this approach is endorsed and batteries are placed on the SCEW work plan, your support for Queensland to participate in and convene a government/industry implementation working group is sought.
- This provides an opportunity to develop an approach that complements the development of the new industry-led waste strategy and to facilitate additional partnerships between retailers, collectors and recyclers.
- It should be noted that this is a 'no-regrets' approach. If the handheld battery manufacturers are unwilling to participate in the development of a voluntary scheme, government will not remain involved.
- There is a mechanism for reviewing the product stewardship list and if there is no interest from the industry in developing a voluntary scheme, batteries may be removed from the list. At this stage without the additional information that could be gained from implementation of a voluntary scheme, it would be difficult to make the business case for pursuing co-regulatory or mandatory schemes.

CONSIDERATIONS

- *Budget*: There are no financial implications at this stage. — Potential future costs?
- *Consultation:* Consultation has been undertaken with other jurisdictions and the Australian Battery Recycling Initiative, all of whom support progressing handheld battery product stewardship.
- *Legislation:* As the proposal is to work with the industry to develop a voluntary scheme, no legislation is required. If a voluntary scheme were to be established this could be accredited under the *Product Stewardship* (C'wlth) *Act 2011*.
- *Key Communication Messages:* This initiative has a positive communication message. There is considerable community interest in reducing waste to landfill generally and in increasing recycling for end-of-life products that have previously not been recovered – including batteries, mercury-containing lamps and paint.

MINISTER'S COMMENTS

Agreed. Good initiative.
sfp.

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ATTACHMENTS

- Attachment 1 – ABRI membership
- Attachment 2 – Collection and recycling businesses

Author	Cleared by	Cleared by	Recommended:
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ATTACHMENT 1

Australian Battery Recycling Initiative membership

Corporate members

Canon Australia

Century Yuasa Batteries

Close the Loop Ltd

Club Assist Pty Ltd

Enirgi Metals Group

Exide Technologies

MRI (Aust) Pty Ltd

NBNCo

R&J Batteries

SITA Australia

Simstar Alloys Pty LTD

Supercharge Batteries

TES-AMM Australia Pty Ltd

Toshiba (Australia) Pty Ltd

Affiliate members

Australian Mobile Telecommunications Association

Clean Up Australia

Environment Protection Authority, NSW

Macintype Design

Planet Ark

Sustainability Victoria

WA Local Government Association

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ATTACHMENT 2

Collection and recycling businesses

Collection and recycling companies

MRI (Australia) Pty Ltd

Close the Loop

SITA Australia

Drop-off locations

Battery World

IKEA

ALDI

Coles

Officeworks

Bunnings

RTI DL Release

CTS No. 03416/13

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Chief of Staf[redacted]OR
Dated 1/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 6/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Release of Consultation Regulation Impact Statement on chemical reform**

RECOMMENDATION

It is recommended that the Minister:

- **note** that it is highly likely that the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) will seek Queensland's approval to release a Consultation Regulation Impact Statement (CRIS) on Management of Chemical Environmental Risks out of session in early March 2013.

BACKGROUND

- sch4p4(1)(1)(a) Damage relations with other governments

CURRENT ISSUES

- EHP is now satisfied that the proposed changes to the draft CRIS will facilitate development of a realistic funding model, and recommends support for the release of the CRIS on the basis that the distribution of costs cannot be identical at this stage of the RIS process.
- Based on the Productivity Commission's position on funding it appears that the early establishment costs of the ECB should be borne by the Australian Government. Costs for the ECB preparing model/template legislation and standards that the jurisdictions subsequently adopt will probably require joint funding (i.e. Australian Government and the states/territories). Technical standards and chemical-by-chemical recommendations should be developed on a cost recovery basis.
- Information acquired via the CRIS will inform the Decision Regulation Impact Statement (DRIS) which will identify cost impacts which can then form the basis for Queensland Cabinet consideration.
- A further briefing will be provided at the time the out of session SCEW paper is circulated for jurisdictional clearance.

Rec'd - ODG 26 FEB 2013

Author	Cleared by	Cleared by	Recommended:
Name: Dr Faiz Khan Position: Manager Tel No: 33305466 Date: 20 February 2013	Name: Peter Hutchison Position: Executive Director, Environment & Water Quality Tel No: 3330 5991 Date: 22 February 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 5990 Date: sch4p	Name: Andrew Chesterman Director-General, EHP Tel No: 3330 6298 Date: 28.2.13

File Ref: (Remove if N/A)

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MINISTER'S COMMENTS

Well done!

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Dr Faiz Khan Position: Manager Tel No: 33305466 Date: 20 February 2013	Name: Peter Hutchison Position: Executive Director, Environment & Water Quality Tel No: 3330 5991 Date: 22 February 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 5990 Date:	Name: Andrew Chesterman Director-General, EHP Tel No: 3330 6298 Date:

CTS No. 03618/13

sch4p3(3) Prejudice

Chief of Staff OK
Dated 27/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 07/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **New International Treaty on Mercury**

RECOMMENDATION

It is recommended that the Minister:

- **note** that a new international treaty called the Minamata Convention on Mercury has recently been brokered to prevent emissions and releases of mercury.

BACKGROUND

- Mercury has been used in various products and processes for hundreds of years due to its unique chemical properties; namely, mercury is in liquid form at room temperature.
- Mercury and mercury-containing compounds are highly toxic and have a variety of significant adverse effects on human health, wildlife and the environment. In recent years, environmental mercury levels have risen.
- Once released, mercury can persist in the environment where it circulates between air, water, sediments, soil and biota in various forms. Atmospheric mercury can be transported long distances and may be concentrated up the food chain.
- Mercury damages the central nervous system, thyroid, kidneys, lungs, immune system, eyes, gums and skin. Neurological damage to the brain caused by mercury cannot be reversed. There is no known safe exposure level for elemental mercury in humans. The effects that mercury has on animals are kidney damage, stomach disruption, damage to intestines, reproductive failure and DNA alteration.
- Following four years of negotiation and agreed by 140 countries (including Australia), The Minamata Convention on Mercury – named after a Japanese city where serious health damage occurred as a result of mercury pollution discovered in the 1950s, provides controls and reductions across a range of products, processes and industries where mercury is used, released or emitted.

CURRENT ISSUES

- This treaty will open for signature at the Diplomatic Conference to be held in Japan in October 2013. Once ratified and in force, the treaty would see signature countries phase out several products and processes containing mercury such as thermometers, blood pressure measuring devices, batteries, electric switches, fluorescent lamps, soaps and cosmetics by 2020.
- Use of mercury in coal-fired power plants, small and artisanal gold mines and cement production has to be reduced. Countries with small and artisanal gold mines will have to devise strategies to reduce the use of mercury in gold production in 3 years.
- Some environmental groups have criticised the Convention for weak provisions for controlling industrial mercury emissions where no dates or targets have been set. It is anticipated that thresholds on the size of plants or level of emissions will be decided at the first meeting of the treaty after it comes into force.
- Nations agreed to install the Best Available Technologies in new power plants and facilities, with plans to be drawn up to bring emissions down from existing ones.
- The Queensland National Pollutant Inventory data suggest that more than 755 kg of mercury were released to air, land and water in Queensland during 2011-12 (mainly from fossil fuel electricity generation, coal mining, alumina production, smelting and refining of copper, silver, lead and zinc). It is estimated that more than 18 tonnes of mercury are held by the mining, refining and smelting sectors across Queensland during the same period (2011-12).

Rec'd - ODG
28 FEB 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
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- The Commonwealth will undertake a full treaty ratification process over the next 18-24 months that will involve consultation with governments and the industry as well as quantifying costs and benefits of the obligations under the Convention.
- The treaty ratification process will enable EHP to identify and quantify the Convention's implications to Queensland mining, smelting, power generation, waste incineration and cement industries within the next 2 years.

MINISTER'S COMMENTS

Will this impact on project approvals ie conditions?

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Author	Cleared by	Cleared by	Recommended:
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Memo to: Minister Andrew Powell

From: Gary Shaw

Subject: New International Treaty on Mercury

Date: 12 March 2013

The following information is provided in relation to your question on the attached Briefing Note:

Will this impact on project approvals i.e. conditions?

This will be found out when Australia ratifies the new treaty. During the ratification process, a cost benefit analysis will be undertaken that will identify the impacts. So, at this stage, it is difficult to determine what impacts this new treaty would have on Queensland project approvals. It seems that, once ratified, the new treaty will prescribe mercury emission limits that the department will need to implement (probably via licence conditions of waste incinerators, coal fired power stations, small scale gold mining etc).

sch4p3

14/03/13.

RTI DL release

CTS No. 03988/13

sch4p3(3) Prejudice t

Chief of Staff ..... OK
Dated 11/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 11/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **State of waste and recycling in Queensland 2012 Report**

TIMEFRAME

- Your approval is required by **15 March** to enable the report to be tabled in the sittings commencing 19 March 2013.

RECOMMENDATION

It is recommended that the Minister:

- **approve** the content of the draft report for publication
- **agree** to the inclusion of a foreword at the start of the document
- **table** the finalised report in Parliament.

BACKGROUND

- The 'State of Waste and Recycling in Queensland 2012' report provides data that will assist governments and private sector operators to make informed waste management decisions.
- Chapter 7, Part 3 of the *Waste Reduction and Recycling Act 2011* requires the chief executive to make the report publicly available by 31 December each year. The last publication of this report was in 2008.

CURRENT ISSUES

- The current edition of the 'State of waste and recycling in Queensland 2012' report has been compiled from information supplied by local governments, private landfills, industrial monofills, recyclers, organic processors and incinerator operators.
- The report includes current data about landfilling and recycling for the headline wastes of municipal solid waste, commercial and industrial waste and construction and demolition waste. It also reports on selected specific waste streams such as asbestos, fly ash and biosolids.
- The report includes waste tracking data which records the movement of regulated wastes. However, it notes the absence of data in relation to interstate waste movements.
- This report marks the beginning of improvements in the data set and increased transparency in the provision of data. The Queensland Waste Data System project will continue to improve the collection of data.
- The data will inform the development of Queensland's industry-led waste management strategy, underpin the implementation of waste management programs and contribute to national waste reporting.
- As part of the response to Agriculture Resources and Environment Committee report on the Waste Reduction and Recycling and Other Legislation Amendment Bill 2013, you advised that you would table the report in Parliament. It would be desirable to table the report as soon as possible.

Rec'd - ODG - 6 MAR 2013

CONSIDERATIONS

- The report has been forwarded to Corporate Communication Services for editing and review. The reviewed version will be available during the week of 11 March 2013.
- Local governments and industry will welcome the release of this publication as there has not been a release since 2008.
- The tabling in Parliament will offer an opportunity for a ministerial statement and a media release.
- Release of the report is consistent with the government's commitment to open and transparent data.

Author	Cleared by	Cleared by	Recommended:
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File Ref:

RTI DL Release

MINISTER'S COMMENTS

Note comments in report.

ATTACHMENTS

- State of waste and recycling Queensland 2012

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
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File Ref:

CTS No. 04034/13

sch4p3(3) Prejudice the

Chief of Staff
Dated 17/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 19/03/13.

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Biochar and waste-to-energy technology**

TIMEFRAME

- This briefing note has been prepared at the request of the Minister's Office in order to provide information in relation to the possibilities and limitations of biochar technologies and how it may pertain to the development of the new waste strategy. Consideration of this information is not urgent.

RECOMMENDATION

It is recommended that the Minister **note** the information in this briefing note.

BACKGROUND

- Interest in waste-to-energy technologies is increasing, especially in the context of decreasing landfill capacity and increasing disposal costs for organic wastes.
- There are a number of different technologies available, some of which may be suitable for small-scale regional applications.

CURRENT ISSUES

Biochar

- Biochar is a stable form of charcoal produced from heating natural organic materials (crop waste such as bagasse and other wastes including green waste, woodchips, biosolids and manure) in a high temperature, low oxygen process known as pyrolysis.
- The production of biochar via pyrolysis also yields bioenergy in the form of synthesis gas (or 'syngas'). Syngas consists of a variety of gases which can be captured and used to produce heat and power.
- Biochar has long held the interest of soil scientists and agronomists. Biochar is broadly suitable for use as a soil conditioner to improve and maintain soil fertility, increase soil carbon sequestration and improve soil structure to allow increased water retention and improved crop yields.
- It is important to note that there are many different types and qualities of biochar. The key chemical and physical properties of a biochar are greatly affected by the type of material input and the conditions of the pyrolysis process (i.e. temperature and time).
- For example, biochar made from manure will have a higher nutrient content than biochar made from wood cuttings. However, the biochar from the wood cuttings will be more stable over a longer period of time.

Information gaps

- There is significant potential for increased biochar production. However, there are substantial knowledge gaps which require further research to ensure its safe production and use.
- The relative risk in applying biochar to land comes largely from the purity of the feedstock. The safety of biochar can be compromised if contaminated feedstock (for example, biosolids containing heavy metals or green waste containing a large quantity of treated timber) and unreliable or non-standard production methods are used. Source segregated waste materials rather than mixed streams (such as from the Municipal Solid Waste) provide for less contamination in the end product as the waste stream can be better managed and potential contaminants are more easily recognised and removed.
- More research and testing are still needed in relation to the safe use of biochar regarding environmental protection and human health needs. The New South Wales Department of Primary Industries is investing heavily in a number of studies and this information may help Queensland determine a position.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
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- The economic viability of biochar is dependent on the price of the product and the benefits to the user. The price is affected by the cost of feedstock (which may be negative in the case of biomass that would incur a waste disposal fee), and returns from renewable energy generated in the pyrolysis process.
- Financial benefits to the user may include increased production and reduced fertiliser requirements. However, the use of biochar in agricultural systems is still largely in its infancy.
- The growing cost of waste disposal and implementation of renewable energy targets are likely to make the production and application of biochar for electricity and waste management increasingly more economically viable.

Potential for new waste strategy

- Recognition of the need for strengthened research and development has been identified as a key theme in the development of the new waste strategy.
- It is proposed that the framework for the new strategy will be based around finding and implementing local and regional solutions as a priority.
- Some biochar technologies have the potential to be scaled to suit the type and availability of feedstock and may be suitable for small-scale regional solutions.
- Technologies that enable the local or regional processing of wastes such as green waste and agricultural wastes and the local use of the resultant products would significantly benefit local communities and potential end users and help in meeting resource recovery and landfill diversion targets.
- It is proposed to explore the potential for partnerships between local governments, the agricultural sector and biochar technology proponents during the development of the waste strategy.

MINISTER'S COMMENTS

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Kylie Hughes Position: Manager, Reform and Innovation Tel No: 3330 5020 Date: 12 March 2013	Name: Elisa Nichols Position: A/Executive Director Tel No: 3330 5988 Date:	Name: Tony Roberts Position: Deputy Director-General Tel No: 3330 5990 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 04246/13

Chief of Staff sch4p3(3) Prejudice OK
Dated 23/04/13
Approved / Not Approved / Noted
Further information required
Minister.....
Dated 23/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Fitzroy Partnership for River Health Report Card Launch**

RECOMMENDATION

It is recommended that the Minister:

- **note** the letter to Minister Cripps and copied to you and the Deputy Premier (Attachment 1).
- **note** the Deputy Premier's office has indicated to DNRM that the Deputy Premier will attend the 29 May 2013 launch of the Fitzroy Partnership for River Health Report Card.
- **note** that the Department of Natural Resources and Mines (DNRM) leads the government's involvement with the Fitzroy Partnership for River Health.

also attending with DP

BACKGROUND

- The former Department of Environment and Resource Management (DERM) entered into a Memorandum of Understanding (MOU) in February 2012 to join the Fitzroy Partnership.
- The MOU is a non-binding expression of the parties' intent to work collaboratively towards the achievement of the Partnership's objectives, including a river health report card.
- DERM provided $150,000 to the Fitzroy Partnership. Expectations established under the MOU are that contributions would continue while at least three parties supported the Partnership.
- As a result of the DERM machinery of government changes, it was decided DNRM would lead the State's involvement in the Fitzroy Partnership.
- The underlying reason driving the establishment of the Fitzroy Partnership is better communication regarding the impact of mine releases on the Fitzroy River.
- Two DNRM Mackay-based staff co-ordinate the State's involvement, one of which co-chairs the Partnership.
- Other parties to the Fitzroy Partnership include Fitzroy Basin mining and energy companies, Rockhampton Regional Council and Central Queensland University. The host organisation is the Fitzroy Basin Association (the regional NRM group).
- A supporting scientific advisory group is chaired by Professor Barry Hart.

CURRENT ISSUES

Fitzroy Partnership linkages with EHP responsibilities

- While the Fitzroy Partnership is a DNRM responsibility, there are linkages with the portfolio of the Department of Environment and Heritage Protection (EHP).
- The Fitzroy Partnership has many similarities with the Healthy Waterways programs such as the SEQ Healthy Waterways Report Card and the prospective Gladstone Healthy Harbour Program. Some of the Fitzroy partners are the same as the Gladstone Healthy Harbour Partners
- The Fitzroy Partnership is monitoring water quality across the Fitzroy Basin.
- This information will be used by EHP to refine the current environmental values and water quality objectives under the *Environmental Protection (Water) Policy 2009*. Key water quality issues are salinity and nutrients.
- We expect that DNRM will request a contribution from EHP to support the second year budget payment of $120,000.
- However, as the resources and staffing to support this initiative sit solely with DNRM, EHP has no funding available to support the Fitzroy Partnership.

RTI Disclosure

Rec'd - ODG 16 APR 2013

Author	Cleared by	Cleared by	Recommended:
Name: Lucy Hall | Kirstin Kenyon Position: Policy Officer | Manager Tel No: 33305346 | 33305961 Date:12 | 4 April 2013	Name: John Lane Position: Director Tel No: 3330 5864 Date: 12 April 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning sch4p3 Tel No: 3330 599 Date: 4/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 16.4.13

Fitzroy Partnership Report Card Publication

- The report card publication will focus on data collected from 2010-2011. This information will provide baseline data for future Fitzroy Partnership report cards.
- It is important that the report card findings are communicated effectively by the Fitzroy Partnership.
- As the report card data is not current, expectations need to be managed so the general public are not confused with more recent water quality assessments in the Fitzroy area that were undertaken following subsequent heavy rain events and mine discharges.
- There may also be public confusion about the relationship between this report card and the Reef Report Card. The Reef Report Card and Fitzroy Partnership Report Card monitor different targets and will have different outcomes, but to the average community member this may be unclear.
- EHP and DNRM are proactively managing these potential issues.
- Prior to the Fitzroy report card release in May 2013, a pre-brief for the Queensland Government has been arranged on 24 April 2013. EHP officers will attend.

CONSIDERATIONS

- *Budget*: EHP has no funding available to support the Fitzroy Partnership as it is a DNRM responsibility.

MINISTER'S COMMENTS

RTI DL Release

ATTACHMENT/S

- Attachment 1: Letter from Fitzroy Partnership for River Health (14 March 2013) - CTS No. 05783/13

Author	Cleared by	Cleared by	Recommended:
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The Honourable Andrew Cripps MP
Minister for Natural Resources & Mines
Level 17, 61 Mary Street
Brisbane QLD 4000

Cc: The Honourable Andrew Powell MP
Minister for Environment & Heritage Protection
Level 13, 400 George Street
Brisbane QLD 4000

The Honourable Jeff Seeney MP
Deputy Premier and Minister for State
Development, Infrastructure and Planning
Level 12, Executive Building, 100 George Street
Brisbane QLD 4000

14th March 2013

Andrew

RE: Fitzroy Waterway Health Report Release Date, Advanced Viewing of Report and Renewal of Membership

The first completely integrated waterway health report card for the Fitzroy Basin is currently scheduled for release at Riverside Park in Rockhampton at 9:30 am on the 29th May 2013. This has been made possible because of Queensland Government's generous support and I wish to extend an invitation for you or other members of your organization to attend and formally launch this significant achievement of the Fitzroy Partnership for River Health. I would appreciate your earliest consideration of attendance and participation in the launch of the report card, or if you can't attend please nominate other suitable representatives.

Our Management Committee and Science Panel recently met to review the draft reporting products with feedback being overwhelmingly positive. Between now and the 29th May we will be making some final refinements in accordance with directions from both the Science Panel and Management Committee. Circulation of these products will be restricted until their official release to ensure maximum impact, interest and partner recognition. As one of our major partners we offer key representatives from Queensland Government the opportunity for advanced viewing of these products. This advanced viewing will provide time to explore the products, identify and develop organisational messages and consider other opportunities arising from the achievement of this first report card for waterway health in the Fitzroy basin. Given the potential interest across several Government departments I would be pleased to arrange a briefing session in Brisbane prior to the proposed launch date. If you or other Government representatives wish to take up this opportunity, please contact me to arrange a suitable time and place.

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Fitzroy Partnership For River Health
1/80 East Street Rockhampton Queensland 4700 | PO Box 139 Rockhampton Queensland 4700
Ph: 07 4999 2800 Fax: 07 4921 2860 Web: riverhealth.org.au
The Fitzroy Partnership for River Health initiative is proudly hosted by the Fitzroy Basin Association Inc.

I propose that a briefing session would also provide an opportunity for Queensland Government to consider the business case and confirm the benefit of future membership in the Fitzroy Partnership for River Health. This would include answering any questions that you may have in relation to the partnership, its products and possible future roles. The Management Committee has now endorsed a no-frills project to develop and deliver waterway health report cards and communications products for 2014 and 2015 with membership fees set accordingly. The annual cost for this two-year project is $590,000, a significant reduction in the costs to produce the first report card. Proposed membership fees for all partners have been proportionately reduced from the original project budget to maintain the intent of our existing cost-sharing arrangements.

The membership request for Queensland Government with recognition as a Major Partner and continuation of the co-chair arrangements is $120,000 per annum, with the option for additional funding to be provided for identified priority projects such as refinement of certain indicators or additional monitoring. Flexible payment options are available and include:

- A single up-front payment of $240,000 that covers membership for the entire two-year project;
- Two $120,000 payments due on or before July 2013 and July 2014.

The region's leading natural resource management group, the Fitzroy Basin Association, have committed to a continuation of its hosting of the key staff involved in the delivery of the Fitzroy Partnership for River Health and have also committed to the next two-year membership costs. I look forward to your continued support and commitment to providing the complete picture on river health for the Fitzroy Basin.

Yours sincerely,

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Nathan Johnston
Executive Officer
Fitzroy Partnership for River Health
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Mobile:
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CTS No. 04462/13

sch4p3(3) Prejudice th

Chief of Staf ..... OK
Dated 13/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 14/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Great Barrier Reef Strategic Assessment**

TIMEFRAME

- For consideration prior to 20 March 2013 when relevant State ministers will meet to consider the draft Great Barrier Reef Coastal Zone Strategic Assessment (GBRCZ SA).

RECOMMENDATION

It is recommended that the Minister:

- **note** the joint briefing note prepared for you and the Deputy Premier (**Attachment 1**).
- **note** that the Commonwealth have raised significant concerns about the draft GBRCZ SA Program Report and can be expected to have similar concerns with the draft Strategic Assessment Report
- **note** that EHP considers that the relevant Queensland Ministers should discuss the value to Queensland of continuing with the strategic assessment process.

BACKGROUND

- The GBRCZ SA requires the preparation of two reports (a Program Report and a Strategic Assessment Report) with these requiring the endorsement of the Commonwealth Environment Minister before they can be released for public comment.
- The Department of State Development, Infrastructure and Planning (DSDIP) has responsibility for drafting the reports with coordinated input, primarily from EHP and DPC.
- The two draft reports are close to completion and at present total about 600 pages. The draft Program Report has been provided to the Commonwealth for independent review and it is intended that the draft Strategic Assessment Report will be referred shortly.

CURRENT ISSUES

- As foreshadowed in the attached joint ministerial briefing note, there are a range of issues that taken together raise the question of the value of Queensland's continued involvement in the GBRCZ SA process.
- Firstly, it is apparent that the strategic assessment process will not be completed in the planned timeframe (mid 2013). It is now unlikely that the full process can be completed before late 2013.
- The Commonwealth have provided quite critical comments on the draft Program Report (**Attachment 2**) and it appears some detailed negotiations about, and rewriting of the Program Report will be required before we can move forward.
- Assuming they have the same issues with the Strategic Assessment Report, it is likely to be many weeks before agreed drafts can be finalised for submission to the independent reviewer (part of the agreed process). Subsequent to that is approval of the reports by Queensland, approval by the reports by the Commonwealth Minister, a public submissions process and final consideration by the Commonwealth Minister.
- EHP considers that some of the Commonwealth's primary concerns are valid. For all its length, the Program Report does not provide a clear statement of how Queensland's statutory planning and development assessment frameworks specifically protect the various matters of national environmental significance (MNES).
- It is clear that much of the primary legislation that makes up Queensland's 'program' is not based on ecologically sustainable development (ESD) principles, contain no requirement to identify Commonwealth environmental interests or include a requirement to ensure environmental values of significance are not significantly impacted by development.

Rec'd - ODG
- 8 MAR 2013

RTI DL Release

Author	Cleared by	Recommended:
Name: John Lane Position: Director, Environment Planning Tel No: 33305864 Date: 8 March 2013	Name: Tony Roberts Position: Deputy Director-General Environmental Policy and Planning Tel No: 3335990 Date: 8 March 2013 sch4p 8/3/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 11.3.13

- Unless these benchmarks are met, there is little prospect of the legislation being accredited by the Commonwealth. The *Environment Protection Act 1994* and the *Sustainable Planning Act 2009* (SPA) arguably meet these benchmarks but the economic development acts clearly do not.
- Unfortunately, because the draft Program Report is not transparent in this regard, it provides a basis for the Commonwealth to continue to hold up the process.
- There is an associated issue surrounding Queensland's changing legislative framework, specifically under SPA. This includes the suspension of the State Planning Policy (SPP) part of the Queensland Coastal Plan, the proposed single SPP and the consolidation of all State development assessment decisions in DSDIP.
- A further consideration is the current willingness of the Commonwealth to devolve decision-making authority to Queensland even if their issues with the reports can be resolved.
- Approval of the Program by the Commonwealth is the first of two steps to achieve devolution. The second step is for the Commonwealth to agree on a 'class of actions' to be devolved (such as specific development types or a specific assessment regime).
- sch4p4(1)(1)(a) Damage relations with other governments
- This was in response to lobbying from the conservation sector. Subsequent lobbying from the commerce and industry sector has not appeared to change this situation.
- A further matter for consideration is the assessment of the extent, condition and trend of MNES values in the GBR coastal zone contained in the report.
- Apart from Cape York Peninsula, the overall conclusion is that for most MNES values the extent is significantly reduced, condition is fair to poor and the trend is generally declining.
- This situation is a result of history (vegetation clearing), long-term land management practices (cropping and grazing) and extreme weather events.
- Recent urban, industrial and port development has had only minor impacts at the reef-wide scale by comparison, notwithstanding that this type of development has been the target of national and international concerns.
- The reports are likely to reinforce the misconception that development is the primary issue.

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – Joint DSDIP-EHP Ministerial Briefing Note
- Attachment 2 – SEWPaC response to draft Program Report

RTI DL Release

Author	Cleared by	Recommended:
Name: John Lane Position: Director, Environment Planning Tel No: 33305864 Date: 8 March 2013	Name: Tony Roberts Position: Deputy Director-General Environmental Policy and Planning Tel No: 3335990 Date: 8 March 2013	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

Pages 30 through 33 redacted for the following reasons:
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sch4p4(1)(1)(a) Damage relations with other governments

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GBR Coastal Zone Strategic Assessment

Advice to Qld Govt re: Program Report

Thank you for providing a copy of the draft Program Report which SEWPaC has reviewed. SEWPaC appreciates the work undertaken by Queensland to date but has a number of suggestions on both the content and structure of the Program Report. The aim of this advice is to assist Queensland in delivering a Program Report that meets the requirements of the EPBC Act and the expectations of the Minister, the Queensland Government, the World Heritage Committee and the public. SEWPaC notes that the draft Program Report is a work in progress and that the comments below may be addressed as the draft report continues to be developed. SEWPaC also notes that the comments below are provided in the absence of the Strategic Assessment Report and should be considered with that caveat.

This advice is also provided in the context of the Commonwealth policy approach to strategic assessments (see *A Guide to Undertaking Strategic Assessments, see pgs 19-28*) and, where relevant, the decision and recommendations of the World Heritage Committee and the reactive monitoring mission.

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Key Points

a) The current version of the Program Report provides a comprehensive and useful description of legislation, policies and programs that make up the "Program". The elements described within the Program Report address a broad range of environmental, social and economic issues that satisfy other Queensland Government requirements and go beyond EPBC Act concerns.

b) However, describing the various elements of the Program in detail significantly increases the risk of the Program losing its currency if any of these elements should change. For example, should any changes be made to these elements of the Program as described, irrespective of whether they affect MNES, the "revised" Program may no longer be recognised as being "endorsed". This means that subsequent actions or classes of actions could not be approved.

c) While much of the current information in the Program report is useful, the focus of the Report should be reframed to minimise this risk. This will require revision of existing text and/or its removal to other documents such as the Strategic Assessment Report.

d) The draft Program Report pays close attention to addressing section one of the Strategic Assessment Report Terms of Reference but does not adequately address the endorsement criteria. SEWPaC recommends Queensland comprehensively address each of the endorsement criteria in the draft Program Report so that stakeholders have an opportunity to provide informed comment on the effectiveness of the Program to manage, protect and enhance MNES and to ensure that it more closely aligns with the final version to be submitted to the Minister for endorsement.

Further expansion on these key points and other matters are discussed below:

e) To adequately address the endorsement criteria, the focus of the Program Report should be primarily on commitments and outcomes for MNES and OUV, and how they will be achieved through the Queensland Government's planning, legal and other government decision making processes.

f) This will allow the Program Report to be scaled back by removing some of the detailed descriptions of state legislation, policies and programs not directly relevant to protecting and enhancing MNES and OUV. Constraining the focus of the Program Report to MNES and OUV will provide greater flexibility for implementing the Program over its 25-year life allowing the accommodation of any future reforms to Queensland's coastal planning framework relating to non-MNES/OUV matters. Some options of how that approach could be described in the Program Report are at Attachment A for consideration and discussion.

g) The Queensland Government seeks endorsement of its coastal management, planning and development framework at a "systems" level. This high-level approach is reflected in Chapter 4 of the draft Program Report which presents outcomes for MNES at a controlling provision level and Chapter 5 which outlines broad commitments for enhancing aspects of the Program to "ensure the GBRWHA and all MNES continue to be managed appropriately".

h) To be endorsed, the Program Report needs to deliver specific commitments for the protection and management of each MNES as well as specific key species under relevant controlling provisions. For example under the Threatened Species controlling provision, commitments could be targeted at the individual species level for priority species (e.g. cassowary) or through an appropriate grouping of species, or on a habitat supporting several species (e.g seagrass).

i) The commitments should then be linked within the Program Report to those statutory or planning elements of the 'system' that provide conservation outcomes for MNES through avoiding, mitigating and offsetting impacts (priority conservation areas). SEWPaC can discuss with Queensland officers how this might be achieved. SEWPAC has gathered information on likely priority species, their range (including mapping) as well as likely priority objectives that may assist in this task.

j) OUV needs to be a key concept integrated throughout the Program and its commitments. OUV should be explicitly incorporated into each element of the Program where relevant. Objectives and commitments should be identified for each of the four World Heritage listing criteria and integrity. Where feasible the commitments should be aligned with commitments for other MNES. Critically, the Program Report should describe how the Program will contribute towards a "net benefit" outcome for the OUV of the GBRWHA (See Terms of Reference section 2.5 Recommendation for Changes to the Program).

k) SEWPaC understands that the draft Strategic Assessment Report may provide more detail on potential outcomes to be delivered under the Program Report. It is important to note that is the Program Report, and not the accompanying Strategic Assessment Report, that is ultimately endorsed and therefore the Program Report should be prepared as a stand-alone document that guides the manner in which MNES will be protected from future impacts.

l) The Strategic Assessment Report (and demonstration cases) provides the context and evidence of how acceptable objectives can be achieved through the Queensland coastal planning framework. Any commitments or outcomes in the draft Strategic Assessment Report should be included in the Program Report.

m) The future commitments section of the draft Report needs to be expanded to provide greater detail on how meeting these commitments will contribute to attaining the objectives for MNES and the likely sequencing or timing for when these commitments will

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be met. For example, the proposed Ports Strategy does not currently discuss MNES or OUV and thus it is not clear how implementing it would protect MNES and OUV. Further, while the Program outlines timeframes for Regional Plans, it does not describe how MNES and OUV will be considered in their development and implementation.

n) The draft Program Report suggests that Queensland will 'inform SEWPaC on any changes to the Program'. As noted above, changes to Program run the risk of it becoming unendorsed. Where possible, any future changes to the Program, and their likely timing/sequencing should be described in the Program Report.

o) A number of Queensland Government legislation policies, plans and strategies identified as components of the Program are currently under review (e.g coastal planning framework, Wild Rivers legislation). Further, the estimated life of a number of these components is shorter than the proposed 25-year Program such as the Ports Strategy. How will the Program address these uncertainties and ensure MNES objectives will be achieved and that the Program can continue to be endorsed?

p) The Program would benefit from the inclusion of maps identifying proposed development areas/protected areas. Consistent with section 2.2 of the Terms of Reference, Minister Burke has publicly stated his expectation that "the assessment will identify priority conservation areas where future development will be restricted or excluded".

q) The adaptive management approach requires further development. The existing section provides a comprehensive view of the various Queensland compliance monitoring programs. Compliance monitoring, and monitoring more broadly, is only one part of the adaptive management cycle. This section would benefit from describing the relevant MNES and OUV captured through the monitoring programs (and identify the gaps) as well as how the adaptive management approach will lead to the setting of targets, review processes and improved management arrangements to better protect MNES and OUV.

r) SEWPaC has funded a range of projects to support the strategic assessments. It is important to consider how the findings of these projects will be reflected in the Program Report (e.g. GBRWHA Integrated Monitoring Framework, International Best Practice Environmental Standards for Ports).

s) In light of the comments above and with reference to Section one of the Terms of Reference it is recommend that Queensland amend the Program Report by:

1. revising the information in the Program Report that relates to points 1 - 6 of section one by analysing and describing it with a primary a focus on the protection of MNES / OUV
2. only including those parts of the system (i.e. the elements of the plans, policies, programs and legislation) that are of direct relevance to EPBC considerations. This will reduce the risk of an endorsed Program becoming 'out of date' because of changes in legislation or policies not relevant to Commonwealth matters.
3. placing contextual information predominantly in the Strategic Assessment Report.
4. significantly expanding information in relation to points 7, 8 and 9 so that this becomes the primary focus and content of the Report. Thus, the Report needs to explore and describe how the system identifies/manages/protect MNES and OUV more comprehensively than it currently does.

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Attachment A

ADVICE ON OUTCOMES FOR OUTSTANDING UNIVERSAL VALUE/MATTERS OF NATIONAL ENVIRONMENT SIGNIFICANCE

Outcomes need to be provided for each protected matter:

- Great Barrier Reef Marine Park;
- Commonwealth marine;
- world heritage properties (GBRWHA and Wet Tropics WHA),
- national heritage places;
- wetlands of international importance (Ramsar wetlands);
- listed threatened species (all need to be addressed, with focus/detail on key terrestrial/marine species); and
- listed migratory species (again, all need to be addressed, with focus/detail on key terrestrial/marine species).

Outcomes for one MNES may also benefit another.

Example objectives/outcomes (these are provided as examples/guidance only and do not reflect all, or necessarily the best, possible outcomes and conservation activities for the matters below)

EXAMPLE 1

Option 1

Matter of NES: Threatened Species, OUV GBRWHA criterion (ix, x)

1. Marine Turtles (green, loggerhead, hawksbill, leatherback, olive ridley)

1.1 Conservation outcome: The viability of marine turtle populations in the GBRWHA is maintained and enhanced where necessary

1.2 Objectives to achieve conservation outcome:

Ensure implementation of the Program in the coastal zone allows marine turtles:

- ongoing access to known nesting beaches (at x, x)
- ongoing access to key foraging habitats/inter-nesting areas (x x)
- to experience minimised/reduced impacts from coastal development
- ongoing access to pelagic waters and migratory paths through Qld coastal waters etc

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Table X: Objectives and how they will be achieved

Objective	Activities	Mechanism for delivery	Responsible Agency	Timing	Resources	Performance measures
Ongoing access to known nesting beaches	Avoid urban and industrial development in these areas	SPP enforces avoidance of critical habitat for protected species	DSDIP	Immediate	Current administrative budget	Environmental significance overlay in relevant local planning schemes
Minimise coastal development impacts	Restriction of coastal development to MDAs					
	Minimise impact of existing and proposed developments	Artificial lighting reduction policy developed for approval by Comm Environment Minister				Lighting policy enforced through "XX regulation" and works approvals for new development proposals
	All nesting islands/beaches zoned 'conservation' to restrict allowable activities					Environmental significance overlay in relevant local planning schemes

Other MNES covered by this approach include .....

Option 2

1 Matter of NES: Migratory species, OUV GBRWHA criterion (ix, x)

Dugong

1.1 Activities with potential to impact MNES

1.1 Port developments within existing port limits including:

- Capital and maintenance dredging and disposal
- Port infrastructure, including berths, outloading facilities, reclamation works....etc

1.2 Conservation outcomes to be achieved for MNES

Southern dugong population maintained or increased
Northern population maintains numbers

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Range and use of habitats by dugongs is maintained etc

1.3 Activities to achieve conservation outcomes

Objective	Activities	Mechanism for delivery	Responsible Agency	Timing	Resources	Performance measures

EXAMPLE 3:

Threatened Flora/fauna species: Generic

Outcome: Maintain and where possible enhance the viability of the x listed threatened flora/fauna species

Objectives to achieve outcome:

- No long term decrease in population size
- Minimise fragmentation of existing populations
- Net gain in area of habitat utilised by the species that is protected and managed in perpetuity
- Managing key threatening processes that have the potential to impact on species
- Implementing actions from relevant Commonwealth Recovery Plans, Threat Abatement Plans and Conservation Advices
- Improving species knowledge through targeted surveys and research programs
- Meeting the principles of the *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy (October 2012) including: delivering an overall conservation outcome that improves or maintains the viability of the species.
- And so on.....

Activities to achieve objectives:

Objective	Activities	Mechanism for delivery	Responsible Agency	Timing	Resources	Performance measures

MONITORING, REPORTING AND ADAPTIVE MANAGEMENT

This section should cover:

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How will you know that you are reaching the objectives and your commitments? (what will you monitor and how)

How and when will you tell us/the public how you are going? (reporting)

If you aren't on track to reach the objectives/outcomes, how will you adapt your implementation of the Program to ensure you meet the minimum outcomes for MNES? (adaptive management)

+ who will do all of this and how will it be funded?

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CTS No. 04756/13

sch4p3(3) Prejudice the prot

Chief of Staff .....
Dated 29/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 02/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Royal Children's Hospital project and Lady Lamington Nurses' Home heritage precinct**

RECOMMENDATION

It is recommended that the Minister:

- **note** that Royal Children's Hospital will relocate from Herston to South Brisbane in 2014, and the Herston site will be redeveloped as a private Planned Procedures Clinic. In addition, Projects Queensland, Queensland Treasury and Trade (PQQTT) advises that the adjoining heritage precinct comprising Lady Lamington Nurses' Home, Edith Cavell Block and Lady Norman Wing will be redeveloped at no cost to the government, but at this stage it is not certain that the buildings will be retained.

BACKGROUND

- Lady Lamington Nurses' Home, constructed in three stages between 1896 and 1931, is a fine example of the Arts and Crafts style and was the first Queensland building designed by Robin Dods, arguably Queensland's finest architect. Adjoining tower blocks were erected in 1936 and 1939. The landmark building, located on the crest of the hill overlooking the hospital, has been vacant for several years however the entire roof has recently been replaced which will ensure deterioration does not continue.
- Edith Cavell Block was constructed as a nurses' home in 1922 and named in honour of Edith Cavell, a British nurse executed for helping refugees escape in Brussels during World War 1. Lady Norman Wing, constructed in 1895, demonstrates the early development of the Children's Hospital.

CURRENT ISSUES

- sch3(2)(1)(c) Cabinet matter - Budgetary process
- ,
- ,
- A master planning process is currently underway but there is no clear proposed use for the heritage precinct and demolition is one option being considered.
- PQQTT has indicated its willingness to engage with the Queensland Heritage Council (QHC) about the prospects for the site, but as yet no firm plans are in place.
- PQQTT expects master planning to be completed in August 2013 with consideration by CBRC in September.
- Given the high-profile and significance of Lady Lamington Nurses' Home, if the preferred option is the demolition of all or even part of the heritage precinct, it is highly unlikely that the proposal would be supported by QHC.
- At this stage it is unclear whether the project proponent will be a private entity or government department. If proposed by a private entity, an application for determination by Department of Environment and Heritage Protection will be required. If proposed by a government department, a report to the QHC will be required and the QHC will then make a recommendation to the responsible Minister.

Rec'd - ODG
26 MAR 2013

CONSIDERATIONS

- *Consultation:* PQQTT has recently briefed EHP on this project, but QHC not been consulted yet.

Author	Cleared by	Cleared by	Recommended:
Name: Ken Horrigan Position: Manager Heritage Tel No: 3330 5857 Date: 21 March 2013	Name: Fiona Gardiner Position: Director Heritage Tel No: 3330 5873 Date:	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 599 Date: sch4p 29/3/13	Name: Andrew Chesterman Position: DG, DEHP Tel No: 3330 6298 Date: 26.3.13

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- *Key Communication Messages:* Any proposed demolition of all or even part of the Lady Lamington Nurses' Home and heritage precinct is likely to result in a public campaign such as that lead by NTQ in the late 1970s to save the Bellevue Hotel and or more recently the campaign against the proposed Northbank development.

MINISTER'S COMMENTS

Letter to Treasurer pls outlining heritage interests and need for QHC consideration/involvement tp

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Author	Cleared by	Cleared by	Recommended:
Name: Ken Horrigan Position: Manager Heritage Tel No: 3330 5857 Date: 21 March 2013	Name: Fiona Gardiner Position: Director Heritage Tel No: 3330 5873 Date:	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 5990 Date:	Name: Andrew Chesterman Position: DG, DEHP Tel No: 3330 6298 Date:

CTS No. 04905/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

Chief of Staff sch4p3(3) Prejudice the p K
Dated 20/03/13
Approved Not Approved Noted
Further information required
Minister .....
Dated 26/03/13

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Attendance at SCEW4 in Wellington, New Zealand**

TIMEFRAME

- Timely approval of this brief is required for booking travel arrangements.

RECOMMENDATION

It is recommended that the Minister:

- **approve** Tony Roberts' attendance at the Standing Council on Environment and Water (SCEW) meeting in Wellington, New Zealand on 11 April 2013.

BACKGROUND

- The Standing Council on Environment and Water is conventionally hosted by member jurisdictions on rotational basis, normally at a capital city venue. The April meeting is being hosted by the New Zealand Government in Wellington.

CURRENT ISSUES

- You are the lead Minister representing Queensland for this Council, with Minister Cripps and Minister McArdle nominated as alternate members.
- The Senior Officials Committee (SOC) 6th meeting will be held by teleconference on the 15th March with the SCEW's 4th meeting being held in Wellington, New Zealand on the 11th April 2013.
- As the SCEW member, the Minister will attend and is normally accompanied by a ministerial advisor (Troy Collings) and either the SOC member and or the SOC Alternate.
- The EHP Director-General (DG) is the SOC member with Tony Roberts, Deputy Director-General Environmental Policy and Planning (EPP), the SOC Alternate.
- The majority of the SCEW work program and hence agenda items, fall with EPP Divisional responsibilities. Mr Roberts is therefore familiar with the details of the entire work program.
- EPP Division's Waste team is sponsoring an agenda paper at the meeting on Waste Batteries and as such the Queensland representatives will need to speak to this item and answer questions.
- Mr Roberts has had lengthy and substantial experience and is familiar with the operations and procedures of the SOC and SCEW and with its origins and history. He had a similar role and responsibilities under the former ministerial environment council (Environment Protection and Heritage Council) and has well established networks with officials from other jurisdictions.
- Of the 5 SOC meetings held since its inception, Mr Roberts has attended all meetings and assisted the previous DG at one meeting. The DG has not been able to attend the 2 most recent SOC meetings or the recent SCEW meeting due to conflicting priorities and has agreed that Mr Roberts attend this meeting in his stead.
- Mr Roberts' attendance at the meeting frees up a substantial amount of the DG's time with regard to preparation and familiarisation with meeting content, as well as travel and attendance at the meeting.

Rec'd - ODG
15 MAR 2013

CONSIDERATIONS

- *Budget*: estimated travel and accommodations costs are $2,200.

MINISTER'S COMMENTS

Author	Cleared by	Cleared by	Recommended:
Name: John Webster Position: Principal Policy Officer National Policy Coordination Tel No: 3330 5894 Date:13/3/13	Name: Laurie Hodgman Position: A/ Director, Environmental Policy & Legislation Tel No: 3330 5896 Date:	Name: Tony Roberts Position: Deptuy Director-General Environmental Policy and Planning Tel No: 3330 599 sch4p3 Date: 15/3/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 18.3.13

RTI Disclosure

ATTACHMENTS

- Attachment 1 - sch4p4(1)(1)(a) Damage r

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Author	Cleared by	Cleared by	Recommended:
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Pages 45 through 46 redacted for the following reasons:
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sch4p4(1)(1)(a) Damage relations with other governments

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CTS No. 04925/13

sch4p3(3) Prejudice

Chief of Staff [redacted] OK
Dated 26/03/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 26/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **2011 National Greenhouse Gas Inventory Report (release date 15 April 2013)**

TIMEFRAME

- The 2011 National Greenhouse Gas Inventory Report will be made public on 15 April 2013.

RECOMMENDATION

It is recommended that the Minister **note**:

- Queensland's total greenhouse gas emissions (GHGs) including accounting for land use, land use change and forestry (LULUCF) activity, declined by almost 5.8 million tonnes of carbon dioxide equivalent ($MtCO_2e$) or 3% on 2010 levels and 8.7% on 1990 levels mainly due to restrictions on vegetation clearing;
- Queensland's emissions savings between 2010 and 2011 are equivalent to taking about 1.5 million average Queensland cars off the road for one year, or one year's electricity-related emissions from over 1.3 million average Queensland households; and
- the Department of Environment and Heritage Protection's (EHP) Climate Adaptation Team will be working with other Queensland Government agencies to provide coordinated, whole-of-government input into the development of new accounting methodologies for wetlands, solid waste sectors and fugitive emissions from the coal seam gas.

BACKGROUND

- Australia is required to submit an annual report, the National Greenhouse Gas Inventory (NGGI) on its emissions sources as part of its United Nations Framework Convention on Climate Change (UNFCCC) treaty obligations. The final NGGI reports will be submitted to the UNFCCC by 15 April 2013 and made publicly available on the same day.
- The NGGI reports are submitted to the UNFCCC two years in arrears to allow for processing of Australia's emissions data. Further information on the NGGI including Queensland's greenhouse gas emission trends is presented in **Attachment 1**.

CURRENT ISSUES

- The draft NGGI report indicates Queensland's total 2011 GHGs including emissions associated with the LULUCF sector was 155.8 $MtCO_2e$. The LULUCF sector covers emissions produced or avoided from human activities such as clearing vegetation for development, converting grasslands into cropping lands, and growing timber forests.
- Queensland emissions were 8.7% less than the 1990 base year and 3% lower than 2010 levels. The decrease was primarily due to restrictions on vegetation clearing.
- The downward pressure on Queensland's and Australia's emissions provided by the vegetation clearing restrictions is likely to reduce over time due to changes in Queensland Government policy.
- When these LULUCF sector emissions are excluded, Queensland's GHGs from the other reportable sectors of energy, agriculture, waste, industrial processes and fugitive emissions (which are mainly methane that 'escapes' during activities such as coal mining and coal seam gas), were 136.8 Mt CO_2e in 2011 which is a slight increase on 2010 levels of 0.65% or 900 kilotonnes (kt) CO_2e.
- The small increase in 2011 was due to increases in the following sectors:
  - **Transport**: an increase of 7.5% (1.55 $MtCO_2e$) which is expected to be due to higher civil aviation emissions from increased numbers of 'fly in / fly out' resource sector workers;
  - **Prescribed burning of savannas**: an increase of 26 % (62 $ktCO_2e$) attributable to fire fuel reduction measures following high rainfall during the wet season;

on what basis?

Rec'd - ODG
25 MAR 2013

RTI Disclosure

Author	Cleared by	Cleared by	Cleared by	Recommended:
Name: Megan Surawski Position: Principal Policy Officer Tel No: 3330 5825 Date: 22 March 2013	Name: Rachel D'Arcy Position: Manager Tel No: 3330 5317 Date:	sch4p Name: Peter Hutchison Position: Executive Director Tel No: 3330 5991 Date:	Name: Tony Roberts Position: [redacted]uty Directo[redacted] Tel No: [redacted]5990 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 25-3-13

File Ref:

- **Solid waste disposal**: an increase of 4.8% (114 $ktCO_2e$). There is a difference between trends in waste-to-landfill tonnage as reported in the State of Waste and Recycling in Queensland report 2012 and waste GHG emissions in the 2011 NGGI report. This is due in part to waste emissions being offset by methane capture systems at several of the larger landfill sites in Queensland and legacy waste continuing to produce emissions;
- **Fugitive emissions from natural gas and oil production**: an increase of 3.6% (58,000 tonnes (t) CO_2e) which actually suggests a slowing in emissions growth from this sector compared to the rapid increase reported between 2008 and 2009 of 74.7%, and 4.9% between 2009 and 2010. The slowdown since 2009 is attributable to greater inspection, compliance and enforcement activities by both EHP and the now Department of Natural Resources and Mines.

- The Commonwealth Government is currently developing new methodologies for calculating, solid waste disposal, wetland areas, and fugitive emissions from coal seam gas due to improving measurement tools, data sets and emerging international reporting trends.
- It is in Queensland's interests to remain involved in this work given that:
  - approximately 95% of coal seam gas reserves are located in Queensland; and
  - the final methodology may result in fugitive emission levels being revised upwards.
- The Climate Adaptation Team will be working with EHP staff and other Queensland Government agencies to provide coordinated, whole-of-government input into the methodologies' development and ensure Queensland Government interests are represented.

CONSIDERATIONS

- *Key Communication Messages:* There is likely to be national and state media coverage of the 2011 NGGI figures around 15 April 2013. This coverage is likely to highlight the emission reduction benefits associated with restricting broad scale vegetation clearing.

MINISTER'S COMMENTS

any suggestion we are returning to those days is erroneous – read the legislation!

AP

ATTACHMENTS

- Attachment 1 – Summary of the National Greenhouse Gas Inventory prepared by the Climate Adaptation Team

RTI DL Release

Author	Cleared by	Cleared by	Cleared by	Recommended:
Name: Megan Surawski Position: Principal Policy Officer Tel No: 3330 5825 Date: 22 March 2013	Name: Rachel D'Arcy Position: Manager Tel No: 3330 5317 Date:	Name: Peter Hutchison Position: Executive Director Tel No: 3330 5991 Date:	Name: Tony Roberts Position: Deputy Director-General Tel No: 3330 5990 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

The National Greenhouse Gas Inventory

Summary information

What are Australia's international reporting obligations?

Australia is a signatory to the United Nations Framework Convention on Climate Change (UNFCCC) treaty. The object and purpose of the UNFCCC is to stabilise atmospheric greenhouse gas (GHG) concentrations at a level:

- that would prevent dangerous climate change
- within a timeframe sufficient to allow ecosystems to adapt naturally to climate change
- to ensure production is not threatened
- to enable economic development to proceed in a sustainable manner.

The UNFCCC treaty was negotiated at the United Nations Conference on Environment and Development, also known as 'the Earth Summit', in June 1992. The treaty entered into force on 21 March 1994 and there are currently 196 UNFCCC parties. Australia signed the UNFCCC on 4 June 1992 and ratified it on 30 December 1992.

Australia is required to report its national greenhouse gas emissions to the UNFCCC on an annual basis. This is undertaken two years in arrears to allow for data processing and verification.

What is the National Greenhouse Gas Inventory?

The National Greenhouse Gas Inventory (NGGI) documents Australia's sources and sinks of greenhouse gas emissions within its sovereign control as part of meeting its obligations under the United Nations Framework Convention on Climate Change (UNFCCC) treaty. For the purposes of reporting, a source must be human-induced such as fuel consumption, waste disposal or land clearing. A sink for reporting purposes is where atmospheric carbon is removed from carbon cycle and stored through avoided or actual human activities including protecting forests from clearing, replanting of previously cleared forests or rehabilitating degraded wetlands.

The NGGI reports are prepared in accordance with the UNFCCC Reporting Guidelines. The data is compiled using methods conforming to the UNFCCC's international guidelines. These methodologies are refined as new information emerges and international practice evolves. As these methodologies are improved, there can be recalculations to the national inventory.

The Commonwealth Department of Climate Change and Energy Efficiency (DCCEE) is responsible for Australia's National Greenhouse Accounts (NGA) which involves greenhouse emissions reporting, data co-ordination, emissions estimation, quality control, preparing reports and report submission to the UNFCCC on behalf of the Australian Government. The NGA is also comprised of:

- quarterly updates of the NGGI summarising the Kyoto Protocol (KP) account and preliminary estimates every three months
- an overview of state and territory greenhouse gas inventories
- the national inventory by economic sector comprised of emission estimates by economic sector rather than by IPCC sectors.

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What are the reportable sources and sinks?

Australia reports on the emissions associated with the following sectors:

- **Land use, land use change, and forestry (LULUCF)**: This sector covers both greenhouse gas sources and sinks. Sources include emissions from clearing trees from land and converting grasslands to croplands. It also includes sinks such as natural regrowth and forestry activities.
- **Energy**: The energy sector is comprised of several subsectors including transport, stationary energy and fugitive emissions.
- Stationary energy, also termed energy industries: This subsector covers emissions from electricity generation
- **Manufacturing industries and construction:** This subsector covers the direct emissions from activities such as plastics production, metals production, and construction. It does not include the emissions related to the electricity used in these industries.
- **Transport**: This subsector covers emissions from all domestic land, air and sea transport activity. It does not include emissions associated with international air or sea transport. It also does not include emissions associated with electrified rail transport.
- **Fugitive emissions**: This subsector covers the mainly methane emissions that 'escape' during coal mining (solid fuels), and natural gas and oil production. The fugitive emissions from natural gas are primarily from coal seam gas extraction and production activities including transport by pipelines.
- **Agriculture**: Agricultural emissions include: soil management; enteric fermentation, which is the digestive process of ruminant animals such as cattle and sheep that produces methane; prescribed burning of savannas generally undertaken as a wild fire prevention measure; manure management; rice cultivation; and field burning of agricultural residues.
- **Industrial processes**: These are the emissions associated with industrial activities such as chemical production, refrigeration, and emissions associated with the use of coke, black coal or natural gas as used as a reducing or oxidising agent in an industrial process.
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The NGGI data is collected from various sources as indicated in Figure 1 below.

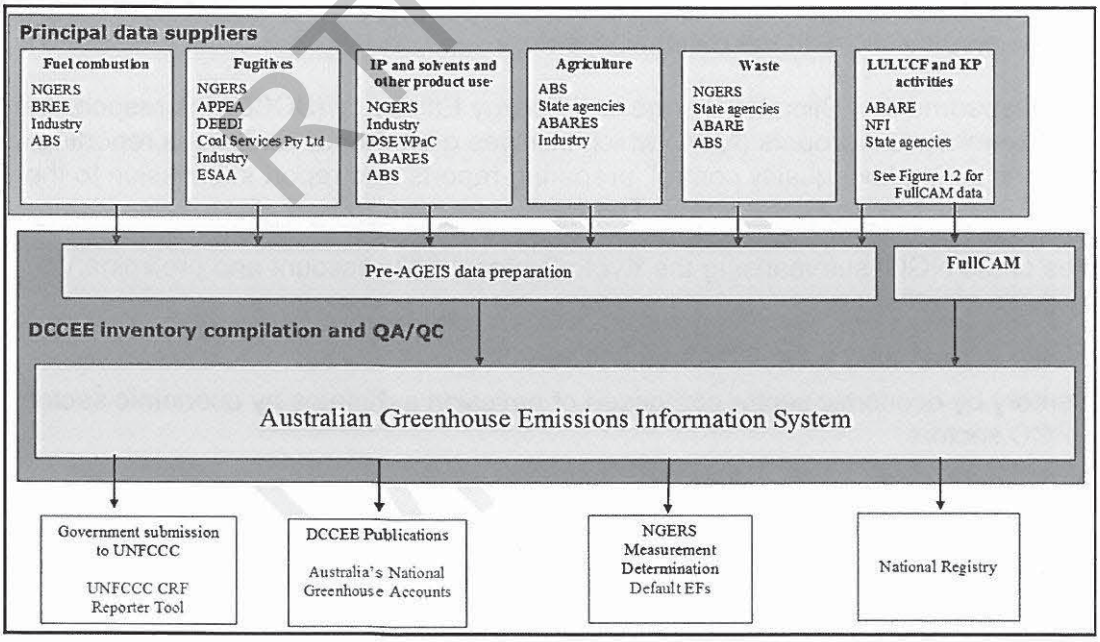

Figure 1: Data sources of Australia's national greenhouse gas inventory

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Specific data sources include:

- **National Greenhouse and Energy Reporting System (NGERS)**: legislatively required industry reporting of energy use, fuel combustion and other emission sources for the purposes of the national inventory and for carbon pricing. Reporting requirement is determined by threshold energy usage. Reporting is managed by the Clean Energy Regulatory via the Online System for Comprehensive Activity Reporting tool (OSCAR).

- **Bureau of Resources and Energy Economics (BREE)**: formally known as the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), energy and fuel data collected by this agency is used to meet reporting requirements under Australia's International Energy Agency treaty obligations.

- **Australian Bureau of Statistics (ABS)**: is the national statistical agency with legislative backing for its collection powers and is the major source of agricultural activity data

- **National Carbon Accounting System (NCAS)**: is used to assess and process satellite imagery information of land cover change for the land use, land use change and forestry sector. Satellite imagery is sourced from Geosciences Australia, Australia's principal satellite ground station and data processing facility, under a memorandum of understanding agreement. Additional analysis and estimation is done using the CSIRO developed 'FullCAM', *Full Carbon Accounting Model*.

- **Australian Refrigeration Council**: provides data to support estimates of HFCs from compulsory reporting by importers under licensing arrangements under the Ozone Protection and Synthetic Greenhouse Gas Management Act 2003.

- **Solid waste data**: The collection of solid waste data from State and Territory Government agencies is supported by an exchange of letters between Australian and State Government agencies.

Australia's emissions

In 2011, Australia's total GHGs excluding the land use, land use change and forestry (LULUCF) sector were estimated to be 552.7 $MtCO_2e$ in 2011. This is 0.6 per cent increase on 2010 levels equivalent to 3.5 $MtCO_2e$ and a 32 per cent increase on 1990 levels equivalent to 134.0 $MtCO_2e$. However, due to a net decrease in emissions from Australia's LULUCF sector of 33.8 $MtCO_2e$, Australia's total greenhouse gas emissions were reduced to 518.9 Mt CO_2e. This means that Australia will report a 1.2 per cent decrease in total emissions on 1990 levels equivalent to 6.2 Mt CO_2e. Further, this means that Australia is currently on track to achieving its international obligations of reducing its national emissions by 5 per cent on 2000 levels by 2020.

Australia's emissions excluding LULUCF

Australia's energy sector was the largest source of GHGs in 2011 responsible for 76.4 per cent (422.1 Mt CO_2e) of total net emissions. Stationary energy remains the largest source of emissions followed by the agriculture and transport sectors.

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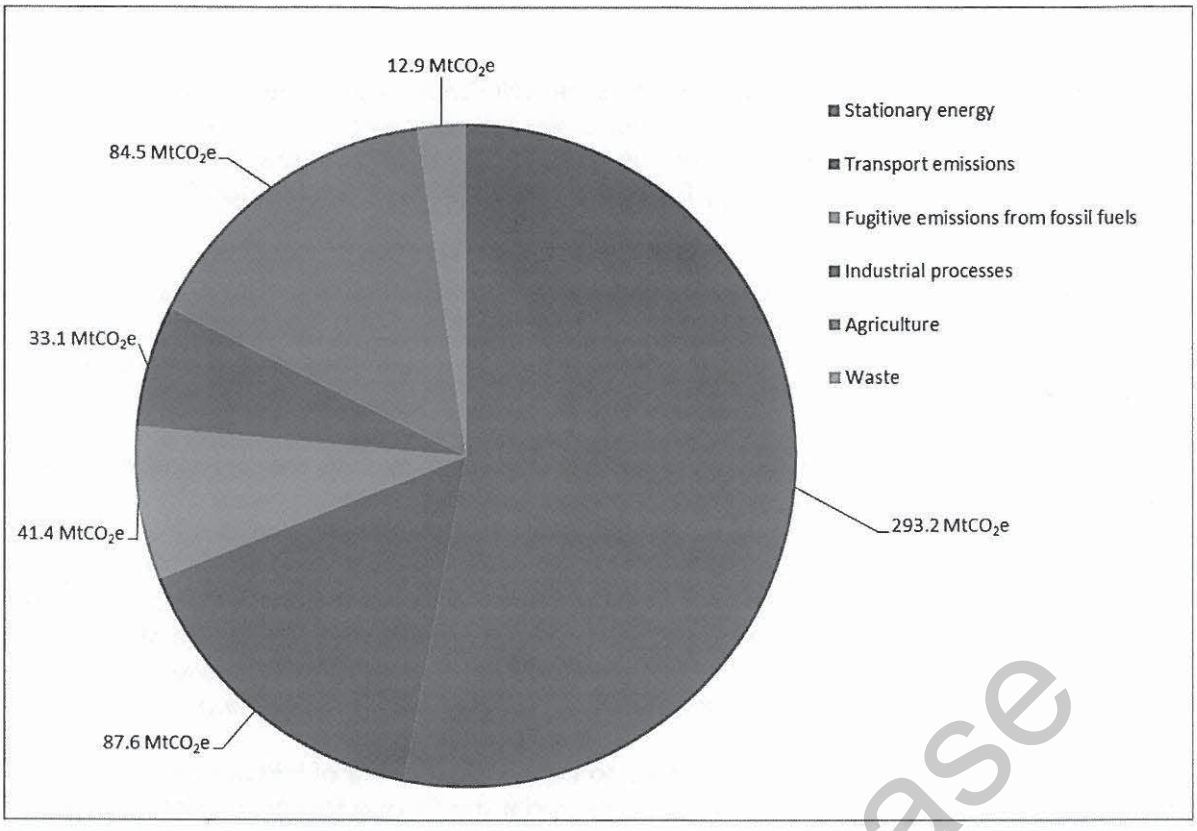

Figure 1: Australia's greenhouse gas emissions by sector 2011 (excluding LULUCF)

Changes in emissions between 2010 and 2011 were:

- Stationary energy decreased by 0.8 per cent
- Transport emissions increased by 2.3 per cent
- Fugitive emissions from fossil fuels increased by 2.1 per cent
- Industrial processes increased 3.7 per cent
- Agriculture emissions increased by 3 per cent
- Waste sector emissions decreased by 0.7 per cent.

The following graph compares Queensland's sectoral emissions against the Australian total for that sector. Queensland's contribution to overall stationary energy emissions is due to our increasing use of gas-fired generation as well as existing higher efficiency coal-fired generation when compared to brown coal generation such as found in Victoria.

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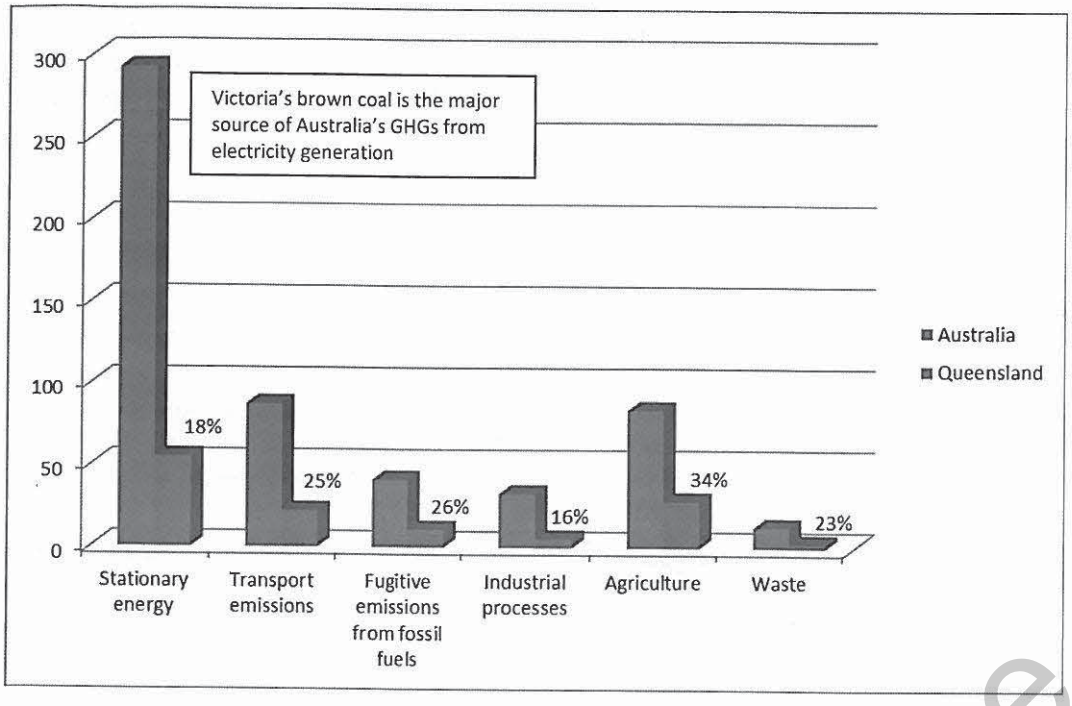

Figure 2: Queensland's contribution to Australia's greenhouse gas emissions by sector

Land use, land use change and forestry (LULUCF) emissions

Australia's decreasing trend in LULUCF emissions since 1990 is mainly due to decreased conversion of forest lands to cropland and grassland as a result of Queensland's restrictions on vegetation clearing.

The other main factors in annual LULUCF emission variability are natural disturbances such as drought and wildfires. Emissions from wildfires contribute a large proportion of Australia's total net emissions in some years as highlighted by Figure 1 below.

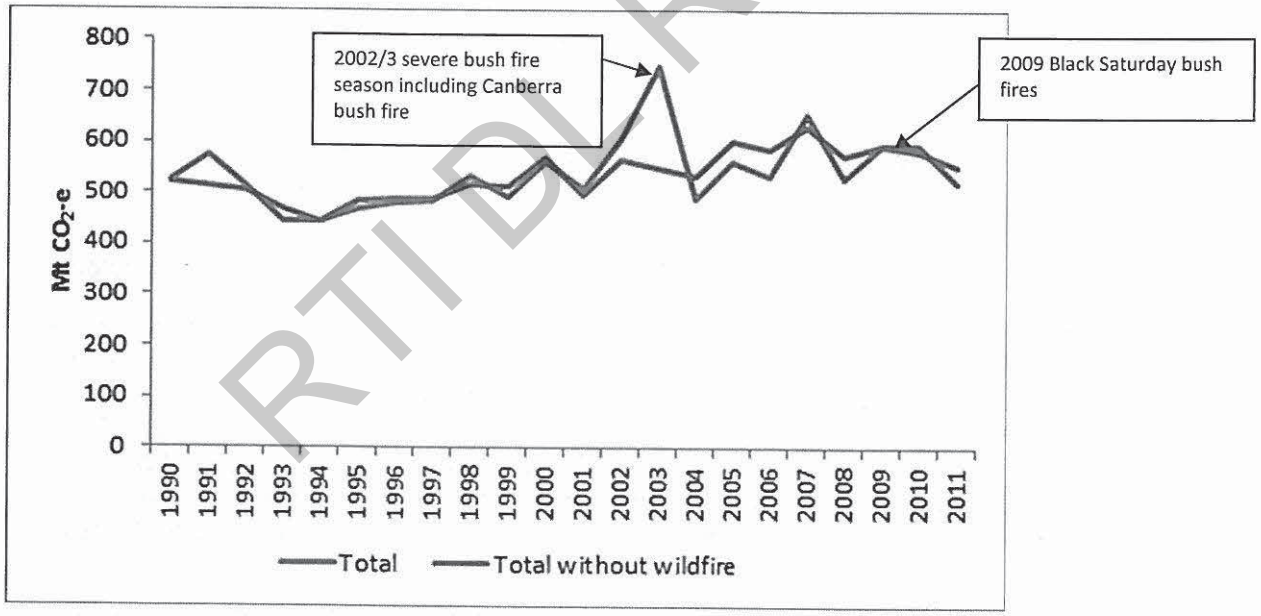

Figure 3. Australia's total greenhouse gas emissions from LULUCF and wildfires

In 2011, the LULUCF sector provided a net sink of 33.8 Mt CO_2e but this was a decrease of 177.6 per cent between 2010 and 2011. Afforestation, which is converting land into new forests, and reforestation, which is re-establishing previously cleared forest, activities contributed a net sink of 27.12 Mt CO_2e. Harvestable forests were a net source of 8.66 Mt CO_2e. Deforestation activities were a net source of 37.54 Mt CO_2e.

Improvements to the LULUCF methodology have resulted in a net increase of 2.1 per cent equivalent to 12.2 Mt CO_2e in 1990 levels and a net increase of 2.7 per cent equivalent to 14 MtCO_2e in 2010 levels.

Queensland's emissions

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Queensland's total emissions including land use, land use change and forestry (LULUCF) have declined compared to 1990 levels. This is largely due to changes in Queensland's vegetation management frameworks restricting land clearing. However, emissions from all other sectors have increased on 1990 levels by 71.1 per cent in total.

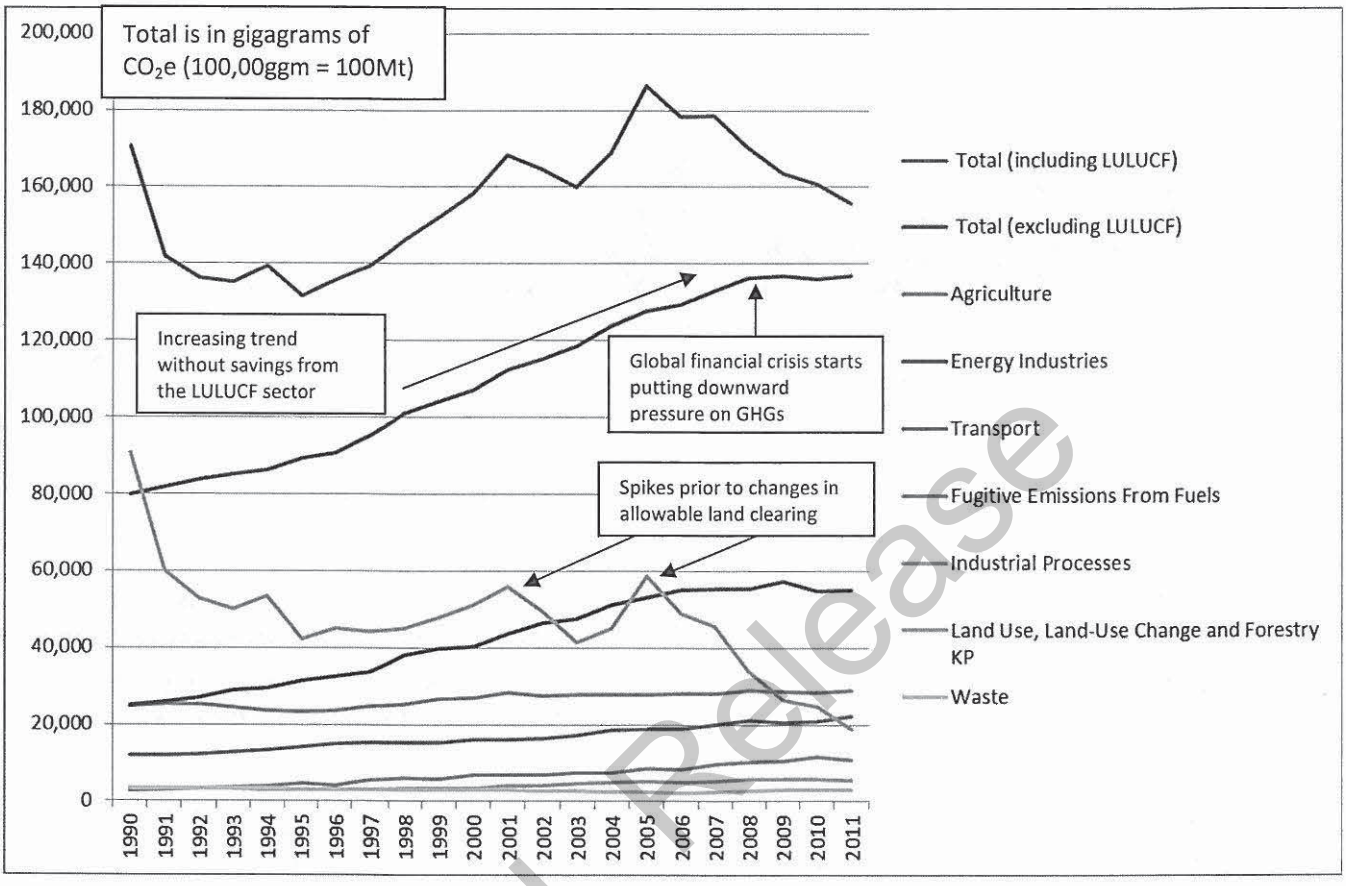

Figure 4: Queensland's greenhouse gas emission trends 1990 - 2011, in gigagrams CO_2e

Drivers of change in electricity emissions

Emissions from the stationary energy sector are stabilising in Queensland due to several factors:

- **Queensland's gas scheme (discontinued in March 2013)**: Electricity generated from natural gas produces approximately 50 per cent less emissions than electricity generated from coal. The Queensland Gas Scheme (QGS) began in 2005 to stimulate natural gas sector growth and reduce GHGs associated with the resource sector's practice of venting coal seam methane. The QGS required Queensland electricity retailers and other liable parties to source 15 per cent of their electricity from gas-fired generation. A direct subsidy was provided to gas-fired generators to offset the higher costs of establishing gas-fired generation capacity. This scheme was discontinued in March 2013.
- **Queensland energy efficiency programs (discontinued in mid-2012)**: Programs such as ecoBiz and the ClimateSmart Homes Service assisted businesses and households to identify and implement energy savings measures. These programs were discontinued in mid-2012.
- **Renewable Energy Target (RET) and Queensland Solar Bonus (QSB):** The RET and QSB provided price offsetting and attractive feed-in tariffs which resulted in increased uptake of solar panels and solar hot water systems. The Queensland Solar Bonus scheme benefits were significantly reduced in late 2012.
- **Greenhouse and Energy Minimum Standards (GEMS):** The GEMS Framework nationally regulates the permitted minimum energy performance level of most household and some industrial appliances. Energy efficiency 'star' labels on appliances form part of this framework to improve consumer awareness of appliance energy efficiency and energy costs.
- **Increased electricity prices:** Households and businesses are responding to rising electricity prices by reducing use.

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Drivers of change in agricultural emissions

Agricultural sector emissions are comprised of: changes in agricultural soils; emissions from enteric fermentation, that is, methane produced from ruminant livestock such as cattle and sheep; prescribed burning of savannas; manure management; and field burning of agricultural residues.

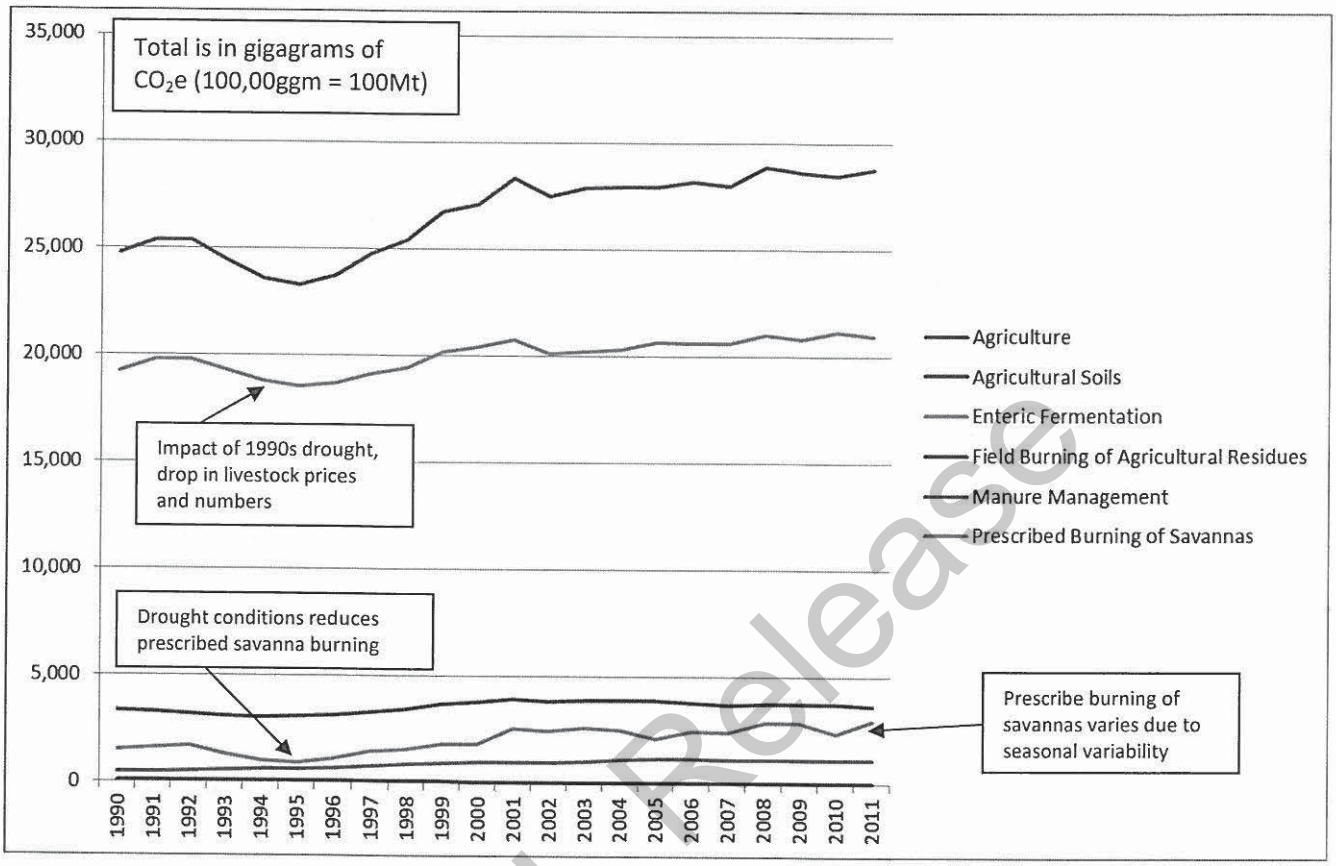

Figure 5: Queensland's agricultural greenhouse gas emissions in gigagrams CO_2e

Overall, Queensland's agricultural GHGs are stabilising at just below 28 $MtCO_2e$. The drivers of changes in emissions from the various subsectors include:

- **Enteric fermentation:** Despite record numbers[1], emissions from enteric fermentation are stabilising. This is likely to be due to improvements in diet reducing methane production.
- **Prescribed burning of savannas**: Emissions from this subsector have increased mainly due to wild fire mitigation activities. These activities actually contribute to lowering overall emissions by preventing 'hot', uncontrolled wild fires which are likely to release greater levels of GHGs.
- **Impacts of extreme weather:** Extreme weather events, particularly flooding, over the 2009 to 2011 period have placed some downward pressure on agricultural emissions.

Drivers of change in transport emissions

Transport emissions are continuing to rise. However, the drivers of the strong growth between 2010 and 2011 are not yet known as the DCCEE are yet to release transport subsector figures. It is expected that the growth will be due to increased 'fly-in / fly-out' workers in the resources sector.

Drivers of change in fugitive emissions

Growth in fugitive emissions in Queensland is due to the expansion of the coal and coal seam gas sectors. Emissions from solid fuels, mainly coal, have declined to greater exploitation of coal seam gas which was previously vented. Increased fugitive emissions from oil and natural gas are due to more coal seam gas extraction.

[1] Meat and Livestock Australia, 2012, Australian cattle industry projections – Australian cattle herd, Sydney, http://www.mla.com.au/Prices-and-markets/Trends-and-analysis/Beef/Forecasts/MLA-Australian-cattle-industry-projections-2012/3-Australian-cattle-industry-projections-Australian-cattle-herd

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Work is underway by the Commonwealth Government to improve the accounting methodology applied to fugitive emissions associated with coal seam gas industry activities.

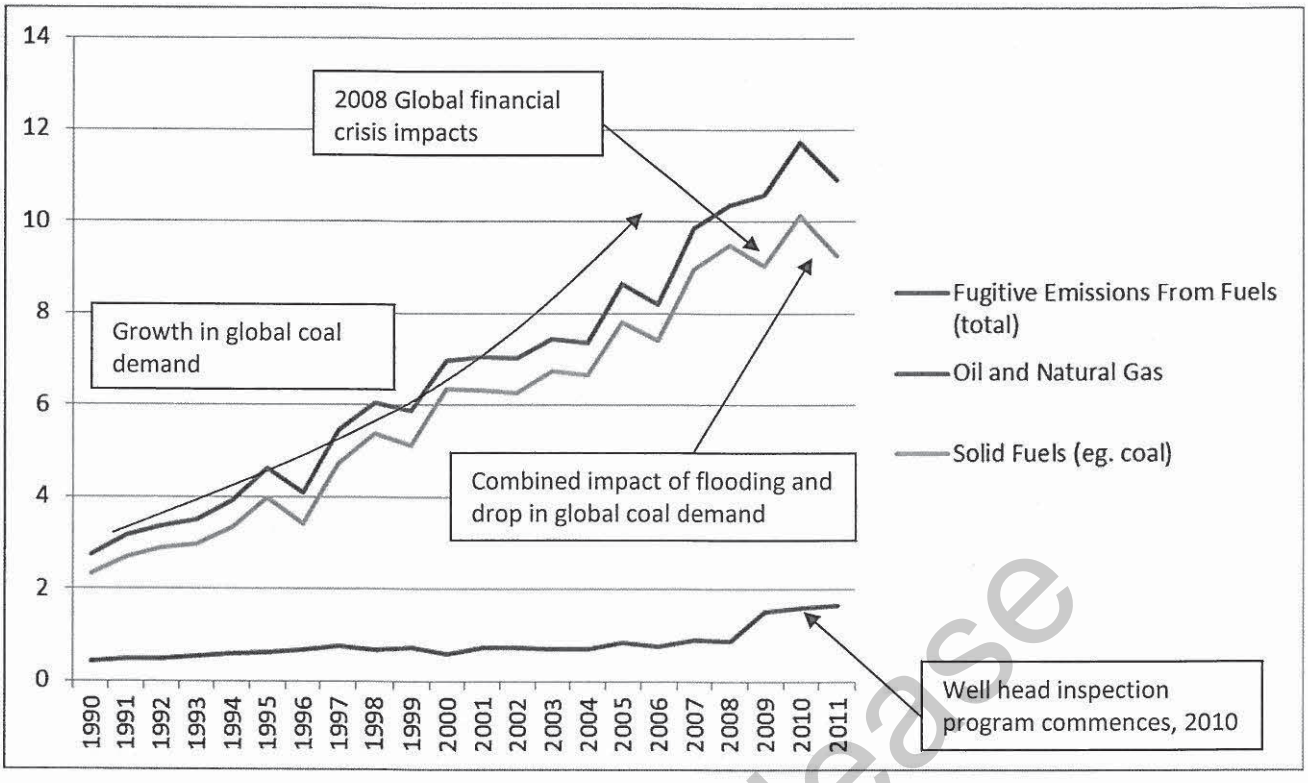

Figure 6: Queensland's fugitive emissions from fuels in Mt CO_2e

Fugitive emission levels are a useful indicator of potential environmental risks including groundwater and soil contamination as well as the potential for vegetation damage.

Drivers of change in waste

There is a difference between trends in waste-to-landfill tonnage as reported in the State of Waste and Recycling in Queensland report 2012 and waste GHG emissions.

This is due to in part to waste emissions being offset by methane capture systems at several of the larger landfill sites in Queensland and legacy waste continuing to produce emissions. This is despite a slowing in waste-to-landfill rates slowing as indicated by Figure 8.

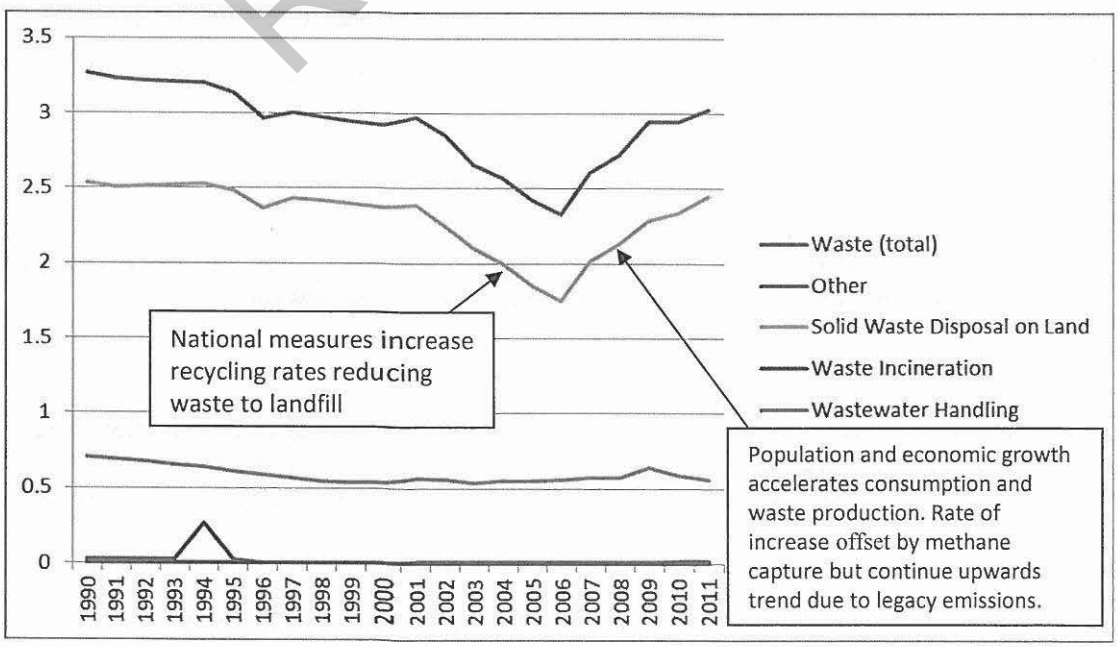

Figure 7: Queensland's waste sector emissions in Mt CO_2e

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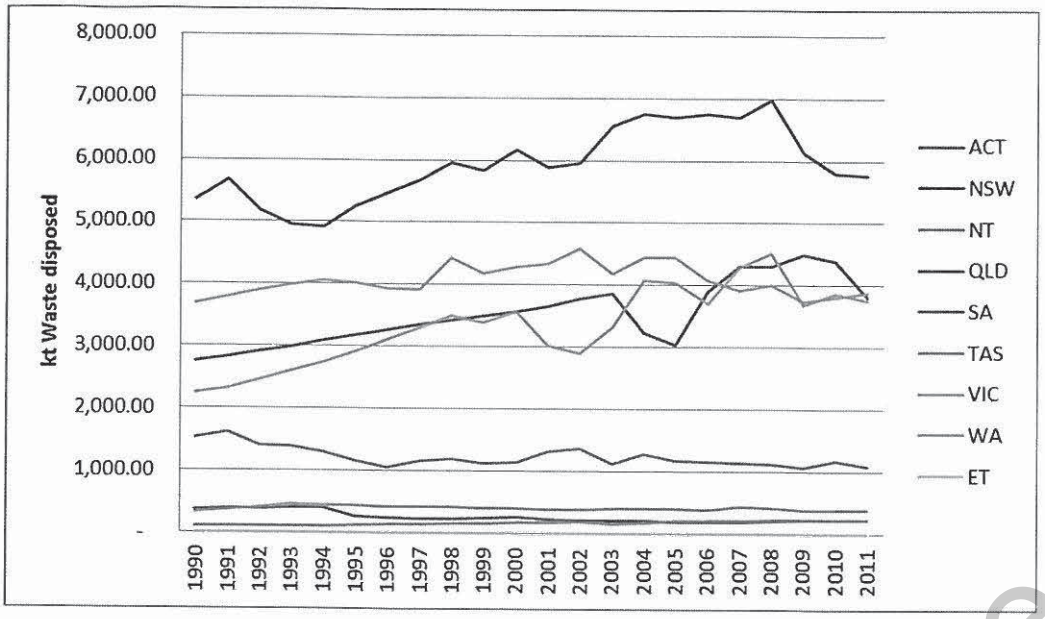

Figure 8: Solid waste to landfill (kilotonnes) by State

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The National Greenhouse Gas Inventory

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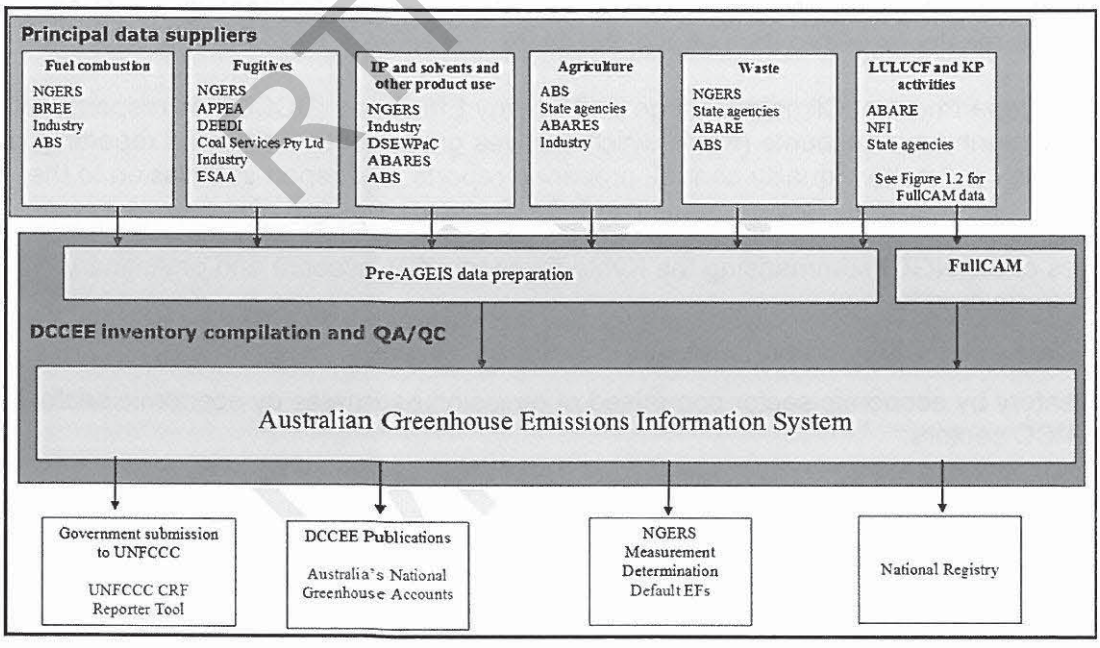

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RTI DL Release

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Australia's emissions

In 2011, Australia's total GHGs excluding the land use, land use change and forestry (LULUCF) sector were estimated to be 552.7 $MtCO_2e$ in 2011. This is 0.6 per cent increase on 2010 levels equivalent to 3.5 $MtCO_2e$ and a 32 per cent increase on 1990 levels equivalent to 134.0 $MtCO_2e$. However, due to a net decrease in emissions from Australia's LULUCF sector of 33.8 $MtCO_2e$, Australia's total greenhouse gas emissions were reduced to 518.9 Mt CO_2e. This means that Australia will report a 1.2 per cent decrease in total emissions on 1990 levels equivalent to 6.2 Mt CO_2e. Further, this means that Australia is currently on track to achieving its international obligations of reducing its national emissions by 5 per cent on 2000 levels by 2020.

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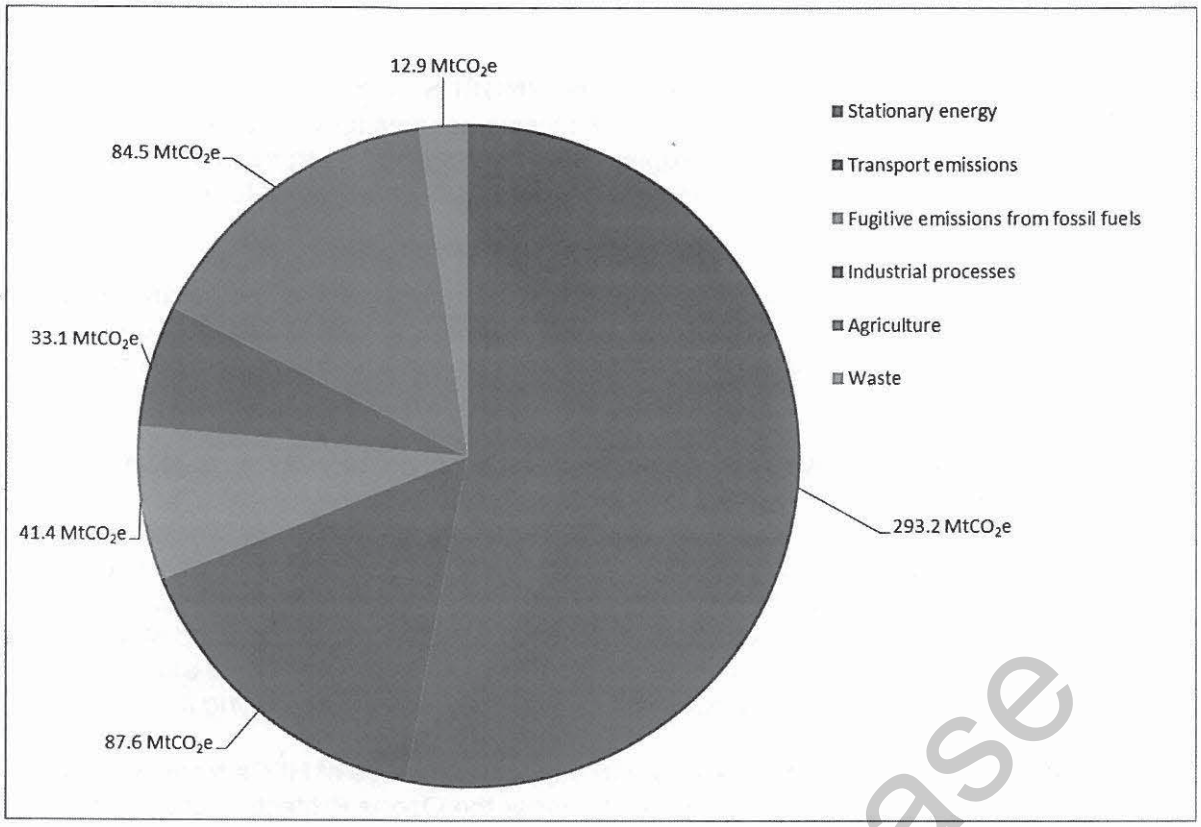

Figure 1: Australia's greenhouse gas emissions by sector 2011 (excluding LULUCF)

Changes in emissions between 2010 and 2011 were:

- Stationary energy decreased by 0.8 per cent
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- Fugitive emissions from fossil fuels increased by 2.1 per cent
- Industrial processes increased 3.7 per cent
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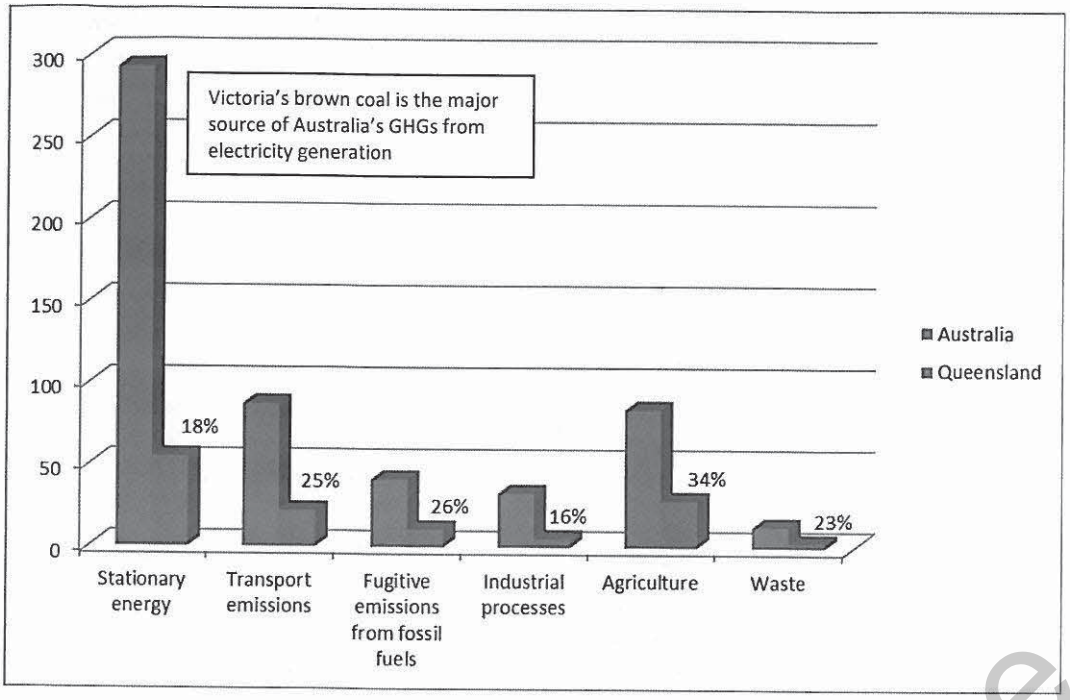

Figure 2: Queensland's contribution to Australia's greenhouse gas emissions by sector

Land use, land use change and forestry (LULUCF) emissions

Australia's decreasing trend in LULUCF emissions since 1990 is mainly due to decreased conversion of forest lands to cropland and grassland as a result of Queensland's restrictions on vegetation clearing.

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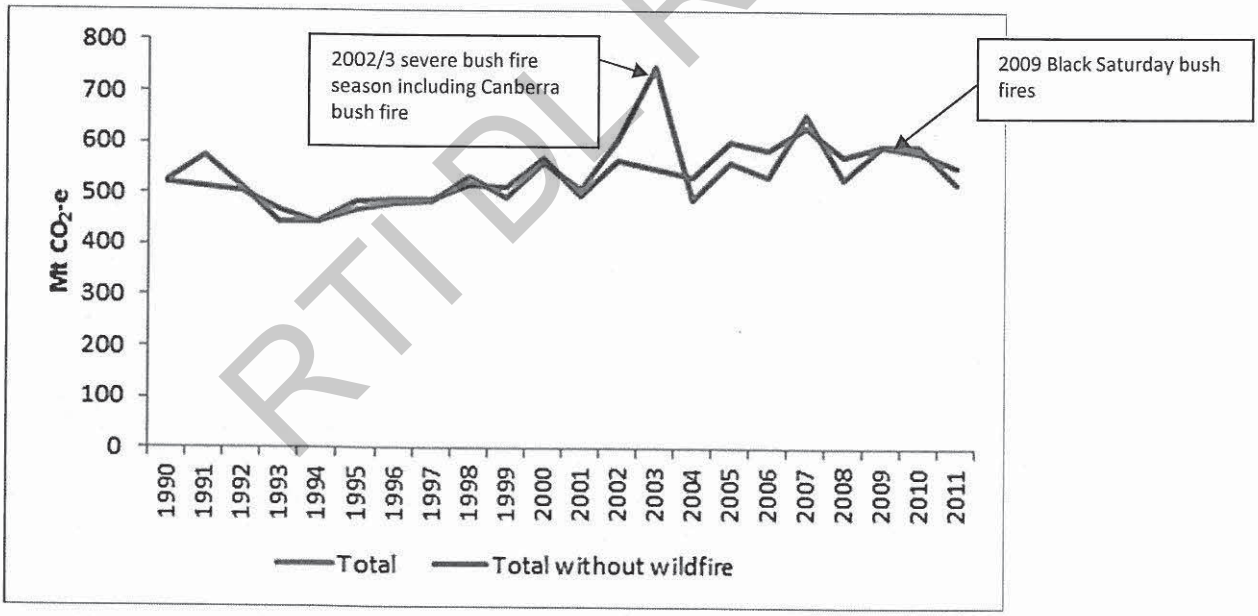

Figure 3. Australia's total greenhouse gas emissions from LULUCF and wildfires

In 2011, the LULUCF sector provided a net sink of 33.8 Mt CO_2e but this was a decrease of 177.6 per cent between 2010 and 2011. Afforestation, which is converting land into new forests, and reforestation, which is re-establishing previously cleared forest, activities contributed a net sink of 27.12 Mt CO_2e. Harvestable forests were a net source of 8.66 Mt CO_2e. Deforestation activities were a net source of 37.54 Mt CO_2e.

Improvements to the LULUCF methodology have resulted in a net increase of 2.1 per cent equivalent to 12.2 Mt CO_2e in 1990 levels and a net increase of 2.7 per cent equivalent to 14 MtCO_2e in 2010 levels.

Queensland's emissions

RTI DL Release

Queensland's total emissions including land use, land use change and forestry (LULUCF) have declined compared to 1990 levels. This is largely due to changes in Queensland's vegetation management frameworks restricting land clearing. However, emissions from all other sectors have increased on 1990 levels by 71.1 per cent in total.

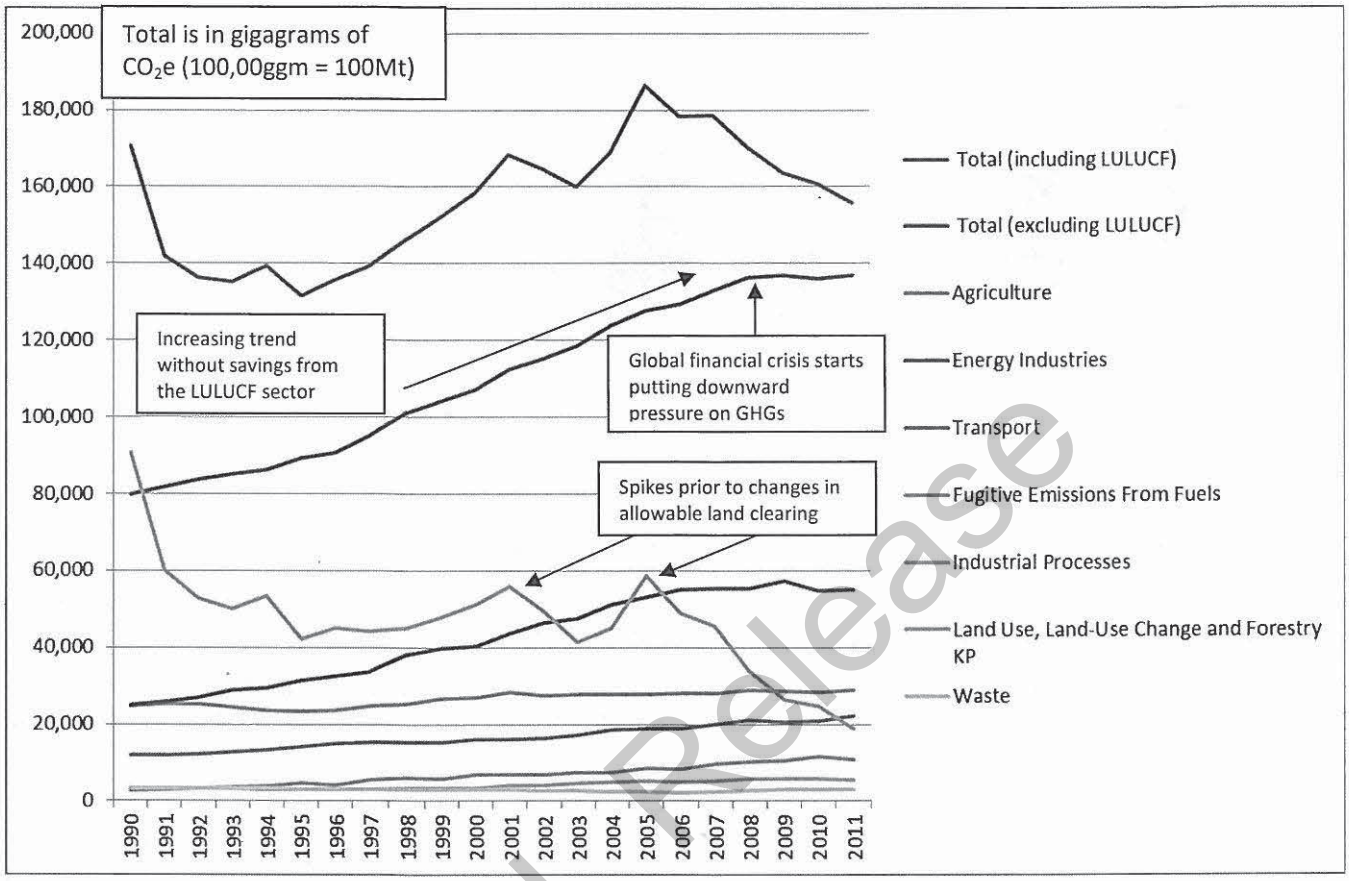

Figure 4: Queensland's greenhouse gas emission trends 1990 - 2011, in gigagrams CO_2e

Drivers of change in electricity emissions

Emissions from the stationary energy sector are stabilising in Queensland due to several factors:

- **Queensland's gas scheme (discontinued in March 2013)**: Electricity generated from natural gas produces approximately 50 per cent less emissions than electricity generated from coal. The Queensland Gas Scheme (QGS) began in 2005 to stimulate natural gas sector growth and reduce GHGs associated with the resource sector's practice of venting coal seam methane. The QGS required Queensland electricity retailers and other liable parties to source 15 per cent of their electricity from gas-fired generation. A direct subsidy was provided to gas-fired generators to offset the higher costs of establishing gas-fired generation capacity. This scheme was discontinued in March 2013.
- **Queensland energy efficiency programs (discontinued in mid-2012)**: Programs such as ecoBiz and the ClimateSmart Homes Service assisted businesses and households to identify and implement energy savings measures. These programs were discontinued in mid-2012.
- **Renewable Energy Target (RET) and Queensland Solar Bonus (QSB):** The RET and QSB provided price offsetting and attractive feed-in tariffs which resulted in increased uptake of solar panels and solar hot water systems. The Queensland Solar Bonus scheme benefits were significantly reduced in late 2012.
- **Greenhouse and Energy Minimum Standards (GEMS):** The GEMS Framework nationally regulates the permitted minimum energy performance level of most household and some industrial appliances. Energy efficiency 'star' labels on appliances form part of this framework to improve consumer awareness of appliance energy efficiency and energy costs.
- **Increased electricity prices:** Households and businesses are responding to rising electricity prices by reducing use.

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Drivers of change in agricultural emissions

Agricultural sector emissions are comprised of: changes in agricultural soils; emissions from enteric fermentation, that is, methane produced from ruminant livestock such as cattle and sheep; prescribed burning of savannas; manure management; and field burning of agricultural residues.

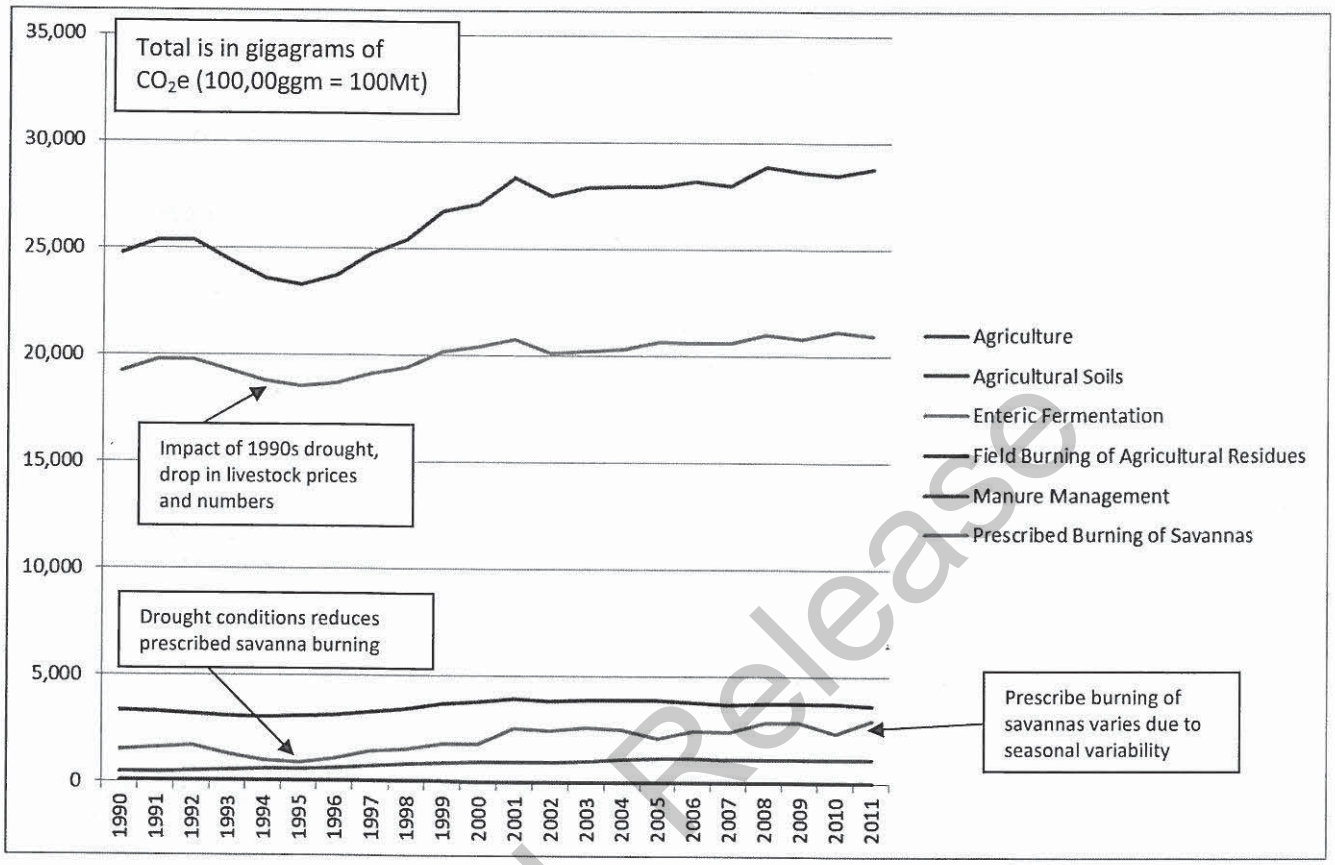

Figure 5: Queensland's agricultural greenhouse gas emissions in gigagrams CO_2e

Overall, Queensland's agricultural GHGs are stabilising at just below 28 $MtCO_2e$. The drivers of changes in emissions from the various subsectors include:

- **Enteric fermentation:** Despite record numbers[1], emissions from enteric fermentation are stabilising. This is likely to be due to improvements in diet reducing methane production.
- **Prescribed burning of savannas**: Emissions from this subsector have increased mainly due to wild fire mitigation activities. These activities actually contribute to lowering overall emissions by preventing 'hot', uncontrolled wild fires which are likely to release greater levels of GHGs.
- **Impacts of extreme weather:** Extreme weather events, particularly flooding, over the 2009 to 2011 period have placed some downward pressure on agricultural emissions.

Drivers of change in transport emissions

Transport emissions are continuing to rise. However, the drivers of the strong growth between 2010 and 2011 are not yet known as the DCCEE are yet to release transport subsector figures. It is expected that the growth will be due to increased 'fly-in / fly-out' workers in the resources sector.

Drivers of change in fugitive emissions

Growth in fugitive emissions in Queensland is due to the expansion of the coal and coal seam gas sectors. Emissions from solid fuels, mainly coal, have declined to greater exploitation of coal seam gas which was previously vented. Increased fugitive emissions from oil and natural gas are due to more coal seam gas extraction.

[1] Meat and Livestock Australia, 2012, Australian cattle industry projections – Australian cattle herd, Sydney, http://www.mla.com.au/Prices-and-markets/Trends-and-analysis/Beef/Forecasts/MLA-Australian-cattle-industry-projections-2012/3-Australian-cattle-industry-projections-Australian-cattle-herd

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Work is underway by the Commonwealth Government to improve the accounting methodology applied to fugitive emissions associated with coal seam gas industry activities.

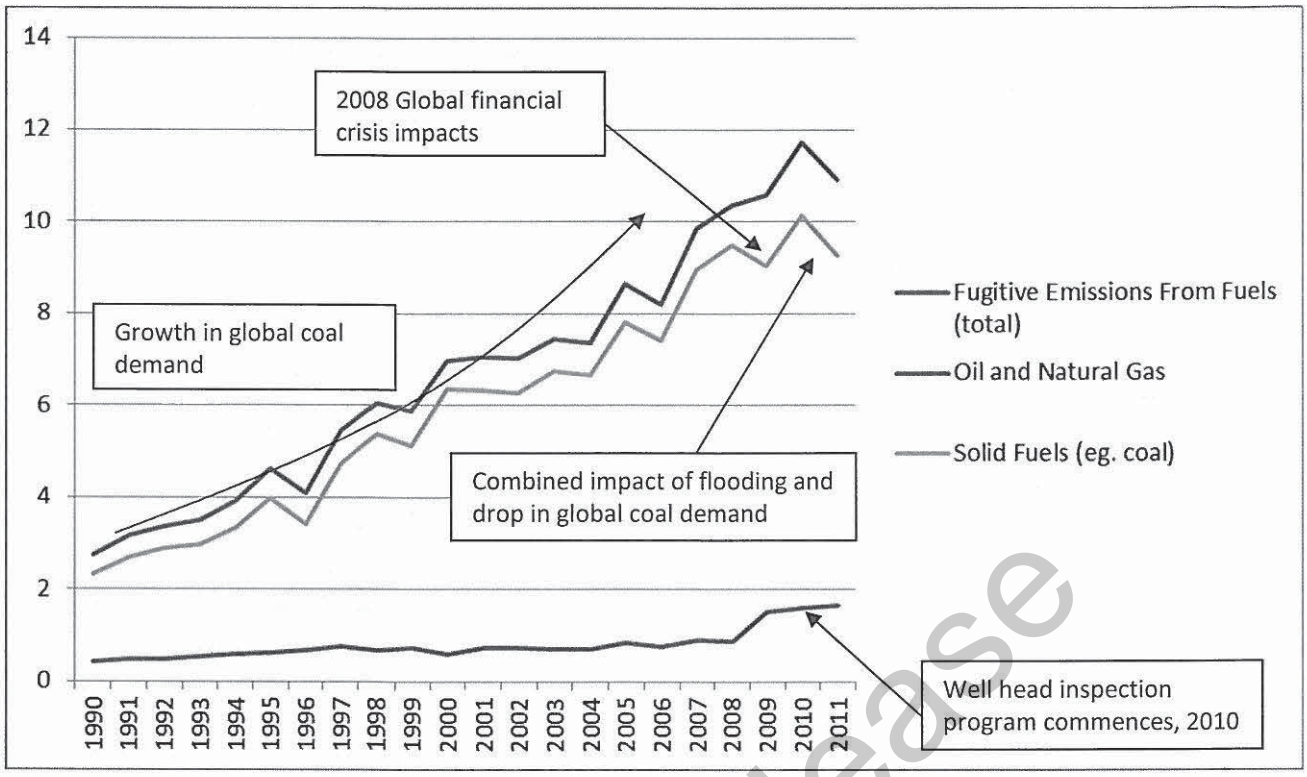

Figure 6: Queensland's fugitive emissions from fuels in Mt CO_2e

Fugitive emission levels are a useful indicator of potential environmental risks including groundwater and soil contamination as well as the potential for vegetation damage.

Drivers of change in waste

There is a difference between trends in waste-to-landfill tonnage as reported in the State of Waste and Recycling in Queensland report 2012 and waste GHG emissions.

This is due to in part to waste emissions being offset by methane capture systems at several of the larger landfill sites in Queensland and legacy waste continuing to produce emissions. This is despite a slowing in waste-to-landfill rates slowing as indicated by Figure 8.

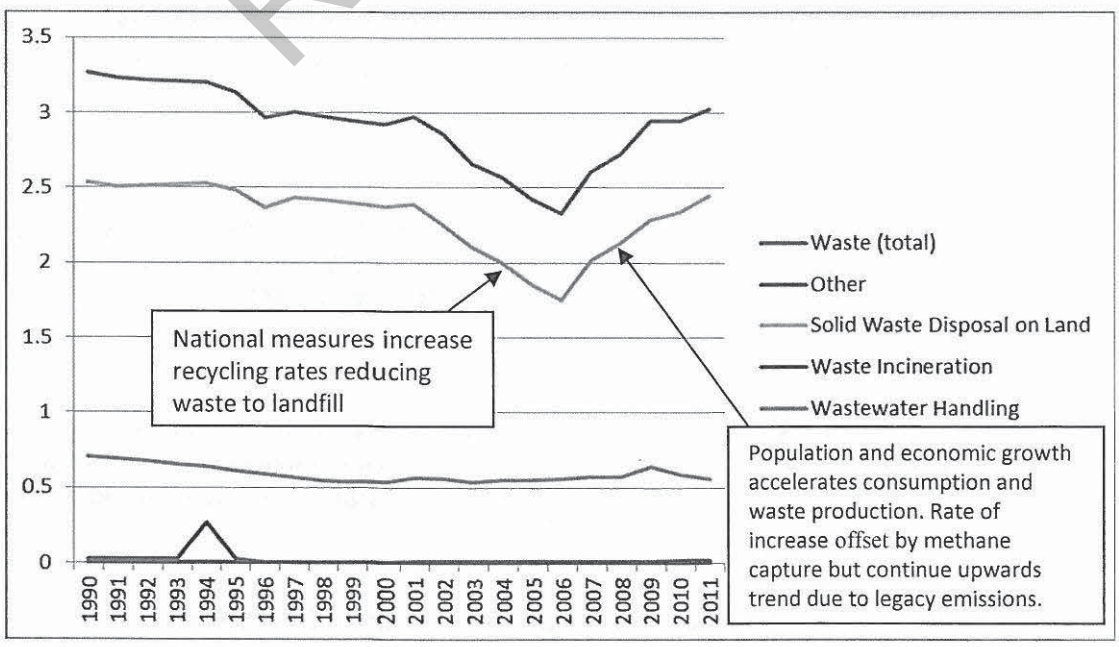

Figure 7: Queensland's waste sector emissions in Mt CO_2e

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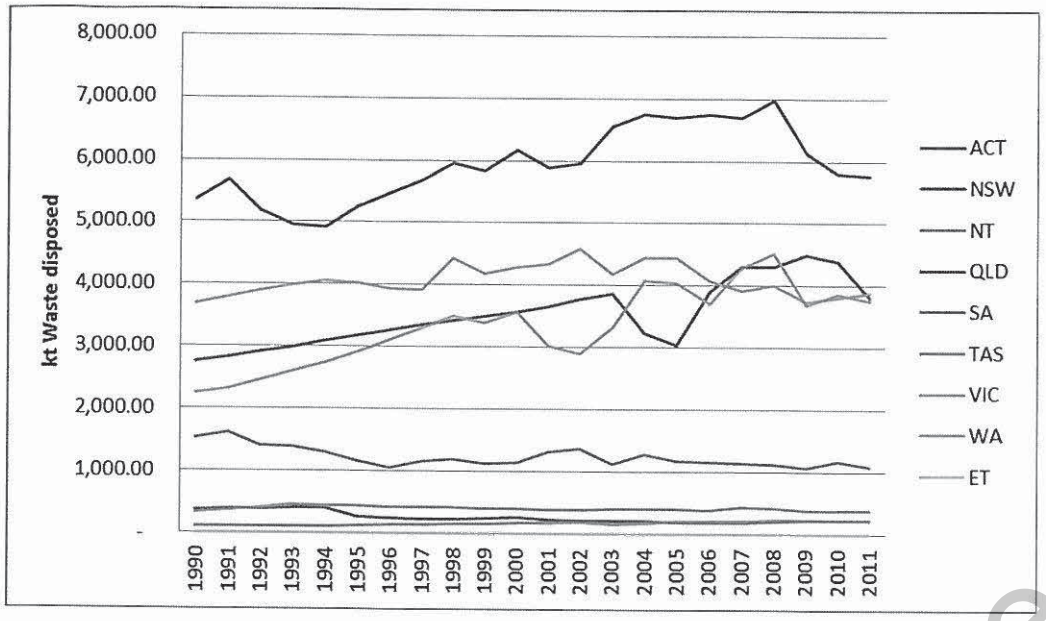

Figure 8: Solid waste to landfill (kilotonnes) by State

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Minister.....
Dated 20/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **GBR Strategic Assessment Ministers Meeting**

TIMEFRAME

- The GBR Strategic Assessment Ministers (SAM group) meet on 20 March 2013.

RECOMMENDATION

It is recommended that the Minister:

- **note** the department's advice in relation to the items to be discussed at the next SAM group meeting.

BACKGROUND

- The GBR Strategic Assessment (SA) process is reaching a point where the key reports (Program Report and Strategic Assessment Report) are close to finalisation.
- The Department of State Development, Infrastructure and Planning (DSDIP) has responsibility for drafting the reports with input from other agencies, primarily the Department of Premier and Cabinet (DPC) and this department.
- The SAM group will need to provide direction on a number of policy issues before the reports can be finalised for referral to the Commonwealth Environment Minister.

CURRENT ISSUES

Commonwealth response to draft document (for discussion under agenda item 2.1)

- In an earlier brief (CTS 4462/13) you were advised that Commonwealth officers had provided comments about the draft Program Report. The most significant of these suggested that the 'program' should be more along the lines of a set of commitments to targets on the future condition for specific matters of national environmental significance (MNES).
- This approach is consistent with how previous strategic assessments have been undertaken. However, these were akin to a development assessment but covering a wider area (such as the assessment for the expansion of Melbourne's urban area).
- We consider this approach is contrary to the agreed approach for the GBR SA which we consider is assessing the systemic mechanisms of Queensland's land use planning and development frameworks to protect or enhance MNES values.
- This represents a major issue and a regression in the process as it is not possible to meet the Commonwealth's requirements given:
  - the geographic scale of the GBR;
  - the major impacting forces are beyond the control of the government (such as extreme weather events, sea temperature rise and ocean acidification);
  - the current extent and condition of MNES in the GBR is a result of legacy impacts from past clearing and ongoing farm management practices which cannot be easily remedied;
  - it is not possible to forecast the extent of development over the agreed 25 years of the program.
- It is for this reason that we proposed a 'systems' assessment from the beginning.
- We are yet to have further discussions with the Commonwealth officers as to why they appear to be moving the goal posts at this late stage.
- However, it is clear that whatever the reason the finalisation of the reports will be delayed while we negotiate the issue and then amend the documents to meet any agreed change of scope.
- Ministerial direction on addressing this potential impediment would be of assistance. Options include:

Rec'd - ODG
18 MAR 2013

RTI DL Release

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1. Negotiate the issues with the Commonwealth officers with a view to arriving at an agreed approach, amending the documents as necessary, then continuing with the process.
2. Complete the reports ensuring we meet the requirements of the terms of reference and the EPBC Act, then submit the report to the Commonwealth Minister without further discussions with Commonwealth officials.
3. Withdraw or suspend our involvement with the strategic assessment.

- Option 1 would ensure Queensland remains engaged and would not involve taking a position that may be seen to be creating conflict with the Commonwealth. It will delay the process, particularly if the negotiations become drawn out. However, with the next World Heritage Committee meeting in June, it may be appropriate to consider their response before finalising and publishing the reports. This option does leave open the undesirable possibility of the Commonwealth allowing GBR Marine Park Authority to release its reports covering the marine components independently of the Queensland reports.
- Option 2 would conclude the matter quickly but with the likely result of the Commonwealth Minister rejecting the reports and potentially criticising Queensland for not working in cooperation with the Commonwealth.
- Option 3 will provide an opportunity for Commonwealth Minister to criticise Queensland and our planning and development frameworks. However, even if the Commonwealth Minister endorses our program, there is little chance of that endorsement resulting in any devolution of Commonwealth decision-making powers given the Prime Minister's position stated at the April 2013 COAG meeting.

Forward Commitments (agenda item 2.2)

- The agenda paper notes the proposed forward commitments or changes to Queensland's program that are intended to ensure the program components can meet the endorsement benchmarks of the EPBC Act.
- In June 2012 when publicly stating it would continue with the GBR SA, the Queensland Government made the following commitments;
  - GBR Ports Strategy;
  - refined coastal plan;
  - regional plans for the GBR coast;
  - revised the offsets policy.
- In addition to these, it is now proposed that commitments be made to several further changes through the SA. These are detailed in the agenda paper and consist of:
  1. referencing the MNES spatial search tool in guidelines supporting the proposed single State Planning Policy
  2. ensuring MNES is explicitly considered when declaring State development, economic development and port areas, and in planning for these areas
  3. amending State assessment and approvals processes where necessary to achieve devolution of EPBC Act decision-making
  4. Continue to support Reef Plan and its associated programs
  5. Establish with the Commonwealth an outcomes-based framework to support a process of continual improvement
  6. Continue commitment to the joint field management program
  7. Establish an annual reporting process and MNES condition and trend monitoring for reporting in SoE reports.
- A key issue relates the second and third new commitment. It is unlikely that any of Queensland's planning and development legislative frameworks would fully meet the Commonwealth's expected benchmarks (refer **Attachment 1**).
- This is not necessarily because of how planning and development decisions are made in practice; rather the relevant legislation does not specify or require (fully or at all) that the benchmarked matters apply in decision-making processes.
- There are 5 pieces of legislation identified in the program report for which endorsement is proposed (Sustainable Planning, State Development and Public Works Organisation, Environment Protection, Transport Infrastructure and (the proposed) Economic Development Acts).
- The *Vegetation Management Act* should probably also be accredited given it is the legislation that has as its primary purpose the protection of terrestrial biodiversity values.

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- Additionally, the Queensland offsets policy would also have to be accredited.
- The *Environment Protection, Sustainable Planning and Vegetation Management Acts* come close to meeting all the benchmarks and may not require significant or any change.
- However the economic development acts will meet few if any of the benchmarks.
- Ministers should consider whether, to gain accreditation, the government would be prepared to amend the 'program' legislation so each fully and transparently meets the benchmarks.

Consultation (agenda item 2.3)

- The key issue here is that between the length of time it will take to complete the reports, have them subject to Commonwealth arranged independent review and finally commencing the public review period, the Commonwealth's caretaker period is likely to have commenced.
- This information is for Ministers to note although it is relevant to the decision about how Queensland should proceed from here given the Commonwealth officer's criticisms discussed earlier.

Endorsement process (agenda 2.4)

- Discussing the endorsement process and timing may be premature given it is unlikely (based on Commonwealth officers advice) that the program and strategic assessment reports will be acceptable to the Commonwealth Minister without either substantial change to the reports or the current position of the Commonwealth.
- The intention stated in the agenda paper that the reports will be submitted to the Commonwealth's independent review group (consultancy firm SKM) by the end of March is unlikely to be realised.
- In fact, it would be preferable that they not be until the issues raised by the Commonwealth officers have been resolved.

Ports Strategy (agenda item 3)

- A draft GBR ports strategy has been the subject of public consultation.
- Apart from the release of a consultation results report, there has been no real action on completing it since – The Deputy Premier has now assumed responsibility for the strategy.
- DSDIP officers have advised that the GBR ports strategy will now be included in a broader Queensland Ports Strategy.
- In recent discussions you mentioned that you would like the team preparing the port strategy to consider changes to the Abbot Point port limit boundaries to reduce the amount of dredging required for planned projects, and a statement indicating that further port development in the Port Alma and Balaclava Island area (north of Gladstone Port) not occur until all port areas in the Gladstone area are fully developed.
- This item provides an opportunity for Ministers to discuss these matters further.
- For information, Balaclava Island and the far northern part of Curtis Island are not within the Gladstone/Alma port limits or part of the Port's strategic port land. These areas would have to be declared as such (under the Transport Infrastructure Act) before port development could proceed.

GBR sustainable development plan (agenda item 4)

- The World Heritage Committee has suggested that a long-term sustainable development plan for the GBR be prepared.
- The scoping of this plan was approved by Ministers but it remains a subject for negotiation between Queensland and Commonwealth officers. Given the recent experience with the changing scope of the strategic assessment, more work is required to ensure the three parties have a very clear understanding from the outset of the end result.

MINISTER'S COMMENTS

Excellent brief.

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ATTACHMENTS

- Attachment 1: Benchmarks for accrediting program component

RTI DL Release

Author	Cleared by	Recommended:
Name: John Lane Position: Director, Environmental Planning Tel No: 33305864 Date: 15 March 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 5990 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

Benchmarks for accrediting program component

Ecologically Sustainable Development Principles Apply

Effective: Decision-making criteria based on ESD principles

Ineffective: ESD principle not a basis for decision-making

Demonstrated ability to identify MNES (including WHA OUVs)

Very effective: MNES are identified early and explicitly in the planning, development and management processes. Identification methods are scientifically proven and well documented. Mapping (where relevant) is regularly reviewed and updated.

Effective: MNES are identified through the planning, development and management system but not explicitly. Identification may not be explicitly documented. Mapping (where relevant) may be once off.

Partially effective: MNES are identified in only some cases, but are not explicitly required to be considered in planning, development and management processes. There may be significant scientific uncertainty.

Ineffective: MNES are not identified, mapped or integrated into planning, development or management processes in any meaningful way.

Demonstrated ability to identify and assess impacts

Very effective: Direct, indirect and cumulative impacts are well understood and there is broad scientific consensus.

Effective: Direct, indirect and cumulative impacts are generally understood but there may be a lack of scientific information or a low level of consensus in some areas.

Partially effective: Direct and indirect impacts are well understood, but cumulative impacts are poorly understood. There may be a lack of scientific information or a low level of consensus in some areas.

Ineffective: Direct, indirect and cumulative impacts are all poorly understood and there is a significant lack of scientific information on which to base assessment.

Effectiveness in avoiding impacts

Very effective: Planning, development and management processes effectively and explicitly ensure that impacts on MNES are avoided. Mapping (where relevant) of areas of significance is integrated into planning in order to frontload avoidance mechanisms. Cumulative impacts are considered upfront in planning and assessment.

Effective: Planning, development and management processes effectively ensure that impacts are avoided. Mapping (where relevant) of areas of significance is integrated into some aspects of planning, but may not be explicit.

Partially effective: Planning, development and management processes avoid some impacts on MNES up front, but indirect and cumulative impacts are not well planned for or managed.

Ineffective: Direct, indirect and cumulative impacts on MNES are poorly avoided and mapping (where relevant) is not regularly used to avoid areas of significance.

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Effectiveness in mitigating impacts

Very effective: Strong systems are in place to minimise the impacts on MNES. Rigorous, scientifically justified conditions are applied to use or development.

Effective: Systems are largely in place to minimise the impacts on MNES. Some conditions may be applied to use or development in certain circumstances.

Partially effective: Some systems are in place to minimise the impacts on MNES, but may be ad hoc.

Ineffective: Only minimal steps are taken to minimise impacts on MNES or there are significant deficiencies in the process or lack of scientific knowledge on which to base measures.

Effectiveness in offsetting unavoidable impacts

Very effective: Offsets policies explicitly consider MNES and deliver the effective and strategic outcomes that result in a net improvement overall for MNES.

Effective: Offsets policies explicitly consider MNES and deliver 'like for like' outcomes that result in no net loss for MNES.

Partially effective: Offsets policies do not explicitly consider MNES, but do deliver some tangible outcomes for MNES, but not a net improvement.

Ineffective: Offsets policies do not explicitly consider MNES and the outcomes are insufficient to offset the impacts.

Contribution to enhancement of MNES and management of existing pressures

Very effective: Legacy impacts are well understood and strong measures are in place to recover or improve MNES. Significant resources are applied to address the key threats.

Effective: Legacy impacts are well understood and some measures are in place to recover or improve MNES. Some resources are applied to address the key threats.

Partially effective: Legacy impacts are well understood and measures are in place to recover or improve MNES. The resources applied are not sufficient to address the key threats, and the impacts are likely to persist.

Ineffective: Legacy impacts are poorly understood and there are no measures in place to recover or improve MNES.

Demonstrated ability to adapt system over time to incorporate new knowledge

Very effective: Well-designed management systems are being implemented for effective delivery of planned management actions, including clear governance arrangements in place, appropriate stakeholder engagement, active adaptive management and adequate reporting against goals.

Effective: Well-designed management systems are in place, but are not yet being fully implemented.

Partially effective: Management systems provide some guidance, but are not consistently delivering around implementation of management actions, stakeholder engagement, adaptive management or reporting.

Ineffective: Adequate management systems are not in place. Lack of consistency and integration of management activities across jurisdictions is a problem.

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Resourcing, monitoring and compliance

Very effective: Financial and staffing resources are largely adequate to address management issues. Biophysical and socioeconomic information is available to inform management decisions. Systems are in place for enforcement and compliance.

Effective: Financial and staffing resources are mostly adequate to address management issues, but may not be secure. Biophysical and socioeconomic information is available to inform decisions, although there may be deficiencies in some areas. Systems are in place for enforcement and compliance.

Partially effective: Financial and staffing resources are unable to address management issues in some important areas. Biophysical and socioeconomic information is available to inform management decisions, although there are significant deficiencies in some areas. There is limited enforcement or compliance.

Ineffective: Financial and staffing resources are unable to address management issues in many areas. Biophysical and socioeconomic information to support decisions is deficient in many areas. Enforcement and compliance mechanisms are deficient in many areas.

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Author	Cleared by	Recommended:
Name: John Lane Position: Director, Environmental Planning Tel No: 33305864 Date: 15 March 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 5990 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

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Chief of Staf
Dated 03/04/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 03/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Public release of DRAFT Wet Tropics environmental values documents for public consultation (in conjunction with the Wet Tropics draft water resource plan)**

RECOMMENDATION

It is recommended that the Minister **note**:

- In mid April the public release of draft environmental values documents (water quality planning) for waters of the Wet Tropics region, under the *Environmental Protection (Water) Policy 2009*, will occur jointly with the public release of the Department of Natural Resources and Mines (DNRM) Wet Tropics draft water resource plan, under the *Water Act 2000*.

BACKGROUND

- The Department of Environment and Heritage Protection (EHP) is establishing localised environmental values and water quality objectives under the *Environmental Protection (Water) Policy 2009* (EPP Water) for priority fresh, estuarine and coastal waters across the State, with initial emphasis on Great Barrier Reef catchments and the Queensland Murray Darling Basin.
- In the Wet Tropics region (Daintree to Herbert), EHP in close collaboration with DNRM, has aligned water quality and water resource planning processes to enable joint stakeholder consultation and technical assessments. The final public and stakeholder consultation will also be undertaken jointly.
- The Environmental Values (EVs) for specific waters are those qualities that local communities want protected from the effects of contaminants. EVs include both human-use values (e.g. agriculture, industry, recreation and drinking water) and aquatic ecosystem health.
- Water quality objectives (WQOs) are chemical, physical and biological measures of water quality and aquatic ecosystem health that protect the identified EVs. They inform statutory and non-statutory water quality planning and decision making.

CURRENT ISSUES

- Draft EVs and WQOs have been developed for the Wet Tropics region project waters--including the Barron, Daintree, Herbert, Johnstone, Mossman, Mulgrave-Russell, Tully and Murray basins and adjacent coastal waters. The waters of interest include surface water, groundwater, estuaries and coastal waters.
- Under the *Water Act 2000*, the Minister for Natural Resources and Mines is required to consider the EVs when preparing a draft water resource plan. Joint consultation has assisted in demonstrating these linkages and reducing duplication of consultation processes. Stakeholder response has been positive.
- DNRM have advised that the proposed joint public and stakeholder briefing sessions are likely to occur mid April for 2 weeks. The draft water quality planning consultation period will extend for 8 weeks (consistent with EPP Water) from the launch date.

CONSIDERATIONS

- *Legislation:* Under section 11 of the EPP Water, the chief executive must, when identifying EVs and WQOs for a water, ensure there has been consultation with the community, including industry and commerce sectors. Previous and upcoming consultation activities address these requirements. *Consultation:* the regional NRM body (Terrain NRM) was contracted to coordinate joint water quality and water resource stakeholder consultation in the region. EHP staff participated in community workshops facilitated by Terrain to identify EVs for waters throughout the region. Draft results from these sessions have been made available on the Terrain web site, and in conjunction with EHP

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technical water quality objectives development they form the basis for the draft water quality information being released.

- Advice about the public release of draft water quality planning information and access to the relevant draft documents will be available on the EHP, Terrain and other applicable web sites (e.g. the government's 'get involved' site). Local media releases will advise the joint DNRM and EHP consultation and meeting details.
- Consultation with peak industry, conservation groups and government agencies will be undertaken in addition to the broader public release of draft water quality information.
- *Finalisation under EPP Water*: Subsequent to the consultation process, EVs and WQOs will be finalised and separately recommended for inclusion under schedule 1 of the EPP Water.
- *Election Commitment:* The project demonstrates the government's commitment to supporting the region's Wet Tropics World Heritage values and the protection of Great Barrier Reef water quality values.

MINISTER'S COMMENTS

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Attachment

CD copy of Wet Tropics draft Water Quality Planning documents under the EPP Water

1. Draft Wet Tropics Healthy Waters Management Plan Consultation Report – Environmental Values for the Wet Tropics Basins
2. Draft surface water quality guidelines for the Wet Tropics region
3. Draft groundwater water quality guidelines for the Wet Tropics region
4. Wet Tropics Waterways Condition Assessment: Mulgrave, Russell, Johnstone and Herbert Rivers
5. The Economic and social impacts of protecting the environmental values in Great Barrier Reef catchment waterways and the Reef Lagoon - draft Report February 2013

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CTS No. 05648/13

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Chief of Staff ... . OK
Dated 9/04/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 9/4/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Queensland Heritage Council decision to leave Romavilla Winery entered in the Queensland Heritage Register**

RECOMMENDATION

It is recommended that the Minister:

- **note** that the Queensland Heritage Council (QHC) decided to leave Romavilla Winery (QHR 601767) entered in the Queensland Heritage Register (QHR) on Thursday 21 March 2013, despite the property's new owner asking during an oral representation that it be removed from the QHR.

BACKGROUND

- In November 2012, sch4p3(3) Prejudice the protection c owners of Romavilla Winery, made an application under s.36 of the *Queensland Heritage Act 1992* to have the winery removed from the QHR because it had been damaged during recent flooding and no longer satisfied the criteria for entry.
- A contract of sale over the property, entered into by the [redacted] and [redacted] on behalf of [redacted] as trustees for Carindale Park Property Trust, settled on 19 March 2013. [redacted] made an oral representation to QHC on 21 March 2013, during which he requested that it remove the listing from the property. QHC decided to leave the place in the QHR and formally resolved to congratulate [redacted] on his plans for adaptive re-use of the heritage buildings.

CURRENT ISSUES

- It is the responsibility of the Department of Environment and Heritage Protection (EHP) officers in Southern Region to assess any application that is made for re-development of this State heritage place.
- While conducting due diligence on the property, [redacted] met twice with EHP heritage officers to discuss the implications of heritage listing and his plans for the Romavilla Winery; these being to convert the winery shed into a hotel and function venue (also with a possible cellar door), and create hotel and self-contained accommodation on the surrounding land (while keeping the display vineyard).
- The officers indicated verbally that [redacted] proposal and his approach to the site's significant winery buildings would be supported, and that pre-lodgement advice could be given to provide certainty in developing the plans further.
- On EHP advice, [redacted] has engaged heritage architects to assist in preparing a development application.
- To assist its decision making, the QHC commissioned a structural engineer to make a structural assessment of the winery shed and distillery, and prepare a report. This was considered on 21 March 2013 at the QHC meeting and its author also gave a verbal report. A copy of the report was provided to [redacted] and [redacted] prior to the sale being finalised. It concluded that there were some substantial structural problems requiring repair in the distillery and parts of the winery shed (in particular the cellars in both buildings), but that a range of options existed for addressing them.
- Maranoa Regional Council (MRC) did not oppose the removal of Romavilla from the QHR.
- A meeting between [redacted], his heritage consultants and EHP heritage officers was held on Wednesday 27 March 2013 following the QHC's decision to discuss development plans for the place. A development application is soon to be made and will be informed by a meeting on-site in Roma between all parties, to occur in mid-April 2013.

Rec'd - ODG
- 3 APR 2013

RTI DL Release

Author	Created by	Cleared by	Cleared by	Recommended:
Name: Catherine Chambers Position: Principal Heritage Officer Tel No: 3330 5840 Date: 25 March 2013	Name: Ken Horrigan Position: Manager, Heritage Tel No: 3330 5857 Date: 25 March 2013	Name: Fiona Gardiner Position: Director, Heritage Tel No: 3330 5873 Date: 27 March 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy & Planning Tel No: 333[redacted] Date: sch4p3 4/4/13	Name: Dean Ellwood A/ Director-General Tel No: 3330 6298 Date:

CONSIDERATIONS

- *Key Communication Messages:* The decision of MRC to not oppose the removal of the Romavilla Winery from the QHR received a reasonable amount of regional media coverage. A report in the *Western Star*, Roma, on 15 February 2013 was picked up by 3 other newspapers in the following week. While no submissions were received regarding this application, the *Western Star* article prompted 3 members of the public to express to QHC their concern about the destruction of Roma's heritage buildings, including the Empire Hotel which had only recently been demolished. A holding statement was prepared by Communications to outline QHC's decision regarding Romavilla Winery. There has been no proactive QHC media and no post-QHC decision media items have appeared.

MINISTER'S COMMENTS

RTI DL Release

Author	Created by	Cleared by	Cleared by	Recommended:
Name: Catherine Chambers Position: Principal Heritage Officer Tel No: 3330 5840 Date: 25 March 2013	Name: Ken Horrigan Position: Manager, Heritage Tel No: 3330 5857 Date: 25 March 2013	Name: Fiona Gardiner Position: Director, Heritage Tel No: 3330 5873 Date: 27 March 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy & Planning Tel No: 3330 5990 Date:	Name: Andrew Chesterman Position: Director-General, EHP Tel No: 3330 6298 Date:

CTS No. 06457/13

sch4p3(3) Prejudice th

Chief of Staff [redacted] OK
Dated 9/4/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 9/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Abbot Point port expansion – Alternate proposal**

TIMEFRAME

- You asked for advice on this matter urgently.

RECOMMENDATION

It is recommended that the Minister:

- **note** the preliminary information provided.

BACKGROUND

- The government has made a commitment to contain further port development to existing port areas – port areas include strategic port land (landside areas under the direct control of port authorities) and port limits (marine areas under the control of government harbour masters).
- Various proposals to increase the capacity of Abbott Point port are currently being assessed. In all, these will require about 3million m^3 of material to be dredged from the proposed wharf areas (from 180 hectares), with the material disposed offshore within the GBR Marine Park. **Attachment 1** shows the planned developments and dredging areas (note that the government has refused the proposed multi-cargo facility and terminals 'T4 – T9' shown on this plan).
- At present the applications lie only in the Commonwealth domain. The companies concerned are yet to complete their environmental analysis of the dredging proposals.

CURRENT ISSUES

Environmental Outcomes

- The primary issue is the proposed disposal of the dredged spoil, both from the initial dredging to create the berthing pockets and ongoing dredging to maintain the required depth.
- The proposed development is not within the marine park but is within the GBR World Heritage Area.
- Disposal of this volume of spoil outside of the marine park is not considered feasible.
- An alternative proposal has been suggested which would involve extending the new jetties into deeper water so as to achieve a significant reduction in the volume of material required to be dredged – a reduction from about 3 million m^3 to 500,000 m^3.
- This lesser volume may mean that on-shore disposal may be feasible (within the adjacent Abbott Point State Development Area).
- The current jetty is about 2.8 km in length. The alternative proposal would mean the two new jetties would have to extend to about 4 km.
- This means the new jetties and dredging would extend into the marine park (**Attachment 2**).
- Notwithstanding this, the ecological outcomes would be significantly better than the current proposals, even more so if land-based spoil disposal becomes possible.
- We have been advised that recent unpublished modelling of the impact of at-sea dredged spoil disposal is showing that fine grade material is moving much further and in much greater volumes than previously projected – to an extent close to that flowing from the major river systems.
- The Great Barrier Reef Marine Park Authority and the Commonwealth will use this modelling to assess dredging proposals and are likely to adopt a very cautious approach to the assessment.
- A central consideration is the relative risk of either option to the projects.
- With the existing proposal there is a degree of risk that the Marine Park Authority and/or the Commonwealth (under the EP and BC Act) will not issue the necessary dredging permits.
- This is contrasted against the risk of Parliamentary processes associated with the alternative option.

Rec'd - ODG
- 3 APR 2013

RTI DL Release

Author	Cleared by	Recommended:
Name: John Lane Position: Director, Environment Planning Tel No: 3330 5864 Date: 2 April 2013	Name: Tony Roberts Position: Deputy Director-General Environmental Policy and Planning Tel No: 3330 599 sch4p Date: 4/4/13	Name: Dean Ellwood A/Director-General Tel No: 3330 6298 Date: 4/4/13

Project cost implications

- We understand that, in conjunction with the Marine Park Authority and Marine Safety Queensland, the port authority (NQ Bulk Ports – a government owed corporation) has been modelling the alternative option and concluded it is operationally feasible.
- There is a cost differential of an additional $360 million for the construction phase of the projects. This is based on a construction cost for extending the jetty trestle and conveyor system of about $70,000 to $100,000 per metre.
- Total construction costs for the projects are in the order of $2 billion.
- On the positive side, there is expected to be savings over the long term from a significantly reduced requirement to undertake maintenance dredging.
- It is understood that the proponents would prefer to go ahead with the current projects, given the time and money already invested in the design and assessment process. However, they do face a risk that the Marine Park Authority and/or the Commonwealth may refuse the application to dispose of the dredged spoil in the marine park.
- Without a major dredging component, and given the amount of assessment work completed already, it is likely that development decisions for the alternative proposal could me made expeditiously.
- However, the proponents may wish to pursue both the existing approval process and the alternative option to minimise overall risk.

Marine park boundary change

- It is assumed that Queensland agencies, port authority and operators would prefer all operations (other than spoil disposal) to be undertaken outside of the marine park.
- In discussions with the Chair (Russell Reichelt) and Executive Director (Andrew Skeats) of the Marine Park Authority the proposed alternative approach appears to be enthusiastically supported because of the positive ecological outcomes. However, these were personal views as the Authority's board has not considered the issue.
- The Authority's chair is also supportive of a boundary realignment to remove the project area from the marine park.
- However, changing the marine park boundary, even if there is no net loss of area (or even a net gain), is complex and would take some time. The primary steps are:
  - the GBR Marine Park Authority prepares a report
  - this report is subject to a 60 day public consultation period
  - the Commonwealth Environment Minister considers the report and prepares a resolution to change the boundary
  - the resolution must be laid before the House of Representatives and the Senate for 15 sitting days before motions of acceptance are moved
  - assuming the motions are approved, the change is effected by proclamation made by the Governor General.
- The viability of the alternative proposal will depend on the positioning of the various stakeholders who include:
  - Commonwealth and State Government
  - the various project proponents
  - NQ Bulk Ports Corporation
  - Conservation sector
  - The Greens Party
  - The World Heritage Committee.
- Even with the full support of both governments, it is unlikely that this process could be completed within the 2013 calendar year. Given the looming Federal election, the timing becomes uncertain.
- Another option, suggested by the Marine Park Authority chair, would involve the Authority leasing the area to the port authority (up to 99 years) and issuing a development permit.
- The site is in a general use zone, so there would be no statutory impediment to this occurring.
- This option could be a useful interim measure while boundary changes are negotiated and finalised.

RTI DL Release

Author	Cleared by	Recommended:
Name: John Lane Position: Director, Environment Planning Tel No: 3330 5864 Date: 2 April 2013	Name: Tony Roberts Position: Deputy Director-General Environmental Policy and Planning Tel No: 3330 5990 Date:	Name: Dean Ellwood A/Director-General Tel No: 3330 6298 Date:

Conservation sector views and offsets

- As indicated in discussion with the chair of GBRMPA, it is assumed that the Marine Park Authority and the Commonwealth would expect an offset in exchange for their agreement to a boundary change (in addition to reducing the dredging impacts).
- It can also be assumed that an offset may involve adding an ecologically significant undeveloped port area to the marine park, to achieve a conservation gain.
- One possible area would be the Fitzroy River delta. This includes the marine areas around Balaclava and northern Curtis Islands (refer **Attachment 3**). Another area may be part of the Townsville Port area.
- The Fitzroy delta option would achieve a better conservation outcome but preclude future development of that area as an additional coal export port.
- It can be expected that conservation sector views will vary widely. However, some mainstream groups, such as WWF and possibly the QCC and regional conservation groups, are quite likely to support the alternate proposal.
- Other groups, who have a focus on closing down the coal and gas industries, are unlikely to publicly agree to any proposal to expand coal export capacity anywhere.
- It is understood that conservation groups are lobbying the World Heritage Committee to list the GBR as 'in danger' based on their perceptions that, while the GBR strategic assessment is being undertaken, the Queensland government is promoting coastal and port development, weakening planning laws and relaxing vegetation management laws.
- The alternative development option may provide an important counter-balance to the conservation sector views being put to the World Heritage Committee seeking to have the GBR World Heritage Area listed as a property 'in danger'.

Next steps

- The Coordinator-General and the Department of State Development, Infrastructure and Planning will be critical players in pursuing the alternative development option.
- Their direct concerns will relate to additional costs for project proponents and additional time for revised proposals to be considered and decided.
- They may have other concerns:
  - should the marine park boundary not be changed and a Marine Park Authority permit and lease be required, they may be concerned about potential Commonwealth involvement in the oversight of operations of the port facility
  - disposing of dredge spoil in the adjacent Abbott Point State Development Area may raise concerns that the disposal site may not be able to be developed, at least for a number of years
  - any offsets for a change in the marine park boundary, such as the Fitzroy delta site, is likely to be of concern as future port development options will be closed off.
- It is considered that discussions between you, the Deputy Premier, Treasurer and Transport Minister will be a necessary first step to gauge whole of government support for the proposal.
- Ministerial level support would enable agencies to pursue the alternate development proposal with relevant parties.

RTI DL Release

MINISTER'S COMMENTS

Raised with relevant Ministers. DP to delegate to an officer in his Dept to work with Tony to progress. 'Offset in exchange' is challenging. Keep me posted on negotiations. AF

ATTACHMENTS

- Attachment 1: Abbott Point - current development proposals
- Attachment 2: Port area showing GBR boundaries
- Attachment 3: Fitzroy River delta

Author	Cleared by	Recommended:
Name: John Lane Position: Director, Environment Planning Tel No: 3330 5864 Date: 2 April 2013	Name: Tony Roberts Position: Deputy Director-General Environmental Policy and Planning Tel No: 3330 5990 Date:	Name: Dean Ellwood A/Director-General Tel No: 3330 6298 Date: 17/3/14

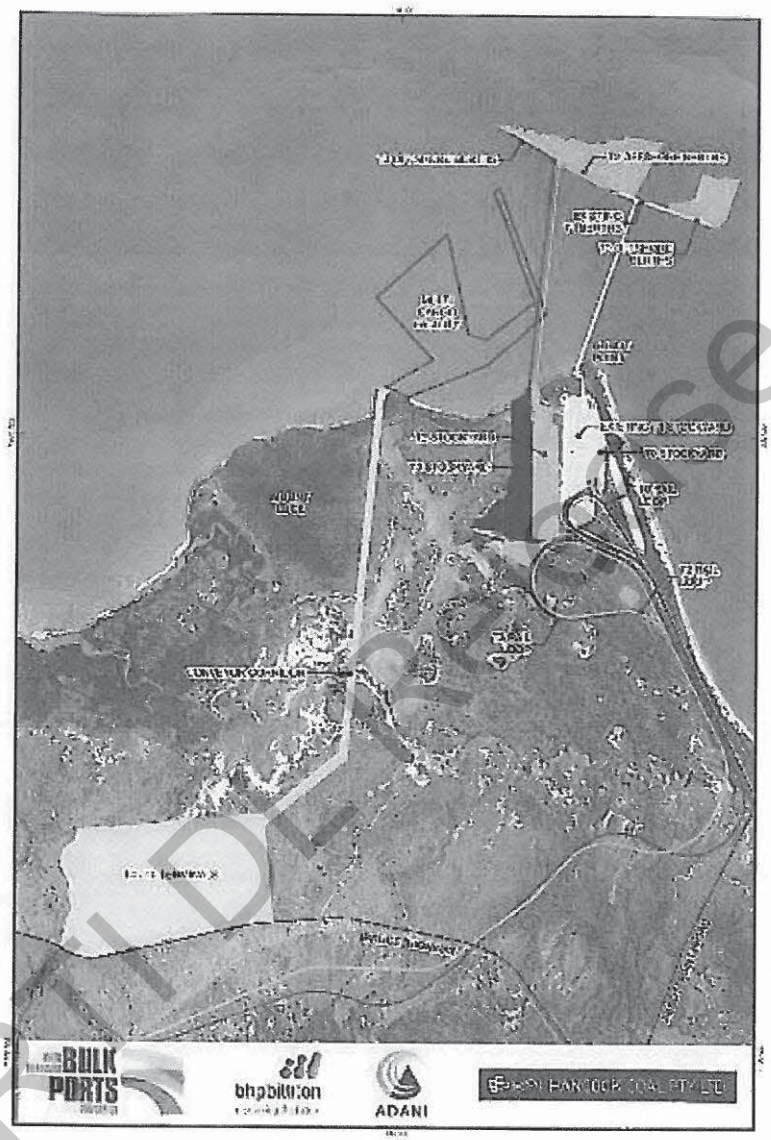
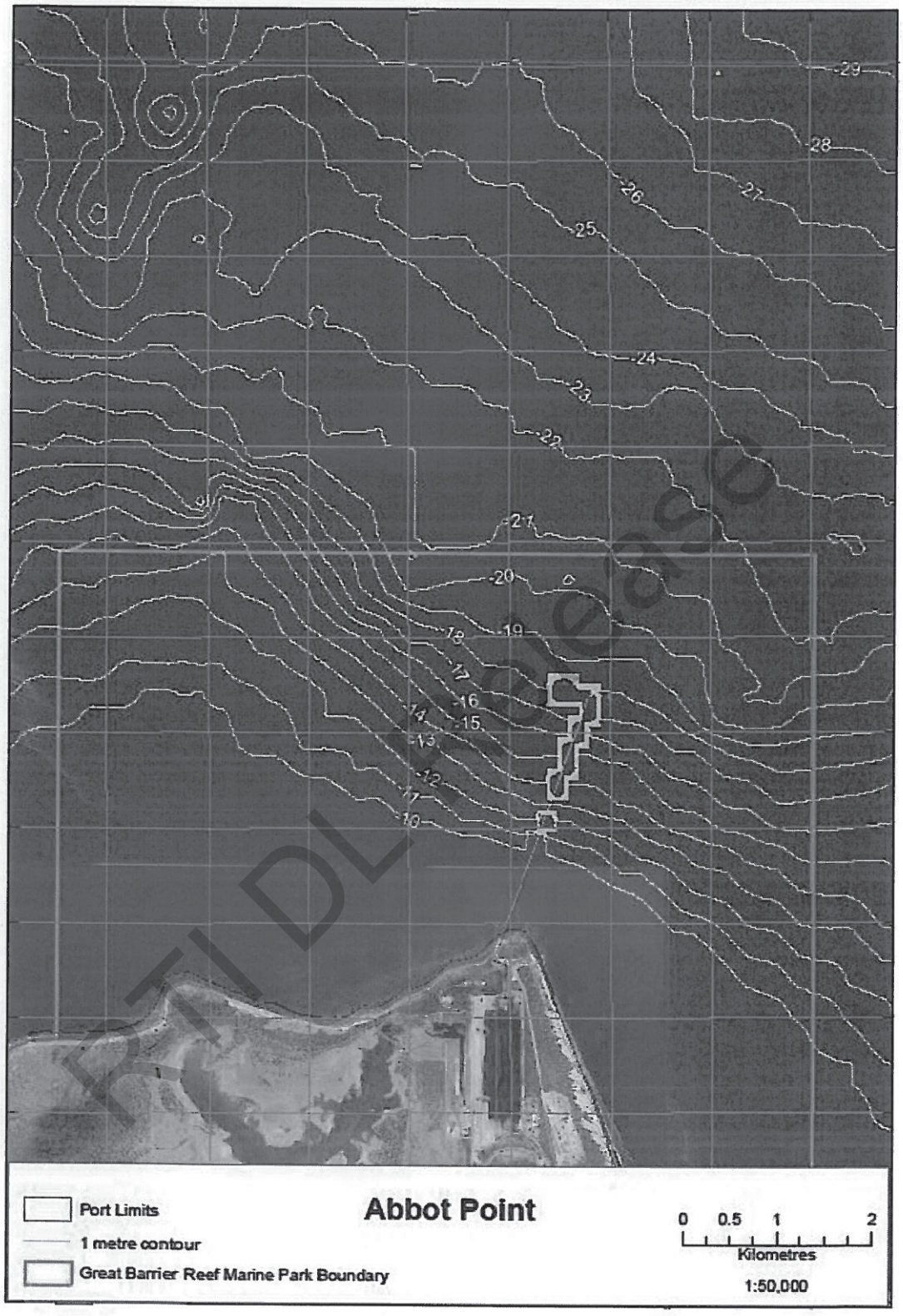


Figure 1 – Location of Projects

(all areas are supporting infrastructure are indicative only)

RTI Release

Abbott Point Port/GBR Marine Park Boundary



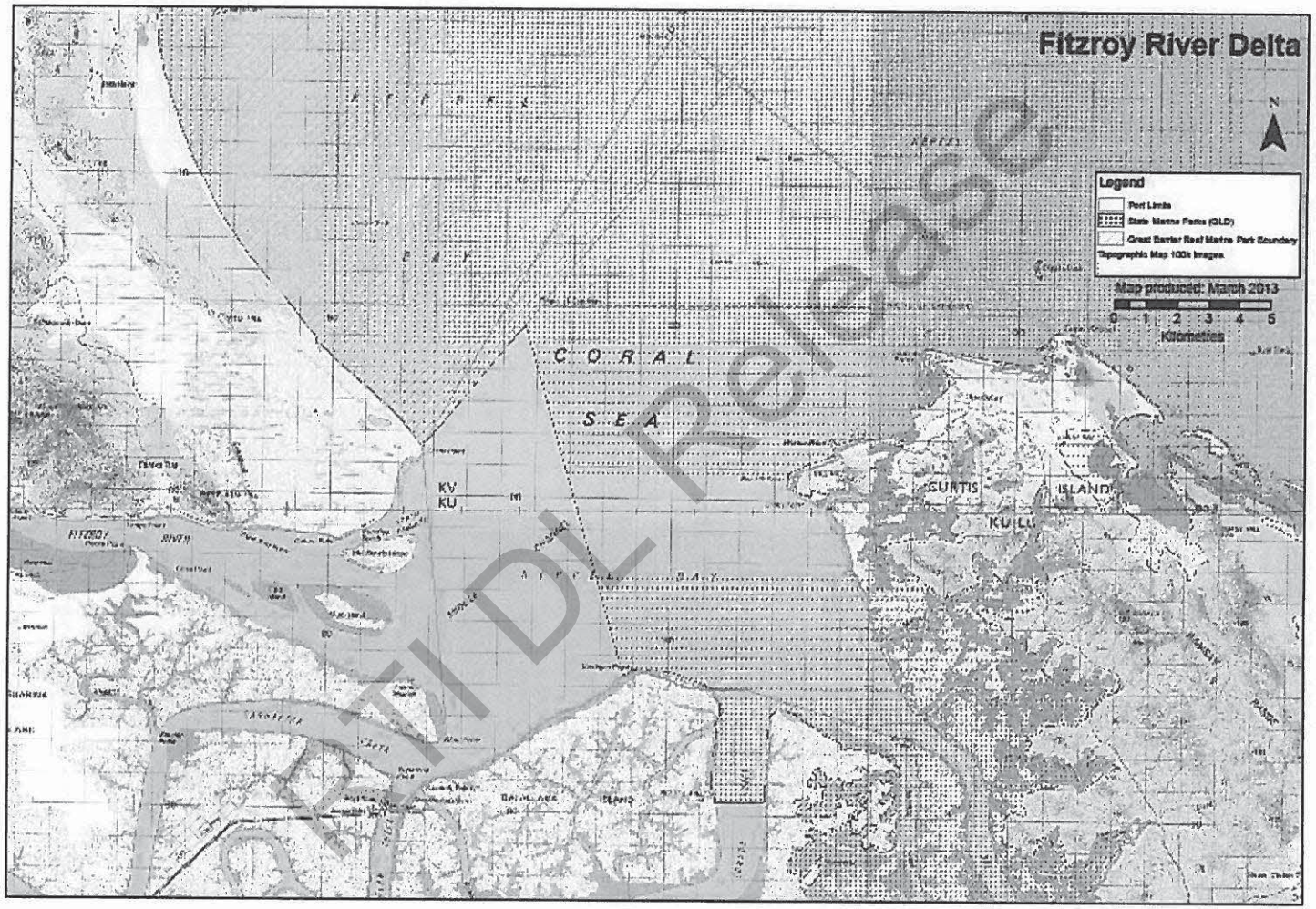
RTI DL Released

Author	Cleared by	Cleared by	Recommended:
Name: John Lane Position: Director, Environment Planning Tel No: 3330 5864 Date: 28 March 2013	Name: Position:[Dir/ED/GM] Tel No: Date:	Name: Tony Roberts Position: DDG, EPP] Tel No: 3330 5990 Date: 28 March 2013	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: John Lane Position: Director, Environment Planning Tel No: 3330 5864 Date: 28 March 2013	Name: Position:[Dir/ED/GM] Tel No: Date:	Name: Tony Roberts Position: DDG, EPP] Tel No: 3330 5990 Date: 28 March 2013	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

Fitzroy River Delta



FOR DL Purposes

Author	Cleared by	Cleared by	Recommended:
Name: John Lane Position: Director, Environment Planning Tel No: 3330 5864 Date: 28 March 2013	Name: Position:[Dir/ED/GM] Tel No: Date:	Name: Tony Roberts Position: DDG, EPP] Tel No: 3330 5990 Date: 28 March 2013	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 07245/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Deputy Premier and Minister for State Development, Infrastructure and Planning**

AND:

Minister for Environment and Heritage Protection

SUBJECT: **1 May 2013 Gladstone Healthy Harbour Partnership (GHHP) Meeting**

TIMEFRAME

- Noting of this brief is required by 23 April 2013 to provide background for briefing scheduled for 24 April 2013 (8:30 AM) with the Deputy Premier and Minister for Environment and Heritage Protection in preparation for 1 May GHHP meeting.

RECOMMENDATION

It is recommended that the Ministers:

- **note** the purpose of the GHHP meeting and expectations of partners
- **note** the draft agenda and invitation list for the meeting (**Attachment 1**)
- **note** progress on GHHP related actions (**Attachment 2**).

BACKGROUND

- Partners endorsed the GHHP Stage 1 Framework (**Attachment 3**) on 23 November 2012. This was drafted by all partners and included opportunities and value propositions for partners such as:
  - *"efficient, cost effective, coordinated and targeted monitoring and research activities focused on GHHP needs and priorities, and management recommendations and action that removes any monitoring and research duplication*
  - *including existing industry and research effort to maximise and optimise value of investment (both time and money) while improving the quality of the data generated from monitoring and research programs (i.e. pooling resources to look at the big picture)*
  - *facilitating cooperation between industry, research, community and government to pool the best possible expertise to understand and manage Gladstone Harbour health*
  - *improving community engagement, communication and confidence in the health and management of the harbour by providing synthesised information in easy to understand language, but without loss of scientific rigor*
  - *contributing to the development of Port Curtis (and/or appropriate sub-components thereof) specific environmental values, water quality objectives and trigger values*
  - *co-ordinating science and science communication products*
  - *informing decision-making for users of the Gladstone Harbour*
  - *assisting to secure the region's tourism and marine recreation industries".*

- GHHP partners have been progressing the actions outlined in the GHHP Stage One Framework with a view to Partnership formalisation in September 2013; specifically:
  - funding models and governance
  - community vision of a healthy Gladstone Harbour.
- The Funding Models Working Group is comprised of John Lane (EHP), Jim Singer (Rio Tinto); Svetlana Androsava (Arrow), Paul Birch (Fitzroy Basin Association), Councillor Col Chapman (Gladstone Regional Council) and Andy Steven (CSIRO).

Rec'd - ODG
19 APR 2013

RTI DL Release

Author	Cleared by	Cleared by
Name: Lucy Hall/Kirstin Kenyon Position: Policy Officer/Manager Tel No: 07 3330 5346 Date: 10 April 2013	Name: John Lane Position: Dir, Environmental Planning Tel No: 07 3330 5864 Date: 17 April 2013	Name: Tony Roberts Position: DDG, EPP Tel No: 07 3330 5990 Date: 18/4/13

File Ref: (Remove if N/A)

- Their work will be presented to the GHHP meeting 1 May as an agenda paper **(Attachment 4)**. It includes a funding and contribution structure relating to different membership types; it does not specify actual contributions from partners but recommends that this be determined at GHHP meeting 4 in June or July 2013.
- It is intended that the funding model will be discussed and decided at the 1 May 2013 GHHP meeting.
- The independent science panel is mapping the various water quality monitoring activities currently being conducted in Gladstone Harbour to identify gaps and duplication. This information will assist the panel design monitoring program that will be the basis of the Gladstone Healthy Harbour Report Card.
- The Deputy Premier and Minister for Environment and Heritage Protection are expected to address the meeting.
- The Coordinator General, Mr Barry Broe, has also advised that he will be attending, as will Mr Andrew Chesterman, DG EHP.

CURRENT ISSUES

- sch3(2)(1)(c) Cabinet matter - Budgetary process
- Other issues to note include (refer to **Attachment 2** for details):
  - The interim chair of the prospective GHHP is Paul Birch, who is also CEO of the Fitzroy Basin Association (Regional NRM group)
  - the GHHP independent science panel has been formed, chaired by Dr Ian Poiner.
  - Dr Ian Poiner has also engaged a science convenor, Ms Emma McIntosh, to progress actions of the science panel.
  - the government's final report of the Gladstone Harbour Integrated Aquatic Investigation Program will be released once final analysis of tests have been received mid 2013.
  - latest water quality survey results commissioned by the Department of Environment and Heritage Protection from Department of Science, Information Technology, Innovation and the Arts as part of the post 2013 flood monitoring, have found significantly elevated levels of aluminium from water samples collected in the Boyne River with the source most likely to be in the upstream catchment.
- The meeting agenda papers will be available for the ministerial briefing scheduled for 24 March 2013.
- Speech notes and a media release for Ministers will be provided through Media Services prior to the 1 May meeting.

RTI DL Release

Author	Cleared by	Cleared by
Name: Lucy Hall/Kirstin Kenyon Position: Policy Officer/Manager Tel No: 07 3330 5346 Date: 10 April 2013	Name: John Lane Position: Dir, Environmental Planning Tel No: 07 3330 5864 Date: 17 April 2013	Name: Tony Roberts Position: DDG, EPP Tel No: 07 3330 5990 Date:

CONSIDERATIONS

- sch3(2)(1)(c) Cabinet matter - Budgetary process
- *Consultation:* An interdepartmental committee for senior officers is being established to ensure the state position regarding GHHP is co-ordinated across agencies.
- *Key Communication Messages:* Media Services are aware that a media release will be required for this event. The media services team are ready to draft a release as soon as confirmation is received regarding state government funding for GHHP.
- *Premier's Commitment:* At a media conference on 4 May 2013, the Premier announced the Queensland Government's intention to establish the Gladstone Healthy Harbour Partnership.

ATTACHMENTS:

- Attachment 1 - draft agenda for the GHHP meeting on 1 May 2013
- Attachment 2 -- summary of progress on GHHP and related issues
- Attachment 3 – GHHP Stage 1 Framework
- Attachment 4 – Funding Models Working Group Draft Agenda Paper

RTI DL Release

..... 19/4/13
Director-General, Department of Environment and Heritage Protection

Approved Not approved Noted
Comments:

..... / /
Deputy Premier and Minister for State Development, Infrastructure and Planning

..... / /
Chief of Staff

Approved Not approved Noted
Comments:

sch4p3(3) Prejudice the protectio

..... 29/4/13.
Minister for Environment and Heritage Protection

Chief of Staff 29/4/13

Author	Cleared by	Cleared by
Name: Lucy Hall/Kirstin Kenyon Position: Policy Officer/Manager Tel No: 07 3330 5346 Date: 10 April 2013	Name: John Lane Position: Dir, Environmental Planning Tel No: 07 3330 5864 Date: 17 April 2013	Name: Tony Roberts Position: DDG, EPP Tel No: 07 3330 5990 Date:

File Ref: (Remove if N/A)

CTS No. 07535/13

Chief of Staff. [redacted] ..... OK
Dated 16/4/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 16/04/13

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE
Wednesday 17 April 2013

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Green Cross Australia's Business Adaptation Network funding proposal**

PROPOSED DEP REP: Megan Surawski, Climate Adaptation Strategy 3330 5825

EXTERNAL: Mara Bún, Chief Executive Officer, Green Cross Australia

BACKGROUND

- On 13 March 2013, Ms Mara Bún, Chief Executive Officer wrote to you requesting a meeting to discuss Green Cross Australia's Business Adaptation Network initiative and potential Queensland Government involvement and funding.
- The Director-General, accompanied by Mr Rod Goodbun, Director, Sustainability Outcomes, previously met with Ms Bún on 4 September 2012 to discuss collaboration opportunities between Green Cross Australia and the Department of Environment and Heritage Protection (EHP).
- On 7 February 2013, you attended the panel discussion for the Minister's Environment Roundtable at which Ms Bún gave a presentation on Green Cross Australia's work focusing on its climate adaptation communication activities.

CURRENT ISSUES

- You are meeting with Ms Bún on Wednesday 17 April 2013 to discuss Green Cross Australia's Business Adaptation Network initiative.
- Green Cross proposed the Business Adaptation Network to raise awareness of climate adaptation and to build financial and physical resilience to climate variability across multiple sectors.
- The Network is planned as a national industry forum to build capacity amongst business and industry, transferring knowledge from larger corporate entities to medium to smaller business operations.
- Green Cross Australia is currently engaging with the other states and territories, as well as with large corporate groups including Norton Rose (law firm), BlueScope Steel and Arup, regarding partnership and funding opportunities. New South Wales, Victoria and Tasmania have indicated in-principle support.
- Sydney Water has already agreed to support the network with funding and will be recognised as a foundation partner in delivering this project.
- While Green Cross aims to secure a target amount of between $100,000 and $150,000 prior to the Network's launch on 27 June 2013, the initiative has been designed so that it can be scaled down to its Queensland base if the target amount is not reached.
- It is expected that Ms Bunn will seek financial support to further progress this initiative.
- Contributing to the initiative could provide a relatively low-cost opportunity to disseminate the Government's message about increasing resilience. It could be considered an initiative under an updated Queensland climate change adaptation strategy.
- Green Cross' proposal is drawing early interest from LGAQ, Ergon, Arup, and Stockland, and Green Cross are expecting to attract organisations such as Growcom and Lend Lease. Queensland Government support for this could provide an example of practical, low-cost, engagement on climate adaptation and resilience within the corporate sector.
- A $25,000 one-off contribution could be made this financial year from Environmental Policy and Planning's existing budget allocation.

Yes. ✓

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Megan Surawski Position: Principal Policy Officer Tel No: 07 3330 5825 Date: 11/04/2013	Name: Peter Hutchison Position: ED Tel No: 07 3330 5991 Date:	Name: Tony Roberts Position: [DDG] Tel No: (07) 3330 5990 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

sch4 PH for 12/9

Proposal for Queensland Government Financial Contribution

Deputee Position

- Ms Bún is expected to propose that the Queensland Government contribute funds to support the Business Adaptation Network initiative.

Suggested Response

- Acknowledge the role of organisations such as Green Cross in helping the broader community to better understand and manage their climate risks.
- Clarify that while the current fiscal environment makes it difficult to commit funding to some projects, this initiative presents a potential low-cost opportunity to grow businesses' knowledge and promote corporate understanding of the resilience issues.
- Ask Ms Bún to confirm the extent of other partners' current financial commitments.
- Inquire as to the likelihood of attracting sufficient national support for Green Cross' Australia-wide Network proposal.
- Seek Ms Bún's advice on what Green Cross could offer if a scaled-down, Queensland-only, option emerged.

OPTIONS:

1. If satisfied, support the proposal as discussed **OR**
2. Invite Ms Bún to submit a more detailed Queensland-based proposal for further consideration **OR**
3. Decline to support the concept at the current time.

MINISTER'S COMMENTS

Support. Proceed. Develop comms plan/opportunity.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Megan Surawski Position: Principal Policy Officer Tel No: 07 3330 5825 Date: 11/04/2013	Name: Peter Hutchison Position: ED Tel No: 07 3330 5991 Date:	Name: Tony Roberts Position: [DDG] Tel No: (07) 3330 5990 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

CTS No. 07649/13

sch4p3(3) Prejudice the pro

Chief of Staff .....
Dated 17/04/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 17/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Total Water Cycle Management transfer status**

RECOMMENDATION

It is recommended that the Minister:

- **note** the status of the agreed transfer of Total Water Cycle Management (TWCM) requirements to the Department of Energy and Water Supply (DEWS).

BACKGROUND

- TWCM aims to improve the quality of water in waterways, reduce demand on potable water supplies and reduce energy consumption.
- The Department of Environment and Heritage Protection (EHP) and the Department of Energy and Water Supply (DEWS) have agreed to deliver a more efficient and coordinated approach to TWCM.
- Local government TWCM planning requirements will be removed from the *Environmental Protection (Water) Policy 2009* (EPP Water) and TWCM incorporated in a performance based approach under the *Water Supply Safety and Reliability Act 2008* (Water Supply Act).
- DEWS is also developing by mid-year a draft 30 year water strategy for Queensland which will include discussion about moving towards TWCM.

CURRENT ISSUES

- In consultation with the water sector, DEWS are currently developing an outcomes based regulatory framework to replace the requirement for a number of water service provider management plans. The framework involves annual reporting to Key Performance Indicators (KPIs) and public reporting.
- EHP and DEWS are jointly developing KPIs suitable to measure TWCM performance. TWCM will be incorporated into the performance reporting regulatory framework under the Water Supply Act. The framework is scheduled for implementation on 1 July 2014.
- sch3(2)(1)(a) Cabinet matter - For consideration by Cabinet
- Outcomes of consultation on the 30 year strategy for Queensland's water sector may also shape the administrative or legislative changes for TWCM. EHP's response to DEWS on the discussion paper for the 30 year strategy noted that the strategy should continue to promote the important role of a TWCM approach to water planning and delivery to significantly assist long-term planning for cost-effective environmental management. It was also noted that a TWCM approach to water business also helps the development of innovative policy on water quality offsets and nutrient trading.

MINISTER'S COMMENTS

This is an excellent outcome - well done!

Rec'd - ODG
12 APR 2013

Author	Cleared by	Cleared by	Recommended:
Name: Stephen Fisher Position: Snr Policy Officer Tel No: 3330 5841 Date: 9 April 2013	Name: Peter Hutchison Position: Executive Director, Environment & Water Quality Tel No: 3330 5991 Date:	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No: 3330 5990 Date: 12 April 2013 *Endorsed Peter Hutchison*	Name: Andrew Chesterman Position: Director-General Tel No: 3330 6298 Date: 15-4-13

RTI Disclosure

CTS No. 18395/12

sch4p3(3) Prejudice th

Chief of Staff [redacted] OK
Dated 30/03/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 02/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Amendment of the Queensland Coastal Plan**

TIMEFRAME

- Approval is preferred by 5 April 2013 to enable the public consultation process for the amended Queensland Coastal Plan (QCP) to coincide with the consultation process for the draft single State Planning Policy (single SPP), proposed for mid April 2013.

RECOMMENDATION

It is recommended that the Minister:

- **approve** the draft amendments to the Queensland Coastal Plan including a change of name to the Coastal Management Plan (CMP) (**Attachment 1**)
- **approve** the release of the draft amended plan via a public notice to be published in the Queensland Government Gazette and the Courier Mail (**Attachment 2**)
- **approve** the letters of advice to the Deputy Premier; Minister for Natural Resources and Mines; Minister for National Parks, Recreation, Sport and Racing; Minister for Agriculture, Fisheries and Forestry, and Minister for Local Government, Community Recovery and Resilience regarding the proposed amendments (**Attachment 3**)
- **approve** letters of notification to local government and port authorities (to be sent by the department on your behalf upon commencement of the public consultation period) as required by the *Coastal Protection and Management Act 1995* (Coastal Act) (**Attachment 4**)
- **note** that because the intended consultation period for the coastal plan will occur concurrently with the consultation period for the single SPP, to be released by the Deputy Premier, the actual commencement date cannot be determined until the Department of State Development, Infrastructure and Planning advise of the SPP consultation period. However, a likely commencement date will be mid April 2013.

ensure consistent timing pls.

BACKGROUND

- The government has decided to create an integrated State planning policy that will include all state interests for planning and development purposes; including coastal protection.
- As a consequence of the single SPP, the State planning policy component of the QCP (SPP 3/11) will need to be removed through a statutory amendment process. The coastal policies to be incorporated into the single SPP have been prepared following a review of the QCP undertaken earlier this year.
- Although the SPP 3/11 part of the QCP was suspended by the Deputy Premier in October 2012 via the draft Coastal Protection State Planning Regulatory Provision (SPRP), it is expected that the SPRP will be repealed with the commencement of the single SPP.

CURRENT ISSUES

- It would be convenient to align the timing of the 2 statutory public consultation processes as the primary change to the QCP is the removal of SPP 3/11.
- With the removal of the planning and development policies, the amended QCP will provide guidance about natural resource management activities not regulated under the *Sustainable Planning Act 2009* (SPA).
- The amended QCP is proposed to be renamed the Coastal Management Plan to reflect this change in focus and address possible confusion about the respective purposes of the CMP and the single SPP.
- sch3(7) Information subject to legal professional privilege

Rec'd - ODG
27 MAR 2013

Author	Cleared by	Cleared by	Recommended:
Name: Catherine Simmons Position: Principal Policy Officer Tel No: 3330 5781 Date: 26/03/13	Name: John Lane Position: Director, Environmental Planning Tel No:3330 5864 Date: 26 March 2013	Name: Tony Roberts Position: Deputy Director-General, Environment and Planning Tel No:3330 5990 Date: sch4 29/3/13	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date: 28.3.13

RTI DL Release

- The CMP is primarily intended to be implemented by State and local government coastal land managers. However, the policies may also be of value for others such as port authorities, community groups, traditional owners, owners of private coastal land, research organisations, businesses and individuals involved in undertaking activities on the coast
- Changes to refine and update the management policies are also proposed. Key changes to these policies include:
  - stripping out unnecessary obligations on coastal managers (particularly local governments) in relation to planning and reporting
  - removing out-of-date information and potentially duplicative policy requirements
  - simplifying policy statements and reorientating them to becoming statements of preferred practice, rather than a requirement, and
  - providing links for readers to the single SPP for coastal development policies.
- **Attachment 5** provides a summary of the policies included in the draft amended plan.

CONSIDERATIONS

- *Consultation:* Preliminary discussions have been held with the Local Government Association of Queensland about the proposed amendments to the management policies. They have indicated a preference not to engage councils at this time, but wait until the formal consultation period commences.
- EHP has consulted about the proposed amendments with relevant officers from the Department of National Parks, Recreation, Sport and Racing (NPRSR)(in relation to management of the conservation estate); Department of Agriculture, Fisheries and Forestry (DAFF)(in relation to fisheries and forestry resource management); and Department of Natural Resources and Mines (NRM)(in relation to State land and cultural indigenous heritage).
- Minor changes were made to address matters raised by the State Land Management Division of NRM and the Forest Products Division of DAFF. Broadly DAFF indicated they support the amendments in principle, but may provide more detailed comments at a later stage.
- EHP has also written to Mr David Edwards, Director-General of DSDIP and Mr Craig Evans, Director-General of the Department of Local Government Community Recovery and Resilience to inform them about what is proposed.
- *Legislation:* Chapter 2 of the Coastal Act sets out the process and considerations for making or amending a coastal plan.
- The *Coastal Act* and SPA both require a statutory public consultation process when plans or policies are made, amended or revoked. Publishing a notice in the gazette and newspaper inviting public submissions about the draft coastal plan; and the letters of advice to the Planning Minister, local government and port authorities fulfil these requirements.
- *Election Commitment:* The Queensland Government made an election commitment to revisit the QCP. Finalising the CMP, together with the making of the single SPP will meet this commitment. Cabinet noted in December 2012 that the non-development component of the existing QCP will become the Coastal Plan under the Coastal Protection and Management Act 1995.

MINISTER'S COMMENTS

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ATTACHMENTS

- Attachment 1 - Draft amended Queensland Coastal Plan
- Attachment 2 – Draft Notice
- Attachment 3 - Letters to Deputy Premier and other Ministers
- Attachment 4 - Letters to local government and port authorities
- Attachment 5 - Summary of the draft amended Coastal Management Plan policies

Author	Cleared by	Cleared by	Recommended:
Name: Catherine Simmons Position: Principal Policy Officer Tel No: 3330 5781 Date: 26/03/13	Name: John Lane Position: Director, Environmental Planning Tel No:3330 5864 Date: 26 March 2013	Name: Tony Roberts Position: Deputy Director-General, Environmental Policy and Planning Tel No:3330 5990 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

Ref CTS 18395/12

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2 APR 2013

The Honourable Jeff Seeney MP
Deputy Premier and
Minister for State Development, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Deputy Premier Jeff

I intend to begin public consultation about proposed amendments to the Queensland Coastal Plan (coastal plan) concurrently with the consultation period for the draft single State Planning Policy (single SPP). Officers of the Department of Environment and Heritage Protection have met with officers of your department and discussed this approach. My Director-General has previously written to your Director-General providing a copy of the draft amended coastal plan.

Draft amendments to the coastal plan remove the State planning policy 3/11 part, as revised coastal planning and development policies are being incorporated into the single SPP. I am also proposing minor changes to the remaining policies that guide natural resource management outcomes for coastal land. The changes aim to reduce regulatory burden and empower local governments to make decisions about their local coastal areas.

The amended coastal plan is primarily aimed at coastal land managers including state and local government. I propose to rename the plan the 'Coastal Management Plan' to reflect this change in focus.

I have enclosed a copy of the draft amended Coastal Management Plan for your reference. This will be made available from the Department of Environment and Heritage Protection website: www.ehp.qld.gov.au, along with details about making a submission upon commencement of the public consultation period. I will forward you a copy of the corresponding newspaper notice inviting public submissions once this has been finalised.

Note that following the conclusion of the public consultation and plan amendment process, you will need to repeal State Planning Policy 3/11: Coastal Protection.

If you require further information please contact me or my Chief of Staff, Mr Troy Collings on 3239 0644.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

Enc

RTI DL Release

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

Ref CTS 18395/12

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2 APR 2013

The Honourable Dr John McVeigh MP
Minister for Agriculture, Fisheries and Forestry
GPO Box 46
BRISBANE QLD 4001

Dear Minister John

I intend to begin public consultation about proposed amendments to the Queensland Coastal Plan (coastal plan) concurrently with the consultation period for the draft single State Planning Policy (single SPP). Officers of the Department of Environment and Heritage Protection have met with officers of your department to discuss the proposed amendments.

Amendments to the coastal plan remove the State planning policy 3/11 part, as revised coastal planning and development policies are being incorporated into the single SPP. I am also proposing minor changes to the remaining policies that guide natural resource management outcomes for coastal land. The changes aim to reduce regulatory burden and empower local governments to make decisions about their local coastal areas.

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I have enclosed a copy of the draft amended Coastal Management Plan for your reference. This will be made available from the Department of Environment and Heritage Protection website: www.ehp.qld.gov.au, along with details about making a submission upon commencement of the public consultation period.

Further information on the single SPP and associated submission process is available on the Department of State Development and Infrastructure and Planning website: www.dsdip.qld.gov.au.

If you require further information please contact me or my Chief of Staff, Mr Troy Collings on 3239 0644.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

Enc

RTI DL Release

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

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2 APR 2013

The Honourable Andrew Cripps MP
Minister for Natural Resources and Mines
PO Box 15216
CITY EAST QLD 4002

Dear Minister

I intend to begin public consultation about proposed amendments to the Queensland Coastal Plan (coastal plan) concurrently with the consultation period for the draft single State Planning Policy (single SPP). Officers of the Department of Environment and Heritage Protection have met with officers of your department to discuss the proposed amendments.

Amendments to the coastal plan remove the State planning policy 3/11 part, as revised coastal planning and development policies are being incorporated into the single SPP. I am also proposing minor changes to the remaining policies that guide natural resource management outcomes for coastal land. The changes aim to reduce regulatory burden and empower local governments to make decisions about their local coastal areas.

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Further information on the single SPP and associated submission process is available on the Department of State Development and Infrastructure and Planning website: www.dsdip.qld.gov.au.

If you require further information please contact me or my Chief of Staff, Mr Troy Collings on 3239 0644.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

Enc

RTI DL Release

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

Ref CTS 18395/12

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2 APR 2013

The Honourable Steve Dickson MP
Minister for National Parks, Recreation, Sport and Racing
PO Box 15187
CITY EAST QLD 4002

Dear Minister Steve

I intend to begin public consultation about proposed amendments to the Queensland Coastal Plan (coastal plan) concurrently with the consultation period for the draft single State Planning Policy (single SPP). Officers of the Department of Environment and Heritage Protection advised officers of your department of the proposed amendments.

Amendments to the coastal plan remove the State planning policy 3/11 part, as revised coastal planning and development policies are being incorporated into the single SPP. I am also proposing minor changes to the remaining policies that guide natural resource management outcomes for coastal land. The changes aim to reduce regulatory burden and empower local governments to make decisions about their local coastal areas.

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I have enclosed a copy of the draft amended Coastal Management Plan for your reference. This will be made available from the Department of Environment and Heritage Protection website: www.ehp.qld.gov.au, along with details about making a submission upon commencement of the public consultation period.

Further information on the single SPP and associated submission process is available on the Department of State Development and Infrastructure and Planning website: www.dsdip.qld.gov.au.

If you require further information please contact me or my Chief of Staff, Mr Troy Collings on 3239 0644.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

Enc

RTI DL Release

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

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2 APR 2013

The Honourable David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
PO Box 15031
CITY EAST QLD 4002

Dear Minister David

I intend to begin public consultation about proposed amendments to the Queensland Coastal Plan (coastal plan) concurrently with the consultation period for the draft single State Planning Policy (single SPP). My Director-General has previously written to your Director-General providing a copy of the draft amended coastal plan.

Amendments to the coastal plan remove the State planning policy 3/11 part, as revised coastal planning and development policies are being incorporated into the single SPP. I am also proposing minor changes to the remaining policies that guide natural resource management outcomes for coastal land. The changes aim to reduce regulatory burden and empower local governments to make decisions about their local coastal areas.

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Further information on the single SPP and associated submission process is available on the Department of State Development and Infrastructure and Planning website: www.dsdip.qld.gov.au.

If you require further information please contact me or my Chief of Staff, Mr Troy Collings on 3239 0644.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

Enc

RTI DL Release

Queensland Government

Department of
Environment and Heritage Protection

Ref CTS 18395/12

[Title] [First Name] [Last Name]
[Position]
[Organisation]
[Street Address]
[Suburb] [State] [Postcode}

Dear [Title] [Last Name]

Draft amended Queensland Coastal Plan

The Queensland Government is proposing to amend the Queensland Coastal Plan (coastal plan). As required by sections 25 and 30 of the *Coastal Protection and Management Act 1995* (Coastal Act), please find enclosed a copy of the draft amended coastal plan and notice inviting submissions about it.

Please note that under the Coastal Act, a local government, port authority and port operator must make a copy of the draft amended coastal plan available for inspection by the public (refer to sections 25 and 30).

The draft amended coastal plan removes the planning and development part of the coastal plan (State Planning Policy 3/11: Coastal Protection) and makes additional changes to the 'State Policy for Coastal Management' part to ensure their currency.

Revised coastal planning and development policies from State Planning Policy 3/11 have been incorporated into the proposed single State Planning Policy (single SPP). The single SPP has been prepared by the Department of State Development, Infrastructure and Planning and is also subject to a public consultation process.

In future it is proposed that the coastal plan will only address management of the coast and not coastal development. The coastal plan is proposed to be renamed the Coastal Management Plan to reflect this change in focus and avoid any possible confusion about the respective purposes of the plan and single SPP.

You are invited to make a submission about the draft amendments by 5pm on XXXX 2013. Information about the proposed amendments and details about making a submission are available on the department's website www.ehp.qld.gov.au.

RTI DL Release

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Telephone + 61 7 3330 5959
Facsimile + 61 7 3330 5996
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Further information on the single SPP and associated submission process is available on the Department of State Development, Infrastructure and Planning website at www.dsdip.qld.gov.au.

Should you have any queries about the draft amendment or the submission process, please contact Coastal Support at coastal.support@ehp.qld.gov.au or on (07) 3330 5959.

Yours sincerely

John Lane
Director, Environment Policy and Planning

Enc

RTI DL Release

Coastal Management Plan - Policy Summary

Policy Principles

1 The physical features of coastal landforms which protect the community from coastal hazards and provide amenity and economic value are preserved and the physical coastal processes that maintain them are able to occur without interruption.

2 Significant impacts on matters of state or national environmental significance (MSNES) are avoided or offset and other nature conservation values are conserved.

3 Aboriginal People and Torres Strait Islanders are the primary guardians, keepers and knowledge holders of their cultural heritage and their connection to coastal and marine resources should be maintained and enhanced.

4 Public access and use of the coast is maintained or enhanced for current and future generations.

5 Allocating state coastal land or quarry materials avoids exposing vulnerable land uses to coastal hazards and maintains coastal processes while providing fair access to commercial opportunities and economic benefits for the State of Queensland.

6 Managing and using coastal land is planned, monitored, reported on and reviewed to achieve continuous improvement in management outcomes.

7 Knowledge of coastal resources and their management is shared with the community and the community is engaged in decision-making processes and activities that affect them.

RTI DL Release

CTS No. 01099/13

sch4p3(3) Prejudice the prote

Chief of Sta
Dated 31 / 1 / 13
Approved / Not Approved / Noted
Further information required
Minister.....
Dated 04/02/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Overseas Travel Approval – Nigel Holmes**

TIMEFRAME

- Timeframe to coincide with finalisation of arrangements to attend the conference seminar and workshop and deliver a seminar paper on 18 March 2013.

RECOMMENDATION

It is recommended that the Minister:

- **approve** the attached overseas travel application for Nigel Holmes to attend the 5th International Firefighting Foam conference seminar and workshop in Manchester, United Kingdom.

BACKGROUND

- Fluorinated foams, some containing persistent organic pollutants that are banned in a number of overseas countries are still stockpiled in Queensland.
- The conference seminar and workshop provides worldwide trends in phasing out and regulating these toxic foam products.

CURRENT ISSUES

- The Queensland Government has not yet fully identified the risks of the continued use of fluorinated foams.
- Queensland needs to be pro-active in phasing out fluorinated foams using reasonable operational policies within acceptable time frames based on overseas models that work.

CONSIDERATIONS

- *Budget*: Funding sourced externally by conference organisers and attendee with the attendee taking recreational leave to attend
- *Key Communication Messages:* Positive reinforcement of Queensland Government being proactive in environmental management

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 - Overseas Travel Approval
- Attachment 2 - Overseas Travel Addendum

RTI DL Release

Author	Cleared by	Recommended:
Name: Michael Short Position: Chief Advisor Incident Management Tel No: 3330 5712 Date:21 January 2013	Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date: 23 January 2013 *Endorsed*	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 29.1.13 Endorsed.

CTS No. 07343/13

17/04/2013

Chief of Staff sch4p4(6) Personal informat
Dated 10/4/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 14/04/13

Department of Environment and Heritage Protection
PREMIER BRIEFING NOTE

TO: **Premier** Cr 25/4.

SUBJECT: **Port of Brisbane Dredging - Temporary Emissions Licence**

RECOMMENDATION

It is recommended that the Premier note:

- On 21 February 2013, the Port of Brisbane (PoB) was issued with a Temporary Emissions Licence (TEL), allowing them to dredge 500,000 cubic metres of deposited silt, and dispose of it at Mud Island within Moreton Bay.
- On 28 March 2013, a further TEL was issued, allowing an additional 300,000 cubic metres of deposited silt to be dredged. It is estimated that 120,000-150,000 cubic metres of that amount has been dredged to date.
- PoB has subsequently advised it will cease emergency dredging operations as they are unwilling to accept a condition of the second TEL that the activity must not cause serious environmental harm.

BACKGROUND

- The recent severe weather events caused increased sedimentation at the Port of Brisbane. This has impacted on shipping access to the port and dredging is required to allow for normal operations.
- PoB holds an approval to dredge, however a TEL was required as PoB was unable to comply with a condition requiring sediment sampling and analysis to demonstrate suitability for unconfined ocean disposal of dredge spoil in accordance with National Assessment Guidelines for Dredging (NAGD) prior to dredging.
- Following consultation with EHP PoB applied for a TEL on 20 February 2013 to permit dredging of 500,000 cubic metres of deposited silt and disposing of it at Mud Island within Moreton Bay. EHP approved the TEL on 21 February based on a risk assessment and consideration of the nature of sediments deposited following the 2011 flood event.
- On 26 March 2013 PoB advised EHP that sampling analysis results indicate that sediment from all sample sites exceeds the NAGD screening level for the organochlorine pesticide DDE. In addition PoB advised of a need to reanalyse DDT given anomalies in results caused by testing methods.
- This advice was provided near practical completion of the 500,000 cubic metres dredging granted by the initial TEL.
- These contaminants are persistent organic pollutants that can remain active for decades and can potentially bioaccumulate through the food chain. Exceeding the NAGD screening level does not necessarily equate to a contamination problem but it does trigger the need for further analysis, including elutriate and bioavailability testing.
- Concurrently PoB requested approval to dredge a further 300,000m3 of material and applied for a second TEL on 27 March 2012 which was approved on the following day subject to PoB satisfying itself that it could conduct the activity without causing serious environmental harm.

CURRENT ISSUES

- EHP included a condition in the new TEL which stated that the activity must not cause 'serious environmental harm'.
- PoB has advised that it will not accept any risk or liability associated with causing serious environmental harm and will cease dredging operations leaving the port in a degraded state. EHP estimates that a further 150,000-180,000 cubic metres requires removal (out of 800,000 cubic metres applied for under both TELs) and is not aware of the impact this has on shipping access.

RECEIVED
DPC
15 APR 2013

Author	Cleared by	Cleared by	Recommended:
Name: Bryce Hertslet Position: Regional Manager Tel No: 5459 6124 Date: 10 April 2013	Name: Andrew Connor Position:ED Tel No: 3330 6335 Date:10 April 2013	Name: Dean Ellwood Position: DDG Tel No: 3330 5628 Date: 10 April 2013	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 10.4.13

RTI DL Release

- PoB has been advised that the principal issue will be with access of bulk oil tankers to the oil refineries. PoB advise that contingency plans are in place to allow for operations; however these are not efficient and will impact on production.
- In the absence of further analysis results neither EHP nor PoB can quantify the risk that the dredge spoil is contaminated with persistent organic pollutants.
- Despite being aware that NAGD screening levels were exceeded for all locations sampled on 26 March 2013, it is apparent that PoB did not commence bioavailability testing required by NAGD until the week commencing 8 April 2013.
- PoB have advised that the dredge equipment needs to be moved to Bundaberg for emergency dredging and they cannot wait for the results of further testing in Brisbane. Due to the TEL risk on PoB they have elected to move the dredge equipment without completing the emergency works.
- Since the TEL approval the department had received the results from additional sampling and elutriate testing. These results reveal that the DDT levels are below the threshold and that the risk of the DDE being soluble in the water column is low. However, the bioavailability sampling has only just commenced and the results are not expected for 2 – 6 weeks. This test will indicate the risk associated with the transfer of DDE into benthic organisms exposed to the contaminant. This is of particular concern to the department given that Moreton Bay is used as a commercial and recreational fishery, which relies on benthic fauna as the foundation of the aquatic food chain.
- If the bioavailability testing provides results below the threshold then the sampling results would be within the National Assessment Guidelines for Dredging 2009 and unconfined ocean disposal could occur under PoB's current ordinary approval – no TEL is required.
- The PoB have advised that they do not have any other option for disposal of the emergency dredge spoil. One option that can be considered is the placement of the material in the Port expansion area, however the PoB state that this is not viable at this time as it has no new cells prepared to receive material. It is not apparent what strategic plans the PoB has developed to address this business risk moving forward.

MINISTER'S COMMENTS

Good brief. Well done.

ATTACHMENTS

- Attachment 1: Timeline of Events – Port of Brisbane TEL

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Bryce Hertslet Position: Regional Manager Tel No: 5459 6124 Date: 10 April 2013	Name: Andrew Connor Position:ED Tel No: 3330 6335 Date:10 April 2013	Name: Dean Ellwood Position: DDG Tel No: 3330 5628 Date: 10 April 2013	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

Timeline of Events – Port of Brisbane TEL

31/01/2013	Email from Glen Brown to Andrew Connor indicating a discussion held between him and Patrick Quirk from Maritime Safety QLD regarding the dredging requirements for the Port of Brisbane navigational channels. The advice indicates that the existing approvals cover their dredging requirements and the event was not as severe as the 2011 flood event.
08/02/2013	Initial contact from Port of Brisbane regarding potential requirement for a Temporary Emissions Licence (TEL).
08/02/2013	Meeting held between EHP and Port of Brisbane (PoB) to discuss the potential requirement for a TEL to facilitate emergency dredging and disposal at Mud Island. At this meeting PoB indicated that they had not yet taken sediment samples to assess levels of contamination. PoB were advised by EHP to arrange a meeting prior to submission of the TEL to check that all legislative requirements were addressed within the application.
08/02/2013	Email sent from Kerynne Birch to PoB indicating the requirements of an application for a TEL and the contact information for Neil Tripodi from DSITIA (to attain information regarding the development of a Sampling and Analysis Plan).
15/02/2013	Meeting held between PoB, NPRSR representatives and EHP to discuss requirements of a TEL application. At this meeting, PoB representatives indicated that sampling according to the National Assessment Guidelines for Dredging (NAGD) may be returned by the time capacity in the Future Port Expansion area (FPE) would be exhausted and disposal at Mud Island was required. This meant that PoB could potentially comply with conditions of their development approval, and hence the TEL would not be required.
18/02/2013	PoB contacted EHP and indicated that the situation had changed and the capacity at the FPE would be exhausted within 2 to 3 days. PoB had not received all results from laboratory analysis and stated their intention to apply for a TEL to allow disposal of dredge spoil at Mud Island without completion of analysis as required under the NAGD.
20/02/2013	PoB apply for a TEL at 4.00pm.
21/02/2013	EHP assess TEL and approve as applied for at 4.00pm. TEL in force until 30 April 2013.
26/03/2013	PoB contact EHP indicating that sampling analysis results indicate that sediment from all sample sites exceeds the NAGD screening level of the organochlorine pesticide DDE. PoB also indicate that the conditioned amount in the TEL of 500 000 cubic metres of spoil is nearly exhausted and an additional 300 000 cubic metres of spoil requires removal from the PoB navigation channels. PoB request an amendment to the TEL.

RTI DL Release

27/03/2013	Meeting held between EHP, PoB (including Worley Parsons consultants), DSITIA, DTMR and NPRSR to discuss the situation, particularly the situation surrounding analysis of the organochlorine pesticide DDT and increased levels of reporting. EHP advised that due to the updated information regarding the potential risk to receiving environment, EHP would not amend the original TEL. EHP advised PoB to apply for a new TEL if required.
27/03/2013	PoB apply for a second TEL at 5.25pm.
28/03/2013	EHP issues a second TEL at 5.12pm.
5/04/2013	PoB advise they are not prepared to accept any risk of causing serious environmental harm as a result of dredge spoil disposal and uncertainty about dredge spoil quality.
5-10/04/2013	EHP continues to negotiate with PoB seeking alternative solutions.

RTI DL Release

sch4p3(3) Prejudice the pro

CTS No. 00667/13

Chief of Staff ..
Dated 6 / 3 / 13
Approved Not Approved Noted
Further information required
Minister.....
Dated 07/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Urgent amendment to Chapter 7, Part 8 and Chapter 12, part 3A of the *Environmental Protection Act 1994* (EP Act)**

TIMEFRAME

- Approval of this brief is requested by **12 March 2013**, to enable urgent engagement with industry on proposed amendments to Chapter 7, Part 8 of the EP Act.

RECOMMENDATION

It is recommended that the Minister:

- **approve** consideration of amendments to the EP Act to improve processes for the assessment, management and remediation of contaminated land in Queensland. Option 1

BACKGROUND

- In 2001, the former Environmental Protection Agency introduced a voluntary third party reviewer (TPR) process for reports on contaminated land assessment, management and remediation. This was an administrative measure and had no statutory basis.
- In 2012, the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* (Greentape Reduction Act) gave statutory recognition to the role played by TPRs by:
  - providing for 'approved auditors' under a new Chapter 12 Part 3A in the EP Act;
  - including the evaluation of site investigation reports, validation reports and draft site management plans (including amendments) in the functions of approved auditors; and
  - providing that only an approved auditor or EHP itself may perform an auditor's functions.
- sch3(7) Information subject to legal professional privilege
- EHP does not have appropriately qualified and experienced technical staff that can perform auditor functions for contaminated land assessments.

CURRENT ISSUES

- The three options for dealing with the issues raised above are:
  (a) amend the EP Act to require (or allow EHP to require) the use of approved auditors for contaminated land assessments or, if an auditor cannot be used, allow EHP to recover its costs of performing the auditor functions;
  (b) outsource EHP's performance of an auditor's functions for contaminated land assessments to specialised consultants and have the community bear the cost of that outsourcing; or
  (c) recruit specialised EHP staff to perform auditor functions for contaminated land assessments and have the community bear the cost of performing those functions.
- Option (a) is the likely preferred option. It is noted that in circumstances where an applicant uses an auditor, EHP can reduce its assessment times by approximately 75% (i.e. 20 business days down to 5 business days). Further, the applicant's use of an auditor increases the applicant's certainty in the assessment outcome due to the applicant's ability to extensively engage with the auditor prior to submitting final reports for EHP approval. It is also relevant to note that it is fundamental to the

Rec'd - QDG
4 MAR 2013

Author	Cleared by	Cleared by	Recommended:
Name: Lindsay Delzoppo Position: Director, SEA Tel No: 3330 5630 Date: 01 March 2013	Name: Glen Brown Position: ED, EPC Tel No: 3330 5627 Date: 04 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 6/3/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 5.3.13

RTI DL Release

achievement of the objects of the EP Act that persons who cause environmental harm are required to pay the costs and penalties associated with the harm, and the vast majority of contaminated land assessments relate to work by entities responsible for causing the contamination, or developers who have knowingly purchased contaminated land and hence have assumed the cost burden associated with its remediation. Mandating the use of auditors uses market mechanisms to regulate the cost and efficiency of auditor services.

- Option (b) is likely to result in longer assessment timeframes for moderate and high level complexity sites than are currently legislated. It is also likely to result in less certainty for applicants due to their inability to extensively engage with the relevant assessor prior to submitting final reports for EHP approval. This option also has the potential to increase EHP litigation costs due to the reduced certainty of outcomes for applicants. Outsourcing without cost recovery transfers contamination assessment costs to the community rather than the polluter (or those who have assumed the polluter's liability). It is estimated that outsourcing moderately complex assessments would cost EHP $10k to $30k per assessment. Current models show approximately 40 moderately complex assessments are submitted each year (i.e. cost of $400k to $1.2M per year). Sites with high complexity are likely to have a much higher cost per assessment (e.g. $100k+), but occur less frequently.
- Option (c) is also likely to involve longer assessment timeframes for moderate and high level complexity sites than are currently legislated. It is also likely to result in less certainty for applicants and, as a result, increased litigation costs. Employing specialised staff without cost recovery also transfers contamination assessment costs to the community rather than the polluter (or those who have assumed the polluter's liability). To carry out the 40 moderately complex assessments per year EHP would likely require 2 -3 employees at the PO5 level. This equates to an approximate wage cost of up to $300,000 per year, plus on costs. Assessing high complexity sites would likely require additional support, perhaps through outsourcing. It is likely to be difficult to attract and retain suitable staff for these roles due to competition with the private sector.

CONSIDERATIONS

- *Budget:* Mandating the use of auditors will significantly reduce EHP's time and cost of contaminated land assessments and will allow existing resources to focus on compliance activities. This is consistent with EHP's present regulatory strategy. Not requiring the use of auditors is likely to cost EHP at least $400k to $1.2M per year and result in higher litigation costs (employing specialised staff is likely to be practically unachievable). There would also be an additional cost for assessing high-level complexity sites in years that was required.
- *Consultation:* Prior consultation with the contaminated land industry has indicated that levels of TPR engagement are falling commensurate with market knowledge that TPRs are not strictly required to be engaged for assessments. This suggests that the advice that applicants are likely to transfer assessment costs to EHP rather than engage auditors under the Greentape Reduction Act provisions is correct. Further consultation would occur as part of the EP Act amendments proposed above.
- *Key Communication Messages:* The Greentape Reduction Act has already attracted significant comment by key stakeholders in this area and the proposed changes to the EP Act are a refinement, rather than reformation, of amendments already made. An "auditor" based approach is consistent with the National Environmental Protection Measure (NEPM) for Assessment of Site Contamination, which is followed by all jurisdictions in the assessment and management of contaminated land.

MINISTER'S COMMENTS

RTI Release

Author	Cleared by	Cleared by	Recommended:
Name: Lindsay Delzoppo Position: Director, SEA Tel No: 3330 5630 Date: 01 March 2013	Name: Glen Brown Position: ED, EPC Tel No: 3330 5627 Date: 04 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 02868/13

Chief of Staff ... sch4p3(3) Prejudice t ...K
Dated 4 / 3 / 13
Approved Not Approved Noted
Further information required
Minister.....
Dated 05 / 03 / 13 .

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Impediments to mobile batching plant**

RECOMMENDATION

It is recommended that the Minister:

- **note** the response to his request for information following his meeting with Mr Steve Payne of Sequel Drilling.

BACKGROUND

- The Minister met with Mr Payne, who explained that in the past his business had unsuccessfully attempted to gain approval for a 'mobile batching plant'. EHP assumes this is a reference to a concrete batching plant.
- The Minister has requested a briefing note on the current impediments for this kind of activity and whether the green tape reduction initiatives mean it may be considered favourably.

CURRENT ISSUES

- No records could be found of any application for a development approval by Sequel Drilling or Mr Steve Payne.
- ERA 43 Concrete batching will be deleted from 31 March 2013 following amendments to the Environmental Protection Regulation 2008, so no approval from EHP under the *Environmental Protection Act 1994* (EP Act) will be required for concrete batching whether it is in a fixed location or mobile and temporary.
- EHP will work with the relevant industry body to develop a code of practice for concrete batching to give guidance on how this activity can comply with the general environmental duty.
- While an approval under the EP Act will not be required for concrete batching, the activity may need a development approval for other triggers under the *Sustainable Planning Act 2009*. For example, it may be assessable under the local government planning scheme.

CONSIDERATIONS

- *Key Communication Messages:* The deletion of ERAs as part of the Greentape Reduction Reforms will mean an approval under the EP Act will not be needed for a mobile concrete batching plant after 31 March 2013.

MINISTER'S COMMENTS

Pls prepare a letter to Mr Payne advising of removal of ERA43 etc. Ta.

tf

Rec'd - ODG
26 FEB 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Kerry Girdler Position: Principal Project Officer Tel No: 3330 5724 Date: 20/02/13	Name: Glen Brown Position: ED, EPC Tel No: 3330 5627 Date: 22/02/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: sch4p3(3) Pre	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 28.2.13

CTS No. 19822/12

sch4p3(3) Prejudice th

Chief of Staff [redacted] OK
Dated 21/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 21/01/13.

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Review of Sulphur Dioxide Brochure – Mount Isa Mines Limited**

RECOMMENDATION

It is recommended that the Minister:

- **note** that the Department of Environment and Heritage Protection (EHP) has reviewed Xstrata Mount Isa Mines' (XMIM) draft Sulphur Dioxide Information Brochure (Brochure) and concluded that it is a beneficial resource for the Mount Isa community to provide advice about air quality issues.

BACKGROUND

- On 30 November 2012, XMIM provided EHP with a draft brochure (**Attachment 1**) which was developed as part of the EHP initiated Sulphur Dioxide Communication Strategy to inform the Mount Isa community about the risks of sulphur dioxide, and the measures being implemented by XMIM to address any associated health related problems.
- The Minister for Environment and Heritage Protection was briefed on 21 December 2012 on a range of air quality matters relating to Mount Isa, and requested an update following EHP's review of the draft brochure (**Attachment 2** – CTS19355/12).

CURRENT ISSUES

- EHP's review of the draft brochure considered that it is a beneficial tool for ensuring the Mount Isa community is informed about the issues and risks associated with sulphur dioxide and will assist in allowing the public to make informed decisions about air quality issues.
- EHP considers that the brochure should form part of a larger community engagement and communication strategy so that the Mount Isa community has access to clear and accurate advice regarding air quality and health issues in Mount Isa.
- EHP noted two minor issues during the review; one related to the incorrect representation of wind direction graphs and the second, an omission of a footnote. EHP has provided this feedback to XMIM
- EHP continues to liaise with XMIM to ensure a clear ongoing communication strategy is in place to keep the Mount Isa community informed of the air quality matters in Mount Isa.

MINISTER'S COMMENTS

Good work ahead :

ATTACHMENTS

- Attachment 1 – XMIM's Draft Sulphur Dioxide Information Brochure
- Attachment 2 – Ministerial Briefing Note CTS19355/12

Rec'd - ODG
16 JAN 2013

Author	Cleared by	Cleared by	Recommended:
Name: Warwick Fegan Position: Principal Environment Officer Tel No: 4222 5324 Date: 10 January 2013	Name: Ingrid Fomiatti Minnesma Position A/ED Northern Tel No: 4222 5338 Date: 11 January 2013	Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date: sch4	Name: ~~Andrew Chesterman~~ Robert DG, EHP Tel No: 3330 6298 Date: 17/1/13

RTI DL Release

CTS No. 19355/12

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

Chief of Staff ..... OK
Dated / /
Approved Not Approved Noted
Further information required
Minister.....
Dated 21/12/12

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Mount Isa Air Quality Monitoring Network**

RECOMMENDATION

It is recommended that the Minister:

- **note** that the Department of Environment and Heritage Protection (EHP) plans to launch a live data webpage to display EHP and Xstrata Mount Isa Mines' (XMIM) air quality monitoring data for Mount Isa;
- **note** that the current air quality monitoring has identified that Xstrata may breach the annual lead limit at two of XMIM's monitoring stations (pending results for December 2012);
- **note** that XMIM's monitoring network has recorded particulate matter readings above the limit allowed for in the site's Transitional Environmental Program (TEP);
- **note** that XMIM has provided EHP with a draft Sulphur Dioxide Information Brochure as part of the Sulphur Dioxide Communication Strategy required through the site's TEP.

BACKGROUND

- As part of XMIM's transition to regulation under the *Environmental Protection Act 1994*, the site's Environmental Authority (EA), issued 16 December 2011, has requirements to expand the existing air quality monitoring network and comply with the ambient air quality requirements set out in the *Environmental Protection (Air) Policy 2008* (Air EPP).
- As XMIM could not meet all the contemporary air quality requirements when the Environmental Authority was issued, EHP has subsequently approved a TEP to allow a further transition period to meet contemporary air quality standards. It is noted that the lead limits are not subject to the TEP, and XMIM must meet the limit in the EA.

CURRENT ISSUES

EHP Air Quality Web Page

- To ensure the Mount Isa community has access to relevant real-time air quality information, EHP required as part of the EA negotiations, that XMIM provide air quality data obtained through the company's network of air monitoring stations in Mount Isa to EHP. EHP intends to launch an updated web page for air quality data in Mount Isa which will include:
  - Most recent data from XMIM's ambient monitoring network and EHP's two monitoring stations;
  - Simple visual indicators of real time air quality in Mount Isa. As many of the air quality standards are based on annual averages, EHP intends to provide an indicative, non-legislative guide to allow the community to make informed decisions based on real time air quality data;
  - Information on XMIM's regulatory air quality limits, to provide transparency with XMIM's performance against their environmental requirements; and
  - Near real time image of the emissions from XMIM site to provide a visual indication of mine emissions.
- EHP is currently awaiting XMIM to resolve information technology concerns with the Department of Science, Information Technology, Innovation and the Arts (DSITIA) regarding the transfer of data prior to the web page going live. DSITIA are working with XMIM to resolve data transfer issues.
- Once all technical issues have been resolved, EHP will advise XMIM of the website changes prior to the updated webpage going live.
- The Minister's office will be alerted to the proposed go live date as soon as it is known from DSITIA.

Excellent!

Rec'd - OLG 19 DEC 2012

Author	Cleared by	Cleared by	Recommended:
Name: Warwick Fegan Position: Principal Environmental Officer Tel No: 4222 5324 Date: 6 December 2012	Name: Rob Lawrence Position: Executive Director Tel No: 4222 5338 Date:	Name: Dean Ellwood Position: DDG 21/12/12 Tel No: 33305628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 20/12/12

RTI DL Release

Current Air Quality – Lead

- Under XMIM's EA, ambient lead levels in the atmosphere must not exceed the limit set out in the Air EPP of 0.5µg/m^3 when monitored at XMIM's monitoring network in Mount Isa.
- This limit is based on 12 months of data averaged over the calendar year.
- EHP has reviewed the ambient lead data to date, which has highlighted that two of the monitoring stations are at risk of exceeding the 0.5µg/m^3 annual limit.
- While EHP won't be able to determine compliance until late January (as there is an approximate 4 week lag time for analysing the samples in the laboratory), if these two stations record similar ambient lead levels in December 2012 as they did in December 2011, then the stations won't meet the limit set out in the EA.
- Should these stations not meet the limit set out in the EA, then EHP will immediately brief the Minister's office and consider an appropriate compliance response which may include for example the issue of statutory notice to XMIM to investigate the cause of the exceedance and identification of mitigating strategies.

Current Air Quality – Particulate Matter (PM10)

- Particulate matter less than 10 microns in diameter (referred to as PM10) are particles that are small enough to enter the human respiratory system. According to the World Health Organisation, chronic exposure to particles of this size contributes to risk of developing cardiovascular and respiratory diseases.
- The EA sets a daily PM10 limit of 50 µg/m^3, which is based on the Air EPP.
- As natural events, such as bushfires or dust storms can also cause elevated levels of PM10, the EA and Air EPP allows 5 days per year where the PM10 limit can be exceeded to allow for natural events.
- Under the TEP, in 2012 XMIM is allowed up to 12 days where the PM10 level is exceeded. This was to account for natural events until such time as XMIM could effectively understand the background level of PM10 in the region and implement further dust control strategies.
- To date, XMIM has recorded 22 exceedences of the PM10 limit since approval of the TEP in April 2012.
- XMIM has investigated these events and determined that a large amount of the exceedances were related to bushfires, however, one exceedence was likely attributable to mining activities, and several others may have been partly contributed to by the mine.
- XMIM argues that the wording of the TEP is unclear, and they are of the view that the 12 exceedences should only relate to exceedences caused by the mine.
- EHP is of the view that the 12 exceedences are to account for the natural events.
- EHP intends to discuss with XMIM a strategy for clearly and quickly identifying whether an exceedence of the PM10 limit is due to mine related activities or not.
- Once an agreed strategy for assessing and responding to PM10 exceedences has been developed, the TEP will be reviewed for clarity, and if required, amended to ensure a clear and transparent structure for responding to PM10 exceedances until such time as XMIM meets the limits set out in the site's EA.

Draft Sulphur Dioxide Information Brochure

- On 30 November 2012, XMIM provided EHP with a draft Sulphur Dioxide Information Brochure (refer **Attachment 1**) which was developed as part of the Sulphur Dioxide Communication Strategy to inform the community of Mount Isa of the risks of Sulphur Dioxide, and measures to prevent or minimise health related problems.
- The Sulphur Dioxide Communication Strategy was a requirement of the approved TEP.
- Queensland Health has been liaising with XMIM with respect to the health based risks of Sulphur Dioxide and the measures to reduce risk of health-related Sulphur Dioxide issues.
- EHP is currently reviewing the brochure with assistance from the DSITIA, to establish whether the brochure provides clear and accurate advice to the Mount Isa community regarding the risk of Sulphur Dioxide, XMIM's regulatory requirements, and advice on what to do if people experience respiratory effects.

RTI DL Release

- EHP will provide feedback to XMIM on the content of the Draft Sulphur Dioxide Information Brochure prior to distribution to the Mount Isa community in late December 2012 via a letter drop.

MINISTER'S COMMENTS

Please provide update following assessment of Sulphur Dioxide Info brochure.

AP

ATTACHMENTS

- Attachment 1 – XMIM's Draft Sulphur Dioxide Information Brochure

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Warwick Fegan Position: Principal Environmental Officer Tel No: 4222 5324 Date: 6 December 2012	Name: Rob Lawrence Position: Executive Director Tel No: 4222 5338 Date:	Name: Dean Ellwood Position: DDG Tel No: 33305628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 01577/13

sch4p3(3) Prejudice the

Chief of Staff OK
Dated 14/2/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 15/02/13

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Meeting between the Minister and Chief Executive Officer, Arrow Energy Limited**

BACKGROUND

- The Minister is scheduled to meet with Andrew Faulkner, Chief Executive Officer, Arrow Energy Limited (Arrow).
- This briefing note contains a summary of current issues concerning the Department of Environment and Heritage Protection (EHP) and Arrow.

CURRENT ISSUES

- Five current issues have been identified:
  - Regulated dams;
  - Biodiversity offsets;
  - s.78B(2)
  - Great Barrier Reef Strategic Assessment; and
  - Assessment of Arrow gas projects.

Regulated dams

- Coal seam gas (CSG) operators are required to comply with the current version of EHP's *Manual for Assessing Hazard Categories and Hydraulic Performance of Dams, February 2012* (the Manual).
- Existing dams are currently required to be transitioned to a standard that is consistent with the Manual.
- The key issue regarding this requirement is the timeframe within which the transition is to occur.
- EHP understands that the Minister has previously supported a risk assessment approach, with a timeframe of five years for regulated dams in the coal mining industry; however it is unclear if this ruling should also extend to dams operated as part of CSG activities.
- Arrow has stated that a risk assessment approach should be adopted for existing dams. The risk assessment approach would be based on the contaminants contained within the dam, as well as the performance of the dam since its commissioning.

Suggested response

- A review of the Manual will address predominantly resource sector concerns and is due to commence in April 2013.
- sch3(2)(1)(a) Cabinet matter - For consideration by Cabinet
-

Issue – Biodiversity Offsets

- EHP has recently engaged in discussions with Arrow about the implementation of the Queensland Biodiversity Offsets Policy 2011 (QBOP) for impacts to State significant biodiversity values (SSBVs) as a result of petroleum activities.
- Arrow has expressed concerns with the current framework described in the QBOP for protected fauna species in relation to when work stoppages are required.
- Arrow has expressed a concern that constant work stoppages will have serious ramifications for the delivery of its CSG exploration and production activities planned for 2013.

13 FEB 2013

Author	Cleared by	Cleared by	Recommended:
Name: John Frankish Position: A/Manager, EAU Tel No:07 3330 6343 Date:8 February 2013	Name: Anne Lenz Position: ED, ERE Tel No: 3330 5626 Date: 12 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: sch4p3(3) Prejudice the	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date: 13.2.13

RTI DL Release

Suggested response

- EHP has been working with Arrow to resolve this issue, and is committed to putting in place an appropriate condition concerning timeframes.
- EHP is working with interested parties including APPEA in undertaking a review of Queensland Government environmental offset policies.
- A meeting was held with APPEA on 19 November 2012 and was attended by Helen Wood from Arrow. Further meetings will be scheduled with APPEA as the policy is developed.
- Any feedback Arrow has with respect to the QBOP can be provided through this avenue or directly to Scott Buchanan, Ecosystem Outcomes, Conservation and Sustainability Services Division on 3330 6110, or scott.buchanan@ehp.qld.gov.au.

s.78B(2)

[redacted]

RTI DL Release

Great Barrier Reef Strategic Assessment

- At a meeting in July 2011, UNESCO's World Heritage Committee expressed "extreme concern" at the Queensland and Australian Government's backing of LNG processing plants at Curtis Island.
- It was suggested in the notes of the meeting that the projects could affect the "overall universal value" of the Great Barrier Reef and called for a comprehensive strategic assessment of the reef, including a long-term plan for sustainable development.
- In response, the Great Barrier Reef Strategic Assessment (GBRSA) is being conducted in two processes:
    - A strategic assessment for the Great Barrier Reef coastal zone; and
    - A strategic assessment for the Great Barrier Reef World Heritage Area.
- Terms of reference were finalised for the strategic assessments in August 2012 following a public review of draft terms of reference. A consultation report was also prepared by the Commonwealth Department of Sustainability, Environment, Water, Population and Communities.
- The Deputy Premier has set up a consultation group (Stakeholder Reference Group) with the Queensland Resources Council representing the resources sector and there is also a ministerial committee.
- A program report (which describes the various statutory and non-statutory planning, development and natural resource management systems being assessed) and the assessment report (which evaluates how well the 'program' protects matters of national environmental significance) are expected to be finalised in the next few days (initial drafts only).

Suggested response

- The Commonwealth has appointed independent reviewers who will review the draft reports before they are signed off by Queensland for forwarding to the Commonwealth Minister.
- Once approved by the Commonwealth Minister, the draft reports will be released for public review.

Author	Cleared by	Cleared by	Recommended:
Name: John Frankish Position: A/Manager, EAU Tel No:07 3330 6343 Date:8 February 2013	Name: Anne Lenz Position: ED, ERE Tel No: 3330 5626 Date: 12 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

- After the public review, the Commonwealth Minister will consider the classes of action that might be given to Queensland to decide (without Commonwealth involvement)

Issue – Assessment of Arrow gas projects

- EHP is currently managing the assessment by Environmental Impact Statement (EIS) of the Arrow Bowen Pipeline Project, the Surat Gas Project and the Bowen Gas Project.
- All three projects are linked to the Arrow Energy LNG Plant project currently being assessed by EIS as a 'significant project' managed by the Coordinator-General.
- EHP is awaiting release of the supplementary EIS and following a review of the EIS, EHP will provide comment and recommendations to the Coordinator-General on relevant aspects of the project regulated by EHP.
- EHP is awaiting a response from Arrow in relation to comments received on the EIS for the Surat Gas project. This response is due on 28 March 2013, but indications are that Arrow will require additional time to complete its response. There were a substantial number (160) of submissions made on the EIS.
- EHP has worked closely with Arrow to ensure the EIS documents released for review adequately address the final terms of reference.

Suggested response

- By 15 February 2013, EHP will need to issue a notice to Arrow on the EIS for the Arrow Bowen Pipeline Project EIS to be released for public comment.
- Arrow has also prepared an EIS for the Bowen Gas Project and EHP will need to determine, by 22 February, whether the EIS is suitable for release for public review.
- EHP has worked closely with Arrow to ensure the EIS documents released for review adequately address the final terms of reference.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: John Frankish Position: A/Manager, EAU Tel No:07 3330 6343 Date:8 February 2013	Name: Anne Lenz Position: ED, ERE Tel No: 3330 5626 Date: 12 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

CTS No. 07583/13

sch4p3(3) Preju

Chief of Staff..... OK
Dated 16/4/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 16/04/13.

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE
3:00pm Tuesday 16 April 2013
Mr Doug Hislop of Marine Contracting P/L

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Future directions for sand mining in Moreton Bay**

DEP REP: Dr Glen Brown, ED, Environmental Performance and Coordination

BACKGROUND

- Mr Hislop has approached the member for Lytton asking to meet with you about the future of sand mining and sand barging – presumably in Moreton Bay, where his company operates.
- EHP administers sand allocations under the provisions of the *Coastal Protection and Management Act 1995* (CP&M Act). Sand mining companies also need to hold a licence under the *Environmental Protection Act 1994* (EP Act) for the activity of quarrying the sand.
- In 2012, EHP completed a tender process by which Moreton Bay sand extraction entitlements were issued on a fair basis.

CURRENT ISSUES

- Fine sand has been taken from Moreton Bay by the construction sector for over 25 years.
- Sand allocations under the CP&M Act have to date generally been issued by the State to all companies who requested them. Prior to mid 2012 they paid a royalty for take of the sand at a rate of $1.73 per cubic metre – increasing with the CPI.
- sch3(2)(1)(a) Cabinet matter - For consideration by Cabinet
- There was a high level of environmental rigour about the decision, for instance the nominated extraction sites accord with the zonings of the Moreton Bay Marine Parks Plan (the Plan).
- The process of extracting sand from Moreton Bay requires three approvals - under the CP&M Act for the allocation, the EP Act for the dredging activity, and the *Marine Parks Act 1982* – for consistency with the Marine Park Plan.
- The recording of the actual take of sand has largely been on the basis of an 'honour system', with EHP reserving the right to undertake spot checks. The records show that the 1 million cu.m.p.a. limit has not been a constraint on industry because over recent years the take has been in the range 700 000 to 800 000 cu.m.p.a. In effect it is estimated that over the last seven years there has been a 'shortfall' in 'take' of between 1 and 1.5 million cubic metres.
- In 2012, EHP completed a tender process for the allocations. This commenced operation on 1 July 2012. Greater certainty is now provided to allocation holders by issuing six-year entitlements.
- In order to ensure the public perception of an arm's length approach to the tendering, EHP commissioned the Queensland Government Chief Procurement Office (QGCPO) to develop the tendering process to auction the sand - as provided for under s77 of the CP&M Act.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Terry Loos Position: Manager Tel No: 3330 6057 Date: 12 April 2013	Name: Dr Glen Brown Position: ED, EPC Tel No: 3330 5627 Date: 12 April 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: sch4 15/4	Name: Andrew Chesterman DG, EHP Tel No: 3330 6298 Date:

File Ref:

- Tenderers (offerors) were invited to nominate how much sand they wanted and what price they were prepared to pay but also to nominate a minimum quantity they would accept.
- The QGCPO appointed a tender evaluation committee (including three EHP technical officers). A Probity Advisor was also employed.
- The tender invitation was widely announced and left open on the Government's e-tendering website, between 25 January and 7 March 2012. In order to assist companies with the tendering process the QGCPO held a workshop on Wednesday 8 February 2012, in Brisbane.
- Eight tenders were received. Previously there were about 13 companies involved in the business – some holding an allocation but having no actual take. It appears the tender process forced some of these companies to review their involvement in the matter and withdraw.
- The Tender Evaluation Committee's recommendation was that the 1 million cu.m.p.a. be allocated among five of the tenderers. 90% would go to three big companies (Boral, Hanson and Holcim) and 10% to one of the current dredging company groups (Bowen Tug & Bunkering/Marine Contracting). The accepted prices vary from sch4p4(to sch4p4 per cubic metre.
- Three tenders were found to not comply well with the evaluation criteria [ability to extract and use sand (60%); pricing (30%); and commitment to sustainability (10%)]. Subsequently EHP issued one-year allocations at the highest tendered price to two of these companies. The third did not pursue the matter.
- There are two company groups that extract the sand for the construction sector, viz. Bowen Tug & Bunkering/Marine Contracting and Riverside Industrial Sands, and the sand is typically brought back to processing facilities at Murarrie and Newstead.
- Bowen Tug and Bunkering holds a six year allocation for 25 000 c.u.m.p.a. at sch4p4(7)(1)(c and Marine Contracting P/L holds an allocation of 75 000 c.u.m.p.a. at sch4p4(7)(1)(c) Bu. Respective 'takes' to January 2013 have been 3700 cu.m. and 21 000 cu.m.
- While the tender process took some time to be completed there was never any risk to continuity of sand access to previous allocation holders because existing permits were extended to match the timeline.
- Riverside Industrial Sands was not initially awarded an allocation but have since been given a one-year allocation of 100 000 cu.m, of which they have taken only about 4000 cu.m.
- Recently EHP received a request for information on the tender process from the ACCC in response to its investigation of alleged collusion during the tender process. A copy of the tender invitation and a table of recent sand 'takes' per company was provided to them. The ACCC did not formally advise which parties are involved in the complaint, but EHP understands that the matter relates to one of the two sand extraction companies operating at Murarrie.
- Mr Hislop is a long-standing member of the sand extraction industry. He received acknowledgement for his work in redirecting potentially damaging flood debris as it passed down the river during the 2011 flood.

Suggested Response

- The Government has established a system that provides certainty and equity to Moreton Bay sand entitlement holders who were successful in the tender process through to 2017.

MINISTER'S COMMENTS

RTI DL Release

CTS No. 04946/13

sch4p3(3) Prejudice the prot

Chief of Staff
Dated 12 04 / 13
Approved Not Approved Noted
Further information required
Minister.....
Dated 14/04/13

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE
18 April 2013
Ms Ginny Gerlach, Coordinator, Keppel and Fitzroy Delta Alliance
Ms Leanne Pearson, Keppel and Fitzroy Delta Alliance
Policy Adviser and Minister Powell

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Keppel and Fitzroy Delta Alliance (KAFDA) issues – Port development in the Fitzroy Delta, the Great Barrier Reef Ports Strategy, and protection of the snubfin dolphin.**

BACKGROUND

- KAFDA are to meet with the Minister of Environment and Heritage Protection on 18 April 2013 to discuss the protection of the Fitzroy Delta from proposed coal port development, the Great Barrier Reef Ports Strategy, and protection of the snubfin dolphin.
- New coal export facilities include the Balaclava Island Coal Export Terminal and the Fitzroy Terminal Projects. These are significant projects undergoing environmental impact statement (EIS) processes managed by the Office of the Coordinator-General. Both EIS documents are yet to be submitted for public consultation, though both are expected in 2013.
- Further development of ports in the Great Barrier Reef World Heritage Area is subject to current planning processes, including the Queensland Government's Great Barrier Reef ports strategy (GBR ports strategy), the development of the Queensland ports strategy and Queensland infrastructure strategy and the joint Commonwealth and State government strategic assessment of the Great Barrier Reef World Heritage Area and adjacent coastal zone.
- There were 228 public submissions on the GBR ports strategy, of which 98 submissions expressed concern with the health and protection of the Great Barrier Reef, 116 submissions opposing port development in the Fitzroy Delta, Keppel Bay or other areas that are the subject of current EIS processes, and 32 submissions sought the discontinuation of any port development in the Great Barrier Reef region.
- The snubfin dolphin is present in the Fitzroy Delta in small numbers (up to 100 individuals) and is protected under both Commonwealth and State laws as well as international conventions. Management measures to protect the dolphin will be detailed in the relevant EIS.
- The Minister for Environment and Heritage Protection met with Ms Ginny Gerlach of KAFDA on 19 November 2012 regarding similar matters.
- The Department of State Development, Infrastructure and Planning (DSDIP) received a substantial submission on GBR ports strategy in December 2012. DSDIP advised KAFDA that the submission would be taken into account in both the GBR ports strategy and the forthcoming strategic assessment for the Great Barrier Reef.

RTI DL Release

CURRENT ISSUES

- KAFDA has been coordinating a campaign seeking to convince the Queensland and Australian governments that development of coal export facilities at Port Alma, Balaclava Island or North Curtis Island should not be approved.
- The EIS processes for the Balaclava Island Coal Export Terminal and Fitzroy Terminal Projects will include public submission periods during which groups such as KAFDA may provide submissions to the Coordinator-General.
- Each EIS will assess environmental, social and economic adverse and beneficial impacts, including:
  - availability of alternative sites or capacity within existing coal ports, and the cost of transport from mines to the ship loading facilities
  - protection of the Great Barrier Reef World Heritage Area and significant species habitat (marine and terrestrial), including marine turtles, threatened dolphin species such as the snubfin dolphin, dugong and the yellow chat (endangered bird)
  - commercial and recreational fishing activities

Author	Cleared by	Cleared by	Recommended:
Name: Peter Curley Position: PEO Tel No: 3335713 Date: 8 April 2013	Name: Glen Brow sch4p3(3) P Position: ED EPC Tel No: 3330 5627 Date: 10/4/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 10/4/13	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

- dredging and spoil disposal impacts on water quality and aquatic ecosystems
- impacts of coal dust, acid sulfate soil management, lighting, fuel spills, and stormwater management.

- The Department of Environment and Heritage Protection regulates the construction phase environmentally relevant activities and tidal works as well as the bulk material handling environmentally relevant activities and maintenance dredging during the operational phase.
- Public submissions on the draft GBR ports strategy closed on 14 December 2012. In support of the GBR ports strategy, the Honourable Jeff Seeney, Deputy Premier and Minister for State Development, Infrastructure and Planning has stated that there will only be port expansions at Abbot Point, Hay Point, and the Gladstone Precinct including Balaclava Island, Port Alma and Sea Hill.
- The Queensland ports strategy is being drafted and will extend the principles enunciated in the GBR ports strategy to all Queensland ports for 20 years and will outline the Government's approach to future port development and planning including:
  - establishing a master planning framework for Queensland ports, with consistent principles for environmental, social and economic planning
  - supporting the efficient, commercial operation of ports including consideration of governance, investment models, and opportunities to streamline process
  - providing for improved port and infrastructure corridor protection
  - improving landside infrastructure planning for port supply chains.
- The draft strategic assessment of the Great Barrier Reef World Heritage Area and adjacent coastal zone is expected to be publicly released for submissions in 2013. The assessment will have two components: a marine component led by the Great Barrier Reef Marine Park Authority and a coastal zone component led by the Queensland Government.
- The snubfin dolphin is a listed species under Commonwealth legislation and is listed internationally under the Convention on the conservation of migratory species of wild animals (CMS/Bonn) and under the Convention on international trade in endangered species of wild fauna and flora (CITES).
- The snubfin dolphin is listed as near threatened in Queensland (*Nature Conservation Act 1992*). It was assumed to be the Irrawaddy River dolphin (*Orcaella brevirostris*) until 2005 when genetic tests proved that it was a separate species. It is currently only known from Australia and its status in Queensland waters is very poorly known. It is ranked as a critical priority under the Department of Environment and Heritage Protection's "Back on track species prioritisation framework".

Development of coal export facilities, the GBR ports strategy, and the snubfin dolphin

Deputee Position

- Development of coal ports at Port Alma or on North Curtis Island will have an adverse impact on Great Barrier Reef World Heritage Area values; threatened species, including turtles, dolphins (including the snubfin), dugong and the yellow chat; Peak Island turtle rookery due to light emissions; the water quality of Keppel Bay and subsequently the marine ecosystems and species populations of the bay; and the recreational and commercial use of Keppel Bay and the Fitzroy River/Raglan Creek delta.
- Submissions on the GBR ports strategy emphasise unacceptable environmental impacts from coal export facilities. KAFDA want the government to stop new port facilities and only use current ports.
- Snubfin dolphin protection in the Fitzroy Delta is not strong enough given that only up to 100 individuals are left in the Fitzroy Delta out of a world population of approximately 1000. It is Australia's only endemic dolphin species.

Suggested Response

- The concerns raised by KAFDA will be addressed by the EIS for both the Balaclava Island and Fitzroy Terminal proposals. I recommend that you review the environmental impact statements when they are released and consider making a comprehensive submission to the Coordinator-General providing further information about your concerns.
- The GBR ports strategy commits to limiting port development in or near the Great Barrier Reef World Heritage Area to within existing port limits for the next 10 years. This was supported by public submissions on the GBR ports strategy.

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Author	Cleared by	Cleared by	Recommended:
Name: Peter Curley Position: PEO Tel No: 3335713 Date: 8 April 2013	Name: Glen Brown Position: ED EPC Tel No: 3330 5627 Date:	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

- I recommend that you review the forthcoming Queensland ports strategy and make a submission within the public review period. I note that DSDIP will consider the substantial submission made by KAFDA on GBR ports strategy in December 2012 into account in the strategic assessment of the Great Barrier Reef World Heritage Area and adjacent coastal zone.
- The snubfin dolphin is located around the Australian coast in shallow waters and is vulnerable to noise impacts, boat strike and pathogens. Management measures can be imposed to address these threats. Snubfin dolphins may number up to 10 000 in total, though numbers are poorly known.

MINISTER'S COMMENTS

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Author	Cleared by	Cleared by	Recommended:
Name: Peter Curley Position: PEO Tel No: 3335713 Date: 8 April 2013	Name: Glen Brown Position: ED EPC Tel No: 3330 5627 Date:	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

CTS No. 05221/13

sch4p3(3) Preju

Chief of Staff..... OK
Dated 9 / 4 / 13
Approved Not Approved Noted
Further information required
Minister.....
Dated 09/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Approval of eligibility criteria and standard conditions for petroleum exploration, petroleum survey, pipeline and geothermal exploration activities**

RECOMMENDATION

It is recommended that the Minister:

- **sign** the attached letter to the Deputy Premier (with a copy sent to the Minister and Assistant Minister for Natural Resources and Mines) providing an update on the consultation processes and release of draft eligibility criteria and standard conditions for particular resource activities.

BACKGROUND

- On 27 February 2013 and 18 March 2013 (CTS 03409/13 and CTS 4150/13), the Director-General, EHP approved the public consultation of draft eligibility criteria and standard conditions for the following resource activities:
  - Petroleum exploration (consultation period closing 15 April 2013)
  - Geothermal exploration (consultation period closing 22 April 2013)
  - Petroleum surveying (consultation period closing 22 April 2013), and
  - Pipeline activities (consultation period closing 22 April 2013).
- The Director-General has requested this briefing note be provided with the attached draft letter and communication strategy to be sent to the Deputy Premier, Minister and Assistant Minister for Natural Resources and Mines.

CURRENT ISSUES

- Industry has been advised of the public consultation period on the draft eligibility criteria and standard conditions, how to make a submission and the approximate date for finalisation.
- Key milestones and dates for the approval of the draft eligibility criteria and standard conditions are contained in the communication strategy which will attach to the draft letter.

MINISTER'S COMMENTS

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ATTACHMENTS

- Attachment 1 – Draft letter to Deputy Premier, the Minister for Natural Resources and Mines and the Assistant Minister for Natural Resources and Mines
- Attachment 2 – Communication Strategy for draft eligibility and standard conditions for particular resource activities.

Author	Cleared by	Cleared by	Recommended:
Name: Louise Jordan Position: Manager Tel No: 3330 5591 Date: 27 March 2013	Name: Rachel Burgess-Dean Position: A/ED, ERE Tel No: 3330 5626 Date 2/4/13	Name: Andrew Connor Position: A/DDG, ESR Tel No: 3330 5628 Date: 4/4/13 Endorsed	Name: Dean Ellwood A/DG, DEHP Tel No: 3330 6298 Date: 4/4/13

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

Level 13
400 George Street Brisbane 4000
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Facsimile +61 7 3224 2496
Email environment@ministerial.qld.gov.a

Ref CTS 05221/13

9 APR 2013

The Honourable Jeffrey Seeney MP
Deputy Premier, Minister for State Development,
Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

C/C Chief of Staff to the
Honourable Andrew Cripps MP
Minister for Natural Resources
and Mines
PO Box 15216
CITY EAST QLD 4002

Mrs Lisa France MP
Assistant Minister for Natural Resources
and Mines

Dear Deputy Premier Jeff

I write in regards to streamlining initiatives taken by my department for environmental approvals for the petroleum and geothermal energy sectors.

The *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* (Greentape Reduction Act) will introduce a system where a standard application for an environmental authority can be granted for certain environmentally relevant activities. The Greentape Reduction Act took effect on 31 March 2013.

To be able to make a standard application, a proponent must declare that the proposed activity is eligible (i.e. can comply with prescribed eligibility criteria). Where a proposal is eligible but cannot comply with a standard condition, then an application to vary the particular condition(s) can be lodged. These two application types have a significantly streamlined approval process and in the case of standard applications, the assessment period is restricted to 20 business days with an automatic approval. Public notice provisions do not apply to these applications.

The Department of Environment and Heritage Protection (EHP) has released draft eligibility criteria and standard conditions for environmental authorities for the following particular resource activities:

- Petroleum exploration
- Petroleum survey
- Pipeline; and
- Geothermal exploration.

The draft eligibility criteria and standard conditions are available at the following link, www.ehp.qld.gov.au/management/greentape/index.html.

EHP has worked closely with the Australian Petroleum Production and Exploration Association, and a team of industry experts to develop these products. The proposed eligibility criteria and standard conditions are based on EHP's understanding of the environmental risks and management techniques associated with these activities. Risk assessments have been carried out to inform the eligibility criteria and standard conditions. The risk assessments are attached to each set of draft eligibility criteria and standard conditions. This work has been conducted cognisant of the Greentape Reduction objective of ensuring that regulatory effort is proportional to environmental risk and EHP considers that the majority of the activities can be dealt with as standard approvals.

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The process for approving draft eligibility criteria and standard conditions is provided for in the Greentape Reduction Act. However, for your convenience, I have attached a communication strategy which provides key steps in the public consultation and approval phase for these eligibility criteria and standard conditions. You will note in the communication strategy that this department plans to finalise this process by 23 May 2013.

I hope this information is of assistance to you. Should you have any further enquiries, please contact my Chief of Staff, Mr Troy Collings on 3239 0844.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

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Communication Strategy

Developing eligibility criteria and standard conditions for particular resource activities

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Background

Amendments to the *Environmental Protection Act 1994* made as a result of regulatory reform through the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* (Greentape Reduction Act) have simplified the way in which applications for environmental authorities (EAs) are assessed.

There are now 3 types of EAs that can be applied for depending on the risk of the environmentally relevant activities (ERAs) being carried out:

- Standard applications – when an applicant can meet the eligibility criteria and all the standard conditions
- Variation applications – when an applicant can meet the eligibility criteria but can not or does not want to meet any one of the standard conditions
- Site specific applications – when an applicant does not meet the eligibility criteria or where there are no eligibility criteria.

In February 2013, approval was given to provide for amendments to the Environmental Protection Regulation 2008 to allow eligibility criteria and standard conditions to be prescribed for the following activities:

- Petroleum exploration activities
- Petroleum survey activities
- Pipeline activities
- Geothermal exploration activities

Eligibility criteria and standard conditions for these activities have been developed by the Department of Environment and Heritage Protection (EHP) in consultation with industry.

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Purpose

The purpose of this document is to detail the milestones for the public consultation and subsequent approval in regulation by the Governor-in-Council of these products.

Definitions

Eligibility criteria – defined in section 112 of the Greentape Act are:

(a) for a prescribed ERA, the eligibility criteria that is made by the chief executive under section 118 of the Greentape Act for the activity and prescribed under a regulation, or
(b) for a resource activity, the eligibility criteria prescribed under a regulation for the activity, or the eligibility criteria made by the chief executive under section 118 of the Greentape Act for the activity and prescribed under a regulation.

The eligibility criteria are restrictions set to ensure environmental risks associated with the operation of an ERA are able to be managed by the standard conditions. If the eligibility criteria cannot be met, a site specific application is required.

Standard Conditions - are a set of operating conditions which must be complied with when undertaking the activity.

Process for making eligibility criteria

The Greentape Act (section 317) sets out the process for making draft eligibility criteria. This involves publishing a notice on EHP's website stating:

- The proposed eligibility criteria
- That any person may make a submission to the chief executive about the proposed eligibility criteria
- The consultation period during which submissions may be made. This period must be at least 30 business days.

Eligibility criteria are made by gazettal after submissions are considered by the chief executive. The eligibility criteria take effect when a regulation approves the criteria.

Process for making standard conditions

The Greentape Act (section 318C) sets out the process for making standard conditions. Standard conditions must be made at the same time as eligibility criteria. This involves publishing the following on EHP's website:

- The proposed standard conditions
- That any person may make a submission to the chief executive about the proposed standard criteria
- The consultation period during which submissions may be made. This period must be at least 30 business days.

Standard conditions are made by gazettal after submissions are considered by the chief executive. The standard conditions take effect the day of the gazettal or, if stated in the gazettal notice, the later stated date.

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Project Milestones for Public Consultation

Date	Key Task
4 March 2013	Public consultation on eligibility criteria and standard conditions for petroleum exploration activities
11 March 2013	Public consultation on eligibility criteria and standard conditions for petroleum survey, pipeline and geothermal exploration activities
14 – 20 March 2013	Meetings with companies – QGC, Arrow, Santos and Origin
25 March 2013	Greentape training session – Q & A opportunity
2 April 2013	EHP to send drafting instructions and copies of consultation documents to the Office of the Queensland Parliamentary Counsel (OQPC) in preparation for regulation amendment

Date	Key Task
2-19 April 2013	EHP to liaise with OQPC on versions of the draft regulation
15 April 2013	Consultation closes on eligibility criteria and standard conditions for petroleum exploration activities
15 – 17 April 2013	EHP to develop Explanatory Notes for draft versions of amendments to the regulation
15 April 2013	EHP to commence review of submissions and make resultant changes
22 April 2013	Consultation closes on eligibility criteria and standard conditions for petroleum survey, pipeline and geothermal exploration activities
22 - 24 April 2013	EHP to commence review of submissions and make resultant changes
7 May 2013	EHP to develop final versions of documents including: • Director General Brief • Final eligibility criteria and standard conditions • Minister package to approve and recommend amendments to regulation to Executive Council • Explanatory Notes • Preliminary Impact Assessment • Regulatory Principles Checklist
8 May 2013	Approval of documents by Director General and Minister
14 May 2013	Final lodgement of amendment regulation
23 May 2013	Regulation considered by Governor-in-Council

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Risks

To meet the 23 May 2013 deadline, just less than two weeks has been allocated to incorporate any changes resulting from consultation feedback. Delays could arise if any substantial or complex amendments are required as a result of submissions. The fact that the draft eligibility criteria and standard conditions were developed in consultation with industry may mitigate this risk as there will be a greater industry awareness of the content and intent of these documents. If amendments are too significant for the period allowed, the eligibility criteria and standard conditions for exploration, petroleum survey and geothermal exploration activities will be prioritised over that for pipeline activities. The next anticipated date for consideration by Governor-in-Council is June / early July 2013.

CTS No. 06969/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Complaint by PIN recipient - Buckley**

sch4p3(3) Prejudice the protec

Chief of Staff
Dated 16/04/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 16/04/13

RECOMMENDATION

It is recommended that the Minister:

- **note** the circumstances surrounding the complaint from sch4p3(3) Prejudice the protection of a
- **approve** the draft response to the Member for Coomera (**Attachment 1**).

BACKGROUND

- was issued a Penalty Infringement Notice (PIN) on 24 January 2013, following an online complaint from the littering and illegal dumping online reporting system (LIDORS).
- is the registered owner of the vehicle in question. has indicated he is responsible for the vehicle not ; however statutory declarations were not completed to enable EHP to formally reissue the PIN in name.
- Initially, completed the notice instead of and it was returned to him notifying him that only the infringement holder can nominate the person responsible through a statutory declaration.
- requested a review and it was determined the PIN should be upheld. was formally notified of this decision and his options to further progress the matter. A completed statutory declaration electing for court was not received by EHP following the review and the matter was referred to the State Penalties Enforcement Registry (SPER) when it became overdue.
- have made a complaint to their local member (Coomera) that the fine is with SPER and they did not commit the offence.

CURRENT ISSUES

- A review of the matter was requested by on 6 February 2013. A review was conducted in accordance with internal procedures; it was found that the PIN should be upheld after full consideration of all the information provided by both the witness and (battery receipt from Motorguard).
- was notified of this decision on 11 February 2013 and of his remaining options to pay or elect for court through a statutory declaration within 28 days.
- As no election with a statutory declaration or payment was received in this timeframe, the matter was referred to SPER on 20 March 2013.
- On each occasion, correspondence from both has been abusive (see **Attachments 2-4**)
- Abusive correspondence is commonplace for the PINs team; this holds no bearing on the outcome of an infringement as set processes are adhered to.
- fine is currently with SPER and on hold until 1st May, by which time he must elect for court by completing a statutory declaration or enter into a payment arrangement with SPER.

Rec'd - ODG 15 APR 2013

CONSIDERATIONS

Legislation: Section 103(1)(b): *Waste Reduction and Recycling Act 2011* and Section 22(1): *State Penalties Enforcement Act 1999*.

Author	Cleared by	Cleared by	Recommended:
Name: Erin Smith Position: Supervisor PINS Tel No: 33305542 Date:11/04/13	Name: Rachel Scalongne Position: Manager Tel No: 33305555 Date:12/04/13 **Cleared by** Name: Kelli Ready Position: Director Tel No: 33305589 Date:12/04/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 15/4	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 15.4.13

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MINISTER'S COMMENTS

ATTACHMENTS

- Attachments 1: Draft response letter to the Member for Coomera
- Attachments 2-4: Correspondence from sch4p3(3) Pr

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Author	Cleared by	Cleared by	Recommended:
Name: Erin Smith Position: Supervisor PINS Tel No: 33305542 Date:11/04/13	Name: Rachel Scalongne Position: Manager Tel No: 33305555 Date:12/04/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:
	Cleared by Name: Kelli Ready Position: Director Tel No: 33305589 Date:12/04/13		

QUEENSLAND GOVERNMENT

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

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Email environment@ministerial.qld.gov.

Ref CTS 06969/13

16 APR 2013

Mr Michael Crandon MP
Member for Coomera
PO Box 80
OXENFORD QLD 4210

Dear Mr Crandon Michael

Thank you for your email of 4 April 2013 concerning your representation on behalf of sch4p3(3) of Helensvale regarding their objection to a State Penalties Enforcement Registry (SPER) penalty for littering.

was issued a penalty infringement notice (PIN) on 24 January 2013, following a complaint made through the litter and illegal dumping online reporting system.

requested a review of his fine on 6 February 2013. A full review was completed; information from both and the reporting witness was reviewed. The information provided was sufficient for the infringement to be upheld.

was notified of this decision on 11 February 2013 and afforded a further 28 days to elect for court, using the provided statutory declaration, or pay the fine. As no election or payment was received, the matter was referred to SPER.

All correspondence received from has been abusive in nature; however this has not affected the status of the infringement. The Department of Environment and Heritage Protection follows a set procedure for the referral of all overdue infringements to SPER.

can still elect to have the matter heard in court, by completing the enforcement order sent by SPER by 1 May 2013, or make payment.

I hope this information is of assistance when replying to your constituents. Should you have any further enquiries, please contact my Chief of Staff, Mr Troy Collings on 3239 0844.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

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Queensland Government

ABN: 46 640 294 485

RECEIVED DATE 14/2 BY ES

Penalty Infringement Notice (PIN)

Waste Reduction and Recycling Act 2011

sch4p3(3) Prejudice the protection of an individuals right to privacy

HELENSVALE QLD 4212

Issue date:	11/02/2013
PIN number:	05003641
Penalty amount:	$220.00
Date due:	11/03/2013
Invoice number:	5003305

Littering and dumping is an offence, now the public have a mechanism in which to report it.

Offence details

Legislation: Waste Reduction and Recycling Act 2011

Offence: Deposit litter - individual

Location: Intersection Industrial Avenue travelling west down Southport Nerang Road.

Offence code: WRR20

Registration no:

Offence date: 22/01/2013

Offence time: 10:25 AM

Offence information:
litter up to 200 litres in quantity deposited from vehicle/vessel by the driver.

Under the *Waste Reduction and Recycling Act 2011* the registered owner of the vehicle is deemed to be responsible in the first instance for the offence even if the actual offender may have been another individual.

Payment or one of the following options must be received by the due date. If payment or notification is not received by the due date, enforcement action may be taken to recover the payment and additional costs incurred.

Options include:

- Pay the Penalty Infringement Notice in full (see payment options below). Or you can request a Voluntary Instalment Plan: If the fine is $200 or more, an initial instalment of at least $60 must be made by the due date. An Instalment Plan Notice will be forwarded to you by the State Penalties Enforcement Registry (SPER) for payment of the balance.
- If you were not in control of the vehicle at the time, or if a passenger was responsible, nominate the person responsible for the offence by completing **Section A** and obtaining an authorised witness signature on the statutory declaration on the reverse side of this notice; or
- Request a review by completing **Section B** and obtaining an authorised witness signature on the statutory declaration on the reverse side of this notice; or
- Elect to have the matter heard in court by completing **Section C** and obtaining an authorised witness signature on the statutory declaration on the reverse side of this notice

Note: this PIN may be withdrawn before or after the penalty is paid. For assistance email <infringement.notices@ehp.qld.gov.au>

TMR DL Release

How to pay

Biller code: 35436
Reference number: 200000050033058

BPAY

Telephone and internet banking – BPAY. Contact your bank, credit union or building society to make this payment from your cheque, savings or credit card account

BPOINT

Online: <www.derm.qld.gov.au/services_resources/paybill> to pay by American Express, MasterCard or Visa.

Enquiries relating to issue of this notice must be in writing to:
Department of Environment and Heritage Protection, Penalty Infringement Notices
GPO Box 2454, Brisbane QLD 4001

Invoice No.	5003305
Offence code:	WRR20
Amount due:	$220.00
Date due:	11/03/2013

Do not mail cash. Payment can be accepted by cheque or money order payable to:
Department of Environment and Heritage Protection, Penalty Infringement Notices
GPO Box 2454, Brisbane QLD 4001
Please attach this section of the remittance with your payment

Penalty Infringement Notice No. _____

Statutory Declaration: Complete and return this form by the due date on the Penalty Infringement Notice.
Please note: Statutory Declaration will not be accepted if not signed by an authorised witness.

I, (full name) sch4p3(3) Prejudice the protection of an individuals

Of (address) [redacted] Helensvale QLD 4212
Suburb State Postcode

[redacted]
Phone number

Position and company name (if vehicle registered in a company name)

declare that at the time of the offence as stated in this PIN:

PLEASE SELECT ONE:

☑ Another person was responsible for the offence (complete A)
☐ I did not commit this offence and dispute this PIN (complete B)
☐ I elect to have this matter dealt with by a Court of Law (complete C)

☐ The vehicle was stolen or illegally taken at the time of the offence and the matter was reported to _____ police station on ___/___/___

A Nominate someone else (complete this section to nominate offender)

I was not the driver or passenger responsible for the offence.

☐ The driver or the passenger responsible for the offence was (provide details below) or

☐ The vehicle was disposed of/sold on ___/___/___ and the owner at the time of the offence was (provide details below)

Full name _____

Address _____ _____ _____ _____
Suburb State Postcode

_____
Phone number

B Request Review of Penalty Infringement Notice (complete this section if disputing PIN or providing further information)

[redacted]

Full name [redacted]

Location of the vehicle at said time

State your reasons why the PIN should be withdrawn

[redacted]

If this space is insufficient please attach a separate page – must be initialled by the person making declaration and by the authorised witness

C Electing for Court Hearing (complete this section if your wish to have the matter heard and determined in court)

☐ I elect to have this matter dealt with by a Court of Law and understand a summons may be issued to me

THESE BOXES NEED TO BE COMPLETED AND SIGNED BY AN AUTHORISED WITNESS*

I do solemnly and sincerely declare that the details above are correct and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provision of the *Oaths Act 1867*.

Declarant (person named at the top of this notice)

Declared at	
In the State of Queensland on	/ /
Declarant's signature	

Authorised Witness to complete

Full name of witness	
Authorisation	
Witness's signature	

Send completed notice to:
Department of Environment and Heritage Protection
Penalty Infringement Notices
GPO Box 2454 BRISBANE QLD 4001

*Authorised Witness can include: A Justice (which includes a Justice of the Peace), Commissioner of Declarations, Lawyer, Notary Public or a Conveyancer

RTI DL Release

Queensland Government

Department of Environment and Heritage Protection

Enquiries
Telephone (07) 3330 5542
Your reference
Our reference PIN 5003641

11 February 2013

sch4p3(3) Prejudice the

Helensvale, QLD 4212

Dear

Re: Infringement notice 5003641 issued for alleged breach of the *Waste Reduction and Recycling Act 2011*.

Thank you for your correspondence received on 6th February 2013.

The *Waste Reduction and Recycling Act 2011* provides an avenue for the public to report litter and illegal dumping offences to the department.

The reports are not anonymous and the full details of the reporting person are supplied to the department as well as an undertaking to provide evidence in court if required. The identity of the reporting witness is protected, just as your personal information is protected from the reporter.

Under the legislation, the registered owner of the vehicle is deemed responsible unless a statutory declaration is provided identifying another driver or an offending passenger

I have reviewed the information provided by you and the evidence provided by the reporting witness and wish to inform you that the infringement will not be withdrawn.

Within 28 days please;

- pay the penalty infringement notice; or
- elect to have the matter heard at court

Please note that if the infringement notice is not contested or remains unpaid after 28 days from the receipt of this letter the infringement notice will be referred to the State Penalties Enforcement Registry (SPER). SPER add an additional administration fee of $56.90

Regards

Erin Smith
Supervisor
Penalty Infringement Notices
Enforcement Services

Level 7
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 5582
Facsimile + 61 7 3330 5634
Website www.ehp.qld.gov.au
ABN 46 640 294 485

RTI DL Release

CTS No. 00966/13

sch4p3(3) Prejudice t

Chief of Staff [redacted] OK
Dated 25/1/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 28/01/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Meeting with Peter Zemek, Director of Zemek Environmental Pty Ltd**

RECOMMENDATION

It is recommended that the Minister:

- **sign** the letter (**Attachment 1**) to Peter Zemek, Director of Zemek Environmental Pty Ltd, which outlines the outcomes of a meeting held on 11 January 2013, between Mr Zemek and representatives of the Department of Environment and Heritage Protection (EHP).

BACKGROUND

- You attended a meeting on Monday 17 December 2012, requested by the Minister for Local Government, the Honourable David Crisafulli MP, regarding 'Queensland's role in Waste Management' at which Mr Zemek raised a number of issues in relation to the regulation of municipal sewage treatment plants (STPs). Refer to (**Attachment 2**) for Mr Zemek's submission to this meeting.
- During the meeting on 17 December, it was recommended that Mr Zemek meet with appropriate officers from EHP to further discuss and potentially resolve the issues raised.
- Minister Crisafulli and Assistant Minister for Planning Reform, the Honourable Ian Walker MP, are scheduled to brief the Deputy Premier, the Honourable Jeff Seeney MP, on these issues by the end of January 2013.

CURRENT ISSUES

- On 11 January 2013, a meeting was held between Mr Zemek, David Cameron of the Queensland Water Directorate, Reinier Mann of the Department of Science, Information Technology, Innovation and the Arts (DSITIA) and Glen Brown and Deena Rigby of EHP.
- During the meeting, EHP's support for cost effective sewage treatment solutions to achieve environmental outcomes was communicated to Mr Zemek. The newly published EHP Assessment Guideline *Assessing applications for sewage treatment works* articulates EHP's approach of assessing every application on a case by case basis, supporting low cost, innovative solutions and taking into consideration the various challenges facing local governments in relation to sewage treatment. A copy of this guideline was provided to Mr Zemek during the meeting.
- EHP and DSITIA agreed to investigate the current approach to setting limits, including the method of calculating mass loads, for nutrient releases from STPs. It was communicated to Mr Zemek that EHP was not comfortable with removing or increasing maximum limits for ammonia due to its potential for acute toxic impacts on aquatic ecosystems.
- The ability of STP operators to monitor dissolved oxygen and pH in-situ and not at a National Association of Testing Authorities (NATA) laboratory was also clarified and the importance of this testing reiterated.
- EHP and DSITIA also agreed to investigate the current approach of requiring NATA certification for all analyses (usually weekly) associated with compliance monitoring. The possibility of less frequent NATA accredited analysis, whilst still providing for an appropriate quality assurance system, was discussed.
- In relation to Direct Toxicity Assessments (DTA), Mr Zemek indicated his main issue with this testing was the associated cost. Mr Zemek quoted costs as high as $120,000 per round of testing. Both EHP and DSITIA stated the costs should be closer to $15,000. Mr Cameron agreed to investigate the costs associated with DTA through the Queensland Water Directorate's Technical Reference Group. The outcomes of this investigation will influence further discussions.

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Rec'd - ODG
23 JAN 2013

Author	Cleared by	Cleared by	Recommended:
Name: Deena Rigby Position: A/Manager Tel No: 5459 6121 Date: 21 January 2013	Name: Glen Brown Position: ED EPC Tel No: 3330 5627 Date: 22/1/13	Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date: 23 January 2013 *Endorsed*	Name: Tony Roberts Acting Director-General, DEHP Tel No: 3330 6298 Date: 23/1/13

CONSIDERATIONS

- *Consultation:* Dr Ian Ramsay of DSITIA provided a detailed response to Mr Zemek's submission (**Attachment 3**). Dr Ramsay and his team provide technical advice to EHP officers assessing applications for sewage treatment plants. Mr Mann represented Dr Ramsay's team at the meeting held on 11 January 2013.

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – Letter to Mr Peter Zemek
- Attachment 2 – Mr Zemek's submission
- Attachment 3 – Comments from DSITIA in response to Mr Zemek's issues

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Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

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25 JAN 2013

Mr Peter Zemek
Zemek Environmental Pty Ltd
Email: peter@zemekenv.com

Dear Mr Zemek Peter

I refer to the meeting hosted by the Honourable David Crisafulli MP, Minister for Local Government on 17 December 2012, at which you raised a number of issues in relation to the Department of Environment and Heritage Protection's (EHP) regulation of municipal sewage treatment plants (STPs). I am advised that you have since attended a follow-up meeting with representatives from EHP, Queensland Water Directorate and the Department of Science, Information Technology, Innovation and the Arts (DSITIA) on 11 January 2013, to further discuss these issues.

I understand that the meeting was fruitful and that several of the matters you have raised have been noted by EHP and DSITIA for further investigation.

As you are aware, EHP is cognisant of the many challenges facing the water sector in terms of its ability to provide affordable and sustainable sewerage infrastructure to meet the demands of Queensland's growing population. In this regard, EHP has been consulting with local government, the water utilities, and the Queensland Water Directorate to ensure the flexible regulation of these essential services whilst also managing the public's expectations for a healthy environment. EHP's newly published assessment guidelines for sewage treatment works clearly articulates EHP's flexible, outcome focussed approach to STP regulation and I believe a copy of this guideline was provided to you during the abovementioned meeting.

I acknowledge that historically there has been a high level of regulation of STPs in Queensland and substantial work has been done by councils across the state in recent years to upgrade their sewerage systems. This has been driven by the need to protect important environmental areas such as Moreton Bay and the Gold Coast Broadwater. Given the strong focus of Queenslanders on recreational activities in coastal areas and the significant population growth that is expected, maintaining a high level of treatment to ensure minimal impact is likely to continue to be an expectation of the community. Nonetheless, EHP fully supports exploring any opportunities to reduce the cost of establishing and operating STPs.

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The Great Barrier Reef is also an important Queensland asset, but has been less of a driver to upgrade STPs given regional coastal impacts are more a result of diffuse loads rather than point source loads as you rightly pointed out by reference to the paper by Jenny Skerratt *et al*. As many STPs in Queensland release to estuaries, which are less well flushed, rather than the ocean or bays, there is a need to consider the local impacts in these areas. For these locations, STPs can be the predominant source of pollutants in the dry periods, particularly where the size of these plants are large, that is, greater than 10,000 equivalent persons.

Maximum limits on discharges to waters from STPs and short term compliance testing associated with EHP approvals, enable EHP as the environmental regulator to conduct compliance checks on a sample collected on any one day rather than having to come back on multiple days. Nonetheless, I understand that there is scope for flexible regulation of some parameters, such as total phosphorus and total nitrogen, as these pose less of a short-term risk on environmental values compared to toxicants such as ammonia. In relation to dissolved oxygen and pH, the cost of measuring these parameters in-situ is relatively low and the information obtained is important both in terms of potential ecosystem health impacts and as an early indicator of plant performance.

The requirement to conduct Direct Toxicity Assessments (DTA) is determined by EHP using a risk assessment framework and although they can be costly, these assessments provide essential information in relation to the combined effect of all chemicals in the wastewater on the receiving environment. DTA are not suitable for assessing transient contaminants through the system and that is not their purpose. I am advised that DSITIA is currently reviewing existing DTA procedures and that revised guidance material will be produced that details information on when and how DTA should be used. I believe that your concerns in relation to the cost of DTA are going to be investigated by the Queensland Water Directorate's Technical Reference Group.

In summary, in response to the matters you have raised, I understand that EHP has committed to the following:

- to work with DSITIA to investigate options for providing greater flexibility in meeting maximum limits for parameters such as total nitrogen and total phosphorus
- to work with DSITIA to review the current methods of calculating mass load limits and to develop a robust and consistent approach across the State. EHP will consider your suggested model as part of this process
- to investigate options of reducing the financial burden associated with obtaining National Association of Testing Authorities certification on all compliance sampling whilst still providing a robust quality assurance system from a compliance perspective.

EHP officers will keep you informed of the outcomes of the above mentioned investigations. Further, your involvement in any group set up to review the regulation of STPs is welcomed.

I suggest that the water sector, through the Queensland Water Directorate, pursue direct with the relevant federal department any specific issues with the Commonwealth Government's approval system.

I hope this information has been of assistance to you. Should you have further enquiries, please contact my Chief of Staff, Mr Troy Collings on 3239 0844.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

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B/C Chief of Staff to the
Honourable David Crisafulli MP
Minister for Local Government
PO Box 15031
CITY EAST QLD 4002

B/C Chief of Staff to the
Honourable Ian Walker MP
Assistant Minister for Planning Reform
PO Box 15009
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Troy Collings
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The Great Barrier Reef is also an important Queensland asset, but has been less of a driver to upgrade STPs given regional coastal impacts are more a result of diffuse loads rather than point source loads as you rightly pointed out by reference to the paper by Jenny Skerratt *et al.* As many STPs in Queensland release to estuaries, which are less well flushed, rather than the ocean or bays, there is a need to consider the local impacts in these areas. For these locations, STPs can be the predominant source of pollutants in the dry periods, particularly where the size of these plants are large, that is, greater than 10,000 equivalent persons.

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Minister for Environment and Heritage Protection

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ERA 63 (2)- Potential Strategies for Reducing the *'Cost to Serve'*

Briefing Notes Rev01

The work done to date by the new State Government to open dialogue between L Govt and DEHP and DEWS in an effort to streamline planning, assessment and approvals is readily acknowledged.

a. eg QWD_Rob Fearon engaging recently with DG EHP Andrew Chesterman
b. EHP having representation at recent QWD meeting
c. etc

These comments are focussed on STPs only which is my specific area of interest and do not address raw sewage pump stations, TWCMPs etc. Of concern in the past, it was often a case of 'us and them'. This was true for both the then EPA/ DERM and Local Govt. The fact is that Local Govt is but another form of government whereby with often limited resources and now no subsidies from Commonwealth or State, Officers are working hard to serve the Community and the Environment. We are all on the same team. Thankfully this now seems to be behind us which is refreshing.

However, what are some of the issues and what are potential solutions?

1. Is the cost to conform to the regulation of STPs proportional to the environmental benefit?
   a. refer CSIRO 3-D hydrodynamic model_Jenny Skerratt et al;
   b. JS publically stated 21 Sep 2012 FNQ AWA Conference Cairns, that based on her Team's modelling, STPs along the coast of Qld contribute c. 1% TN &TP inventory impacting the GBR.
2. Post amalgamation, where a regional council has inherited an aged STP, and where a modern STP albeit perhaps not limit of technology is proposed, why stall the implementation down with adherence to water quality baseline sampling programs and associated reporting? If it is clear that the environment and the community will benefit, why not proactively assist in its approval? To do otherwise stalls the environmental benefit, increases the cost to serve and stretches limited resources. **Recommendation:** Take each application on its merit and act accordingly.
3. Maxima on Licences add project cost through perceived Contract commercial risk and they also can add Opex cost.
   a. eg whilst EHP (DERM) Officers in the past have argued that the Dept was unlikely to prosecute except on rare or blatant breaches, the point is that commercially, if a maximum is breached, contractually it is black and white. Consequently the Contractor often may understandably front end load the price and/ or provide additional kit to cover a maximum contingency issue however slight may be the likelihood.
   b. Ammonia: ANZECC acknowledges that it is the unionised fraction of ammonia that is acutely toxic and that 95%ile are guideline values, not maxima. Why then does EHP require maxima to be set? Whilst the potential acute toxicity of ammonia is acknowledged, why licence ammonia at all when by default oftentimes to achieve the

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TN licensed, the ammonia must be low? With low licensed TN especially approaching LOT TN eg 3mgTN/L, rDON (TON) is the restricting element of TN and again by default the TIN (NOx-N + NH3—N) must be low.

c. TP: Why are maxima set? The issue with this is as follows:
    i. A Contractor may as a direct consequence of a maximum limit, install a tertiary filter to assist in removing a sizeable portion of the remaining particulate fraction of TP;
    ii. It also drives operational behaviours whereby an Operator will more readily reach for the Alum dosing knob which has the detrimental effect in a BNR plant of:
        1. reducing the bio-potential of PAOs to perform optimally especially if the Alum is dosed in the incorrect location;
        2. encourages increased importation of chemical (eg Alum) into a catchment driving up GHG
        3. with increased Alum dosing, increased potential for 'fixed' Calcium Hydroxyapatite whereby the biosolids is less beneficially available which is not a desirable outcome.

d. **Recommendation:** Reconsider maxima and apply percentiles eg 95%iles which become the triggers for reporting.

4. Short term compliance testing: For TN and TP, why have short term compliance reporting? These have long term impacts and are very different from potentially acutely toxic parameters such as BOD and ammonia (unionised fraction). Short term licensing also drives operational behaviours as per the above TP maxima. **Recommendation:** Abolish short term compliance requirements in licensing.
5. In modern STPs, there are many parameters which by default must be within spec otherwise the STP won't operate to Licence. Examples of these are DO, pH etc. The administration associated with the reporting is an expensive additional burden with no environmental benefit. Furthermore, most DEHP licences require NATA reporting. There are no NATA standards for such parameters. **Recommendation:** Abolish the requirement for DO, pH reporting.
6. Why not give greater consideration to soft engineering options especially in a degraded catchment (I acknowledge the Mirani potential immediately west of Mackay). **Recommendation:** Strategic assistance to Mackay RC to develop this potential including active project buy-in at the local Mackay DEHP level+ establish a 'Watching Brief' on progress
7. Toxicity Testing: Why is this necessary?
    a. Why - when receiving water env'l monitoring is often already in place or is part of the Licence?
    b. Expensive ($100K to $120K every 3 years) – especially when a requirement for a small community – the cost per capita is significant;
    c. Currently only one (1) Lab in Australia viz in Syd – monopoly
    d. How valid is the science if the particular biota may not be able to be replicated in Syd?
    e. Why especially if a Local Authority has a structured and adequately resourced trade waste policy and program implemented?

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f. How effective is the test which is a grab say every 3 years when there could very well be a transient toxic dump come through for a short duration in between the 3 year testing program?

g. All modern STPs are based on activated sludge. The autotrophic bacteria that carry out the nitrification step are the 'canary ' in the coal mine. Why bother with an expensive once every 3 year test?

h. **Recommendation:** Abandon and require the Local Authority to demonstrate that the test cost is applied to a value-added activity of real environmental benefit.

8. Mass Loads: Why are they required in addition to a concentration based Licence? Some comments:

   a. If DEHP are pushing mass loads in an effort to drive an Authority down a reuse path, it must be said that in my experience, I have never seen a reuse scheme that is financially viable and they always require 3rd party funding. (open for discussion)

   b. perhaps this is the issue with the single greatest disparity between regional EHP Offices of how the allowable mass load is to be applied;

   c. In some cases, the defined allowable mass load does not recognise the impacts of wet weather in a year or how one seasonal percentile year may influence the water table and I/I for the next year and so on.

   d. If DEHP are insistent on applying a mass load, perhaps DEHP may wish to consider my mathematical model approach which is based on the following principles:

      i. choose the wettest year recorded
      ii. assign a percentile recurrence interval to this year;
      iii. determine the ADWF for that year
      iv. develop a Normal versus Log $_{10}$ plot of the ratio of the recorded raw sewage Flow / ADWF ratios (Y Axis) versus log 10 plot on the (X axis) of occurrence per year
         1. choose 0.5 ADWF increments
      v. Adopt the percentile occurrence above
      vi. Ignore events > 3*ADWF
      vii. Develop an Excel spreadsheet for the likely TN mass load and separate TP mass load for the strategic design horizon year eg year 2030 based on the occurrence from the adopted wet year.

   e. **Recommendation:** Abolish mass load concept. If not, give consideration to my Model.

9. Often for Water Businesses along the coast, there are two (2) Licences for the one STP, namely Commonwealth through EPBC and State (eg Sarina). There is currently no integration of both Agencies and often the Licences are in different forms and with different conditions. This adds to the project cost through increased time delays, increased administration, dual reporting and so on. **Recommendation:** Qld DEHP to champion initial discussions with the Commonwealth to open dialogue in the first instance to investigate a sensible solution.

10. Finally, in addition to the dialogue already occurring, it is recommended that consideration be given to setting up a specialist group made up of DEHP, DEWS Officers, QWD, Local Authority representatives and Industry specialists with a charter to facilitate rapid responses to these STP

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Licence conditioning issues. If the group was too big, it would be cumbersome and unwieldy and would not deliver outcomes in a timely fashion. This would require a firm deadline to be set for collating the issues and a corresponding deadline for recommended solutions. A single point of accountability and reporting would be required with the Chair having authority commensurate with the responsibility of the defined charter. The ultimate umpire would remain the Govt Departments responsible. The group does not have to be solely Brisbane centric. I recommend against broadening the focus from STPs. Another Group could be established to consider other issues.

I welcome further discussion if considered worthwhile.

Peter Zemek

Director_*Zemek Environmental Pty Ltd*

sch4p3(3) Prejudice

peter@zemekenv.com

RTI DL Release

CTS No. 01002/13

sch4p3(3) Prejudice th

Chief of Staff [redacted] OK
Dated 24/03/13
Approved / Not Approved / Noted
Further information required
Minister.....
Dated 26/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Properties and Uses of Geopolymer Cement Binders**

RECOMMENDATION

It is recommended that the Minister:

- **note** that geopolymer cement binders can be used in a variety of applications in place of conventional Portland cement, and are currently used in Queensland.

BACKGROUND

- When the Minister met with Mario Panuccio from Neilsens Concrete Pty Ltd in late 2012 or early 2013, the subjects of geopolymer cement and its potential greenhouse gas benefits were discussed.
- Information has been sought by the Minister's Office on the use of fly ash and a cement binder, its ability to reduce greenhouse gas emissions, any current examples of its use, and the ability of geopolymer concrete to comply with relevant Australian Standards and specifications.

CURRENT ISSUES

- Geopolymer cement binders were originally developed in the former USSR in the 1950s and further development in France in the 1970s. Their chemistry is based on the combination of aluminium and silicon rather than calcium and silicon, as is the case for conventional Portland cement.
- Geopolymer cement binders have certain advantages over ordinary Portland cement in the physical properties that may be demonstrated and in the specific energy requirements in there development.
- A major impediment to the use of geopolymer cement binders is in the lack of familiarity that the Engineering sector has with the use of these materials, compared to Portland cement (which has been in common use in its current form since 1824).
- Geopolymer binders typically involve fly ash or slag in their formulation. The significant thermal alteration imposed on these materials provides them with valuable engineering properties not possessed by Portland cement – namely, high thermal resistance and low shrinkage.
- Fly ash is a 'regulated waste' under the Environmental Protection Regulation 2008 but may be utilised for a beneficial purpose (and not be managed as a regulated waste) if a beneficial use approval (BUA) is authorised by EHP, either specifically (on a case-by-case basis), or generally under the Waste Reduction and Recycling Act 2011.
- In deciding whether to grant a general or specific BUA for a waste material, EHP must consider the materials chemical and physical properties, its proposed beneficial use and whether that use or the effort to prepare the material for such use would have acceptable environmental impacts.
- In 2011, the department issued a general BUA for the use of coal combustion products (CCPs) such as fly ash in bound final products (including cementitious mixes, cement products and concrete products), which will remain in force until 24 December 2014. (Guideline at **Attachment 1**).
- Any person may operate under this general BUA (without having to obtain a development approval for the use) as long as the conditions of the general approval are met. A specific approval can also be issued by EHP when the general BUA cannot be met, due to site specific considerations and/or if a use of the resource is proposed that is not approved in the General BUA.
- The manufacture of Portland cement is well known to involve high energy consumption and high emissions of carbon dioxide. By contrast, the manufacture of geopolymer cement products involves significantly lower net emissions of carbon dioxide (various reductions quoted, depending on the author, range from 10-20%, 8-41% and 36-54%) compared to Portland cement.
- In general, the structural performance of geopolymer cement is similar to that of Portland cement and can achieve compliance with relevant Australian Standard and engineering specifications.

Author	Cleared by	Cleared by	Recommended:
Name: Lindsay Delzoppo Position: Director SEA Tel No: 3330 5630 Date: 21 March 2013	Name: Glen Brown Position: ED EPC Tel No: 3330 5627 Date: 21/3/13	Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date: sch4p3	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 22.3.13

RTI DL Release

- However, one shortfall of geopolymer cement is that it takes a longer time for the concrete to reach the engineering design strength. This would be undesirable for projects on tight construction timeframes.
- Concrete made from geopolymer cements may demonstrate higher tensile strength than Portland cement. This can be important where steel reinforcing is not (or cannot be) used to provide the necessary tensile strength in particular applications – for example VicRoads has approved the use of Geopolymers in general paving and pre-cast applications, on the basis of the product being better able to withstand shear stresses associated with vehicular traffic.
- Geopolymer cement binders have also been used successfully in the development of pre-cast sections for road bridges in Queensland.

MINISTER'S COMMENTS

Excellent brief - thanks Lindsay.

ATTACHMENTS

- Attachment 1. EHP Guideline – General Approval of a resource for beneficial use – Coal Combustion Products used in Bound Final Products

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Lindsay Delzoppo Position: Director SEA Tel No: 3330 5630 Date: 21 March 2013	Name: Glen Brown Position: ED EPC Tel No: 3330 5627 Date:	Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 02851/13

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Chief of Staff ... OK
Dated 4/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 05/03/13.

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Update: Regulatory options for aquaculture discharges**

RECOMMENDATION

It is recommended that the Minister:

- **note** the progress made on developing options for reducing the regulatory burden on the aquaculture industry.

BACKGROUND

- The Queensland Aquaculture Industry Federation (QAIF) and Australian Prawn Farmers Association (APFA) requested that EHP make changes to the current regulatory framework to reduce unnecessary burden, reflect fairness across industry sectors, and allow further development of the aquaculture industry.
- EHP committed to present a way forward on the regulation of discharges by the end of 2012. 2013?

CURRENT ISSUES

- Most new commercial aquaculture operations require approvals from EHP for environmentally relevant activity (ERA) 1; from the Department of Agriculture, Fisheries and Forestry (DAFF); and from the commonwealth for operations within the Great Barrier Reef Marine Park Authority's (GBRMPA) jurisdiction.
- EHP is reviewing options for the regulation of water quality discharges which has been identified by QAIF and APFA as the main regulatory issue for the industry.
- EHP agreed with industry in November 2012 on a proposed way forward for a discharge regulatory approach:
  - adopt a 'background plus' measuring system and account for upstream influences.
  - reduce frequency monitoring requirements for operations with positive performance.
  - rename the prawn farming Operational Policy to 'pond-based' prawn aquaculture to reflect predominant facility type.
  - amend licence categories to reflect actual environmental risk.
  - focus assessment and compliance on achieving the greatest amount of discharge improvement per department and operator time and money spent.
- Industry is positive about EHP's progress on new approaches for discharge regulation.
- EHP expects to receive a letter indicating GBRMPA's position on the proposed changes by end of February 2013 to forward to industry for comment [and copy to DAFF and Office of Best Practice Regulation (OBPR)].
- EHP will coordinate with industry, DAFF and OBPR to schedule another meeting for early April 2013 to identify proposed changes to discharge regulation which can be realistically achieved and which will assist further development of the industry.

CONSIDERATIONS

- *Key Communication Messages:* EHP is proposing a fair, outcomes-based approach to regulating aquaculture discharges to reduce burden on industry and expects to complete consultation in May 2013.

Rec'd - ODG
26 FEB 2013

MINISTER'S COMMENTS

Thank you. Pls keep advised.

Author	Cleared by	Cleared by	Recommended:
Name: Andrew Harnden Position: PEO, ERPS Tel No: 3330 5964 Date: 22/02/13	Name: Glen Brown Position: ED EPC Tel No: 3330 5627 Date: 22/02/13	Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date: 25/2/13	Name: Andrew Chesterman DG DEHP Tel No: 3330 6298 Date:: 28.2.13

RTI DL Release

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CTS No. 03669/13

Chief of Staff ... OK
Dated 20/03/13
Approved / Not Approved Noted
Further information required
Minister.....
Dated 20/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Environmental authority amendments – Mine water release pilot**

RECOMMENDATION

It is recommended that the Minister:

- **note** that the environmental authorities for the four BMA mines participating in the mine water release pilot have been amended by agreement to better reflect the intent of the pilot
- **note** the Operational Policy for the pilot is not being amended
- **note** amendment applications are anticipated to be received shortly from BMA regarding other possible improvements to the pilot.

BACKGROUND

- The rainfall associated with ex-Tropical Cyclone Oswald allowed for some legacy water releases from the four BMA mines participating in the mine water release pilot.
- A review undertaken by both the department and BMA following the rainfall event has identified areas of the pilot that could be optimised to aid in the further release of legacy water whilst still achieving the intent of the Operational Policy.
- The Interdepartmental Committee met on 22 February 2013 to determine how best to respond to the issues raised from the initial Pilot release.

CURRENT ISSUES

- BMA requested that the department consider an approach that allows for reasonable application of the maximum electrical conductivity value (2000µS/cm) in the Isaac River, where the intent of the in-stream value is achieved for the four mines participating in the pilot.
- During the January 2013 releases, BMA took a very conservative approach to ensure environmental authority and Operational Policy conditions were not breached. This conservatism meant that release opportunities were missed and legacy water remains within the mines.
- The maximum value of 2000µS/cm set in the Isaac is conservative when compared to the evidence presented in the University of Queensland study for Australian Coal Association Research Programme: '*Assessing the ecotoxicology of salinity on organisms in seasonally flowing streams in the Bowen Basin*' (ACARP report). The ACARP report suggests the tolerance limits are between 2000 and 2400 µS/cm for the identified species.
- The department is satisfied that an acceptable approach to achieving reasonable application of the Operational Policy intent will be met, that being releases that achieve 2000 µS/cm in the Isaac for the full duration of releases.
- The percentile approach allows for reasonable fluctuation in the electrical conductivity level so that the conservatism associated with a maximum value is negated and the full extent of the release period can be used **(Attachment 1)**. Some level of conservatism will still be required by BMA when releasing legacy water to ensure the limit is still achieved.
- The department considers that this amendment is not controversial as: it remains faithful with the intent of the Pilot, that being releases that achieve 2000 uS/cm in the Isaac for the full duration of releases; it is an approach that has been used in the regulation of other industries; and the Operational Policy, regarding 'cease release' criteria, remains unaffected.
- To further manage community responses and understanding of this issue a draft media release has been prepared for the Minister's endorsement **(Attachment 2)**.

Rec'd - ODG
15 MAR 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Vanessa Hughes Position: Manager, Regulatory Practice (Mining) Tel No: 3330 5733 Date: 26/02/13	Name: Glen Brown Position: ED, EPC Tel No: 33305627 Date: 01/03/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 12/3/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 18.3.13

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- In addition, it is anticipated that BMA will apply for amendments to the environmental authorities to consider allowing releases to ephemeral streams above the 2000µS/cm release limit on the basis that this limit is achieved in the Isaac River. This means that ephemeral streams could reach up to 10,000 µS/cm if there is enough flow in the Isaac River to dilute it back to 2,000 µS/cm. They may also be requesting amendments to the flow limits on the ephemeral streams.
- The Department of Science, Information Technology, Innovation and the Arts is being consulted to gain an understanding of the likely environmental impacts from the short-term use of ephemeral streams to transfer high-saline mine water to the Isaac River.
- Independent of the pilot, other mining companies have raised issues relating to sampling and reporting of release limits. This pilot may therefore have the added benefit of being able to address these issues to the satisfaction of the department and industry.

CONSIDERATIONS

- *Key Communication Messages:* The community may perceive the amendments negatively however the amendment by agreement process is considered to be low risk as the intent of the 2000µS/cm limit in the Isaac River will still be achieved. The Operational Policy remains unchanged as part of this application process.
- *Election Commitment:* The pilot will create a stable, clear legislative framework for the resources industry.

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 - Old and New Conditions
- Attachment 2 - Draft Media Release

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Vanessa Hughes Position: Manager, Regulatory Practice (Mining) Tel No: 3330 5733 Date: 26/02/13	Name: Glen Brown Position: ED, EPC Tel No: 33305627 Date: 01/03/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

Amendment by agreement – example from Saraji Coal Mine Environmental Authority

Old Condition

W11 The release of mine affected water must **cease** if electrical conductivity reaches 2,000µS/cm in Hughes Creek, 2,000µS/cm in One Mile Creek, 2,000µS/cm in Spring Creek and 2,000 µS/cm in Phillips Creek when measured at the downstream monitoring point specified in Table W6.

New Condition

W11 The release of mine affected water must not exceed the 80th percentile value of 2000 uS/cm when measured at the monitoring points specified in Table W6 during the release influence period. (Note: release influence period is the hours of release plus the lag period from the release point to the monitoring point specified in Table W6.)

Note: If the holder becomes aware during the release influence period that the 80th percentile value will be exceeded the holder must scale back or cease release of mine affected water.

RTI DL Release

Department of **Environment and Heritage Protection (EHP)**

Draft Media release

Deadline		**Briefing officer**	Vanessa Hughes
Media Services contact	Emma Davies	**Phone**	3330 5733
Media Services phone	3339 5830	**DDG:**	Dean Ellwood
Approved		**Phone**	3330 5628

Fitzroy Basin pilot mines stored water release conditions amended

Minor amendments have been made to the environmental authorities (EAs) of the four Fitzroy Basin coal mines taking part in the pilot program for the controlled release of stored mine water.

Minister for Environment and Heritage Protection Andrew Powell said minor amendments had been made to enable more flexibility in releases while protecting important environmental values and downstream users.

"The environmental authorities for these mines have been altered so that rather than immediately ceasing releases once electrical conductivity (salinity) limits are reached, mines are given a buffer to allow time to bring limits back down," Mr Powell said.

"This approach is accepted regulatory practice that has been applied to releases from other industries."

The aim of the pilot is to determine whether releases can be made that achieve a salinity level of 2000 uS/cm in the Isaac River without impacting on Rockhampton's drinking water supply.

"The buffer allows for safe fluctuation in water quality limits, and is consistent with a recent University of Queensland study into the effect of salinity in seasonally flowing streams.

"The pilot mines took a conservative approach to releasing water during the recent January flood event, coming in well below their EA limit".

"While we are pleased these mines were careful not to breach water quality limits, this also meant release opportunities were missed and legacy water remains within the mines at a significant cost to industry and the State.

"We believe this amendment will help better achieve the intent of the pilot program by allowing for further investigation into higher electrical conductivity levels.

"Releases from these mines will continue to be closely monitored.

"These changes will allow the mines to release more water while ensuring that water supply and water quality—for both drinking and irrigation—will not be compromised by the pilot.

ENDS

RTI DL Release

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Chief of Staff .....
Dated 23/2/13
Approved Not Approved Noted
Further information required
Minister .....
Dated 24/2/13

CTS No. 1874/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Mid-Year reports for the EHP and CSG/LNG Annual Compliance Plans for 2012-13**

TIMEFRAME

- Approval of this brief is required by **22 February 2013**, in order to release the mid-year reports for the EHP Annual Compliance Plan 2012-13 and the CSG/LNG Annual Compliance Plan 2012-13 on the EHP website as early as possible in 2013.

Why? If this was due in January, why am I given two days to review?

RECOMMENDATION

It is recommended that the Minister:

- **approve** the release of the mid-year reports for EHP Annual Compliance Plan 2012-13 and the CSG/LNG Annual Compliance Plan 2012-13 externally on the department's website.
- **note** that a media statement to inform the public of the release of the two mid-year reports is currently being prepared by the EHP Media Unit.

BACKGROUND

- The EHP Annual Compliance Plan 2012-13 was released on the EHP website in December 2012 and the CSG/LNG Annual Compliance Plan 2012-13 was released on the EHP website in November 2012.
- When the EHP Annual Compliance Plan 2012-13 was submitted for approval, it was recommended that a mid-year report be completed in January and released to the EHP website.
- The mid-year report is to inform the public of the proactive work undertaken by EHP as part of the EHP Annual Compliance Plan 2012-13 and CSG/LNG Annual Compliance Plan 2012-13 between July and December 2012.

CURRENT ISSUES

- A mid-year report has been completed for both the EHP Annual Compliance Plan 2012-13 (refer to **Attachment 1**) and the CSG/LNG Annual Compliance Plan 2012-13 (refer to **Attachment 2**).
- These reports detail the proactive and reactive work EHP has completed between July and December 2012 as part of the two compliance plans and regional compliance planning.
- All compliance projects outlined in the two compliance plans are on track with the exception of assessing all of CSG companies' annual returns.
- In the CSG/LNG Compliance Plan 2012-13, EHP committed to auditing all annual returns submitted by CSG companies. However, staffing level changes following the Machinery of Government changes impacted on the ability of EHP to assess all annual returns.
- To address this issue, annual returns will now be assessed based on risk which is in line with the EHP Regulatory Strategy and to date, a number of supporting documents have been requested from selected high risk companies which will be cross-referenced with the annual returns.
- A number of successes are highlighted in the reports. For example, the investigation into the illicit trade of dugong and turtle meat has uncovered valuable intelligence which will be useful to ascertain the extent of illegal activities.
- Another example is the increased understanding of water management constraints at mining sites due to the pre-wet weather site inspections.
- It is recommended that these reports are released to the website with an accompanying media release to demonstrate to the public the proactive work EHP has done between July and December 2012.

Rec'd - ODG
20 FEB 2013

Author	Cleared by	Cleared by	Recommended:
Name: Kelli Ready Position: A/Director Tel No: 3330 5589 Date: 30/01/2013	Name: Anne Lenz Position: ED, ERE Tel No: 3330 5626 Date: 12/2/13	Name: Dean Elwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 20.2.13

RTI DL Release

- Please note, as it is possible some enforcement actions were still being processed at the time of data extraction, all enforcement data will be re-extracted prior to release of the document on the website to ensure that the most up-to-date data is included in the report. This may result in enforcement action figures varying slightly in the report attached to this briefing note.

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – EHP Annual Compliance Plan 2012-13 Mid-Year Report
- Attachment 2 – CSG/LNG Annual Compliance Plan 2012-13 Mid-Year Report

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Kelli Ready Position: A/Director Tel No: 3330 5589 Date: 30/01/2013	Name: Anne Lenz Position: ED, ERE Tel No: 3330 5626 Date: 12/2/13	Name: Dean Elwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 02147/13

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Chief of Staff ... OK
Dated 23/2/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 26/2/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Current shale gas exploration and environmental regulation in Queensland**

RECOMMENDATION

It is recommended that the Minister:

- **note** that 16 shale gas exploration activities are authorised in Queensland.
- **note** that the regulatory arrangements for shale gas are similar to those for coal seam gas (CSG).

BACKGROUND

- On 14 January 2013, you received a briefing on the draft oil shale policy for Queensland and sought further information on the extent of shale gas activities occurring in Queensland.

CURRENT ISSUES

Shale gas activities in Queensland - current

- 'Petroleum' is defined under the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act) to include a wide range of substances, including oil, coal seam gas (CSG), natural gas and oil shale.
- 16 shale gas exploration activities are occurring in Queensland.
- These activities all have Authority to Prospect (ATP) under the P&G Act and environmental authorities under the *Environmental Protection Act 1994* (EP Act).
- These activities are occurring in the Cooper, Galilee, Georgina, Maryborough and Eromanga Basins (i.e. central and western Queensland) and being undertaken by Exoma Energy, Beach Energy, Drillsearch & BP, Central Petroleum, and Blue Energy.
- No shale gas production activities have been applied or approved for.
- Operators have advised that upscale and production will likely commence in 2015. This will require numerous well developments and an extensive expansion to Queensland's pipeline network.

Environmental and community considerations – fracturing, and water demand and management

- Shale gas uses horizontal drilling technology which allows for multiple wells to be drilled from one well pad. This reduces surfaces impacts to landholders and the environment.
- Shale gas is extracted from deeper formations than CSG (generally below 2000m). This significantly reduces risks of interconnection with aquifers that are accessed for water supply purposes.
- Shale gas is a type of tight gas, meaning that it is a non-porous geological formation.
- These wells must therefore be fractured to become productive and this will require significantly more water than CSG fracturing (up to 16 mega-litres (ML) compared with 1ML for CSG fracturing).
- As shale gas formations are typically dry, shale gas extraction activities will not result in large volumes of produced (or 'associated') water.
- Exploration is generally occurring in basins where water availability (and unallocated water under the *Water Act 2000*) is limited.
- However, because the P&G Act affords unfettered groundwater rights to all ATP or Petroleum Lease holders (i.e. petroleum tenure holders), shale gas activities may exacerbate community concerns about water availability and allocation in those areas. EHP recently raised this issue with DNRM and discussions are continuing.
- Flow back water from shale gas fracturing is generally more concentrated with metals and has higher sediments than for CSG. The quality of shale gas water will therefore need to be carefully managed and water will need to be appropriately treated in line with the necessary standards.

Rec'd - ODG
20 FEB 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Damien Krikowa Position: Senior Policy Officer Tel No: (07) 3330 6103 Date: 05 February 2013	Name: Anne Lenz Position: Executive Director Tel No: (07) 3330 5626 Date: 15 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: (07) 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 21.2.13

File Ref: (Remove if N/A)

- Additionally, the extraction of the gas can mobilise naturally occurring radioactive materials (NORMs) into water extracted from the well.
- While current research indicates that NORMs are likely to be limited in Australian geology, EHP intends to require operators to monitor for NORMs in waste water.
- Companies are currently exploring for shale gas in South and Western Australia. The United States has large scale production and faces considerable community concern about hydraulic fracturing, most notably in the movie GasLands.

Approval, assessment and compliance of environmental authorities

- Existing EP Act regulatory arrangements for CSG are suitable for application to shale gas.
- EHP has developed model conditions for shale gas - based on the model conditions for CSG.
- EHP has also amended its application forms so that the applicant must clearly state if they propose to carry out shale gas or tight gas activities.
- EHPs technical knowledge about Queensland shale gas is limited as the industry is in its infancy here, however EHP does have in-house knowledge about the USA Environmental Protection Agency and shale gas regulation through an officer spending six months with USA regulators.
- EHP has also conducted extensive benchmarking (over 50 jurisdictions) in relation to the regulation of fracturing for both CSG and shale to ensure our regulation is best practice.

CONSIDERATIONS

- *Government:* The DNRM has recently approached petroleum and gas operators to convey its interest in understanding better the way this industry may develop and to anticipate and address community and industry concerns that may eventuate.
- *Budget:* There is no immediate resource costs associated with regulating an exploration-sized shale gas industry. EHP has absorbed additional assessment and approval tasks within existing resources. However, in-field compliance capacity is limited due to staff and travel costs. In future, there will be resource implications arising from the expansion of the shale gas industry. It is likely that additional costs will be incurred closer to 2014 when the industry ramps up to pre-production activities. EHP will liaise with DNRM and industry to obtain advance notice as much as possible.

MINISTER'S COMMENTS

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Damien Krikowa Position: Senior Policy Officer Tel No: (07) 3330 6103 Date: 05 February 2013	Name: Anne Lenz Position: Executive Director Tel No: (07) 3330 5626 Date: 15 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: (07) 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 4150/13

sch4p3(3) Prejudice the

Chief of Staff ... OK
Dated 18/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 18/03/13.

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Standard approvals for petroleum survey, pipeline and geothermal exploration activities**

RECOMMENDATION

It is recommended that the Minister:

- **note** that public consultation commenced 11 March 2013 on the draft eligibility criteria and standard conditions for petroleum survey, pipeline and geothermal exploration activities, and the supporting risk assessments.
- **note** that the final eligibility criteria and standard conditions for each of these activities will be submitted for approval by the Director-General in early May.

BACKGROUND

- In February 2013, you approved EHP to develop amendments to the *Environmental Protection Regulation 2008* so that eligibility criteria and standard conditions can be prescribed for petroleum exploration activities, pipelines and petroleum survey activities (CTS00965/13).
- The Director-General has approved public consultation on the draft eligibility criteria and standard conditions for petroleum survey, pipeline and geothermal exploration activities (CTS3409/13). He has also approved consultation on the draft eligibility criteria and standard conditions for petroleum exploration activities (CTS2627/13) which is currently on EHP's website for public consultation until 10 April 2013.

CURRENT ISSUES

Developing the proposed eligibility criteria and standard conditions

- The proposed eligibility criteria and standard conditions are based on EHP's understanding of the environmental risks and management techniques associated with these activities.
- This work forms the basis for 'standard applications' and has been undertaken consistent with the Greentape Reduction objective of ensuring that regulatory effort is proportional to environmental risk.
- EHP considers that the majority of pipeline proposals under 150 kilometres in length, and most petroleum survey and geothermal exploration activities, can be dealt with via standard applications.
- EHP has worked closely with APPEA, and consultants employed by APPEA, to develop the risk assessments and the proposed eligibility criteria and standard conditions for petroleum survey and pipeline activities.
- EHP has also completed a risk assessment to determine eligibility criteria and standard conditions for geothermal exploration activities.
- The standard conditions are largely performance based, except where minimum acceptable performance standards are required.

Next steps – public consultation, finalisation and amending the EP Regulation

- It is requested you note the release for public consultation, draft eligibility criteria and standard conditions for the following activities:
  - Pipeline less than 150 km;
  - Petroleum survey activities; and
  - Geothermal exploration activities.
- The proposed eligibility criteria and standard conditions must be published in draft form on EHP's website for a 30 business day consultation period along with submission details.
- After considering submissions made within the consultation period, the Director-General may, by gazette notice, make eligibility criteria and standard conditions for an environmentally relevant activity.

Recd - DDG 13 MAR 2013

Author	Cleared by	Cleared by	Recommended:
Name: Louise Jordan Position: Manager Tel No: 07 3330 5591 Date: 5 March 2013	Name: Anne Lenz Position: ED, ERE Tel No: 07 3330 5626 Date: 12 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 07 3330 5628 Date: 12/3/13	Name: Andrew Chesterman. Position: DG, DEHP Tel No: 3330 6298 Date: 14.3.13

File Ref: (Remove if N/A)

RTI DL Release

- The eligibility criteria take effect when a regulation approves the criteria, and the standard conditions take effect by gazette notice and must be prescribed under a regulation.
- EHP anticipates that this work can be completed by mid May.

CONSIDERATIONS (Remove section if not required)

- Establishing eligibility criteria and standard conditions for these activities will contribute to delivering Greentape Reduction benefits, EHP's Regulatory Strategy and Strategic Plan 2012-2016.
- *Consultation:* Energy Resources and Enforcement and APPEA have worked together in the drafting of the eligibility criteria and standard conditions for petroleum survey and pipeline activities.
- APPEA has invested significantly in this work - engaging expert consultants and seeking industry comments (small to mid-size petroleum and exploration companies) on the drafts of the eligibility criteria and standard conditions.
- Due to its small size, gaining input from the geothermal industry sector in developing the draft eligibility criteria and standard conditions has proved difficult. However, the department considers that the proposed criteria and conditions are suitable for public consultation and will continue to identify and address industry interests through the consultation process.
- *Legislation:* Sections 317 and 318 of the Greentape Reduction amendments deal with making eligibility criteria and standard conditions.
- *Key Communication Messages:* The eligibility criteria and standard conditions for petroleum exploration activities, petroleum survey, pipeline and geothermal exploration activities represent an important initiative to reduce regulatory burden for industry while also protecting environmental values.

MINISTER'S COMMENTS

Pls prepare Comms Strategy and letters to DP and Min NRM. (and A/Min NRM).

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Louise Jordan Position: Manager Tel No: 07 3330 5591 Date: 5 March 2013	Name: Anne Lenz Position: ED, ERE Tel No: 07 3330 5626 Date: 12 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 07 3330 5628 Date:	Name: Andrew Chesterman Position: DG, DEHP Tel No: 3330 6298 Date:

CTS No. 5747/13

sch4p3(3) Prejudice the

Chief of Sta…… OK
Dated 03 / 04 / 13
Approved Not Approved Noted
Further information required
Minister……
Dated 03/04/13.

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Underground Coal Gasification (UCG) proponent letters to the Minister for Natural Resources and Mines regarding implementation of the Independent Scientific Panel (ISP) report.**

RECOMMENDATION

It is recommended that the Minister:

- **note** that Linc Energy (Linc) and Carbon Energy (Carbon) have raised the following issues in recent correspondence to the Minister for Natural Resources and Mines:
  - concerns with the content of the ISP report;
  - concerns with the proposed terms of the extension to the pilot trial; and
  - request for an industry consultation period.
- **note** that EHP has developed draft decommissioning and rehabilitation criteria, in consultation with the Department of Science, Information Technology, Innovation and the Arts (DSITIA) and the Gas Safety Inspectorate of the Department of Natural Resources and Mines (DNRM), for the UCG cavities and UCG impacted groundwater. The draft is currently being peer-reviewed by Geosciences Assessment, UK Environment Agency and the Land Quality Branch, Wyoming Department of Environmental Quality.

BACKGROUND

- The Queensland Government's current UCG policy commenced on 18 February 2009 and afforded the UCG industry the opportunity to demonstrate the technical, environmental and commercial viability of UCG technology. The UCG trial was limited to three pilot sites – Linc near Chinchilla, Carbon near Kogan, between Dalby and Chinchilla, and Cougar Energy (Cougar) near Kingaroy.
- The ISP was appointed by DNRM to provide a report on the outcomes and findings of the UCG trials, basing its recommendations and conclusions on information provided by the UCG companies under a confidentiality agreement. Cougar has not participated in the ISP process since EHP placed Cougar's operation into a decommissioning and rehabilitation phase.
- On 30 November 2012, the ISP delivered its final report to DNRM **(Attachment 1)**.
- On 26 February 2013, the ISP report was provided to Linc and Carbon accompanying a letter from the Minister for Natural Resources and Mines, which outlined the recommendations of the report and the terms of a proposed extension to the pilot trial.
- DNRM met with Carbon on 4 March 2013 and with Linc on 5 March 2013 following both company requests to be given the opportunity to comment on the ISP report and the content of Minister Cripps' letter.
- Refer to Ministerial briefing note CTS No.15396/12 for details of the lead-up to the delivery of the ISP report and the proposal to extend the pilot trial **(Attachment 2).**

CURRENT ISSUES

- Carbon have raised the following concerns and issues in its correspondence of 1 March 2013 **(Attachment 3)**, 5 March 2013 **(Attachment 4)**; and 14 March 2013 **(Attachment 5):**
  - Carbon suggest that there are potential breaches to the confidentiality agreement that was established between the company and the ISP.
  - Carbon has serious concerns regarding some of the assumptions and conclusions in the ISP report and the potential implications. Carbon has requested particular content of the ISP report be removed prior to the report being released to the public.
  - Carbon requests the opportunity to consult with the Queensland Government prior to the release

Rec'd - ODG
28 MAR 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Angus Broadfoot Position: Senior Environmental Officer Tel No: 3330 6068 Date: 13 March 2013	Name: Rachel Burgess-Dean Position: A/Executive Director Tel No: 3330 5626 Date: 26/3/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 14/3/13	Name: Andrew Chesterman Position: Director General Tel No: 3330 6298 Date: 28/3/13

File Ref:

of the ISP report and establishing the terms and duration of the proposed extension to the pilot trial.
  - Carbon requested it be given time to provide a formal response to the Queensland Government by 31 May 2013.
  - Carbon states that it has already decommissioned its pilot panels as recommended (by the ISP report and in DNRM's letter of 26 February 2013). This is not EHP's understanding. EHP understands that Carbon have commenced decommissioning panel 2 and have somewhat suspended the decommissioning of panel 1, the cavity of which has filled with methane gas rather than with groundwater. All of Carbon's cavities are in a phase of decommissioning and are no longer burning.
  - The letter states that Carbon has engaged scientific experts to provide a thorough assessment of the report and commits to providing DNRM with its formal response to the report by approximately 12 April 2013.
  - There are concerns about the potential commercial implications of the report, not only in relation to developing the valuable 1,043 PJ UCG Gas Reserve on the MDL, but also the viability of the business in general and expansion Internationally.
- Linc have raised the following concerns and issues in its correspondence of 6 March 2013 **(Attachment 6):**
  - Linc has issues with the conclusions and recommendations delivered in the ISP report and request the opportunity to consult with the Queensland Government.
  - Linc request that further sufficient time be given to complete the recommendations of the ISP report.
  - Linc request that specific statements in the report be omitted or amended prior to the release of the report.
  - Linc submit that the ISP report should not be released prior to industry consultation.
- EHP has developed draft decommissioning and rehabilitation criteria for the UCG cavities and UCG impacted groundwater in consultation with DSITIA and the Gas Safety Inspectorate of DNRM.
- EHP has requested the decommissioning and rehabilitation criteria be peer reviewed by: Geosciences Assessment, UK Environment Agency; and the Land Quality Branch, Wyoming Department of Environmental Quality.
- The peer-reviews are expected back within the coming weeks.
- DNRM have signalled an intention to submit EHP's decommissioning criteria to the Resource Cabinet Committee. This will be a joint submission with EHP.

CONSIDERATIONS

- *Consultation:* EHP is continuing to work with DNRM and DSITIA in relation to UCG, the ISP report and the Queensland Government decision on the UCG Industry.
- *Key Communication Messages:* DNRM has advised that public concern is increasing in the lead up to a Government decision on the UCG industry. The report has not been made public to date. DNRM will decide when this is to occur.
- *Election Commitment:*
  Commitment number: 333
  Responsible minister: Minister for Natural Resources and Mines

  Resources and Energy Strategy – Underground Coal Gasification (UCG)
  Establish strategies to develop an underground coal gasification sustainable gas industry in Queensland which includes:
  - Providing the opportunity to demonstrate the technical, environmental and commercial viability of Underground Coal Gasification (UCG) technology under strictly monitored conditions in appropriate locations.
  - Continuing to support existing approved UCG technology trials in Queensland.
  - Investigating potential to utilise UCG technology in the production of liquid transport fuels, including ultraclean diesel and jet fuels, from Queensland coal resources.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Angus Broadfoot Position: Senior Environmental Officer Tel No: 3330 6068 Date: 13 March 2013	Name: Rachel Burgess-Dean Position: A/Executive Director Tel No: 3330 5626 Date: 26/3/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman Position: Director General Tel No: 3330 6298 Date:

MINISTER'S COMMENTS

Nb. Annotations in Attachment 1.

ATTACHMENTS

- Attachment 1: Final ISP report – 30 November 2012
- Attachment 2: Ministerial briefing note CTS No. 15396/12 – signed and dated 30 October 2012
- Attachment 3: Carbon Energy letter of response – 1 March 2013
- Attachment 4: Carbon Energy letter of response – 5 March 2013
- Attachment 5: Carbon Energy letter of response – 14 March 2013
- Attachment 6: Linc Energy letter of response – 6 March 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Angus Broadfoot Position: Senior Environmental Officer Tel No: 3330 6068 Date: 13 March 2013	Name: Rachel Burgess-Dean Position: A/Executive Director Tel No: 3330 5626 Date: 26/3/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman Position: Director General Tel No: 3330 6298 Date:

File Ref:

Pages 162 through 170 redacted for the following reasons:
- -
s.78B(2)
sch4p4(7)(1)(c) Business/commercial/professional/financial affairs

RTI DL Release

0437 0/13

NATURAL RESOURCES and MINES

Ministerial Correspondence Action Sheet

relates to 02666/13 and 03377/13

MINISTERIAL REFERENCE	DEPT REFERENCE
M0312 2013	

DATE RECEIVED MINISTER'S OFFICE: 05 MAR 2013

☐ Response Letter

- ☐ For reply under Minister's signature
- ☐ For reply under the Assistant Minister's signature
- ☐ For reply under Chief of Staff's signature
- ☐ For reply under the Senior Policy Advisor's signature (Andrew Freeman)
- ☐ For reply under the Policy Advisor's signature (Dan Hall)
- ☐ For departmental response under DG's signature

☐ Referral Letter

- ☐ Minister's signature
- ☐ Chief of Staff's signature

Category

Complaint / Compliment / Enquiry / Request / FYI

☐ Briefing note
☐ Dot points
☑ FYI / No reply
☐ Dept to contact author

RECEIVED
07 MAR 2013
DNRM CORRO

MINISTER'S OFFICE COMMENTS

RECEIVED 6-3-13

RTI DL Release

Pages 172 through 176 redacted for the following reasons:
- -
sch3(2)(1)(a) Cabinet matter - For consideration by Cabinet
sch4p4(7)(1)(c) Business/commercial/professional/financial affairs

RTI DL Release

CMP

NATURAL RESOURCES and MINES
Ministerial Correspondence Action Sheet

(relates to 02666/13)

MINISTERIAL REFERENCE	DEPT REFERENCE
M03402013	CTS 04553/13

DATE RECEIVED MINISTER'S OFFICE: 08 MAR 2013

☑ Response Letter

- ☑ For reply under Minister's signature
- ☐ For reply under the Assistant Minister's signature
- ☐ For reply under Chief of Staff's signature
- ☐ For reply under the Senior Policy Advisor's signature (Andrew Freeman)
- ☐ For reply under the Policy Advisor's signature (Dan Hall)
- ☐ For departmental response under DG's signature

☐ Referral Letter

- ☐ Minister's signature
- ☐ Chief of Staff's signature

Category

Complaint / Compliment / Enquiry / Request / FYI

☐ Briefing note

☐ Dot points

☐ FYI / No reply

☐ Dept to contact author

MINISTER'S OFFICE COMMENTS

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Pages 178 through 179 redacted for the following reasons:
- -
sch4p4(7)(1)(c) Business/commercial/professional/financial affairs

RTI DL Release

CTS No. 06288/13

Chief of Staff sch4p3(3 ..... OK
Dated 9/4/13
Approved Not Approved Noted
Further information required
Minister .....
Dated 09/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Coal Seam Gas Water – Regulated Waste Definition**

RECOMMENDATION

It is recommended that the Minister:

- **note** the timeframes for reviewing the definition of regulated waste under the *Environmental Protection Regulation 2008* (EP Reg); and
- **note** the proposal to develop an operational guideline to simplify and clarify the options for more effectively managing coal seam gas (CSG) water as a resource (including using third party agreements under an environmental authority (EA)).

BACKGROUND

- sch3(2)(1)(a) Cabinet matter - For consideration by Cabinet
-

CURRENT ISSUES

Timeframes for reviewing the definition of regulated waste:

- CSG water is considered a regulated waste because it contains non-toxic salts which are listed as a regulated waste in Schedule 7 of the EP Reg.
- As a regulated waste, CSG water must be managed in accordance with certain requirements, including for its transport, treatment and disposal.
- The definition of regulated waste also means that once a regulated waste has been treated it is still classified as a regulated waste, irrespective of the level of treatment or the quality of the treated product.
- To complement the development of the new industry-led waste strategy, EHP will undertake a holistic and fundamental review of the current regulated waste management framework in Queensland, including a review of the definition of regulated waste under the EP Reg.
- A separate briefing note (CTS 05321/13) has been developed which outlines the scope and parameters for this review.
- EHP is proposing to undertake the review in stages. Stage 1 is proposing to address some of the more immediate issues that stakeholders have raised in relation to specific regulated wastes such as end-of-life tyres, batteries and used oil.
- Provided that an appropriate standard can be developed through consultation with industry in a timely manner, it is proposed that the issue of suitable quality CSG water be included as part of Stage 1.
- Stage 1 will be given effect through amendment to the EP Reg by July 2013.
- The amendments will ensure that suitable quality CSG water will no longer be classified as a regulated waste. However, untreated CSG water that does not meet this standard, or CSG water that has been treated but is not of a suitable quality, will remain a regulated waste.

Rec'd - ODG - 4 APR 2013

Author	Cleared by	Cleared by	Recommended:
Name: Joshua Lean Position: Manager Tel No: 3330 5901 Date: 27 March 2013	Name: Rachel Burgess-Dean Position: A/ED, ERE Tel No: 3330 5904 Date: 2 April 2013	sch4p3(3) Prejudic Name: Andrew Connor Position: A/DDG, ESR Tel No: 3330 5628 Date: 3/4/13	Name: Dean Ellwood A/DG, DEHP 4/4/13 Tel No: 3330 6298 Date:

RTI DL Release

Operational guideline:

- Through the policy, the government signalled its intent to more effectively manage CSG water as a resource and not a waste.
- Chapter 8 of the *Waste Reduction and Recycling Act 2011* allows the chief executive to declare that a waste has been converted to a resource using a beneficial use approval (BUA).
- Currently, after a BUA has been granted, CSG water can be used by a third party in accordance with the BUA.
- Provided that all regulatory requirements are still met, the *Environmental Protection Act 1994* and EP Reg do not prevent CSG water from being used by a third-party under an EA.
- In deciding EA applications, the BUA framework has generally been considered the most appropriate framework for achieving the policy intent of the previous CSG Water Management Policy 2010.
- As the new policy signals a clear intention to streamline the management of CSG water as a resource, EHP is proposing to develop an operational guideline which would outline a range of circumstances where the third-party use of CSG water could be approved under an EA (instead of a BUA).
- EHP anticipates that these circumstances would be limited to specific uses that are well known, low risk, and where the CSG water is fit for the proposed purpose (i.e. there are clear guideline values in existence that the water meets).
- A BUA would still be required where the proposed use is of a higher risk (e.g. more complex and/or untested), such that a simple standard in an EA is not capable of addressing those risks and further conditioning is required. For example, where multiple uses are proposed, or discharge to waters is part of the proposal.
- The development of this guideline would: simplify the movement and use of CSG water in a range of circumstances; reduce regulatory costs; improve decision making (timeliness and consistency); and provide clarity for both EHP and industry about the different options that exist for approving the ongoing use of CSG water.
- However, the operational guideline will not alter the classification of CSG water as a regulated waste under the EP Reg, and CSG water (not meeting the amended definition) would still be subject to waste tracking and other regulated waste management requirements.
- The development of the operational guideline will link closely with the amendment to the EP Reg to remove suitable quality CSG water from the regulated waste classification.
- The following steps would be required in developing the operational guideline:
  1. A thorough assessment of the regulatory framework (EP Reg and BUA framework) to ensure that the guideline accurately identifies the circumstances where an EA can appropriately authorise the use of CSG water.
  2. Analysis of existing approvals granted under the BUA framework, and how this aligns with the intent of the new policy.
  3. Consultation with industry to understand the limitations with the existing framework.
  4. A risk assessment of CSG water qualities to guide the circumstances where an EA could authorise the use of CSG water.

RTI DL Release

MINISTER'S COMMENTS

Author	Cleared by	Cleared by	Recommended:
Name: Joshua Lean Position: Manager Tel No: 3330 5901 Date: 27 March 2013	Name: Rachel Burgess-Dean Position: A/ED, ERE Tel No: 3330 5904 Date: 2 April 2013	Name: Andrew Connor Position: A/DDG, ESR Tel No: 3330 5628 Date:	Name: Dean Ellwood A/DG, DEHP Tel No: 3330 6298 Date:

CTS No. 03690/13

sch4p3(3) Prejudice th

Chief of Staff ..... OK
Dated 30/03/13
Approved Not Approved Noted
Further information required

Minister.....
Dated / /

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Response to Desert Channels – groundwater monitoring**

RECOMMENDATION

It is recommended that the Minister

- **note** the issues raised by Desert Channels related to voluntary groundwater monitoring being undertaken by petroleum operators, and the proposed response.

BACKGROUND

- Under the *Water Act 2000* (Water Act), petroleum tenure holders are required to undertake baseline assessments of water bores. These assessments provide a reference point for comparison with subsequent bore assessments to assist in the negotiation of make good agreements.
- You wrote to Desert Channels on 7 November 2012 regarding issues related to groundwater monitoring being carried out by petroleum operators in the Galilee Basin.
- You also met with representatives from Desert Channels on 12 November, 2012.

CURRENT ISSUES

- Desert Channels has written to you seeking further advice about what steps have been taken to deal with the issues they discussed with you on 12 November, 2012.
- The groundwater monitoring that Desert Channels is concerned about is not required under any statutory instrument, and appears to be carried out on a voluntary basis by petroleum operators.
- As EHP was not involved in the meeting with Desert Channels on 12 November 2012, no further action has been taken.
- EHP is however aware that Desert Channels had extensive discussions with the GasFields Commission about the same issue on 13 November 2012 and 13 February 2013.
- To properly investigate the issues, the GasFields Commission requested the following information:
  - A copy of the monitoring reports prepared by petroleum operations;
  - A list of concerned landholders; and
  - The name of the company's preparing the monitoring reports.
- Desert Channels has not provided this information to the GasFields Commission.
- In the absence of further information provided by Desert Channels, EHP recommends that no further action be taken.

MINISTER'S COMMENTS

RTI DL Release

Author	Cleared by	Cleared ~~by~~ for	Recommended:
Name: Joshua Lean Position: Manager, Energy Regulation and Implementation Tel No: 3330 5901 Date: 27 March 2013	Name: Rachel Burgess-Dean Position: A/ED, ERE Tel No: 3330 5626 Date: 27/3/13	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: sch4p3(3) Pre 27/3/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: COPY GIVEN TO D-G.

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

Ref CTS 03690/13

Level 13
400 George Street Brisbane 4000
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone +61 7 3239 0844
Facsimile +61 7 3224 2496
Email environment@ministerial.qld.gov.a

3 APR 2013

Miss Leanne Kohler
Chief Executive Officer
Desert Channels Group
Desert Channels Queensland Inc
PO Box 601
LONGREACH QLD 4730

Dear Miss Kohler

Thank you for your letter of 27 February 2013 concerning water monitoring being undertaken by coal seam gas and shale operators in the Galilee Basin.

As previously advised on 7 November 2012, it appears the monitoring you are referring to is not required under a legislative instrument and is instead being proactively collected by petroleum operators. If landholders are concerned or being misled by this monitoring, I ask that you encourage them to contact the government's CSG-LNG industry hotline on 13 25 23.

I am aware of the meetings you have had with the GasFields Commission, and that you are currently unable to provide a copy of water monitoring report/s prepared by the petroleum operators, or the details of the concerned landholders. In the absence of more specific information, it is not appropriate for further action to be taken.

When you are in a position to more fully disclose the details of your concerns, I would be happy to further consider them.

I hope this information has been of assistance to you. Should you have further enquiries, please contact my Chief of Staff, Mr Troy Collings on 3239 0844.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

RTI DL Release

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CTS No. 19190/12

Chief of Staff ..... OK
Dated 2 / 1 / 13
Approved Not Approved Noted
Further information required
Minister.....
Dated 14/01/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **APPEA organised field trips**

RECOMMENDATION

It is recommended that the Minister:

- **sign** the attached letters to Australian Petroleum Production and Exploration Association (APPEA), Arrow Energy and Westside Corporation (**Attachments 1-3**).

BACKGROUND

- EHP officers recently participated in two field trips organised by APPEA in order to further APPEA's working relationship with the Queensland Government and give EHP officers an opportunity to experience Coal Seam Gas (CSG) exploration and production first hand.

CURRENT ISSUES

- On 30 November 2012 eight departmental officers attended Westside Corporation's operation at Moura. Officers had the opportunity to see, among other things, Westside's trial ionic water treatment plant and a production well.
- On 5 December 2012, 9 departmental officers attended various sites operated by Arrow Energy near Dalby. The tour included a visit to Arrow Energy's Dalby Office and its community information centre, and the Daandine Reverse Osmosis Facility, a compressor station, and the Braemar 2 Power Station.
- In both cases, the visits facilitated by APPEA gave EHP staff a valuable opportunity to see CSG operations in action.
- The attached letters express EHP's gratitude to Westside, Arrow and APPEA for what were well-organised and useful field trips.

MINISTER'S COMMENTS

Excellent!

RTI DL Release

ATTACHMENTS

- Attachment 1 - Letter to APPEA
- Attachment 2 – Letter to Arrow
- Attachment 3 – Letter to Westside Corporation

Rec'd - DLDG
21 DEC 2012

Author	Cleared by	Cleared by	Recommended:
Name: Stephen Goldsworthy Position: Executive Officer Tel No: 3330 5500 Date: 10 December 2012	Name: Anne Lenz Position: ED, ERE Tel No: 3330 5626 Date: 10 December 2012	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 11/12	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 21.12.12

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

Ref CTS 19190/12

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Email environment@ministerial.qld.gov.a

14 JAN 2013

Dr Julie Beeby
Chief Executive Officer
Westside Corporation
Level 8, 300 Queen Street
BRISBANE QLD 4000

Dear Dr ~~Beeby~~ Julie

I am informed that Department of Environment and Heritage Protection staff recently attended a field trip organised by APPEA to Westside's operations near Moura.

The field trip provided departmental staff with a valuable opportunity to view coal seam gas operations in action and talk to industry personnel.

I would like to pass on the department's gratitude to Westside for extending the invitation and making staff members available to conduct the tour.

I am informed that the field trip was both well-organised and professionally engaging.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

RTI DL Release

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

Ref CTS 19190/12

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14 JAN 2013

Mr Andrew Faulkner
Chief Executive Officer
Arrow Energy Pty Ltd
GPO Box 5262
BRISBANE QLD 4001

Dear Mr Faulkner

I am informed that Department of Environment and Heritage Protection staff recently attended a field trip organised by APPEA to Arrow Energy's operations in and near Dalby.

The field trip provided departmental staff with a valuable opportunity to view coal seam gas operations in action and talk to industry personnel.

I would like to pass on the department's gratitude to Arrow for extending the invitation and making staff members available to conduct the tour.

I am informed that the field trip was both well-organised and professionally engaging.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

RTI DL Release

QUEENSLAND GOVERNMENT

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

Ref CTS 19190/12

14 JAN 2013

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Mr Rick Wilkinson
Chief of Operations – Eastern Region
Australian Petroleum Production & Exploration Association Limited (APPEA)
Level 36
32 Turbot Street
BRISBANE QLD 4000

Also by email via nkerin@appea.com.au

Dear Mr Wilkinson Rick

I am informed that Department of Environment and Heritage Protection staff recently attended two field trips organised by APPEA – the first to Westside Corporation's operation at Moura; and the second to Arrow Energy's operations in and near Dalby.

These field trips provided departmental staff with a valuable opportunity to view coal seam gas operations in action and talk to industry personnel.

I would like to pass on the department's gratitude to APPEA for facilitating the trips.

I am informed that the field trips were both well-organised and professionally engaging.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

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Chief of Staff ..... OK
Dated 10/1/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 14/01/13

CTS No. 00190/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Update on the Yabulu Nickel Refinery following the first report of the Independent Scientific Panel**

RECOMMENDATION

It is recommended that the Minister:

- **note** that the Independent Scientific Panel (ISP) met again on 11 December 2012 to consider water management challenges at the Queensland Nickel Pty Ltd (QN) Yabulu Nickel Refinery
- **note** that the ISP released its first report on 18 December 2012. The report recommends that during the current wet season, the only feasible options to reduce the risk of contaminated discharge from the refinery are to minimise the amount of water being directed to the tailings storage facility (TSF) and, if required, to discharge some of the water from the TSF. The report recommends that the use of the ocean outfall is the lowest environmental impact option for discharging water from the TSF
- **note** that on 21 December 2012, QN notified the Department of Environment and Heritage Protection (EHP) that spill risk modelling identified that the spill risk at 1 November 2012 exceeded 1%. This is in non-compliance with the development approval (DA) issued for the refinery
- **note** that QN has submitted a draft transitional environmental program (TEP) to EHP, seeking approval from EHP for a transition to compliance with the spill risk requirements of the DA by November 2013.

BACKGROUND

- QN operates Yabulu Nickel Refinery, located 25 kilometres north of Townsville, under a DA administered by EHP.
- The ISP, comprising experts from Universities in Queensland and New South Wales and a representative from the Australian Institute of Marine Science, has been established by QN to address water management issues at the refinery.
- Refer to previous briefings CTS14692/12, CTS10517/12, CTS15898/12 and CTS16804/12 (**Attachments 1-4**) for additional background.

CURRENT ISSUES

- At the meeting of the ISP on 11 December 2012, the group's terms of reference were finalised and the options for reducing the spill risk at the QN site during this wet season were discussed.
- Outcomes of the Panel meeting were provided to EHP on 18 December 2012.
- The report indicates that the only feasible options to immediately reduce the risk of an overflow from the TSF are to minimise the inputs to the TSF through a plant shut down or reduced production and if necessary to discharge from the TSF.
- The report indicates that in the event of a discharge from the TSF, the lowest environmental impact would result from use of the ocean outfall.
- The use of the ocean outfall is permitted by the DA provided that QN demonstrate, via the submission of a corrective action plan, that it is the best means of reducing the spill risk.
- QN have previously submitted a corrective action plan and EHP have provided comment. As such, the only current impediment to the use of the ocean outfall is the requirement for an additional permit from the Great Barrier Reef Marine Park Authority (GBRMPA).
- On 21 December 2012, QN provided notification to EHP via email that the latest spill risk modelling showed that the spill risk for 1 November 2012 exceeded 1%.

Rec'd - ODG
8 JAN 2013

Author	Cleared by	Cleared by	Recommended:
Name: Chris Wake Position: PEO Tel No: 4722 5371 Date: 4 January 2013	Name: Ingrid Fomiatti Minnesma Position: A/ED ESR Northern Tel No: 4222 5337 Date: 7 January 2013	Name: Glen Brown Position: A/DDG ESR Tel No: 3330 5628 Date: 7/1/13	Name: Andrew Chesterman DG Tel No: 3330 6298 Date: 8-1-13

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- The DA requires a spill risk of less than 1% (that is, a spill is likely to occur less than once in every 100 years) for each of the dams containing 'hazardous waste' on the QN site – measured at 1 November each year.
- On Monday 24 December 2012, QN voluntarily submitted a draft TEP to achieve compliance with the spill risk requirements of the DA by November 2013.
- The submission of the draft TEP is consistent with a recommendation of the Panel, which states that a comprehensive plan of works should be implemented from now until November 2013 in order to prevent a reoccurrence of this issue in the 2013/14 wet season.
- The draft TEP proposes to achieve compliance with the spill risk requirements of the DA through the construction of additional storages during the next dry season. The draft TEP also includes actions to manage the risk of a spill during the current wet season such as reducing inputs to the TSF.
- EHP representatives met with QN on 3 January 2013 to discuss the draft TEP and EHP provided feedback to QN for incorporation in the draft TEP.
- QN will submit a revised version of the draft TEP in the week commencing 7 January 2013 and EHP will expedite the assessment of this document.
- GBRMPA provided correspondence to Mr Clive Palmer on 4 January 2013, highlighting that consideration is being given to exercising statutory powers to require that a water management plan is commissioned for the TSF.

MINISTER'S COMMENTS

RTI DL Release

ATTACHMENTS:

- Attachment 1 – BN CTS 14692/12 Yabulu Nickel Refinery – Water management
- Attachment 2 – BN CTS 10517/12 Queensland Nickel Pty Ltd – Yabulu Nickel Refinery
- Attachment 3 – BN CTS 15898/12 Yabulu Nickel Refinery – Independent Scientific Panel
- Attachment 4 – BN CTS 16804/12 Yabulu Nickel Refinery – Independent Scientific Panel meeting update

Author	Cleared by	Cleared by	Recommended:
Name: Chris Wake Position: PEO Tel No: 4722 5371 Date: 4 January 2013	Name: Ingrid Fomiatti Minnesma Position: A/ED ESR Northern Tel No: 4222 5337 Date: 7 January 2013	Name: Glen Brown Position: A/DDG ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG Tel No: 3330 6298 Date:

CTS No. 14692/12

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Chief of Sta . OK
Dated 10/10/12
Approved Not Approved Noted
Further information required
Minister...
Dated 11/10/12.

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Yabulu Nickel Refinery - Water Management**

RECOMMENDATION

It is recommended that the Minister:

- **note** that Queensland Nickel Pty Ltd (QN) has proposed to initiate a independent scientific panel to assist with water management at the Yabulu Nickel Refinery.
- **note** that the Department of Environment and Heritage Protection (EHP) has reviewed the draft Terms of Reference (TOR) that governs how the panel will operate and Mr Dean Ellwood, Deputy Director-General Environmental Services and Regulation Division, signed and sent a letter providing feedback to QN on 5 October 2012 (Attachment 1).
- **note** that EHP's Environmental Services and Regulation Division (Northern Region) will provide a representative to attend the proposed scientific panel.

BACKGROUND

- QN owns and operates the Yabulu Nickel Refinery, 25km north of Townsville, which operates under a development approval (DA) administered by EHP.
- Further background information on QN issues has been provided in a previous Briefing Note to the Director-General (Attachment 2).

CURRENT ISSUES

- On the 14 September 2012, the Deputy Director-General Environmental Services and Regulations met with Clive Palmer to discuss water management issues at the Yabulu Nickel Refinery.
- During this meeting, QN proposed to initiate an independent scientific panel to assist with water management at the refinery, particularly in relation to the impending wet season and management of the tailing storage facility.
- QN proposes that the scientific panel will consist of four to six members, to be appointed based on consultation with the Great Barrier Reef Marine Park Authority (GBRMPA) and EHP. In addition to the four to six independent panel members, it is proposed that QN, GBRMPA and EHP will have membership as well.
- QN also highlighted the need for a revision of their DA to assist in better water management across the site.
- Both proposals are linked and will assist in dealing with the highly complex water management issues at the refinery. The department gave in-principal support to these two proposals.
- It should be noted that EHP highlighted its position in relation to the tailings dam spill risk, and that the one per cent spill risk for the Tailings Storage Facility needed to be met by 1 November 2012.
- EHP highlighted the need for QN to take all reasonable and practical measures to reduce water on site
- On 24 September 2012, QN confirmed the outcomes of the meeting and indicated that it will liaise further with EHPs Northern Region (Attachment 3).
- In addition, QN provided a draft TOR which was reviewed by EHP and general comments have been provided to QN.
- While the overall intent of the draft TOR is sound, it would benefit from better definition around the outcomes being sought. In particular, the current scope needs to be broadened to include a more holistic review of water management on site, including the tailings storage facility.

Author	Cleared by	Cleared by	Recommended:
Name: Hamish Butler Position: Team Leader, Mining Tel No: 4222 5333 Date: 03/10/2012	Name: Rob Lawrence Position: ED, ESR Northern Tel No: 4222 5338 Date: 04/10/2012	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5626 Date: ENDORSED.	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 8.10.12

File Ref: (Remove if N/A)

RTI DL Release

- Based on the three focus areas put forward in the draft TOR, EHP has suggested that a mix of process and civil engineers, water and wastewater experts and scientific experts in water quality and ecosystem impacts would be appropriate.
- QN has advised that the first meeting of the scientific panel will be on the 8 October 2012 and the panel will consist of Mr Jon Brodie from James Cook University (JCU) – Chair, Dr Andrew Negri from the Australian Institute of Marine Science, Mr Barry Butler (JCU), Professor Peter Ridd (JCU), a Wastewater engineer (to be determined) and a representative from QN, EHP and the GBRMPA. Ms Ingrid Fomiatti Minnesma will represent EHP at the panel meeting.
- EHP will continue to work closely with both QN and GBRMPA to address the major water accumulation issues at the Yabulu Nickel Refinery.

CONSIDERATIONS

- It is still EHP's expectation that the one per cent spill risk is met by the 1 November 2012, in accordance with the DA.
- The department supports the need to amend the DA to ensure contemporary environmental standards are applied. However, the department is only willing to undertake this task as long as QN acknowledge the validity of the DA.

MINISTER'S COMMENTS

Excellent work.

ATTACHMENTS

- Attachment 1 - Letter to QN (TOR Feedback)
- Attachment 2 - Background information on QN CTS 10517
- Attachment 3 - QN Letter

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Hamish Butler Position: Team Leader, Mining Tel No: 4222 5333 Date: 03/10/2012	Name: Rob Lawrence Position: ED, ESR Northern Tel No: 4222 5338 Date: 04/10/2012	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5626 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 10517/12

Approved Not Approved Noted
Further information required
DG.....
Dated 13/8/12

Department of Environment and Heritage Protection
DIRECTOR-GENERAL BRIEFING NOTE

TO: **Director-General**

SUBJECT: **Queensland Nickel Pty Ltd – Yabulu Nickel Refinery**

TIMEFRAME

- Noting of this brief is urgent to ensure that the Director-General is kept up to date on water management issues at the Queensland Nickel (QN) – Yabulu Nickel Refinery (refinery).

RECOMMENDATION

It is recommended that the Director-General:

- **note** the proposed response from the Department of Environment and Heritage Protection (EHP) on QN's corrective action plan (CAP) (**Attachment 1**);
- **note** that EHP 's assessment is that the CAP does not
  - consider alternatives to the use of the ocean outfall, despite EHP providing a list of options for QN to consider;
  - demonstrate that the release will not cause an unacceptable impact; or
  - result in the sites spill risk being reduced to an acceptable level prior to 1 November.
- **note** that following a review of the CAP, it is the advice of EHP's dam safety engineer that the site spill risk remains unacceptably high, however, the Tailings Storage Facility (TSF) dam embankments and spillway have been designed and constructed to acceptable engineering standards and the spillway has more than enough capacity to prevent overtopping of the embankment.
- sch3(7) Information subject to legal professional privilege

RTI DL Release

BACKGROUND

- QN owns and operates the Yabulu Nickel Refinery which is located approximately 25 kilometres north of Townsville. The refinery is situated in a coastal zone in close proximity (~1km) to Halifax Bay, which is part of the Great Barrier Reef Marine Park and World Heritage Area.
- There are current significant water management issues on the refinery site with the TSF not meeting appropriate spill risk standards.
- CTS 7239/12 and CTS 07384/12 (**Attachments 3 and 4**) provide further background information.

CURRENT ISSUES

Corrective Action Plan

- QN submitted a CAP to EHP on 31 July 2012, which details the means by which QN intend to reduce the contaminated water inventory, and nominates a 5 year implementation horizon.
- The CAP states that in excess of 2000ML of additional capacity is required in the TSF in order to achieve a spill risk of less than 1% by 1 November 2012.
- This spill risk and the 1 November date are statutory requirements within the QN development approval (DA) and as reported in the CAP, requirements of the Federal Government approval issued under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Approval).
- To reduce the sites contaminated water inventory the CAP proposes:
  - discharge of tailings effluent through the ocean outfall to provide the required additional capacity within the TSF; and
  - the diversion of "stormwater" (contaminated) away from the TSF to prevent further increases in the contaminated water inventory. This contaminated stormwater would be released to the environment (Halifax Bay) via surface waters.
- In relation to the use of the ocean outfall:

Rec'd - OLGG
13 AUG 2012

Author	Cleared by	Cleared by	Recommended:
Name: Gus Gonzo Position: A/RM Tel No: 4222 5160 Date: 6/08/12	Name: Rob Lawrence Position: ED - Northern Tel No: 4222 5338 Date: 8/08/12	Name: Position: Tel No: Date:	Name: Dean Elwood Position: DDG, ESR Tel No: 3330 5628 Date: 13/8

File Ref:

- the CAP details that under optimal conditions with no further rainfall, at least 140 days of discharge is needed to reduce the spill risk to acceptable levels. There are less than 90 days prior to 1 November statutory deadline. Therefore even if QN could commence discharging tomorrow, which they cannot (more information on this below), the CAP will not result in QN achieving compliance with its DA within an acceptable time period (by 1 November 2012).
- No information was provided in the CAP in relation to the concentrations of contaminants to be released via the ocean outfall, or supporting hydrodynamic modelling. Such information would allow for a full and proper assessment of the likely impacts, including toxicity of contaminants and nutrient loading. EHP has previously requested this information and considers it critical in understanding any potential impacts associated with the proposed discharge.
- It is the assessment of EHP and scientists from the Department of Science, Information Technology, Innovation and the Arts (DSITIA) that the CAP does not provide any information to suggest or demonstrate that the release will not cause an unacceptable impact. The material at hand indicates that impacts will occur, however the scale has not been quantified. There is evidence within the CAP to suggest that historical releases have impacted the presence of sea grass beds within Halifax Bay.

- In relation to the diversion of "stormwater" (contaminated) away from the TSF:
  - QN's CAP proposes to divert contaminated stormwater for direct release into the environment via local surface waters. This proposal appears to be QN's longer term strategy to reduce water accumulation issues on the site.
  - The proposal as presented is not consistent with the requirements of the sites DA.
  - Insufficient information is provided in the CAP to undertake a full and proper assessment of the potential impacts of this proposal.
- EHP's ability to influence the CAP is limited, however the following points are of note:
  - the DA provides QN with the right to discharge contaminated water via the ocean outfall if the CAP demonstrates that the use of the ocean outfall is the "best" means of complying with the spill risk requirements of the DA. The use of the term "best" does not mean to the satisfaction of EHP (therefore they do not require EHP approval). However, it does require QN to canvass alternatives.
  - EHP does not consider the CAP has demonstrated that the ocean outfall is the "best" means of achieving compliance as it does not consider / discuss alternatives to the use of the ocean outfall.
  - In addition to the above, the DA requires that QN has due regards to EHP's comments on the CAP. While the condition is ambiguous, it does provide some scope for EHP to influence the CAP. Should this become a critical issue, the extent of EHP's ability to influence the CAP relying on the relevant condition would likely require determination in the courts.

GBRMPA

- In order for QN to discharge through the ocean outfall, a separate joint permit to discharge into the Great Barrier Reef Marine Park is required from the GBRMPA and the Queensland Government's Department of National Parks Recreation Sport and Racing (DNPRSR - Marine Parks).
- QN has made application to GBRMPA for the use of the ocean outfall, but believe the detailed assessment process proposed by QBRMPA, including a 30 business day public notification period, is perverse and an abuse of power.
- QN has until 22 of August 2012 to provide a public information package to GBRMPA for assessment prior to the commencement of the public notification period.

DIRECTOR–GENERAL'S COMMENTS

Noted. What options in all practicality exist to achieve compliance by 1/11 though?

ATTACHMENTS

- Attachment 1 – proposed EHP response to the Queensland Nickel CAP
- Attachment 2 - sch3(7) Information subject to legal professional privilege
- Attachment 3 - CTS 7239/12
- Attachment 4 - CTS 07384/12

Author	Cleared by	Cleared by	Recommended:
Name: Gus Gonzo	Name: Rob Lawrence	Name:	Name: Dean Elwood
Position: A/RM	Position: ED - Northern	Position:	Position: DDG, ESR
Tel No: 4222 5160	Tel No: 4222 5338	Tel No:	Tel No: 3330 5628
Date: 6/08/12	Date: 8/08/12	Date:	Date:

RTI DL Release

CTS No. 15898/12

sch4p3(3) Prejudice the

Chief of Sta . OK
Dated 30/10/12
Approved Not Approved Noted
Further information required
Minister.....
Dated 31/10/12

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Yabulu Nickel Refinery - Independent Scientific Panel**

RECOMMENDATION

It is recommended that the Minister:

- **note** that an independent scientific panel has now been established to address water management issues at the Yabulu Nickel Refinery.
- **note** that it is likely Queensland Nickel Pty Ltd (QN) will be unable to meet the Development Approval (DA) condition that requires a spill risk of less then 1% for the tailings storage facility by 1 November 2012.
- **note** that a further brief will be provided following the next expert panel meeting on 1 November 2012.

BACKGROUND

- QN owns and operates the Yabulu Nickel Refinery, 25km north of Townsville which operates under a DA that is administered by the Department of Environment and Heritage Protection (EHP) (Attachment 1).
- At a meeting with departmental officers on 14 September 2012, Professor Clive Palmer proposed the establishment of a scientific panel to advise QN around the water management issues at the Yabulu Nickel refinery. (Attachment 2).

CURRENT ISSUES

- On 5 October 2012, the Deputy Director General (ESR) wrote to QN supporting the approach of a scientific panel and also provided comments regarding the draft Terms of Reference (TOR) for the independent scientific panel (Attachment 3).
- The independent scientific panel consist of experts from Universities in Queensland and New South Wales and a representative from the Australian Institute of Marine Science.
- QN, EHP and the Great Barrier Reef Marine Park Authority (GBRMPA) attend the meeting, but do not have input in relation to scientific matters.
- An officer from EHP attended the first meeting of the independent scientific panel on 11 October 2012 and at this meeting QN advised the panel that the current spill risk is approximately 14%.
- The panel came to a view that there will be a need to develop a short, median and long term strategy (e.g. 4 month, 18 month and 5 year) for water management at the site.
- The experts in the panel also came to a preliminary view that based on timing and previously observed impacts of various release types from the site; the current best short term option is to use the release to sea option to reduce the spill risk.
- The experts requested they meet further on 19 October without representatives of QN, EHP or GBRMPA to discuss their views further. The panel intends to provide more definite advice regarding short term options at the next full expert panel meeting on 1 November 2012.
- The GBRMPA has maintained its stance that QN requires approval from that authority for any discharge from the ocean outfall which is not an emergency, and that any application would require public advertising.
- QN has also indicated that it wishes to engage with EHP to amend the DA to ensure it remains a functional mechanism for achieving good environmental outcomes.

RTI Dr Release

Author	Cleared by	Cleared by	Recommended:
Name: Hamish Butler Position: A/Team Leader Townville Tel No: 4222 5333 Date: 18 October 2012	Name: Rob Lawrence Position: Executive Director-North Region Tel No: 4222 5338 Date: 23 October 2012	Name : Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 29.10.12

- EHP has responded favourably to this request however has requested QN confirm that it has no further concerns in relation to the validly of the DA before EHP commits significant resources to such a review.
- Given the spill risk is currently around 14%, QN will likely be in non compliance with the DA condition that requires a spill risk of less then 1% for the tailings storage facility by 1 November 2012.

CONSIDERATIONS

- EHP has not received any response from QN confirming that they consider the DA is valid.
- The independent scientific panel intends to meet again on 1 November 2012, at which time further water management issues will be discussed.

MINISTER'S COMMENTS

Please provide regular briefings.

ATTACHMENTS

- Attachment 1 – CTS 10517/12.
- Attachment 2 – CTS 14692/12.
- Attachment 3 - Signed Letter.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Hamish Butler Position: A/Team Leader Townville Tel No: 4222 5333 Date: 18 October 2012	Name: Rob Lawrence Position: Executive Director-North Region Tel No: 4222 5338 Date: 23 October 2012	Name : Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 16804/12

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Chief of Staf [redacted] OK
Dated 14 / 11 / 12
Approved / Not Approved Noted
Further information required
Minister.....
Dated 14/11/12

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Yabulu Nickel Refinery - Independent Scientific Panel Meeting Update**

RECOMMENDATION

It is recommended that the Minister:

- **note** that the independent scientific panel met on 1 November 2012 to address water management challenges at the Queensland Nickel Pty Ltd (QN) Yabulu Nickel Refinery.
- **note** that QN advised the panel that the spill risk at 1 November 2012 was 14%.
- **note** that QN proposes submitting a Transitional Environmental Program (TEP) to the Department of Environment and Heritage Protection (EHP), seeking approval from EHP for a transition to compliance with the Development Approval (DA) condition requiring a spill risk of less than 1% (i.e. likely to occur less than once in every 100 years) for each of the dams containing 'hazardous waste' on the QN site – measured at 1 November each year.
- **note** that QN now appears prepared to work with EHP to alter and improve the wording of the DA.
- **note** that a further brief will be provided after the next panel meeting due in late November 2012.

BACKGROUND

- QN operates Yabulu Nickel Refinery (25km north of Townsville) under a DA administered by EHP.
- An independent scientific panel, comprising experts from Universities in Queensland and New South Wales and a representative from the Australian Institute of Marine Science, has been established to address water management issues at the refinery **(see Attachments 1, 2 and 3)**.
- Until recently, QN's view was that special legislation for the refinery meant that QN was not bound to comply with the conditions of the DA.

CURRENT ISSUES

- The independent scientific panel met again on 1 November 2012, to discuss short and medium-term options to address major water management challenges at the QN refinery site.
- The panel gave an overview of its previous meeting held on 20 October 2012, which representatives of QN, EHP and the Great Barrier Reef Marine Park Authority (GBRMPA) did not attend.
- The panel asked for a wastewater or process water engineer to be added to the panel to help determine water treatment solutions and options for reducing the spill risk at the QN site.
- The panel presented and discussed a table it had prepared which:
  - summarised a range of technical options for the problems at the QN site;
  - assessed the issues associated with each option; and
  - considered the likely implementation period for each option.
- The panel maintained its view (based on time constraints and the observed impacts of previous wastewater releases from the QN site) that the best short-term option was for the controlled release of wastewater to sea via the ocean outfall, so as to reduce the spill risk to a more desirable level.
- GBRMPA maintained its stance that QN requires approval from GBRMPA for any discharge from the ocean outfall other than for an emergency. However GBRMPA gave ground by agreeing to consider any arguments supplied by QN on why the application should not need public advertising.
- At the meeting QN advised that the current spill risk was now 14% - meaning it did not meet the DA requirement for a spill risk of less than 1% for each hazardous dam at 1 November each year.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Ingrid Fomiatti Minnesma Position: A/RM, ESR Northern Region Tel No: 4222 5337 Date: 5 November 2012	Name: Lindsay Delzoppo Position: A/Executive Director-ESR Northern Region Tel No: 4222 5338 Date: 6 November 2012	Name : Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: sch 3/11	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 13.11.12

- After the panel meeting finished, QN advised the EHP representative that QN would submit and seek EHP approval for a Transitional Environmental Program (TEP) under the *Environmental Protection Act 1994*, allowing transition to compliance with the DA condition setting a spill risk of less than 1% at 1 November each year, with a target date of November 2013 if this proved to technically achievable.
- QN indicated the submission date for the TEP would depend on both the views of the scientific panel and the availability of a suitable consultant, but would most likely be in late January 2013.
- QN also indicated that it wished to work with EHP to review and reword the DA to make it more useful for achieving good environmental outcomes. EHP responded favourably to this request but asked QN to confirm that it no longer held concerns about the validly of the DA, before EHP would commit significant resources to a joint review.
- QN undertook to write to EHP by 13 November 2012:
  - offering to work with EHP to review and improve the DA for the Yabulu refinery; and
  - committing to submit a TEP (as described above) by late January 2013.
- Based on the current spill risk, the rainfall from an 'unexceptional' wet season would result in a spill of contaminated wastewater into the marine receiving environment. However such a spill would be most unlikely to threaten the structural integrity of any of the dams containing hazardous material.
- The quantity and environmental impact of such as spill would depend of the type of rainfall event triggering the spill (e.g. intensity and duration of the event) and the antecedent weather conditions.
- The expert panel did not put forward any proposal to reduce the spill risk to the level required by the DA for the imminent wet season, but did foreshadow the need for some form of discharge to the environment from water storage(s) on the QN site.

CONSIDERATIONS

- At the meeting EHP asked QN to carry out a dam safety inspection and provide EHP with a dam safety report prepared by a suitably qualified and experienced Engineer - EHP has since followed that request up in writing.

MINISTER'S COMMENTS

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ATTACHMENTS

- Attachment 1 – CTS 14692/12, BN for Minister
- Attachment 2 – CTS 19692/12, Sighed Letter
- Attachment 3 – CTS 15898/12, BN for Minister

Author	Cleared by	Cleared by	Recommended:
Name: Ingrid Fomiatti Minnesma Position: A/RM, ESR Northern Region Tel No: 4222.5337 Date: 5 November 2012	Name: Lindsay Delzoppo Position: A/Executive Director-ESR Northern Region Tel No: 4222 5338 Date: 6 November 2012	Name : Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 04758/13

sch4p3(3) Prejudice th

Chief of Staff OK
Dated 17/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 18/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Proposed rock revetment – Johnstone Shire River Improvement Trust at South Johnstone River**

RECOMMENDATION

It is recommended that the Minister:

- **note** that EHP and Department of State Development, Infrastructure and Planning (DSDIP) met with the Johnstone Shire River Improvement Trust (JSRIT) on 11 March 2013 to discuss the constraints and opportunities associated with a proposed rock wall development on State land adjoining agricultural land on the South Johnstone River (**Attachment 1**).

BACKGROUND

- In October 2012, the State Planning Policy (SPP) 3/11: Coastal Protection was suspended and replaced with the current draft *Coastal Protection State Planning Regulatory Provision* (SPRP) for assessing development in the coastal zone.
- The SPRP is a statutory instrument under the *Sustainable Planning Act 2009* (SPA) and has the effect of law.
- Following the introduction of the SPRP, EHP received a request from the Department of Natural Resource and Mines (DNRM) to advise whether it objected to an application for Resource Entitlement by JSRIT for a rock wall on the banks of the South Johnstone River.
- In October 2012, EHP advised DNRM and JSRIT that it objected to the proposal because it was inconsistent with the SPRP policies relating to development in erosion prone areas, and development in areas of High Ecological Significance (HES).
- Notwithstanding that advice, EHP received an application on 4 February 2013 for the proposal from JSRIT through the development assessment process under the SPA.
- EHP has been triggered as a concurrence agency for prescribed tidal works under the *Coastal Protection and Management Act 1995.*
- EHP issued an information request on 15 February 2013 in relation to the development application.
- The EHP information request was separated into two parts, the first requiring the JSRIT to demonstrate how the project met the requirements of the SPRP and the second related to the technical environmental information.
- The separation being to ensure that no unnecessary expenditure is entered into by the JSRIT to explore the technical aspects if the requirements of the SPRP cannot be satisfied.
- EHP has been clear with JSRIT that the project has significant impediments in satisfying the requirements of the SPRP.

CURRENT ISSUES

Project

- The JSRIT has proposed the construction of a 200m rock wall on state land on the bank of the South Johnstone River as a means of preserving the existing integrity of the river contour and the adjacent agricultural land.
- The adjacent property being protected from bank erosion is freehold land with no built infrastructure requiring protection.
- JSRIT have received over $200,000 combined Queensland Reconstruction Authority (Cyclone Yasi environmental recovery) and Commonwealth Reef Rescue funding support for the project as well as contributions from the adjacent land owner.
- The funding was sourced without any EHP consultation to determine if legislative project killers existed.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Mark Cavicchiolo Position: Team Leader Tel No: 4222 5322 Date: 11 March 2013	Name: Rob Lawrence Position: ED, Northern Region Tel No: 4222 5338 Date: 12 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 14.3.13

- Subsequent to realising the significant constraints to the project, JSRIT has suggested that the rock wall is necessary to mitigate flood risks to the Mourilyan Township.
- The suggestion is prefaced on the topography of the landscape and the concept that if the subject bank in the Johnstone River is breached at some point in the future, the natural fall of the land will result in community flooding.

Impediments

- The critical constraints are in relation to the development being within the erosion prone area and also being an area of HES.
- Specifically the SPRP endeavours to maintain erosion prone areas undeveloped and in areas already developed, structural and engineering works should only be initiated as a last resort to protect public safety or property and infrastructure.
- The area is mapped HES and the SPRP is also clear that development is to be located outside of and not have an impact on an area of HES.
- JSRIT also have the view that the site does not have the HES attributes as mapped, and that their proposal would be environmentally beneficial as it would arrest river bank loss to waters and have a revegetation component. JSRIT considered this to be the primary role of the rock wall, rather than the protection of agricultural land.

Client Engagement and Solution

- On 15 January 2013, an interdepartmental meeting was held with EHP and DSDIP in order to confirm whether the department's interpretation of the development in erosion prone area and areas of HES provisions of the SPRP was consistent with the legislations intent.
- DSDIP agreed with EHP's interpretation of the SPRP, and agreed to formalise their agreement through the exchange of a letter. A written EHP interpretation of the relevant provisions was sent to DSDIP, however a reply has not yet been received from DSDIP.
- EHP subsequently arranged a meeting on 11 March 2013 with DSDIP and JSRIT in line with a Ministerial reply to JSRIT (**Attachment 2**).
- At the meeting both EHP and DSDIP gave clear advice to the JSRIT that the proposal was inconsistent with the SPRP policies relating to HES areas and erosion prone areas.
- EHP and DSDIP staff also advised that the SPRP has the force of law and there is little room for any other interpretation that would enable the proposal to be viewed favourably.
- EHP invited JSRIT to provide further information on the issue of flood mitigation as public safety provisions would be paramount in any decision on the proposal, and dependent upon the integrity of the information, may satisfy the requirements of the SPRP to protect public safety or property and infrastructure.
- HES mapping has been established state wide as a largely desktop exercise and EHP has offered technical expertise to assess whether the HES attributes exist at the site and to provide this advice to JSRIT and DSDIP to determine if the HES matters are relevant.
- JSRIT has queried the appropriateness of the location of the current Declared Downstream Limit (DDL). EHP has offered to consult with NRM as to the appropriateness of the DDL and any review opportunities. If the DDL was amended to a location upstream of the development, the site would be excluded from the jurisdiction of the SPRP requirements for HES and erosion prone areas and would be subject to separate assessment by NRM under the *Water Act 2000*.
- DSDIP staff also advised that, as the draft SPRP is currently being reviewed, they would seek advice as to whether the provisions of the SPRP could be amended in a way that may accommodate appropriately designed bank restoration works that provide an environmental benefit.

CONSIDERATIONS

- *Consultation:*
  - Meetings with DSDIP and JSRIT.

MINISTER'S COMMENTS

Author	Cleared by	Cleared by	Recommended:
Name: Mark Cavicchiolo Position: Team Leader Tel No: 4222 5322 Date: 11 March 2013	Name: Rob Lawrence Position: ED, Northern Region Tel No: 4222 5338 Date: 12 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

RTI DL Release

ATTACHMENTS:

- Attachment 1 – Map of the subject area (South Johnstone River, South Mourilyan)
- Attachment 2 – CTS18498/12

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Mark Cavicchiolo Position: Team Leader Tel No: 4222 5322 Date: 11 March 2013	Name: Rob Lawrence Position: ED, Northern Region Tel No: 4222 5338 Date: 12 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS 04758/13

Attachment 1 – Map of the subject area (South Johnstone River, South Mourilyan)

RTI DL Release

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

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Ref CTS 18498/12

21 DEC 2012

Mr Sam Pagano
Chairman
Johnstone Shire River Improvement Trust
Johnstone River Catchment
Management Association
c/- Cassowary Coast Regional Council
PO Box 887
INNISFAIL QLD 4860

RTI DL Release

Dear Mr Pagano

Thank you for your letter of 29 November 2012 concerning the bank stabilisation and rehabilitation project in the area of the South Johnstone River known as the Mourilyan Breakout.

I acknowledge the significant work undertaken by the Johnstone Shire River Improvement Trust (JSRIT) to protect land, manage erosion and seek to improve the ecological values of the riverine environments.

The Department of State Development, Infrastructure and Planning (DSDIP) recently introduced the Draft Coastal Protection State Planning Regulatory Provision: *Protecting the Coastal Environment* (SPRP) as part of an overall review of the Queensland Coastal Plan.

The SPRP replaces the previous State Planning Policy 3/11: *Coastal Protection* to better support the government's commitment to grow the four pillars of Queensland's economy. While the SPRP is in place, a review of the Queensland Coastal Plan is being undertaken by the DSDIP in consultation with the Department of Environment and Heritage Protection (EHP). During the review of the Queensland Coastal Plan, SPRP is in place and has the effect of law.

It is important to note that the construction of rock walls is considered development under the *Sustainable Planning Act 2009* (SPA) and, as a function of the integrated development assessment process, the development is referred to EHP for assessment against the provisions of the SPRP and the *Coastal Protection and Management Act 1995*.

Coastal areas are highly dynamic systems that experience natural erosion and accretion processes and I acknowledge your advice that the site known as the 'Mourilyan Breakout' is experiencing erosion that threatens adjacent agricultural land.

I am concerned with the statements in your letter regarding the township of Mourilyan and potential flooding impact. I would strongly advise that you provide EHP with any information that your organisation has regarding the risk JSRIT has identified to community safety through the absence of a rock wall at the Mourilyan Breakout. I would also highlight to you the general exemption for emergency development provisions within the SPA which allows for emergency works under certain circumstances.

While the installation of rock walls can prevent the erosion of land directly behind the structure, it may also transfer erosive forces downstream or upstream of the proposed structure promoting erosion in adjacent sections of the stream bank.

In relation to erosion prone areas, the SPRP is quite specific in that it states that... 'in areas under constant threat of erosion, a strategy of retreat from the erosion prone area is the preferred option'. It also outlines that... 'to the extent practicable, erosion prone areas are to remain undeveloped apart from acceptable temporary or relocatable structures for safety and recreational purposes'.

I am advised that the information that EHP currently has to hand suggests that the rock wall would not serve to protect any permanent structures, the works would be in an undeveloped area and that the current erosion is due to the natural meandering of a river channel. EHP must make decisions consistent with the requirements of the SPRP.

This however does not exclude other options for bank stabilisation and protection and I note from your letter that your organisation has attempted some of these previously without success. I understand that EHP has also identified that the construction of a rock wall on the freehold land to protect the landowner's property is an available option. The construction of the rock wall on freehold land would not require any approvals from EHP and would also allow the natural riverine processes to continue whilst ensuring the landowner's property is protected in the event, as you suggest, the current erosion continues.

I am advised that the area mapped as High Ecological Significance (HES) has been declared based on conservation values attributed in the Great Barrier Reef Riverine Aquatic Conservation Assessment for the South Johnstone River. Ecological values can be difficult to map spatially in an accurate and effective manner. The SPRP provides a review mechanism for areas of HES in relation to coastal assessment, where the matter can be referred to DSDIP to determine whether the values are present within a particular area.

I am mindful of the challenges with interpreting and applying the SPRP and, in light of the concerns you have raised, I have requested that EHP facilitate a meeting with JSRIT and DSDIP to further explore the constraints and opportunities in relation to the proposal and to ensure that EHP is applying the SPRP consistent with the objectives of government.

EHP officers will contact you to seek your organisation's availability for such a meeting.

I hope this information has been of assistance to you. Should you have further enquiries, please contact my Chief of Staff, Mr Troy Collings on 3239 0844.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

RTI DL Release

CTS No. 04799/13

sch4p3(3) Preju

Chief of Staff .... OK
Dated 20 / 03 / 13
Approved Not Approved Noted
Further information required
Minister.....
Dated 20 / 03 / 13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Update on Mount Isa Mines Lead / Zinc Filter Plant Application**

TIMEFRAME

- noting of this briefing note is requested as soon as possible as the EHP will decide the Xstrata Mount Isa Mines' (XMIM) Environmental Authority (EA) amendment application on 21 March 2013.

RECOMMENDATION

It is recommended that the Minister:

- **note** that at a meeting between EHP and XMIM on 6 March 2013, XMIM stated th... there will be no net increase of lead emissions to air as a result of this amendment application;
- **note** that based on this undertaking EHP has determined that the application to construct a new lead/zinc filter plant, concentrate stockpiling and rail loading facility in Mt Isa can proceed with appropriate outcome based conditions that ensures there is no net increase in lead emissions from the site.

NOTE

BACKGROUND

- On 29 June 2012, XMIM submitted a validly made EA amendment application which proposed significant changes to mineral concentrate activities on the site.
- EHP had significant concerns regarding the proposed amendment; specifically with regard to potential for increased lead emissions associated with lead concentrate stockpiling and handling at Mount Isa (**Attachment 1**).

CURRENT ISSUES

- In October 2012, XMIM lodged an addendum to its Environmental Management Plan, which included the detailed information required for EHP to assess and decide the application (refer to **Attachment 1**)
- Since this time there have been ongoing conversations with Xstrata regarding the proposal and in particular the potential for increased lead emissions as a result of the proposal.
- As a result of the ongoing concerns raised by EHP, Xstrata lodged further air modelling for consideration of EHP on 13 February 2013 and requested a meeting with EHP to explain and clarify the proposal.
- At the meeting, which took place on 6 March 2013, XMIM identified that the lead/zinc filter plant project would allow greater flexibility to the site by allowing concentrate production as well as smelting operations to occur depending on operational needs and by providing this flexibility, XMIM would be better placed to manage air emissions from the site.
- In addition, XMIM clarified that the application will not result in any net increase in lead emissions from the site due to state of the art contemporary emission design, operation and control strategies as well as other air emission reduction initiatives carried out on site that will reduce lead emission.
- XMIM also identified that failure to commission the project by mid 2013 would have production and economic implications to the lead and zinc activities at the Mount Isa site.
- The overall outcome being sought by EHP is to ensure that there are no net increases in lead emissions from the site, and as such it is possible for EHP to condition the EA accordingly.
- This approach is different to the prescriptive approach taken in the past and is supported by the EHP Regulatory Strategy and will put the onus back on the client to demonstrate compliance with the commitments made in the application.
- It should be noted that whilst XMIM management supports the outcome based approach and have confirmed the overall commitment of no net increase of lead emission from the site, operational staff

Rec'd - ODG
18 MAR 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Warwick Fegan Position: Principal Environmental Officer Tel No: 4222 5324 Date: 7 March 2013	Name: Rob Lawrence Position: Executive Director Tel No: 4222 5338 Date: 15 March 2013	Name: Dean Ellwood Position: DDG Tel No: 3330 5628 Date: sch4p3(3)	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 18.3.13

from XMIM indicated the preference for prescriptive conditions as they believe outcome based conditions would be more challenging to demonstrate compliance with.

- As the overall commitment given by XMIM is that there will be no increase in lead emissions from the site, EHP will proceed to decide the application on 21 March 2013 and include a set of outcome based conditions to ensure that the outcome sought by EHP and committed to by XMIM will be achieved.

MINISTER'S COMMENTS

Have pre-briefed local MP.

AP.

Attachments:

- Attachment 1 – Ministerial Briefing Note CTS17679/12: Xstrata Mount Isa Mines Amendment Application.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Warwick Fegan Position: Principal Environmental Officer Tel No: 4222 5324 Date: 7 March 2013	Name: Rob Lawrence Position: Executive Director Tel No: 4222 5338 Date: 15 March 2013	Name: Dean Ellwood Position: DDG Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

CTS No. 17679/12

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Chief of Staff [redacted] OK
Dated 26 / 11 / 12
Approved Not Approved Noted
Further information required
Minister.....
Dated 27/11/12

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Xstrata Mount Isa Mines Amendment Application**

TIMEFRAME

- Noting of this briefing is requested as soon as possible as the Department of Environment and Heritage Protection (EHP) must make a decision on Xstrata Mount Isa Mines' (XMIM) Environmental Authority (EA) amendment application by 26 November 2012 – XMIM may seek to contact the Minister regarding EHP's position.

RECOMMENDATION

It is recommended that the Minister:

- **note** that the EHP has identified significant concerns about increased, air-borne lead emissions associated with XMIM's application to increase zinc concentrate production and authorise lead concentrate stockpiling and handling at Mount Isa; and
- **note** that EHP will meet with XMIM on or around 23 November to offer XMIM the opportunity to amend their project design to address EHP's concerns regarding increased lead emissions; and
- **note** that XMIM's application is unlikely to be approved should the issues regarding increased lead emissions not be adequately addressed by XMIM.

Please provide an update.

BACKGROUND

- Xstrata owns XMIM which operates mine and mineral processing facilities at Mount Isa.
- On 29 June 2012, XMIM submitted a validly made EA amendment application which proposed significant changes to mineral concentrate activities on the site, including:
  - Stockpiling and loading lead concentrate at a location within 300 metres of residential areas, for the purposes of concentrate export (handling and transport of lead concentrate is a new activity for XMIM);
  - Increasing zinc concentrate production capacity;
  - Construction of a new concentrate loading shed;
  - Construction of a rail wash down bay;
  - Construction of a new concentrate conveyor system; and
  - Installation of a new zinc and lead concentrate storage and loading facility (see **Attachment 1** - CTS 10853/12).

CURRENT ISSUES

- The mineral processing activities would be undertaken on the part of the mining lease closest to residential and commercial premises, with the nearest receptor being less than 300m from the proposed site (see **Attachment 2**).
- A similar proposal was lodged in February 2011 by XMIM, which was assessed under the *Mount Isa Mines Limited Agreement Act 1985.* The application was refused by the former Minister for Environment and Resource Management Kate Jones on 19 May 2011, on the basis that the application had potential for increased lead emissions and lacked detail on infrastructure implications. Details of this assessment are provided in **Attachment 3**.
- On 12 October 2012, XMIM lodged an addendum to its Environmental Management Plan, which included the detailed information required for EHP to assess and decide the application.
- The application involves the ongoing operation of the lead smelter at site, as well as increased zinc concentrate production, handling and loading by approximately 500,000 tonnes per annum. It also involves lead concentrate storage; handling and loading of up to 450,000 tonnes per annum (previously all lead concentrate was smelted in the Lead Smelter to produce lead bullion).

Rec'd - ODG
22 NOV 2012

Author	Cleared by	Cleared by	Recommended:
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RTI DL Release

- XMIM's application has included designs and engineering controls that are consistent with contemporary engineering controls to manage mineral concentrates.
- However, modelling undertaken by XMIM shows that air emissions are likely to increase for a variety of contaminants (such as lead, zinc and particulate matter) as a result of the proposed new activities.
- The modelling suggests that under a best case scenario (where all controls are working effectively), lead emissions would increase by approximately 0.5% (this equates to an additional 1 tonne of lead emissions per year).
- The model also shows that should the controls fail or have any significant downtime, air-borne lead emissions from the site could increase by up to 3%, which would equate to an additional 7 tonnes of lead being released from the mine to Mount Isa air-shed annually.
- While this is a small overall percentage increase, it may be enough to cause XMIM to exceed the acceptable ambient air-borne lead levels within the community.
- The modelling provided by XMIM does not adequately assess the impacts of increased air-borne metals on the nearest sensitive receptors, in particular, the impact of fugitive lead dust emissions on nearby houses and commercial premises was not sufficiently considered.

Lead Issues in Mount Isa

- Lead management and environmental/public health issues is a key topic for the Mount Isa Community, with the issue identified as a key health concern following the Queensland Health survey of 2006-07 which showed that about 11 per cent of young children in Mount Isa had blood lead levels above the national goal of 10 micrograms per decilitre (mg/dL) (see **Attachment 3**).
- Slater and Gordon represent six children who are claiming damages from Xstrata, the Mount Isa City Council and the State, as a result of alleged injury from emissions from the Mount Isa Mines facility. Crown Law is handling the claim for the Queensland Government Insurance Fund.
- While XMIM complied with the annual lead limits in 2010 and 2011, indications on monitoring undertaken to date in 2012 highlights that the annual ambient lead levels for the 2012 calendar year will be close to, or potentially exceed, the annual health based limit in the *Environmental Protection (Air) Policy 2008* and XMIM's EA.
- As current lead levels in the community are close to the annual lead limit, any increases in emissions from the site will increase the chance of XMIM exceeding the health based guidelines for lead.
- The proposed mineral concentrate facilities are close to houses and commercial areas, and could result in increased amounts of lead dust in those areas when the wind is heading in that direction.
- Any failure in engineering controls for dust in mineral concentrate handling areas could lead to significant increases in the amount of lead dust emitted to nearby residential and commercial areas. EHP will discuss what additional operational controls could be introduced by XMIM to prevent the release of dust at those times.

Other Air Quality Issues

- XMIM does not currently meet contemporary air quality objectives in the community for sulphur dioxide, arsenic, cadmium, and particulate matter (PM_{10} and $PM_{2.5}$).
- To progressively meet these parameters, the site has an approved Transitional Environmental Program under the *Environmental Protection Act 1994* which requires the contemporary air quality objectives to be met by and from 31 December 2016.

EHP Recommendations

- While XMIM has proposed contemporary practices and engineering controls to manage mineral concentrate, any net increase in emissions from the site presents a potential health and environmental risk to the community of Mount Isa.
- The close proximity of the proposed concentrate handling activities to houses and commercial premises means that these locations may be exposed to significant increases in lead dust, should the engineering controls fail or experience outages.
- EHP plans to discuss the concerns regarding lead emissions with XMIM, and provide XMIM an opportunity to amend their project design to address the concerns.
- Should XMIM decide to amend their project design, EHP will work with XMIM to extend the decision making period for the application to allow sufficient time for submission of a revised project design

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and re-assessment of the environmental impacts and lead emissions.

- However, should XMIM continue with the current project configuration which increases lead emissions from the site; then EHP is likely to not approve the application on the grounds that the increased lead emissions present an unacceptable risk to community health and the environment.

CONSIDERATIONS

Consultation:

- EHP has sought advice from Queensland Health, the Department of Natural Resources and Mines, the Department of Science, Information Technology, Innovation and the Arts and the Department of Transport and Main Roads on the project.
- Queensland Health has raised concerns regarding the potential impacts of increased lead dust on nearby houses; however, noted that the control measures are consistent with their expectations for contemporary management of concentrate.
- The Department of Natural Resources and Mines has advised that while no comment is offered on the application, it is currently assessing the same application under the *Mount Isa Mines Limited Agreement Act 1985*, and that the Minister for Natural Resources and Mines will await a decision by EHP prior to deciding the application under the *Mount Isa Mines Limited Agreement Act 1985*.
- The Department of Transport and Main Roads responded with concerns regarding the impacts of concentrate haulage on State controlled road and rail networks. These concerns were provided to XMIM, however, are outside the scope of the *Environmental Protection Act 1994*, and EHP has advised that the Department of Transport and Main Roads and XMIM should liaise directly in regards to the identified concerns.
- The Department of Science, Information Technology, Innovation and the Arts provided advice through their Air Sciences Division that the project should not be approved unless:
  - XMIM could demonstrate that lead emissions from the site would not increase; and
  - An alternate location was proposed or controls were in place to prevent concentrate handling when the wind blows towards the Mount Isa community.

Legislation:

- In accordance with section 207 of the *Environmental Protection Act 1994*, EHP must consider the standard criteria in deciding the application, including consideration of relevant Environmental Protection Policies and the public interest.
- Given the site does not currently meet the Air Quality Objectives defined in the *Environmental Protection (Air) Policy 2008*, an increase in air contaminant emissions from XMIM is not considered acceptable based on consideration of the *Environmental Protection (Air) Policy 2008* and the public interest.

Media:

- Air quality and lead in Mount Isa features regularly in local, state and national media, and the State Government has previously received criticism regarding Mount Isa air quality from a number of sources (including not-for profit organisations and academics).
- As the application will be subject to public notification provisions if approved, such a project that increases emissions from XMIM could be met with negative public or media response.

MINISTER'S COMMENTS

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Author	Cleared by	Cleared by	Recommended:
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ATTACHMENTS

- Attachment 1 – Ministerial Briefing Note CTS 10853/12
- Attachment 2 – Map showing proposed lead concentrate handling / rail loading activities and proximity to residences
- Attachment 3 – Background of lead issues in Mount Isa and environmental requirements / approvals under the *Mount Isa Mines Limited Agreement Act 1985*.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
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Released.

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CTS No. 19820/12

Chief of Staff ..... OK
Dated 10/1/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 14/01/13.

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **CONFIDENTIAL - Port Hinchinbrook Sewage Treatment**

RECOMMENDATION

It is recommended that the Minister:

- **note** the history of non-compliance in relation to Williams Corporation Pty Ltd (Williams Corporation) and their sewage treatment infrastructure at Port Hinchinbrook
- **note** that an environmental protection order (EPO) was issued to Williams Corporation on 3 January 2013 in relation to pump station 4
- **note** the actions that the Department of Environment and Heritage Protection (EHP) is taking to secure compliance by Williams Corporation with its development approval (DA) and general environmental duty under the *Environmental Protection Act 1994*.

BACKGROUND

- Williams Corporation holds a DA and registration certificate for the operation of a sewage treatment plant (STP) at Port Hinchinbrook, Cardwell.
- The sewage treatment infrastructure was damaged by storm surge resulting from Tropical Cyclone Yasi in 2011 (See **Attachments 1** and **2** for further background information).

CURRENT ISSUES

- There have been ongoing community concerns about the management of the STP by Williams Corporation and EHP has received a number of complaints.
- EHP received a pollution incident on 26 December 2012 regarding a raw sewage overflow from pump station 4 into the Port Hinchinbrook Marina.

<u>Sewage Treatment – Port Hinchinbrook</u>

- Following Tropical Cyclone Yasi, Williams Corporation failed to repair the sewage treatment pump stations, claiming they were waiting on insurance payouts. After continued failure to rectify the issues, EHP required Williams Corporation to draft a transitional environmental program to rectify damage and transition the site back into compliance with its DA.
- Williams Corporation did undertake some of the works required by the transitional environmental program, however, not all the works were completed and in December 2011 the company was issued with a penalty infringement notice (PIN).
- In July 2012, following a complaint and site inspection, EHP located a pump station discharging raw sewage to the receiving environment. Williams Corporation had not notified EHP of the incident.
- In response, EHP investigated and issued two PINs; one for an unauthorised release of a prescribed contaminant to waters and the second for failing to undertake effluent monitoring as per a requirement of the DA.
- Further to these PINs, Williams Corporation was formally requested to provide details of the actions taken to resolve the non-compliance issues at the STP (and its infrastructure); however, Williams Corporation did not respond to this request.
- It should be noted that all three PINs remain unpaid and have been referred to the State Penalties Enforcement Registry for debt recovery.
- EHP undertook a further inspection of the STP and its infrastructure on 30 November 2012, to assess compliance with the conditions of the DA. The inspection revealed several non-compliance issues including, but not restricted to:
  - failure to provide all pumps stations with a stand-by pump
  - failure to maintain a visual alarm system that can be operated without mains power.

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Rec'd - ODG - 8 JAN 2013

Author	Cleared by	Cleared by	Recommended:
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- Samples of the treated effluent were collected during the inspection and submitted for laboratory analysis. Results of that analysis indicate that the effluent quality does not meet the effluent quality limits in the DA for a number of parameters, including Total Nitrogen, Total Phosphorous, biochemical oxygen demand and Faecal Coliforms.
- Any failure on the part of Williams Corporation to bring the operation of their STP and associated infrastructure into compliance with its DA has the potential to cause environmental harm and public health issues.
- Despite Williams Corporation having had almost two years to complete these works, the STP infrastructure is still not fully operational, nor is it being properly maintained.
- EHP issued a letter to Williams Corporation on 4 January 2013 (**Attachment 3**), seeking representations from the company by 18 January 2013 as to what actions are being taken by Williams Corporation to gain compliance with DA conditions and the general environmental duty at Port Hinchinbrook.
- EHP will consider these representations and if necessary proceed to obtain a court order to require the works to be carried out to achieve compliance with the DA and the general environmental duty.
- In accordance with the enforcement guidelines, compliance issues will also be referred to Enforcement Services with a recommendation for a formal investigation into the breaches of the DA.

Recent Pollution Hotline Complaint – Raw Sewage Overflow Pump Station 4

- The pollution hotline received three telephone calls from sch4p3(3) Prejudice (complainant) on 26, 27 and 31 December 2012 regarding sewage overflow from pump station 4 into the Port Hinchinbrook marina causing a strong odour nuisance.
- In accordance with the protocol in place these calls were not escalated, but a message was taken by the pollution hotline and sent as requiring action on the next business day.
- The rostered SIRN officer checked incident messages from the pollution hotline during the Christmas break and assessed this matter not to warrant an after-hours response.
- A fax was also sent by the complainant to the EHP Cairns office on 29 December 2012 detailing the pollution incident.
- The complainant alleged that raw sewage was flowing into the marina from 24 December to 28 December 2012 and approximately 20 crabs were observed dead.
- The complainant also collected water samples on 29 December 2012 and took photographs of the incident which were forwarded to EHP via email.
- EHP is unable to use the water samples collected by the complainant as:
  - the holding times on these samples had expired
  - the samples were not taken in the required sampling bottles
  - as such samples were not taken in accordance with the department's Monitoring and Sampling Manual 2009.
- EHP authorised officers conducted a site investigation on 2 January 2013 and initial observations of the pump station and adjacent waterway at Port Hinchinbrook found no obvious signs of any unauthorised discharge of sewage.
- Water samples were collected and the analysis results are expected on 11 January 2013.
- Williams Corporation has confirmed that the concrete cover at pump station 4 had fallen into the well and damaged the pumps on 24 December 2012 requiring regular and ongoing manual pump out.
- Williams Corporation advised they were unable to secure services between Christmas and New Year to service/replace the damaged pumps.
- Williams Corporation did engage a contractor to regularly remove the sewage from pump station 4 using a 6000 litre vacuum pump truck.
- EHP issued an EPO on 3 January 2013 to effect immediate actions to remediate the failure at pump station 4 (**Attachment 4**).
- The EPO requires Williams Corporation to do the following:
  - Repair or replace the duty and standby pumps in pump station 4 and reconnect the pumps within the pump station so it is operational
  - Adequately cover and secure pump station 4
  - Ensure pump station 4 has capability to operate automatically without requiring manual intervention

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- Ensure pump station 4 pump failure alarm and high level alarms are fully operational and capable of operating without main power
- Submit a completion report to EHP.

- EHP will monitor compliance with all the requirements of the EPO and any non-compliance with the EPO will be dealt with strongly in accordance with the enforcement guidelines.
- On 4 January 2013, Williams Corporation advised that the pumps in pump station 4 were repaired and operational and the pump station had been covered.

Outstanding fees

- Both Williams Corporation and sch4p3(3) Prejudice the protection o have significant outstanding fees, which as at 4 January 2013, total in excess of $110 000.
- The outstanding fees are associated with Sewage Treatment, Extraction, Screening, Dredging and an aquaculture facility.
- EHP's regional officers and the Permit and Licence Management (PaLM) team have been unsuccessful in obtaining payment against the outstanding debt or voluntary participation in a payment plan arrangement.
- In December 2012, EHP finalised a notice of proposed action process and cancelled a registration certificate associated with the aquaculture facility. The extraction, screening and dredging activities are under review, with a view to suspend the registration certificate for these activities. The community service nature of sewage treatment operations at Port Hinchinbrook limits the opportunity to suspend registration of this activity.
- All outstanding fees are in the process of being referred to legal services for debt recovery.

Other Matters

- The development of Port Hinchinbrook is subject to the long-standing requirements of a Deed of Agreement between Williams Corporation, the Commonwealth, the State of Queensland and Cardwell Shire Council (now amalgamated into the Cassowary Coast Regional Council [CCRC]).
- A service company, Port Hinchinbrook Services Limited, delivers Williams Corporation responsibilities (for example, dredging and maintenance) using fees paid by Port Hinchinbrook landowners as required by the original contracts for sale of land.
- There is a long running dispute between property owners and Williams Corporation around the operation of Port Hinchinbrook Services. A number of property owners were withholding payments to Port Hinchinbrook Services while the dispute remained unresolved.
- Williams Corporation has previously indicated to both the Office of the Coordinator-General and EHP that the company is in financial difficulty and was reliant on payout of its insurance claims to rectify a range of issues at Port Hinchinbrook including repairs to the STP, marina repairs and dredging.
- There have been no works carried out to reinstate the marina by Williams Corporation and it has been suggested that the insurance payments may have been used by the company to repay debt elsewhere.
- The ongoing management of the Deed of Agreement is within the responsibilities of the Office of the Coordinator-General. It is understood there have been discussions with Williams Corporation and a group of residents around normalising the operation of Port Hinchinbrook. For example, removing the Deed of Agreement and the residents taking over management of Port Hinchinbrook Services, however, this has not progressed past the discussion stage.
- The Department of State Development, Infrastructure and Planning, through the Coordinator-General, has been engaging with Williams Corporation and community members to establish the Port Hinchinbrook Working Group.
- The working group has recently written to the Deputy Coordinator-General advising of a preferred 'normalised' ownership/governance structure for the management of assets and services at Port Hinchinbrook.
- The working group has identified that preferred ownership and responsibility arrangements for the future management of some assets and services at Port Hinchinbrook, including the STP, should fall to CCRC.
- CCRC is not represented on the working group and it is understood by EHP that no discussion or agreement has occurred with CCRC about the transfer of ownership of assets as proposed by the working group.

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Author	Cleared by	Cleared by	Recommended:
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- CCRC has indicated in the past that given the current state of disrepair of the STP and associated infrastructure, that it has no interest in taking ownership of the STP.
- While the complete financial status of Williams Corporation is unknown, it seems likely that they have limited resources. Taking enforcement action may have the unintended outcome of causing the company to fail. While such an outcome is undesirable, the sewage treatment system does not meet the conditions of the DA, is in a poor condition and if maintenance works are not carried out is likely to fail, resulting in sewage discharge to the environment.
- The full cost of repairs to the sewage treatment system are unknown, however, are likely to be at least several hundred thousand dollars.
- If Williams Corporation fails and is unable to fulfil its obligations in relation to the STP, the responsibility of operation of the STP may fall back to the State Government through the Department of State Development, Infrastructure and Planning.
- EHP is continuing to liaise with the Office of the Coordinator-General in relation to the issues at Port Hinchinbrook and will seek advice in relation what may occur to the operation of the STP if Williams Corporation fails.

MINISTER'S COMMENTS

Very comprehensive.
There are opportunities, should CCRC take ownership, to explore improved STP outcomes jointly at Cardwell and Port Hinchinbrook – for further discussion.
AJ

RTI DL Release

ATTACHMENTS:

- Attachment 1 - CTS 19575/11 Port Hinchinbrook – Status update
- Attachment 2 - CTS 20989/11 Port Hinchinbrook – Status update
- Attachment 3 - Letter 4 January 2013 concerning Port Hinchinbrook sewage treatment plant – Identified non-compliances
- Attachment 4 - EPO issued 3 January 2013

Author	Cleared by	Cleared by	Recommended:
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CTS No. 19575/11

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Approved Not Approved Noted
Further information required
Minister... Noted
Dated / /

Department of Environment and Resource Management
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment**

SUBJECT: **Port Hinchinbrook – Status Update**

Please send emails updates etc DR 11/12

TIMEFRAME/REQUESTED BY

- This briefing note was initiated by the Department of Environment and Resource Management.
- Noting of this briefing note is requested as soon as possible to ensure that the Minister is kept up to date on issues relating to Port Hinchinbrook.

RECOMMENDATION

It is recommended that the Minister:

- **note** an inspection was carried out on 1 November 2011 of the Sewage Treatment System at Port Hinchinbrook following the expiry of the Transitional Environmental Program (TEP) that had been approved for the facility. The inspection revealed that Williams Corporation Pty Ltd had not complied with the requirements of the approved TEP requiring completed repairs by 31 October 2011.

BACKGROUND

- The sewage system at Port Hinchinbrook is owned and operated by Williams Corporation with no input or support from Cassowary Coast Regional Council. All maintenance and repair of the system is the responsibility of Williams Corporation.
- Cyclone Yasi caused major disruption to the sewage system at Port Hinchinbrook. All pump stations were inundated by salt water due to tidal surge, causing electrical malfunctions and physical damage. In addition, electrical power was cut for the whole of the Port Hinchinbrook site and not restored for over two weeks. Previous briefing notes (Attachment 1 - 3 – CTS 5696/11, 14400/11 and 18814/11) provide further information.

CURRENT ISSUES

- The approved TEP was in effect until 31 October 2011 at which time the sewage treatment system was to be fully repaired.
- An inspection of the Port Hinchinbrook Sewage Treatment Facility on 1 November 2011 showed Williams Corporation had not undertaken the outstanding works required under the TEP regarding the repair to the pump stations.
- Williams Corporation has complied with the completion of repairs to the irrigation area for wastewater re-use. The irrigation area is approximately 125metres x 50metres which is considered sufficient to manage the dry season volumes of waste water being generated by the STP and the area has been suitably signed to warn that treated effluent is being used.
- Williams Corporation recently engaged a new plant operator who is yet to receive formal training. A certificate III STP operator course has been arranged for the operator by Williams Corporation to be delivered in the next few weeks.
- The new plant operator was present during the inspection and has been given verbal advice from departmental officers about their expectations for monitoring the plant and notification of incidents.
- Williams Corporation through Flanagan Consulting Group has advised the department that Williams Corporation that the funding for the repair work has been fettered by delays in the receipt of payments on insurance claims lodged as a consequence of damage caused by Cyclone Yasi.
- Williams Corporation through Flanagan Consulting Group requested, subject to the provisions of Section 344 of the *Environmental Protection Act 1994* (EPAct) that an amendment to the TEP be approved extending the date of completion through until 31 January 2012.
- The department does not consider extension an option given the onset of the wet season and the potential for increased sewage flows that may cause environmental harm.

Author	Cleared by	Cleared by	Recommended:
Name: Scott Sullivan Position:Manager Environment Tel No: 0747225200 Date: 3 November 2011	Name: Andrew Buckley Position: RSD, North Tel No: 4222 5561 Name: Mike Birchley Position: ADG, RSD Tel No: 3330 6302 Endorsed	Name: Dean Ellwood Position: A/Associate DG, OER Tel No: 3330 5628 Name: Position: Tel No:	Name: Jim Reeves Director-General, DERM Tel No: 3330 6297 Date: 14/11/11

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RESOURCE/IMPLEMENTATION IMPLICATIONS

- The department will need to undertake further inspections of the STP and will need to resource the proposed compliance response. This can be incorporated into normal business operations.
- The compliance response may require support from the department's compliance and litigation unit.

PROPOSED ACTION

- Departmental officers will issue a $2 000 penalty infringement notice under the provisions of Section 432(2) of the EP Act for failing to comply with a requirement of a TEP. The penalty is 5 penalty units for an individual and 20 penalty units for a corporation.
- The department will issue a warning to Williams Corporation that if outstanding works are not undertaken within 21 days following the issue of the warning, the department will seek through the provisions of Section 505 of the EP Act, a court order to comply with, or to cease a contravention of the EPAct.
- Any failure to comply with the order is an indictable offence and may attract penalties of up to 3000 penalty units at $100 per unit ($300 000) or 2 years imprisonment.

OTHER INFORMATION

- *Consultation:*
  - Williams Corporation through Pat Flanagan consulting
- Key Communication Messages:
  - Community attitudes and perceptions regarding the Port Hinchinbrook development are divided, creating difficulty in managing a balance of community expectation and satisfaction.
  - The department has received complaints in recent days in relation to odours alleged to be associated with the STP.

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – CTS 05696/11 Previous briefing note
- Attachment 2 – CTS 14400/11 Previous briefing note
- Attachment 3 – CTS 18814/11 Previous briefing note *(awaiting Signoff by Minister's Office)*

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Scott Sullivan Position:Manager Environment Tel No: 0747225200 Date: 3 November 2011	Name: Andrew Buckley Position: RSD, North Tel No: 4222 5561	Name: Dean Ellwood Position: A/Associate DG, OER Tel No: 3330 5628	Name: Jim Reeves Director-General, DERM Tel No: 3330 6297 Date:
	Name: Mike Birchley Position: ADG, RSD Tel No: 3330 6302	Name: Position: Tel No:	

CTS No. 20989/11

Department of Environment and Resource Management
MINISTERIAL BRIEFING NOTE

Advisor	OK
Dated	/ /
Approved	Not Approved Noted
Further information required	
Minister.....	
Dated	/ /

TO: Minister for Environment

SUBJECT: Port Hinchinbrook – Status Update

TIMEFRAME/REQUESTED BY

- This briefing note was requested by the Minister on 22 November 2011.
- Noting of this briefing note is requested as soon as possible to ensure that the Minister is kept up to date on issues relating to Port Hinchinbrook.

RECOMMENDATION

It is recommended that the Minister:

- **note** Williams Corporation Pty Ltd (Williams Corporation) did not comply with the requirements of an approved Transitional Environmental Program (TEP) involving repairs to sewage treatment infrastructure by 31 October 2011;
- **note** the Department of Environment and Resource Management issued a Penalty Infringement Notice (PIN) totalling $2 000 to Williams Corporation and if the sewage treatment plant (STP) is not operating in compliance with the development approval by 10 February 2012, the department will pursue legal action against Williams Corporation;
- **note** the department has been liaising with the Office of the Coordinator-General in relation to dredging works being undertaken by the State in the Grand Canal and access channel of Hinchinbrook Marina; and
- **note** that the department will further pursue Williams Corporation for $70 602.60 in outstanding fees for permits held for dredging, sewage treatment and extraction and screening (quarry). These fees have accrued over the past three years and while action has been taken to try to recover these outstanding fees, no payment has been received nor has a payment plan been entered into by Williams Corporation.

BACKGROUND

- Please refer to previous briefing notes for background information (Attachments 1-3).

Sewage Treatment

- The approved TEP for the sewage treatment infrastructure expired on 31 October 2011.
- On 1 November 2011 departmental officers inspected the Port Hinchinbrook STP and determined that the requirements of the TEP had been contravened as the repair works were not completed.
- After 31 October 2011, any delays in undertaking the required works represent a breach of the conditions of the development approval.
- On 2 November 2011 Flanagan Consulting Group on behalf of Williams Corporation made an email application to amend the TEP requesting a further three months to complete the works on the grounds that the company was still waiting on the insurance payout for damage caused by Cyclone Yasi.
- The application was refused on a number of grounds including that the application was made after the TEP expired and that the risk of environmental harm associated with sewage overflow during the pending wet season was untenable.
- Some of the key outstanding works in the TEP include repair to the pump stations including repair/replacement of damaged pumps, alarm system and electrical systems.
- The department understands that while quotations have been obtained by Williams Corporation for these works, no contract has been entered into and no works have commenced.
- Williams Corporation has indicated these works will cost between $50 000 and $130 000.
- The STP is critical infrastructure both from a public health and environmental perspective. The system requires urgent repair given the commencement of the wet season.

Author	Cleared by	Cleared by	Recommended:
Name: Scott Sullivan Position: Manager Tel No: 4722 5200 Date: 5 January 2012	Name: Nigel Kelly Position: A/RSD North Region Tel No: 4222 5561	Name: Terry Hill Position: Associate DG Tel No: 3330 6240 sch4p3(3) Preju	Name: Jim Reeves Director-General, DERM Tel No: 3330 6298 Date:
	Name: Mike Birchley Position: ADG, RSD Tel No: 3330 6302 Endorsed	Name: Position: Tel No: 10.1.12	

File Ref:

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- On 18 November 2011 a teleconference was held between departmental officers and Williams Corporation to advise of the intent to issue a PIN and to seek a court order to have the works undertaken.
- Williams Corporation indicated there were significant financial impediments to complying with the requirements of the development approval that are associated with the company's cyclone damage insurance claim.
- The department offered to speak directly to Williams Corporation insurers to explain the critical nature of the repairs and the urgency to have these completed before significant rainfall.

Dredging

- The Coordinator-General is proceeding with maintenance dredging on the basis of using the emergency provisions of the *Sustainable Planning Act 2009* (SPA).
- The Coordinator-General has received a Registration Certificate under the *Environmental Protection Act 1994* (EP Act) for ERA 16 (dredging) from the department.
- The Coordinator-General has awarded contracts to Flanagan Consulting Group (supervisory responsibilities); Golder Associates (for advice and groundwater monitoring work associated with dredging activities as would otherwise be required by the dredging approvals held by Williams Corporation); and to Riverglen Dredging (to conduct the dredging activities).
- A pre-start meeting was held at Port Hinchinbrook on 8 November 2011, attended by the Coordinator-General representatives, contractors and officers of the department. The purpose of the meeting was to ensure that all parties were aware of the contract requirements and the implementation issues.
- A representative from Flanagan Consulting Group is attending the site regularly over the dredging period, with additional attention given at the start-up stage. Golder Associates representatives are attending the site daily during the dredging campaign to ensure that water quality monitoring is carried out at the appropriate frequency.

CURRENT ISSUES

Sewage treatment

- On 24 November 2011 the department issued a PIN to Williams Corporation in relation to contravening a requirement of the TEP and requested further information from Williams Corporation to be provided in relation to its insurance claim by 30 November 2011.
- As of 5 January 2012, the PIN has not been paid or contested by Williams Corporation.
- Information on the insurance claim has not been provided to the department as of 5 January 2012, and no confirmation been provided by Williams Corporation that a contract for completing the necessary repairs to the STP has been entered into.
- The department has since been in negotiation with Williams Corporation and has advised that if the STP is not operating in compliance with the development approval by 10 February 2012, legal action will be commenced by way of a court order.
- Williams Corporation has indicated a commitment to undertaking the required works by 10 February 2012.
- A site inspection on 4 January 2012 noted that the most severely damaged pump station was repaired, had power supply reconnected and was operational. Other pump repair works were still outstanding.

Dredging

- On 30 November 2011 Riverglen commenced dredging starting in the Grande Canal seaward of the boat ramp, so that the areas of greatest silt build-up are dredged first. This is prudent given the finite capacity of the dredge spoil pond.
- A departmental officer visited the site on Wednesday 7 December 2011 in the company of officers representing the Coordinator-General. Inspections will continue at frequent intervals during the course of the project which is expected to be completed by mid-January 2012.
- A site inspection on 4 January 2012 noted that the dredge spoil pond was at approximately half capacity.

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Author	Cleared by	Cleared by	Recommended:
Name: Scott Sullivan Position: Manager Tel No: 4722 5200 Date: 5 January 2012	Name: Nigel Kelly Position: A/RSD North Region Tel No: 4222 5561	Name: Dean Ellwood Position: A/Associate DG Tel No: 3330 6240	Name: Jim Reeves Director-General, DERM Tel No: 3330 6298 Date:
	Name: Mike Birchley Position: ADG Tel No: 3330 6302	Name: Position: Tel No:	

File Ref: Page 2 of 3

- Riverglen ceased operations prior to the Christmas break, and will return to the site on Monday 9 January to recommence dredging the following day. Progress to date has been satisfactory, resulting in a 20-metre wide dredged channel that extends from near the boat ramp to a point past the entrance to the marina area.
- Groundwater monitoring bores have been installed by Golder Associates to monitor the performance of the dredge spoil pond, and a series of preliminary results has been produced to form a baseline set of data. Monitoring will continue during and after the dredging campaign, and the results will be reviewed by the department on an ongoing basis. To date, the results do not indicate any adverse environmental impact.
- Regular progress reports are being prepared by Flanagan Consulting Group for submission to the Coordinator-General. The reports are also received by the department from the Coordinator-General.

RESOURCE/IMPLEMENTATION IMPLICATIONS

- The department is continuing to monitor the dredging works by conducting inspections of the works. This monitoring will be incorporated into normal business operations.
- To progress the proposed action to recover fees, resources would be allocated from the Litigation Branch, Legal Services, Investigations and Regional Services.

PROPOSED ACTION

- The department is preparing for further statutory action in the form of a court order.
- Departmental officers will provide on-ground support that the Coordinator-General may require in monitoring dredging works and will continue to liaise closely with the Coordinator-General.
- Departmental officers will continue to pursue the cost recovery of outstanding fees for permits held for dredging, sewage treatment and extraction and screening (quarry).

OTHER INFORMATION

- *Consultation:*
  - Williams Corporation through Ben Williams, Flanagan Consulting Group and Williams Corporation representative Wayne Henry
  - Office of the Coordinator-General.
- *Legislation:*
  - Section 584 of the *Sustainable Planning Act 2009* provides an emergency exemption to the State from the requirement to hold a development approval through the Integrated Development Assessment System to undertake the dredging; and
  - Section 101 (4) (a) of the *Coastal Protection and Management Act 1995* provides an emergency exemption to the State for the need to hold an allocation notice for the removal of dredge spoil from tidal water.
  - Section 505 of the *Environmental Protection Act 1994* provides for obtaining restraint orders.
- *Key Communication Messages:*
  - Community attitudes and perceptions regarding the Port Hinchinbrook development are divided, creating difficulty in managing a balance of community expectation and satisfaction.

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – CTS 05696/11 Port Hinchinbrook Sewage Treatment System – Status Update
- Attachment 2 – CTS 14400/11 Port Hinchinbrook – Status Update
- Attachment 3 – CTS 18814/11 Port Hinchinbrook – Status Update

Author	Cleared by	Cleared by	Recommended:
Name: Scott Sullivan Position: Manager Tel No: 4722 5200 Date: 5 January 2012	Name: Nigel Kelly Position: A/RSD North Region Tel No: 4222 5561	Name: Dean Ellwood Position: A/Associate DG Tel No: 3330 6240	Name: Jim Reeves Director-General, DERM Tel No: 3330 6298 Date:
	Name: Mike Birchley Position: ADG, RSD Tel No: 3330 6302	Name: Position: Tel No:	

File Ref:

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Queensland Government

Department of
Environment and Heritage Protection

Environmental Protection Act 1994

Environmental protection order (EPO)

This environmental protection order is issued by the administering authority pursuant to s358 of the Environmental Protection Act 1994.

Williams Corporation Pty Ltd
Moore Stephens
Suite 1308 Level 3
1 Lawson Street
Southport QLD 4215

And

sch4p3(3) Prejudice the protection of an i

Our reference: NOR/045128 / CA26768

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TAKE NOTICE that under the provisions of the *Environmental Protection Act 1994* (the Act) an Environmental Protection Order (EPO) is issued to Williams Corporation Pty Ltd by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (referred to below as EHP).

The EPO is issued in respect to ERA 63-(2B)(II) sewage treatment >100 but <1500EP in particular pump station 4 situated on land described as Lot 99 on Plan SP190029 and at Poinciana Boulevard, Port Hinchinbrook, Cardwell Qld 4849 (the "said premises").

A. Grounds

The EPO is issued to Williams Corporation Pty Ltd and Thea Margaret Williams under section 358 of the *Environmental Protection Act 1994* on the following grounds:

- To secure compliance with condition C6-1 of Development Approval NR0560DA.
- To secure compliance with the general environmental duty pursuant to section 319 of the *Environmental Protection Act 1994*.

The facts and circumstances forming the basis for these grounds are:

1. Williams Corporation Pty Ltd is the registered operator of the said premises and the holder of registration certificate ENRE00214605.

2. The Development Approval NR0560DA was issued in 2004, for ERA 63-(2B)(II) sewage treatment >100 but <1500EP.
3. The Development Approval and Registration Certificate, authorise Williams Corporation Pty Ltd to operate ERA 63-(2B)(II) sewage treatment >100 but <1500EP and the development approval, conditions the operational requirements of the associated pumping stations.
4. On 26 December 2013 EHP received a complaint regarding raw sewage overflow from pump station 4. Following receipt of the complaint EHP commenced a site investigation.
5. On 2 January 2013, authorised officers from the Department of Environment and Heritage Protection (EHP) undertook a site investigation of pump station 4 that services Port Hinchinbrook. The authorised officers met onsite Mr Chris Constance, who is contracted to maintain the Sewage Treatment Plant and pump station 4 for Port Hinchinbrook.
6. During the site investigation of 2 January 2013, EHP authorised officers:
   - Observed standby pumps were not operational at pump station 4.
   - Observed the pump failure alarms for pump station 4 was not in working order.
   - Observed pump station 4 had no cover.
7. Condition C6-1 of Development Approval states: *Contaminant pumping stations must be fitted with stand-by pumps and pump-failure alarms as well as high level alarms to warn of imminent pump station overflow. All alarms must be able to operate without mains power.*
8. A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the general environmental duty).
9. Following the site investigation undertaken by EHP, it is the view of EHP that Williams Corporation Pty Ltd is not complying with condition C6-1 of its development approval and not complying with the general environmental duty imposed by the *Environmental Protection Act 1994*.

B. Requirements

In accordance with this EPO, you are required to do the following:

1. Immediately take all practicable measures to ensure that pump station 4 does not overflow to the adjacent land areas or the receiving waters of the Port Hinchinbrook Marina.
2. By 11 January 2013 undertake the necessary repair or replacement of the duty and standby pumps in pump station 4 and reconnect the pumps within the pump station so that the pump station is operational.
3. By 11 January 2013 and continuing thereafter, pump station 4 must be adequately covered and secured.
4. By 18 January 2013, and continuing thereafter, pump station 4 must have the capability to operate automatically, without requiring manual intervention.
5. By 18 January 2013, and continuing thereafter, the pump station 4 pump failure alarm and high level alarms must be fully operational, and capable of operating without mains power.
6. On or prior to 25 January 2013 submit a completion report to EHP. The completion report must be prepared by a suitably qualified and experienced person that the said premises has achieved:

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- Compliance with condition C6-1 of the Development Approval NR0560DA.
- Pump station 4 is covered.

7. In complying with the requirements of this EPO, you must not create further environmental harm.

C. Definitions

"Suitably qualified and experienced person" means a person who has professional qualifications, training, skills and experience relevant to the nominated subject matter and can give authoritive assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods or literature.

D. Penalty

The maximum penalty for failure to comply with an environmental protection order is $220,000.00 or 2 years imprisonment for an individual or $1,100,000.00 for a company.

AND TAKE NOTICE that:

1. The requirements of this EPO take effect immediately upon service of the EPO.
2. Failure to comply with this EPO is an offence under the *Environmental Protection Act 1994*.
3. This EPO remains in force until further notice from the administering authority.

E. Obligations

Should you propose to dispose of the place or business to which the EPO relates, you must advise the buyer of the existence of this EPO (s362 of the *Environmental Protection Act 1994*).

F. Review and appeal

If you are dissatisfied with the decision to issue this EPO, you may apply to the department for a review of this decision within ten business days of the service of the order. You may also apply to the Court for a stay of the decision to issue the EPO.

If you are dissatisfied with the review decision, you may appeal against this decision to the Planning and Environment Court. Further information about the review and appeal process is attached to this notice.

Should you have any queries in relation to the notice, please contact Michelle Ramsay on telephone number 4222 5321.

Signature: sch4p3(3) Prejudice the pr	**Date: 03 January 2013**

RTI DL Release

Scott Sullivan

Delegate of administering authority

Environmental Protection Act 1994

Enquiries:

Michelle Ramsay
Department of Environment & Heritage Protection
P.O. Box 937
CAIRNS QLD 4870
Ph. (07) 4222 5321
Fax. (07) 4222 5070

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Queensland Government

Department of
Environment and Heritage Protection

Ref CA26622

4 January 2012

Williams Corporation Pty Ltd
Moore Stephens
Suite 1308 Level 3
1 Lawson Street
Southport QLD 4216

And

Thea Margaret WILLIAMS
Marquis on Main Unit 1
11 Peak Avenue
Main Beach QLD 4217

RTI DL Release

RE: Port Hinchinbrook Sewage Treatment Plant - Identified Non-Compliances

Williams Corporation Pty Ltd ('Williams Corporation') is the holder of registration certificate number ENRE00214605 to operate ERA 63-(2B)(II) (sewage treatment), pursuant to development approval NR0560DA ('the approval'), on land situated at the Bruce Highway, Cardwell.

The approval sets out conditions for the operation of the activity, regarding the collection and treatment of sewage from the development commonly known as Port Hinchinbrook.

History:

On 30 June 2011, in response to a compliance visit identifying that Williams Corporation was contravening several conditions of the approval, the Department of Environment and Heritage

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ABN 46 640 294 485

Protection ('EHP') issued Williams Corporation with Transitional Environmental Program MAN13360 ('the TEP'). The TEP had the following requirements:

1. Complete the restoration and functionality of the existing established effluent irrigation system;
2. Repair all non-functional pump station high level alarms and ensure that all alarms are capable of operations without mains power;
3. Reparation of duty and standby pumps in all sewage pump stations;
4. Reconnect pump station #1 to mains power;
5. Implement a groundwater monitoring program as described in condition C8-4 and report on the results as required by condition A8-1;
6. Implement a monitoring program of releases to waters as described in condition C1-1 and report on the results as required by condition A8-1;
7. Implement a monitoring program of releases to waters as described in condition F2-5 and report on the results as required by condition A8-1.

The TEP was required to be finalised by 31 October 2011. Williams Corporation failed to complete the requirements of the TEP.

On 24 November 2011 a Penalty Infringement Notice (PIN) was issued against Williams Corporation for contravening a requirement of a transitional environmental program. Specifically it was established that Williams Corporation had not undertaken the actions required by the TEP to repair and reinstate the stand by pumps, alarms and power supplies to pump stations as per condition C6-1 of the approval by 31 October 2011.

On 28 August 2012 an additional 2 PINs were issued against Williams Corporation, for:

Depositing a prescribed water contaminant (sewage) in waters. Specifically, authorised officers conducted an inspection of pump station 1 on the 30 July 2012 and observed a sewage overflow from the pump station that was entering the adjacent drainage that discharges to Cardwell beach. Water samples collected from the drain during the inspection confirmed sewage contamination; and

Contravention of a development condition of a development approval. Specifically during the inspection of the 30 July 2012, authorised officers requested documents from the STP Operator in

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relation to the monitoring and records for treated effluent quality characteristics. It was established that the monitoring had not been occurring and records not kept as per condition F2-5 of the approval

November 2012 inspection:

On 30 November 2012, authorised officers from EHP undertook a site inspection of the pump stations and sewage treatment plant (STP) that services Port Hinchinbrook. The authorised officers were accompanied by Mr Chris Constance, who advised that he is employed by Williams Corporation to maintain the STP and pump stations.

During the inspection on 30 November 2012, authorised officers observed a number of issues that identified that Williams Corporation is in non-compliance with several conditions of the approval, in particular regarding the maintenance of the facility and the ability to properly treat sewage at the site.

The observations include the following:

a) There was significant ponding of effluent at the base of the STP.

b) A split pipe was located under the stairway to the upper level of the plant spraying effluent onto the floor of the plant.

c) Alarms on the STP switch boards were without bulbs and not working.

d) None of the pump stations had working external alarms for alerting the contractor to imminent overflow or pump failure, and the alarms are not capable of operating without mains power.

e) Standby pumps were not operational in pump stations 1, 6, 7, 9 and 11.

f) Pump Station #1 required manual intervention to operate.

g) There was physical evidence of the release of sewage to land from the inlet screenings collection area at the STP. There was no maintenance applied to this area, bins were overflowing and effluent was pooled on the grassed area adjacent to the screenings collection area.

h) The supernatant pump at the STP was not functional.

i) The chlorine dosing system at the STP was not operational, chlorine was being dosed manually.

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j) The roof of the treated effluent storage tank was damaged and remained open to the elements allowing rainfall to enter the tank, reducing its storage capacity.

k) The final clarifier was being operated with a thick crust of sewage sludge on its surface, and officers observed sections of sludge flowing from the clarifier to the sand filters. Suspended solids are likely to hinder the effectiveness of the sewage treatment and disinfection system.

l) The effluent irrigation area was overgrown and not maintained.

The observations made by authorised officers during the inspection represent non-compliance with multiple conditions of the approval including but not restricted to:

A2-1 The holder must:

- Install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- Maintain such measures, plant and equipment in a proper and efficient condition; and
- Operate such measures, plant and equipment in a proper and efficient manner

C6-1 Contaminant pumping stations must be fitted with stand-by pumps and pump failure alarms as well as high level alarms to warn of imminent pump station overflow. All alarms must be able to operate without mains power.

In addition to the above, samples were taken at the monitoring point of the treated effluent holding tank, prior to irrigation. Results of those samples show that all permitted limits for Total N, Total P, Suspended Solids, Coliforms and Biological Oxygen Demand are currently exceeding the limits set in condition F2-1 "Land disposal", of the approval.

Issues to be addressed:

The issues and non-compliances identified, require immediate attention and rectification. EHP notes that some of the issues identified during the inspection on 30 November 2012 were also part of the requirements of the TEP issued on 30 June 2011.The department considers that the ongoing failure to rectify issues at the site over the past two years as a very serious matter.

EHP is presently considering compliance actions under the *Environmental Protection Act 1994* in order to address the ongoing site issues, including those identified above. Prior to the department

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taking further statutory action, EHP is giving you the opportunity to provide any information you think may be relevant to the site, the issues, and any action to redress the matter.

You are strongly encouraged to make representations to EHP as to what actions are being taken by Williams Corporation to gain compliance with development approval conditions and the general environmental duty at Port Hinchinbrook. Any representations should include details of timeframes of actions and expected outcomes.

Representations made should be received by EHP no later than close of business **Friday 18 January 2013.** Any response can be directed to Michelle Ramsay (Team Leader – Environment) from the Department of Environment and Heritage Protection on telephone (07) 4222 5321 or via the following:
Postal Address: PO Box 937, Cairns QLD 4870.
Email: michelle.ramsay@ehp.qld.gov.au

Should you have any further enquiries, please contact myself on telephone 47225200.

Yours sincerely

sch4p3(3) Prejudice the protection of a

Scott Sullivan
Regional Manager – Environment and Heritage
Department of Environment and Heritage Protection

RTI DL Release

CTS No. 05860/13

sch4p3(3)

Chief of Staff ..... OK
Dated 12/04/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 04/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Proposed amenities building at Fairview, Maleny**

RECOMMENDATION

It is recommended that the Minister:

- **sign** the letter to Councillor Jenny McKay, Sunshine Coast Regional Council (SCRC) (**Attachment 1**).
- **note** that the SCRC needs to resolve local community issues about development at and adjacent to Fairview, Maleny.
- **note** that EHP will continue to provide assistance to the SCRC on technical and design issues related to the proposed amenities building.

BACKGROUND

- In 2011, the department gave an approval for car parking, an access road and landscaping at Fairview, which is a Queensland heritage place (Register No 602105).
- The SCRC wants to construct an amenities building within the heritage boundary, between the recently completed car park and the original farmhouse.

CURRENT ISSUES

- Currently, there is disagreement between various community interest groups and council officers on the size and location of the amenities building.
- Council officers want a large building containing toilets, a kitchen and a covered area for picnics and visitor groups, close to the original farmhouse.
- The Friends of Pattemore House (Fairview) want a building with a smaller footprint.
- Heritage consultants engaged by the Friends of Pattemore House and the council have suggested that a smaller building could be located on the site of the demolished buggy shed. This would aid rather than detract from the heritage values of the place.
- EHP would support a smaller building, but recognises that whichever option is adopted by the council, it needs to be compatible with community needs, as well as the heritage values of the place.

CONSIDERATIONS

- *Consultation:* There has been considerable consultation between the SCRC and the department regarding use and development on the heritage place, since 2008. The most recent meeting was on 4 February 2013, between EHP officers and council officers.
- *Legislation:* Under the *Queensland Heritage Act 1992*, EHP is responsible for assessing any development within the heritage place.
- *Key Communication Messages:* Community perceptions of a new amenities building on the heritage place may be both positive and negative, as individuals will have different attitudes to cultural heritage and to development. The council needs to resolve community issues which are outside the scope of EHP's responsibilities.

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Rec'd - ODG
- 2 APR 2013

Author	Cleared by	Cleared by	Recommended:
Name: Andrew Woodward Position: Senior Heritage Officer Tel No: 3339 5868 Date: 15 February 2013	Name: Andrew Connor Position: Executive Director, Southern Region Tel No: 3330 6335 Date: 27 March 2013	Name: Andrew Connor Position: A/DDG, ESR Tel No: 3330 5628 Date: 2/4/13	Name: Dean Ellwood A/DG, DEHP Tel No: 3330 6298 Date: 1/4/13

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – Letter to Councillor Jenny McKay

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Andrew Woodward Position: Senior Heritage Officer Tel No: 3339 5868 Date: 15 February 2013	Name: Andrew Connor Position: Executive Director, Southern Region Tel No: 3330 6335 Date: 27 March 2013	Name: Andrew Connor Position: A/DDG, ESR Tel No: 3330 5628 Date: 2/4/13	Name: Dean Ellwood A/DG, DEHP Tel No: 3330 6298 Date:

QUEENSLAND GOVERNMENT

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

Ref CTS 05860/13

15 APR 2013

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Queensland 4001 Australia
Telephone +61 7 3239 0844
Facsimile +61 7 3224 2496
Email environment@ministerial.qld.gov.a

Councillor Jenny McKay
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE QLD 4560

Dear Councillor McKay Jenny

I write with regard to the meeting held on 4 February 2013 between yourself, Mr Richard Hill of the Sunshine Coast Regional Council, Ms Fiona Procter from my office and officers of the Department of Environment and Heritage Protection, Ms Fiona Gardiner and Mr Peter Todd, to discuss the proposed amenities building at Fairview, 15 Porter's Lane, Maleny.

As you are very aware, there are a number of differing views within the various community and user groups with an interest in Fairview about the proposed location and design of the amenities building. Fairview is a Queensland heritage place with a defined heritage boundary and the department has a role as an approval authority. The department's principal responsibility is to assess applications which are made to it for work to the heritage place. This is yet to occur and although the department will continue to assist in the pre-lodgement process, it can not resolve all difficulties, particularly if they relate to a design brief for a project and differing community aspirations for the project.

I would strongly encourage the council to continue with the conservation planning process which it is currently undertaking. When it is finalised, the Fairview Management Plan should become the basis for making development decisions within the boundary of the heritage place. This needs to be communicated to and agreement sought from all the interested community groups.

I hope this information is of assistance to you. Should you have further enquiries, please contact my Chief of Staff, Mr Troy Collings on 3239 0844.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

RTI DL Release

CTS No. 01282/13

sch4p3(3) Prejudice th

Chief of Staff ..... OK
Dated 6/2/13
Approved / Not Approved Noted
Further information required
Minister.....
Dated 07/02/13.

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Flinders Karawatha Corridor Management Strategy**

TIMEFRAME

- Approval of this brief is required by 5 February 2013 to ensure the draft strategy is released to provide sufficient time for interested stakeholders to provide comment by 31 March 2013.

RECOMMENDATION

It is recommended that the Minister:

- **approve** the draft Flinders Karawatha Corridor Management Strategy for public release on the EHP website as part of the formal consultation process extending until 31 March 2013 (**Attachment 1)**
- **note** the draft letter to be signed by the Executive Director, Southern Region, Environmental Services and Regulation Division for mail out to landholders within the corridor inviting comment on the draft strategy (**Attachment 2**). please rewrite.

BACKGROUND

- In August 2012, EHP completed a community consultation process to define a vision, boundary and future management of the corridor.

CURRENT ISSUES

- Feedback from landholders revealed several misconceptions regarding potential impacts of the designation of the corridor boundary, including perceived impacts on landholder's rights to undertake future land subdivision, development and impact on property values.
- These misconceptions highlighted the need for EHP to develop improved communication materials including updating of web based information and promotional materials.
- Other key messages and outcomes from the consultation process included:
  - local government and other state agencies indicated support for the development of the draft strategy
  - the need to establish a consultation process and communicate with landholders and stakeholders inviting their input into development of the strategy.
- The draft strategy includes objectives and strategies to manage the environmental, economic, social and recreational values. Note that this brief is being progressed while Corporate Communications completes final formatting of the draft strategy document.
- Separate technical reports into the environmental values and European cultural heritage values are being finalised and will be available to be loaded on the Flinders Karawatha Corridor webpage on the EHP website soon. These include the environmental values assessment of the corridor and the heritage assessment report.
- The current review of the biodiversity offsets policy is seeking to provide a consistent and streamlined framework for delivering environmental offset requirements associated with sustainable development. The review has flagged a proposal to identify and delineate state-wide conservation hubs and corridors to direct future strategic investment for offsets and thus provide for improved and more strategic outcomes from offsets.
- The Flinders Karawatha Corridor sits within part of a broader corridor network that would likely form part of a state-wide network of strategic investment areas for offsets.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Lorraine Briggs Position: Manager Tel No: 5583 1775 Date: 23 January 2013	Name: Andrew Connor Position: ED Southern Tel No: 3330 6335 Date: 25 January 2013	Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date: 31/1/2	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 4.2.13

CONSIDERATIONS

- *Budget*:
  - Budget implications resulting from the preparation and consultation on the draft strategy are supported within existing resources.
  - EHP currently coordinates engagement with partners via the Flinders Karawatha Corridor Regional Panel and will continue with this role up to October 2013.
  - As landowner participation is voluntary, success of the strategy will be dependent on the number of voluntary agreements.
  - A cooperative approach to implementation of the strategy is proposed and will be achieved by strategic investment from environmental offsets and state and federal funding programs.
- *Key Communication Messages:* EHP has prepared the Flinders Karawatha Corridor Draft Management Strategy for the purpose of seeking community views on proposed management approaches.

MINISTER'S COMMENTS

RTI DL Release

ATTACHMENTS

- Attachment 1 – Draft management strategy for the Flinders Karawatha Corridor 2013
- Attachment 2 – Draft letter to landholders

Author	Cleared by	Cleared by	Recommended:
Name: Lorraine Briggs Position: Manager Tel No: 5583 1775 Date: 23 January 2013	Name: Andrew Connor Position: ED Southern Tel No: 3330 6335 Date: 25 January 2013	Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

Queensland Government

Department of
Environment and Heritage Protection

Ref CTS 01282/13

DRAFT

[Title] [Firstname] [Lastname]
[Address]

RTI DL Release

Dear [Salutation]

Release of the Flinders Karawatha Corridor Draft Management Strategy 2013

The Department of Environment and Heritage Protection is committed to achieving strong environmental management supporting sustainable economic development by delivering the following primary objectives:

- Avoiding, minimising or mitigating the impacts to the environment
- Protecting the integrity of Queensland's ecosystems
- Protecting Queensland's built heritage and places.

The Draft Flinders Karawatha Corridor Management Strategy (the draft strategy) is an example of how the department is seeking to achieve these objectives by working in partnership with the community to protect our natural environment and heritage places.

The Flinders Karawatha Corridor is recognised as containing significant conservation, recreation, cultural heritage and social values and includes the largest remaining continuous stretch of open eucalypt bushland in south east Queensland. Further information about the corridor's extent, what the corridor means for landholders and a list of frequently asked questions is available at www.ehp.qld.gov.au/land/natural-resource/flinders-karawatha/index.html.

The draft strategy has been released to seek feedback that will assist the Queensland Government, local government, landholders and key partners to refine strategic actions for managing the corridor into the future.

I invite you to comment on the draft strategy. An electronic copy can be found at: www.ehp.qld.gov.au/land/natural-resource/flinders-karawatha/index.html.

P/s rewrite in more personal tone and try to 'tell the story' of the corridor. Ta A.

Level 8
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 6335
Facsimile + 61 7 3330 5754
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Closing date for submissions: COB 31 March 2013

Email: <Esres.Southernescbranch@ehp.qld.gov.au>
Mail: C/o Flinders Karawatha Draft Strategy
Environmental Standards and Compliance Branch
GPO Box 2454
BRISBANE QLD 4001

Submissions received, together with other information obtained through forums and interest group meetings, will be collated and analysed and a report published during 2013.

Should you have any further enquiries, please contact Mr Mike Gregory, Senior Environmental Planning Officer, Southern Region of the department on telephone 07 3330 5926.

Yours sincerely

Andrew Connor
Executive Director

RTI DL Release

CTS No. 01487/13

sch4p3(3) Prejudice th

Chief of Staff . OK
Dated 1/2/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 04/02/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Public reports of gas bubbling in puddles, Tara/Chinchilla area**

TIMEFRAME

- The Minister has requested an urgent briefing on the issue.

RECOMMENDATION

It is recommended that the Minister:

- **note** that no methane has been detected at the sites inspected.

BACKGROUND

- The Coal Seam Gas Compliance Unit of the Department of Natural Resources and Mines (DNRM) received two reports of bubbles coming up from puddles of water remaining on the ground after heavy rain on Saturday 19 January 2013 around Tara with the complainant's interpretation that the bubbles could be coal seam methane.
- The Petroleum and Gas Inspectorate of DNRM attended two properties (sch4p3(3) Prejudice the protect) at Tara to undertake testing for gas emissions. Methane was not detected at any of the locations tested on either property.

CURRENT ISSUES

- Over the Australia Day long weekend a further 6 reports were received by the Coal Seam Gas Compliance Unit which is today (Tuesday 30 January 2013) formulating its response as to further testing.
- A likely cause of the bubbles is rainfall displacing air from the soil profile, which has been dry for some time.
- The matter is a public safety issue and in the immediate term poses no environmental risk. EHP's involvement at this stage is a watching brief.
- Related to this issue is the possible extension of ongoing work around the Condamine River bubbles to include a review of historical reports of methane micro-seeps through the soil profile across the Surat Basin. This work is being led by the Coal Seam Gas Compliance Unit.
- The review is not related to the bubble reports over the past week, however, will possibly provide further context around the occurrences of bubbles in waterways and on land.
- No methane has been detected from gas bubbles in puddles of rainfall. However, further testing by the Petroleum and Gas Inspectorate is possible at newly identified sites.
- The Coal Seam Gas Compliance Unit is considering engaging the Queensland Chief Scientist to review historical reports of gas emissions from the soil profile prior to the advent of the Coal Seam Gas industry, as a part of the Government's ongoing investigation into the causes of Condamine River bubbles.

CONSIDERATIONS

- *Key Communication Messages:* The Petroleum and Gas Inspectorate has undertaken testing at sites on private properties around Tara for methane. No methane has been detected.

MINISTER'S COMMENTS

Thank you.

Rec'd - DDG
31 JAN 2013

Author	Cleared by	Cleared by	Recommended:
Name: David Darvall Position: Manager Tel No :0439 875 965 Date: 29 January 2013	Name: Andrew Connor Position: ED Southern Tel No: 3330 6335 Date: 29 January 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 30/1/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 31.1.13

RTI DL Release

sch4p3(3) Prejudice

Chief of Staff .. OK
Dated 20 / 03 / 13
Approved Not Approved Noted
Further information required
Minister .....
Dated 26 / 03 / 13

CTS No. 02743/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Proposed land surrender condition on the Department of Environment and Heritage Protection's concurrence agency response for Reconfiguring a Lot in a coastal management district at 502 Hope Island Road, Helensvale (Lot 112 on Plan SP191057)**

RECOMMENDATION

It is recommended that the Minister:

- **approve** the inclusion of a land surrender condition on the Department of Environment and Heritage Protection's concurrence agency response in accordance with section 110(2c) of the *Coastal Protection and Management Act 1995* (Coastal Act).
- **note** this brief is initiated by EHP in accordance with section 110(2c) of the Coastal Act and a decision to include a land surrender condition requires a Ministerial decision.
- **note** the IDAS process under the *Sustainable Planning Act 2009* was stopped on 30 November 2012 in accordance with section 111(3) of the Coastal Act and will resume when the chief executive gives the applicant a notice of the Minister's decision under section 113(1) of the Coastal Act.
- **note** that the land recommended for surrender (creek land), being a portion of Lot 112 on Plan SP191057, is within an erosion prone area and up to 45 metres from the foreshore.
- **note** that the chief executive is satisfied that the subject land should be surrendered to the State for coastal management.
- **note** that the creek land, if surrendered, will become a Reserve for coastal management purposes under the trusteeship of the Gold Coast City Council.

BACKGROUND

- Land Partners Pty Ltd acting on behalf of the land owner, sch4p3(3) Prejudice the protection applied to the council for the reconfiguration of Lot 112 into six lots (**Attachment 1**).
- Lot 112 is within the coastal management district and as such, the application was referred to the department on 24 November 2011.

CURRENT ISSUES

- Upon assessment, EHP identified that the land is within a coastal hazards area (predominantly 'high' risk) and an erosion prone area (**Attachment 2**). Additionally, Lot 112 contains important coastal resources and values including ecologically significant vegetation (remnant and high value regrowth), high value threatened species habitat and wetland management areas (**Attachment 3**).
- Lot 112 adjoins a large council-managed reserve (Tradewinds Reserve).
- Accordingly, the department considers that surrender of a buffer area of up to 45 metres from the foreshore is an appropriate coastal management option and would ensure the proper management of the creek land indefinitely.
- EHP has received written confirmation from the council of its acceptance of trusteeship of the proposed reserve over the creek land and its preference for this option (**Attachment 4**).
- An Information Request (IR) was issued to the applicant advising that the department considered that the creek land should be surrendered to the State for coastal management purposes, outlined the reasons for this consideration and explained that the EHP's preference was that the applicant voluntarily surrenders the land in accordance with section 115A of the Coastal Act.
- In the IR response, the applicant stated that the creek land will not be voluntarily surrendered. Alternatively, the applicant proposed for the land to remain in freehold tenure and be managed by the landowners of proposed Lot 1 as seen within Attachment 1 (and their successors in title) under the Land Management Plan (LMP) included in the response.
- Upon review, both EHP and the council agreed that the LMP was sub-standard and failed to

Author	Cleared by	Cleared by	Recommended:
Name: Sara Cuthbertson Position: Environmental Officer Tel No: 5583 2144 Date: 14 February 2013	Name: Andrew Connor Position: Executive Director, Southern Region Tel No: 3330 6325 Date: 15 March 2013	Name: Dean E Position: DDG, Tel No: 3330 5 Date: 13/3/13	Name: Andrew Chesterman DG, EHP Tel No: 3330 6298 Date: 18.3.13

 sch4p3

Rec'd - ODG
18 MAR 2013

RTI DL Release

demonstrate that the creek land would be appropriately managed for coastal management indefinitely. The applicant was advised of this.

- To afford the applicant natural justice and the opportunity to present new information, the decision making period for the application was extended twice. EHP has met with the applicant on three occasions to discuss the matters, once in the presence of the council.
- The applicant then submitted to EHP an Infrastructure Agreement (IA) by which the applicant proposes for the creek land to be managed in accordance with the previously submitted LMP (**Attachment 5**). This IA is not supported by EHP.
- The council has advised that it strongly supports the inclusion of a land surrender condition (**Attachments 6 and 7**). Under the council's trusteeship, the creek land will be appropriately managed for coastal management purposes indefinitely as a continuation of the existing council-managed Reserves along the Saltwater Creek foreshore, protecting life and property from coastal hazards and expanding ecological linkages.
- Lot 112 abuts Saltwater Creek which is a tributary of the Coomera River.
- There is an existing Material Change of Use (MCU) development approval over Lot 112, which stipulates a 'Riparian Buffer Zone' of up to 45 metres from the foreshore (as seen within Attachment 1). The creek land considered suitable for surrender is largely the same configuration as this area.
- Key management matters for Saltwater Creek as identified in the Saltwater Creek Foreshore Master Plan (SCFMP) prepared by Griffith University's Centre for Coastal Management, are bank instability and erosion which continue to threaten properties, areas of ecological value and water quality. The SCFMP attributes these matters largely to development impacts from inappropriate land uses, particularly in native riparian vegetation areas along the foreshore of Saltwater Creek.
- The SCFMP highlights the urgent need to appropriately and consistently mitigate the impacts of coastal hazards and to manage riparian buffer areas to improve coastal values and resources.
- It is acknowledged that sch4p3(3) Preju resides in a residential dwelling located near the [redacted] of Lot 112, which is likely to be situated within the area of creek land. EHP is sensitive to this issue and is willing to negotiate the configuration of the proposed Reserve, such that the land surrounding the dwelling remains in freehold tenure.
- After extensive review of all information provided by the applicant, including the proposed IA, the department and the council strongly oppose the implementation of this proposal (the IA) for reasons which have been clearly defined to the applicant.
- Inappropriate management of foreshore buffer areas under private ownership has led to the need for significant compliance action and is causing substantial resource implications for both the department and the council. Proposed private management of the creek land (through an IA), in place of the council, has the potential to increase these resourcing requirements further to ensure compliance at Lot 112.

CONSIDERATIONS

- *Legislation:* Chapter 2 – Part 6, Division 3, Sections 109 – 115B of the *Coastal Protection and Management Act 1995.*
- *Key Communication Messages:* The indefinite management of the creek land under the trusteeship of the council is the only option presented that guarantees the appropriate ongoing long-term management of the land for coastal management purposes. The surrender of this land would ensure a safeguard against inappropriate land uses and prevent risks to life and property from coastal hazard impacts.

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Author	Cleared by	Cleared by	Recommended:
Name: Sara Cuthbertson Position: Environmental Officer Tel No: 5583 2144 Date: 14 February 2013	Name: Andrew Connor Position: Executive Director, Southern Region Tel No: 3330 6335 Date: 15 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, EHP Tel No: 3330 6298 Date:

MINISTER'S COMMENTS

Spoken to Cr in charge of Planning at GCCC.
Have been advised GCCC now support IA.
Div of Planning is sending updated correspondence.
I recommend we support GCCC new position
AP

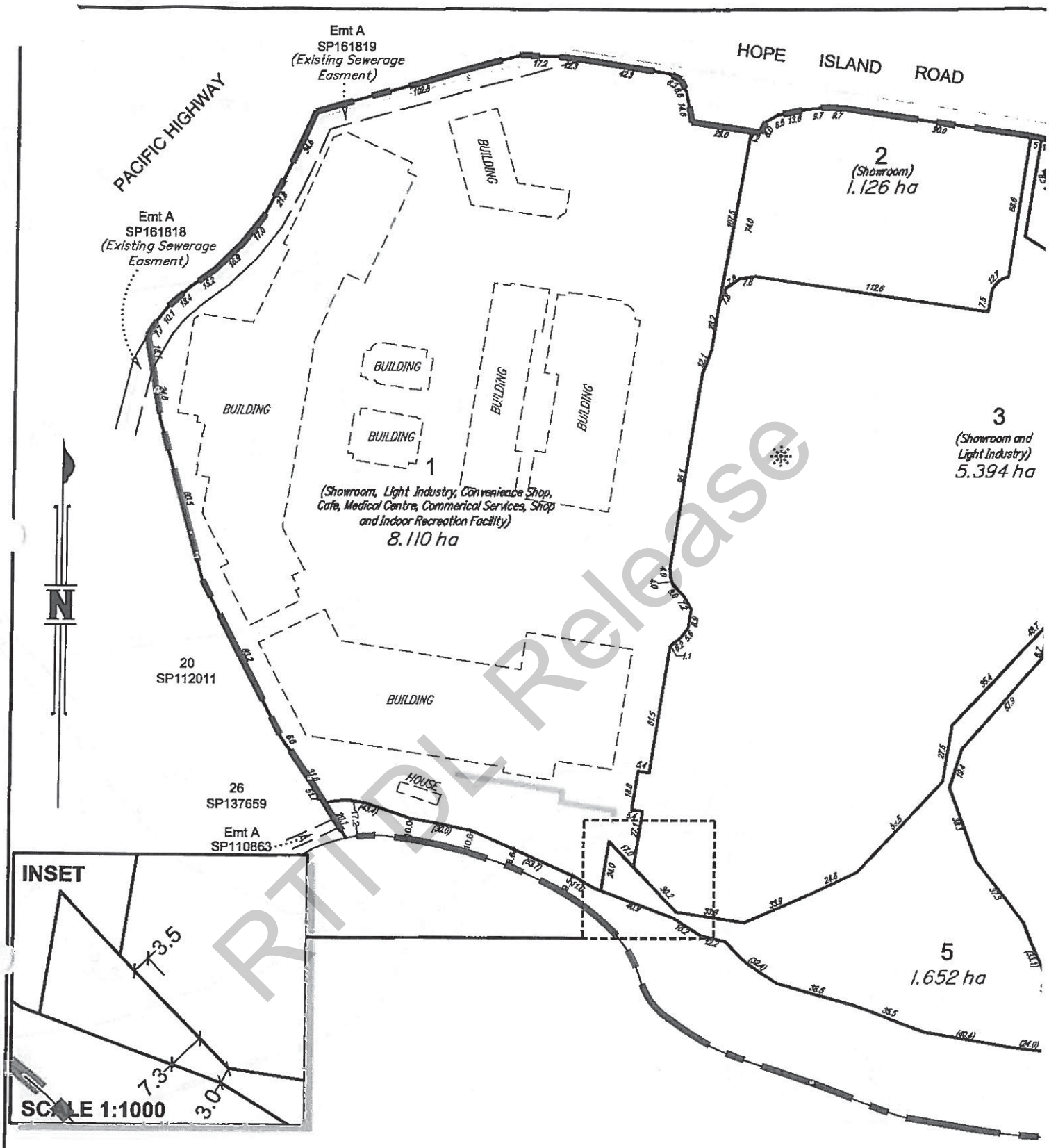
ATTACHMENTS

- Attachment 1 – Plans of Subdivision.
- Attachment 2 – Maps – Hazards.
- Attachment 3 – Maps – Ecological.
- Attachment 4 – Council Letter of Trusteeship.
- Attachment 5 – Proposed Infrastructure Agreement.
- Attachment 6 – Council Letter of Support.
- Attachment 7 – Council correspondence.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Sara Cuthbertson Position: Environmental Officer Tel No: 5583 2144 Date: 14 February 2013	Name: Andrew Connor Position: Executive Director, Southern Region Tel No: 3330 6335 Date: 15 March 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, EHP Tel No: 3330 6298 Date:

File Ref: BST1513



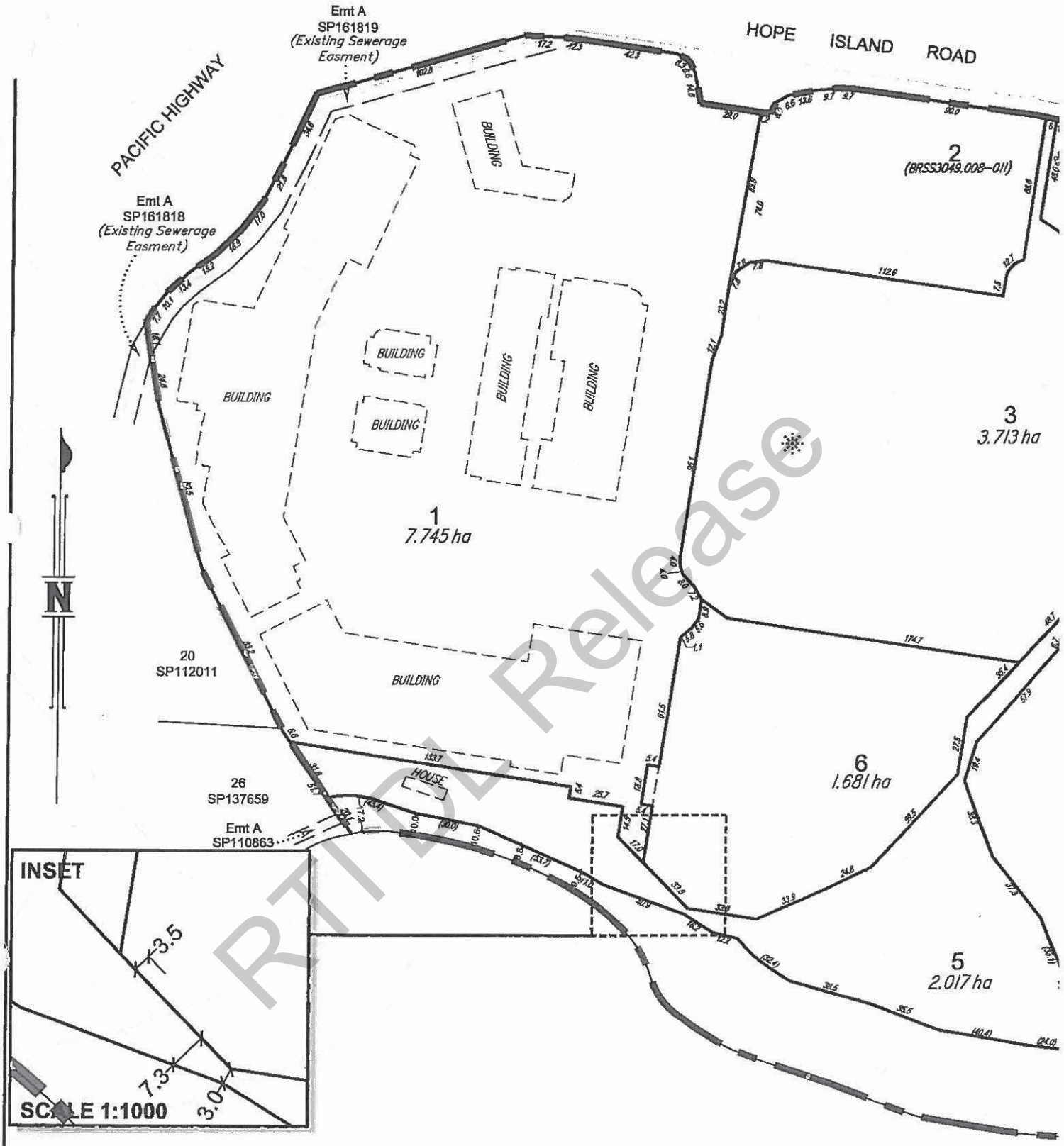
LEGEND

- SITE BOUNDARY
- N/A STAGE BOUNDARY
- EXISTING BUILDING
- N/A DRAINAGE LINE
- N/A EXISTING DAM
- EXISTING EASEMENT
- EXISTING RETAINING WALL (Approx. up to 3.5m in height)
- N/A PROPOSED RETAINING WALL
- PROPOSED STORM WATER DETENTION AREA
- N/A LAND DEDICATED FOR COMMUNITY PURPOSES

RTI DL Release

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREM

060701



RTI DL Release

LEGEND

- SITE BOUNDARY
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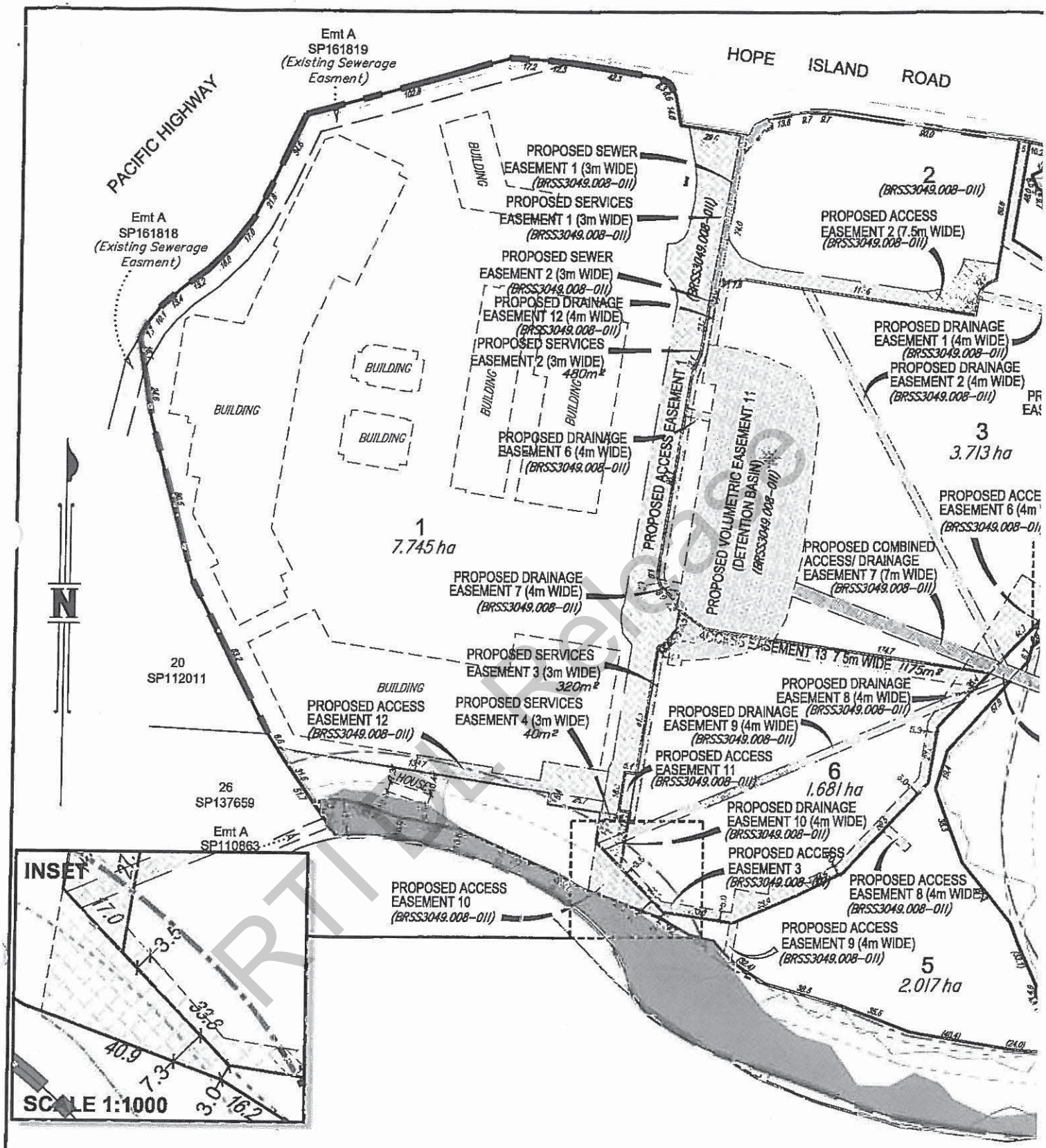
- N/A LAND DEDICATED FOR COMMUNITY PURPOSES

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREM

060701



LEGEND

- SITE BOUNDARY
- N/A STAGE BOUNDARY
- EXISTING BUILDING
- N/A DRAINAGE LINE
- N/A EXISTING DAM
- EXISTING EASEMENT
- EXISTING RETAINING WALL (Approx. up to 3.5m in height)
- PROPOSED (Sewer) EASEMENT
- PROPOSED (Services) EASEMENT
- PROPOSED (Combined Access & Drainage) EASEMENT
- PROPOSED (ACCESS) EASEMENT
- PROPOSED (DRAINAGE) EASEMENT
- EXISTING CAR PARKING (AS SEEN IN LOT 1 ON SHEET 3)
- PROPOSED NOMINAL CAR PARKING (AS SEEN IN LOT 2 & 3 ON SHEET 3)
- N/A PROPOSED RETAINING WALL
- PROPOSED STORM WATER DETENTION AREA
- N/A LAND DEDICATED FOR COMMUNITY PURPOSES
- VMA Essential Habitat (Obtained from 2003 Regional Ecosystem Map, search dated 10th May 2007)
- Remnant Vegetation
- Agreed DA Riparian Buffer Zone
- 25.5m Setback from Creek
- M.H.W.S. 40m Setback
- M.H.W.S. (Mean High Water Spring) - 0.59M AHDD
- Extent of H.A.T.
- H.A.T. (Highest Astronomical Tide) - 0.99m AHDD
- 40m Offset to Top of Bank (Approx. location)

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREM

RTI Release

060701

RTI DL Release

Coastal Hazard Areas Map
Erosion Prone Area

Requested By: SARA.CUTHBERTSON@EHP.QLD.GOV.AU
Date: 29 Nov 12 Time: 13.46.11

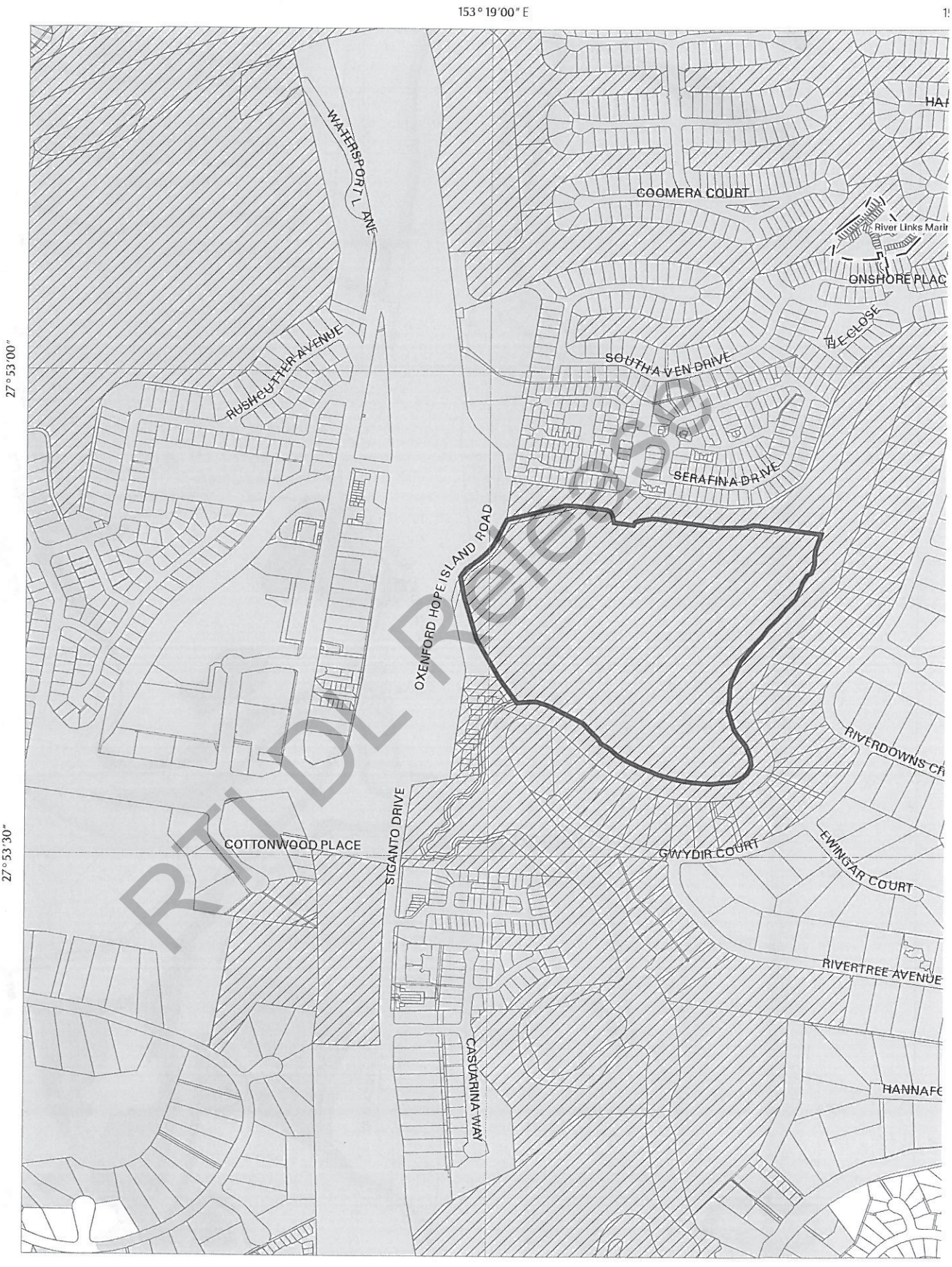
RTI DL Release

Coastal Hazard Areas Map
Storm Tide Inundation Area

Requested By: SARA.CUTHBERTSON@EHP.QLD.GOV.AU

 Date: 29 Nov 12 Time: 13.46.12

Centered on Lot on Plan:



RTI DL Rolled

Queensland Coastal Plan

Requested By: SARA.CUTHBERTSON@EHP.QLD.GOV.AU
Date: 11 Feb 13 Time: 09.30.56

RTI DL Release

Queensland Coastal Plan

Areas of Ecological Significance

Requested By: SARA.CUTHBERTSON@EHP.QLD.GOV.AU

Date: 11 Feb 13 Time: 09.30.59

Centered on Lot on Plan:

Date: 2 April 2012
Contact: Brendan Madden
Location: Surfers Paradise Office
Telephone: (07) 5581 6763 fax (07) 5581 6445
Your reference: 336067/BST1513
Our reference: PN297902/16

ABN 84858548460
PO Box 5042 Gold Coast MC
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Web: goldcoastcity.com.au
Administration Centres
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135 Bundall Road Surfers Paradise
Fax: +61 7 5581 6346
833 Southport Nerang Road Nerang
Fax: +61 7 5596 3653

Ms Janelle Bush
Manager, Environmental Services
Department of Environment & Resource Management
PO Box 4244
ROBINA TC QLD 4230

Dear Janelle

I refer to your correspondence of 20 December 2011 pertaining to Lot 112 on SP191057 and seeking Council's views on the future trusteeship of an area to be dedicated as a reserve for coastal management purposes.

Council is prepared to accept the trusteeship of a reserve created at the subject site whereafter Council will manage the area in an appropriate manner.

Yours faithfully

sch4p4(6) Personal

Brendan Madden
Manager, Property Services
for CHIEF EXECUTIVE OFFICER

File No: BST1513
BST2012/467
C1909423 04-Apr-2012

RTI DL Release

Gold Coast City Council

502 Hope Island Road, Helensvale
Proposal for Infrastructure Agreement for Creek Land

Legal Framework

1 An Infrastructure Agreement (**IA**) may be entered into between the land owner, DEHP and/or GCCC.

2 An IA is available as the Creek Land would qualify as 'Infrastructure' as defined under SPA.

3 An IA attaches to land and binds successors in title. An IA is also legally enforceable being an agreement made under Statue.

4 An IA is a broad and flexible document which is almost unconstrained as to its possible contents. The contents of an IA are therefore almost entirely subject to the agreement of the parties.

5 To the extent the IA is inconsistent with the obligations relating to the Creek Land under the development approvals for the Stage 1 or Stage 4 land, the IA prevails.

Benefits of an IA

6 The IA can provide a mechanism for the Creek Land to remain in private ownership but remain subject to controls including an agreed land management plan (LMP) which meets the requirements of the DEHP, GCCC and the land owner and which ensures the ecological values of the land are maintained and enhanced.

7 The cost of maintaining the Creek Land is met by the land owner and not by either the State or GCCC.

8 We understand DEHP is concerned about compliance by future land owners. The IA will be contained in any Standard Town Planning Certificate obtained over the property. Obtaining such a certificate commonly occurs in the purchase of commercial properties. While it is not necessary, an IA can also contain provisions which require assignment of the IA to any incoming purchaser which will ensure future owners are fully cognisant of their responsibilities. That said, the failure to assign would not impact upon the enforceability of the IA.

9 An IA, being an agreement made under Statute, is attached a relatively high level of importance both under the legislation and by the market.

10 An IA would resolve the difficulties around existing and proposed private infrastructure being located in public land as the Creek Land would remain in private ownership but clear parameters could be set around maintaining the existing infrastructure and limiting further infrastructure to meet agreed ecological outcomes.

11 Specifically we propose the include the following features in the IA:

11.1 Reporting:

The land owner must provide reports for GCCC/DEHP to review on reasonable notice which records the works completed on the land and includes any 'incident reports' which have an adverse environmental impact on the Creek Land.

11.2 Breach:

If the land owner fails to meet the standards required in the LMP, then DEHP may issue a breach notice which provides the land owner a reasonable period of time to remedy the matter (at the land owner's cost).

If the land owner fails to remedy the breach, then the DEHP may undertake the remedial work itself (or using GCCC as its agent) at the land owner's cost.

RTI Disclosure

If there a three instances of the land owner failing to remedy breaches within a two year period and DEHP undertaking remedial work, then the IA can require the land owner to surrender the land.

11.3 Maintenance

The IA can include provisions for maintenance, maintenance access and controlling access to the Creek Land proposed under the LMP.

RTI DL Release

Date: 23 January 2013
Contact: Monique Anderson
Location: Implementation and Assessment, Nerang Branch
Telephone: (07) 5582 8468
Your reference: 336067/SPCC03495611
Our reference: PN297902/02/DA7
ROL201100180

ABN 84858548460
PO Box 5042 Gold Coast MC
Qld 9729 Australia
Email: gcccmail@goldcoast.qld.gov.au
Web: goldcoastcity.com.au
Administration Centres
Ph: +61 7 5582 8211
135 Bundall Road Surfers Paradise
Fax: +61 7 5581 6346
833 Southport Nerang Road Nerang
Fax: +61 7 5596 3653

Attention: Sara Cuthbertson

Department of Environment and Heritage Protection
PO Box 4244
Robina Town Centre QLD 4230

FFICIAL Release

Dear Sir/Madam

LETTER OF SUPPORT CONSIDERATION OF LAND SURRENDER CONDITION

Application Type:	**Development Permit for Reconfiguration of a Lot to subdivide one (1) lot into six (6) freehold lots in two (2) stages**
Application Number:	**ROL201100180**
Property Description:	**LOT112 on SP191057**
Property Location:	**502 Hope Island Road, Helensvale**

I refer to the abovementioned Reconfiguring a Lot application and the letter correspondence received by Gold Coast City Council (the assessment manager) dated 30 November 2012 from the Department of Environment and Heritage Protection (DEHP) stating that the DEHP as per section 111 of the *Coastal Protection and Management Act 1995 (Coastal Act)*, give notice that the chief executive (DEHP) is considering including in its Concurrence Agency response a land surrender condition for an area within 40 metres of the foreshore for coastal management purposes. Please be advised that as the assessment manager Gold Coast City Council Officers support such a land surrender condition as suggested by the DEHP.

Further to the coastal management purposes identified by the DEHP, it is considered appropriate through this Reconfiguring a Lot application that the applicant be required to dedicate to Council as open space an area of the subject site adjoining Saltwater Creek in accordance with the requirements of the 'Our Living City' Gold Coast Planning Scheme 2003 v1.2. The purpose of the dedication would be to obtain the area of open space in accordance with the Planning Scheme designation of the area within the Open Space Precinct (9) of the Oxenford Local Area Plan, and to continue the public open space network along Saltwater Creek and continue the management of the area along Saltwater Creek through the one authority.

It is noted that the adjoining parcel of open space to the south of the subject site along Saltwater Creek, and further allotments to the south along Saltwater Creek, are currently maintained under public ownership and managed by Council's Natural Areas Management Unit (NAMU.) Council Officers consider it logical to seek dedication of an open space buffer to Saltwater Creek, as a continuation of the existing open space buffer area located south. The area of dedication would be maintained and managed by NAMU in order to ensure the significant ecological integrity of the riparian and foreshore vegetation of the Saltwater Creek is maintained.

It is noted that the applicant requests that the subject area be retained in private ownership. The applicant has advised that the area can be appropriately managed through private ownership and such will resolve ecological and the applicants security concerns. The applicant has been advised that based on the information provided Council Officers do not consider these reasons significant planning justification to retain the area in private ownership.

Contacting us
Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Monique Anderson telephone (07) 5582 8468.

Yours faithfully

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Emma McGregor
SUPERVISING PLANNER
For the Chief Executive Officer

RTI DL Release

Correspondence from Gold Coast City Council's Open Space Planner, Nicole Glenane received by the Department of Environment and Heritage Protection on 29 November 2012

Re: Support of land surrender of an area within 40 metres of the foreshore for coastal management purposes in relation to the application to reconfigure a lot at 502 Hope Island Road, Helensvale (Lot 112 on SP191057).

The following is an excerpt from the above mentioned correspondence:

Reference is made to the above mentioned Reconfiguration of a Lot (ROL) application Council are currently in receipt of.

Further to our meeting held 23 October 2012, please see below comments in support of dedication of the buffer to Saltwater Creek for Open Space and Environmental purposes:

Desktop analysis:

Vegetation Management Act (VMA) 1999

The subject site is mapped as containing remnant vegetation defined as 'least of concern' and 'of concern'. Regrowth mapping identifies the site as containing high value regrowth vegetation 'of least concern' and 'of concern'.

Previous approvals over subject site

- *It is noted that the site is the subject of a previous Court Consent Order (No. 385 of 2005). The conditions within the consent order required the rehabilitation of a twenty five (25) metre Riparian area along the full length of the Saltwater Creek waterway and the submission of a landscape application for the approval of these works. To date, no evidence exists of submission of these documents.*

Open Space and Environmental Assessment comments:

- *Part of the subject site, being a variable 20 metre (minimum) to 60 metre wide buffer along the full length of Saltwater Creek located along the sites southern boundary, is designated within the Gold Coast City Council's 'Public Open Space Precinct' (Precinct 9) of the Oxenford Local Area Plan (LAP). **Refer to LAP Map attached for further detail.** It is considered appropriate through this ROL application that the applicant dedicate the mapped 'open space buffer area' along Saltwater Creek to Council as public open space in accordance with the requirements of the Oxenford LAP.*
- *The mapped 'open space buffer area' adjoins an existing parcel of open space along Saltwater Creek to the west of the subject site (being Lot 501 SP110863). This western open space area is maintained under public ownership and managed by Council's Natural Areas Management Unit (NAMU). Council Officers consider it logical to seek dedication of an open space buffer to Saltwater Creek at the subject site, as a continuation of the existing open space buffer area located west. The purpose of the dedication would be to secure the area of open space in accordance with the Oxenford LAP and surrounding public open space network and to continue the management of the area along Saltwater Creek under public ownership.*
- *Saltwater Creek provides a significant ecological linkage between the Nerang Forest Reserve, Coombabah Lake and the Coomera River. The Coomera River forms part of a major linkage in the Citywide Nature Conservation Network. The riparian and foreshore vegetation along the Saltwater Creek are important for providing ecological connectivity, bank stability and improved water quality. In the case of the subject site, it is considered important that Council manage the riparian and foreshore vegetation contained within the open space buffer area along Saltwater Creek, to ensure the*

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major ecological linkage of which Saltwater Creek contributes to, is maintained effectively.

- *The applicant proposes to create Lots 4 and 5 with boundaries bisecting identified vegetation communities. Environmental Assessment officers hold concern with regard to the management of one vegetation community over two (2) independent titles. The creation of a boundary through a vegetation community raises potential clearing rights through nominated vegetation communities. For these reasons, it is considered the amalgamation of proposed Lots 4 & 5, or the movement of the boundary of proposed Lot 4 to follow the agreed riparian buffer zone (as nominated on the submitted plan being BRSS3049.008-012) would provide an acceptable environmental outcome in line with Performance Criterion (PC) 33 of the Oxenford LAP. Council have requested the applicant address the above mentioned matter within any future response to Council's information request.*

In summary, Council officers recommend the following:

- *That the applicant dedicate to Council as public open space (Natural Drainage Reserve), the variable 20 metre to 60 metre wide buffer identified along the full length of Sandy Creek along the southern boundary of the subject site. The requirement for dedication falls in accordance with the subject sites designation within the Public Open Space Precinct of the Oxenford LAP, as well as ecological requirements as recommended by the Department of Environment and Heritage Protection (DEHP).*
- *That the public open space area be maintained and managed by Council's Natural Areas Management Unit in order to ensure the significant ecological integrity of the riparian and foreshore vegetation of the Saltwater Creek is maintained. Effective management of these environs will further ensure the protection of the strategic ecological connection between the Nerang Forest Reserve, Coombabah Lake and Coomera River.*

Should you wish to clarify any matters contained above, please do not hesitate to contact Nicole Glenane on telephone (07) 5582 8658.

Best Regards,
Nicole Glenane
Open Space Planner
Implementation & Assessment

Gold Coast City Council
Ph: *(07) 5582 8658* ***Fax:*** *(07) 5582 9075*
Mob: sch4p3(3) Prejud
PO Box 5042 Gold Coast Mail Centre Qld 9729
www.goldcoastcity.com.au

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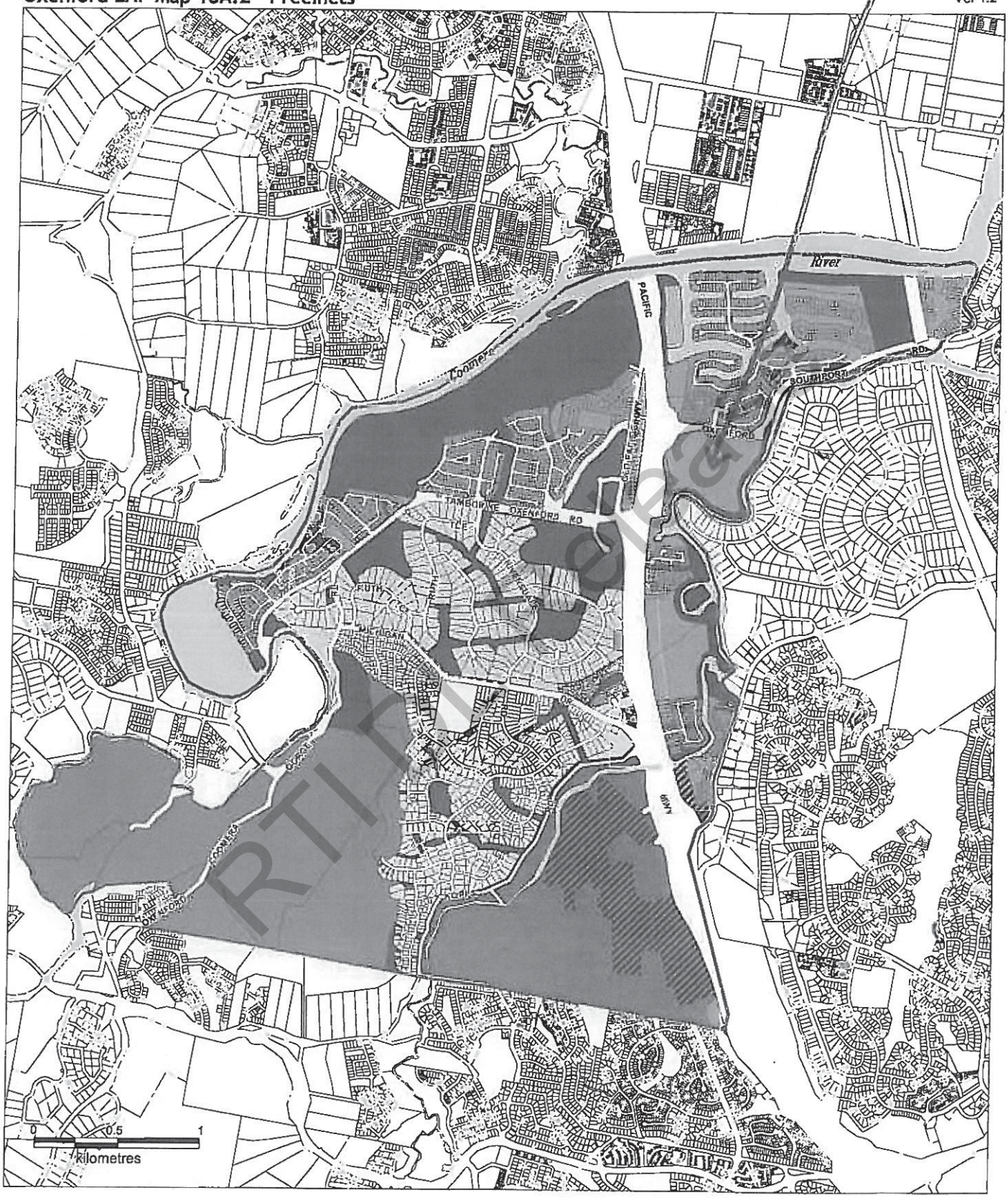
Lot 112
SP190057

Oxenford LAP Map 18A.2 - Precincts

Ver 1.2



Legend

- PRECINCT 1 - TOURISM AND ENTERTAINMENT
- PRECINCT 2 - HILLSIDE RESIDENTIAL
- PRECINCT 3 - EXTRACTIVE INDUSTRIES
- PRECINCT 4 - PARKLAND RESIDENTIAL
- PRECINCT 5 - CENTRAL OXENFORD
- PRECINCT 6 - RIVERSIDE RESIDENTIAL COMMUNITIES
- PRECINCT 7 - PACIFIC BUSINESS CORRIDOR
- PRECINCT 8 - OXENFORD GATEWAY
- PRECINCT 9 - PUBLIC OPEN SPACE
- PRECINCT 10 - COMMUNITY PURPOSES
- SEE TABLE OF DEVELOPMENT
- LOCAL AREA PLAN BOUNDARY

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Based on Cadastral Data provided with the permission of the Department of Natural Resources and Water (current as at May 2008).

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Gold Coast City Council

GDA

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CTS No. 00624/13

Chief of Staff OK
Dated 21/1/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 23/01/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Outcomes of soil sampling undertaken on residential properties at Eidsvold on 7 December 2012**

RECOMMENDATION

It is recommended that the Minister:

- **note** that following receipt of the soil sampling results, Queensland Health (QH) contacted the residents directly and held interviews on Thursday, 17 January 2013 in relation to public health issues and exposure risks. All persons identified as being associated with the properties agreed to testing of urine and blood for arsenic and lead levels. The testing has been arranged for Monday, 21 January 2013 and the results should be received in three weeks.
- **note** that the Department of Housing and Public Works (DHPW) has agreed to provide the contact details of the residents to QH to facilitate contact with the residents in relation to public health issues.
- **note** that sampling of Eidsvold town water supply conducted by QH did not show any levels of metals that would indicate contamination.
- **note** that the Department of Environment and Heritage Protection (EHP) will continue to manage rehabilitation issues on the mining lease and support a Whole-of-Government response to the issue.

BACKGROUND

- This issue was first brought to the Minister's attention on 29 November 2012 in CTS 17849/12 (**Attachment 1**).
- A meeting occurred on 28 November 2012 at Mundubbera between EHP, QH, the North Burnett Regional Council (the Council), DHPW and the Department of Natural Resources and Mines (DNRM). Refer to CTS 18252/12 (**Attachment 2**).

CURRENT ISSUES

- A teleconference occurred on 11 January 2013 between EHP, QH, DHPW and the Council to discuss the results of soil sampling undertaken on 7 December 2012 at the two residential allotments adjacent to the mining lease.
- The results of soil sampling indicated maximum arsenic levels 71 times and lead levels 3.3 times the Health Based Investigation Level for residential allotments. QH reiterated that soil levels do not directly translate to human exposure levels.
- QH has contacted the residents and conducted interviews in relation to their exposure and any visitors that may have been exposed to soil on the property in the previous six weeks.
- QH, DHPW and the Council will liaise to formulate appropriate public information as required.
- The tailings sand was deposited from historic mining activities and appears to be present outside the mining lease which is outside the jurisdiction of EHP. This would appear to involve the Abandoned Mine Land Program (AMLP) of DNRM.
- AMLP has indicated that it would not have involvement in this matter at this time and again declined the invitation to attend the teleconference held on 11 January 2013.
- On 31 January 2013, EHP must make a decision on an application to surrender the environmental authorities associated with the mining leases.

on what grounds?
(email response to DLO fine)

Rec'd - ODG
21 JAN 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Dayna Claybourn Position: Senior Environmental Officer Tel No: 4121 1615 Date: 18 January 2013	Name: Chris Hill Position: A/ED, Southern Region Tel No: 4699 4360 Date: 18 January 2012	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 21 January 2013 *Endorsed*	Name: Tony Roberts A/DG, DEHP Tel No: 3330 6298 Date: 21/1/13

CONSIDERATIONS

- *Budget*: A total of $17,000 is held by EHP as financial assurance against the environmental authorities which is insufficient to appropriately rehabilitate the mining lease areas.
- *Consultation:* Consultation between relevant government departments and the Council is occurring at a regional level.
- *Key Communication Messages:* EHP will assist in the development of appropriate communication products where required.

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – Ministerial Briefing Note: Elevated arsenic levels at Eidsvold - CTS 17849/12.
- Attachment 2 – Ministerial Briefing Note: Outcomes of a meeting at Mundubbera on elevated arsenic levels at Eidsvold - CTS 18252/12.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Dayna Claybourn Position: Senior Environmental Officer Tel No: 4121 1615 Date: 18 January 2013	Name: Chris Hill Position: A/ED, Southern Region Tel No: 4699 4360 Date: 18 January 2012	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 21 January 2013 *Endorsed*	Name: Tony Roberts A/DG, DEHP Tel No: 3330 6298 Date:

CTS No. 17849/12

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Chief of Staf OK
Dated 29 / 11 / 12
Approved Not Approved Noted
Further information required

Minister.....
Dated 29 / 11 / 12

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Elevated arsenic levels at Eidsvold**

RECOMMENDATION

It is recommended that the Minister:

- **note** that the Department of Environment and Heritage Protection (EHP) recently became aware that there are elevated levels of arsenic within 30 to 50 metres of residences in western Eidsvold and this contamination appears to extend within residential property boundaries.
- **note** that there is a meeting happening today (28 November) between EHP, Queensland Health, North Burnett Regional Council, the Department of Communities, Child Safety and Disability Services and Department of Natural Resources and Mines (Abandoned Mines) to confirm response roles and communication strategy to inform the local community.
- **note** that additional information will be briefed following confirmation of the multi-agency meeting outcomes.

BACKGROUND

- From 1989 to 1996, Juris Breeze Pty Ltd (the company) operated a small scale gold mine immediately west of the Eidsvold township which involved removing historic mullock heaps and tailings sand from mining leases ML3238, ML3236 and ML3222 and re-processing the material on ML3235.
- It is likely that houses owned by the Department of Communities, Child Safety and Disability Services (DCCSDS) were constructed on top of tailings sand adjacent to ML3238, however further investigations are being conducted to determine the actual extent of the problem. Other possibly affected land is owned by Department of Natural Resources and Mines (DNRM) and two private landholders.

CURRENT ISSUES

- The four mining leases were cancelled by the former Minister for Natural Resources and Mines on 16 October 2002 for non-payment of rent.
- The company applied to surrender three of its environmental authorities (excludes ML3235) on 5 October 2012. These applications contained relevant information about arsenic in soil and due to the balance of workload priorities the applications were assessed intermittently from 15 October 2012, culminating in broader consultations across government from 13 November 2012.
- The majority of the underlying tenures covered by the mining leases are listed on the Environmental Management Register (EMR) due to historic mineral processing activities and so soil and vegetation (root and leaf) sampling was undertaken by the company in order to support the surrender applications.
- The abovementioned houses are within approximately 30 to 50 metres of the surface soil sampling sites which have shown elevated arsenic levels.
- Arsenic and other metals are commonly associated with gold in mineralised areas.
- The *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland 1998* (the guidelines) states that typical background arsenic levels are between 0.2 – 30mg/kg.
- The arsenic level measured within ML3238 was 2670mg/kg whilst a second soil sample taken east of and outside of ML3238 was 1870mg/kg.
- The guidelines recommend an investigation be undertaken where levels of arsenic in soil are found to exceed 100mg/kg for standard residential land with a garden or accessible soil to determine the risk of potential human exposure and environmental impact.
- Based on the information provided by the company, elevated arsenic levels were also found within

Author	Cleared by	Cleared by	Recommended:
Name: Dayna Claybourn Position: Senior Environmental Officer Tel No: 4121 1615 Date: 27 November 2012	Name: Andrew Connor Position: Executive Director, Southern Region Tel No: 3330 4465 Date: 28 November 2012	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 28/11/12

RTI DL Release

mine workings on ML3236 (maximum level of arsenic detected = 943mg/kg) and ML3222 (maximum level of arsenic detected = 3640mg/kg). These mining lease areas are not located in close proximity to residential premises.

- The company reports that background areas not previously affected by mining produced arsenic levels typically ranging between 31 – 809mg/kg. Elevated arsenic levels may exist naturally in the Eidsvold area.
- One sample taken from off the lease that resulted in 1870mg/kg appears to have been taken downhill from ML3238 in an area that would likely receive stormwater runoff from a mine affected area.
- Elevated arsenic levels appear to exist outside previous mining lease areas but the total extent of elevated arsenic levels in this part of Eidsvold is unknown.
- An extract from the company's Final Rehabilitation Report dated July 2012 states that '*the original dump* [on ML3238] *was eroded over the previous 60+ years to spread over the lease area and to further migrate down the valley towards Harkness Boundary Creek. Numerous houses we* [perhaps should be 'were'] *built in the gully immediately downstream of the mine and tailings dumps. In times of heavy rain, severe localised flooding caused a movement of these sand tailings over local residences. To minimise the impact of this flooding, water flow down the valley was controlled in the 1950s by the construction of a diversion drain to move the water into an adjacent gully*'.
- It has been alleged that tailings sand may have been used as bedding sand for municipal water supply and sewage system pipes for the town of Eidsvold. Other uses of the tailings sand and of waste rock may also have occurred in Eidsvold.
- EHP proposes to refuse the three surrender applications.
- With the refusal, EHP could direct the company to conduct further rehabilitation but this will not address the elevated arsenic levels detected off the mining lease.
- The company may become insolvent and the remediation costs be inherited by the State.
- EHP proposes a whole of government approach to the management of this issue and will meet with representatives of Queensland Health (QH), DCCSDS, DNRM and the North Burnett Regional Council in Mundubbera on Wednesday, 28 November 2012.
- The *Public Health Act 2005* prescribes roles and responsibilities for leading responses to public health risks, with roles being assumed either by QH or the local government depending on circumstances and the nature of the public health risk.
- EHP notified QH of the information it had received on 13 November 2012 and is aware that QH has engaged with the council at CEO level to discuss the information and potential risks.
- It is anticipated that EHP will continue to take a lead role in securing rehabilitation of the mining lease. Relevant land owners, such as DCCSDS and DNRM along with local government will lead the resolution of off lease issues.
- The meeting on 28 November will provide for the ability to confirm a collective understanding of roles and responsibilities and a communication plan. EHP's Southern Region will brief further based on established outcomes from this meeting.

RTI DL Release

CONSIDERATIONS

- *Budget*: A total of $17 000 is held by EHP as financial assurance against the environmental authorities which is insufficient to appropriately rehabilitate the mining lease areas.
- *Consultation:*
  - QH, the council, DCCSDS and DNRM's Abandoned Mines and State Land Asset Management units have been advised and invited to meet at Mundubbera on 28 November 2012.
  - Given the proximity to housing, Mr Greg Crisp, Senior Environmental Health Officer, Wide Bay Public Health Unit, QH was contacted on 13 November 2012. He advised that he would visit the ML3238 while conducting other planned works in the North Burnett area. Mr Crisp advised Mr Brad Peel, Manager Environment and Compliance of the council on 15 November 2012, who advised Mr Crisp he was previously unaware of any mining activity in this location and the risk of residual site contamination. Mr Crisp indicated that the matter would be referred to the Local Government to manage and QH would provide assistance where required.
  - QH indicated that it may be necessary to relocate the families living in the two houses constructed on tailings sand.

Author	Cleared by	Cleared by	Recommended:
Name: Dayna Claybourn Position: Senior Environmental Officer Tel No: 4121 1615 Date: 27 November 2012	Name: Andrew Connor Position: Executive Director, Southern Region Tel No: 3330 4465 Date: 28 November 2012	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

- Mr Allen Johns, Principal Environmental Officer, Contaminated Land, EHP was also consulted on 13 November 2012 and indicated that the levels of arsenic were high and recommended that a full site investigation be conducted to determine the extent of potential contamination. He indicated that the company's options were to remove the land from the EMR which in his opinion may cost millions of dollars or to submit a Site Management Plan for the land which would include remediation options.

- *Legislation:* The surrender applications can be refused under section 278(2) of the *Environmental Protection Act 1994* as EHP is not satisfied that the land has been satisfactorily rehabilitated. A direction to carry out further rehabilitation under section 278A should be sent with the refusal notice. Section 375 of the Act provides for the company to voluntarily conduct a site investigation. Section 376 of the Act provides for EHP to require the company to conduct a site investigation.
- *Key Communication Messages:* EHP received information as part of an application to surrender an Environmental Authority for a former mining activity at Eidsvold indicating there were elevated arsenic levels in soil immediately adjacent to residential areas. Due to concern about possible public health risk EHP notified QH who in turn has notified the council. EHP is engaged with QH, the council and other relevant government agencies to ensure an effective and coordinated government response to this emerging issue.
- The residual mining contamination of land may result in a risk to public health, and increased public concern in relation to potential land contamination in the Eidsvold area. If necessary, relocation of people from houses alleged to be built on historical tailings sand may exacerbate these issues.

MINISTER'S COMMENTS

Keep me appraised pls.
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RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Dayna Claybourn Position: Senior Environmental Officer Tel No: 4121 1615 Date: 27 November 2012	Name: Andrew Connor Position: Executive Director, Southern Region Tel No: 3330 4465 Date: 28 November 2012	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

File Ref: SOR108068 / MBH1458

Doc. 02069/13

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE
Date and time TBA by Minister's Office

Chief of Staff..... OK
Dated / /
Approved Not Approved Noted
Further information required
Minister.....
Dated / /

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Proposed condition of land surrender on the Department of Environment and Heritage Protection's concurrence agency response for Reconfiguring a Lot in a coastal management district at 502 Hope Island Road, Helensvale (Lot 112 on Plan SP191057).**

BACKGROUND

- Land Partners Pty Ltd acting on behalf of the land owner, sch4p3(3) Prejudice the protectio, applied to the Gold Coast City Council for the reconfiguration of Lot 112 on Plan SP191057 into six lots (**Attachment 1**).
- Lot 112 abuts Saltwater Creek, a tributary of the Coomera River and is within the coastal management district. As such, the application was referred to the Department of Environment and Heritage Protection on 24 November 2011.
- The department considers that a buffer area of land within 45 metres of the foreshore (the creek land) is suitable for land surrender. However, the applicant has refused voluntary surrender and proposes for the land to be managed in private ownership via an Infrastructure Agreement (IA) (**Attachment 2**).
- The applicant wrote to Mr Troy Collings, Chief of Staff on this matter (CTS 18387/12), resulting in a meeting between the applicant, the council and the department on 23 January 2013.

CURRENT ISSUES

Suitability of the land for surrender, Infrastructure Agreement (IA) and covenant

Deputee position

- The intent of the *Coastal Protection and Management Act 1995* (Coastal Act) can be met via an IA with the land remaining in private ownership.

Suggested response

- The creek land is within a predominately 'high' risk coastal hazard area and an erosion prone area (**Attachment 3**) and as such should be maintained as a buffer to protect life and property from coastal hazards. Additionally, the land is considered suitable for surrender because of its important coastal resources and values including ecologically significant vegetation (remnant and high value regrowth), high value threatened species habitat and wetland management areas (**Attachment 4**).
- The site adjoins a large council-managed Reserve (Tradewinds Reserve). If surrendered, the land would be managed by the council as a continuation of this Reserve, expanding ecological linkages.
- The department and the council have significant concerns with the land remaining in private ownership and managed through the proposed IA or a covenant.
- The creek land must be managed appropriately over the long-term to protect life and property from coastal hazards and preserve environmental values. IAs and covenants do not guarantee appropriate long-term management of the creek land. Although transferred to successors in title, historically, such agreements have not been complied with, resulting in severe degradation of coastal resources and inappropriate land uses which have increased risks to life and property from coastal hazards. There are numerous examples of this, including along Saltwater Creek. In most cases, the department does not become aware of such issues for many years resulting in difficult and resource intensive land rehabilitation. Compliance action at existing covenant buffer sites is currently causing significant resource implications for both the department and the council.
- IAs and covenants place compliance burden on the State and the council, neither of which has adequate resources to allocate to such a role. As a Reserve, the land would be completely managed by an existing team in the council whose role is specifically to maintain foreshore Reserves.

Rec'd - DLDS
21 FEB 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Sara Cuthbertson Position: Environmental Officer Tel No: 5583 2144 Date: 13 February 2013	Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 6335 Date: 19 February 2013	Name: Dean Ellwood ✓ Position: DDG, ESR Endorsed Tel No: 3330 5628 Date: 20 February 2013	Name: Andrew Chesterman DG, EHP Tel No: 3330 6298 Date: 22.2.13

File Ref: BST1513

- The applicant has stated that he believes the land would be better managed under the IA than by the council. However, this claim is unsubstantiated. The Land Management Plan referred to in the IA is considered by both the department and the council as sub-standard.
- Management by the council guarantees that the land will be appropriately managed for coastal management indefinitely as an extension of the adjacent foreshore Reserve, reducing risk and costs to the stakeholders involved.
- Accepting a covenant or IA for this land may conflict with the intent of the Coastal Act, specifically division 3 and thereby set an undesired precedent for other sites.

Economic impacts on the applicant

Deputee position

- Land surrender will have a negative economic effect on any development at the site.

Suggested response

- The applicant has stated that the department wishes the applicant to surrender approximately four hectares of land, indicating that land surrender would negatively impact the development of the site. The land suitable for surrender is largely similar to that which was approved by the council as a 'DA Riparian Buffer Zone' of up to 45 metres from the foreshore (Attachment 1).Therefore land surrender would not alter the approved development footprint or usage for the site. The specific configuration of the land proposed to be surrendered can be negotiated with the applicant.

Location of [redacted] residence

Deputee position

- Land surrender will impact [redacted] residence within the creek land.

Suggested response

- It is acknowledged that [redacted] resides in a dwelling located near the [redacted] boundary of the site, which is situated within the creek land. The department is willing to negotiate the configuration of the proposed Reserve, such that the dwelling remains in freehold tenure.

Security and town planning concerns

Deputee position

- The deputee holds a number of security and town planning concerns that are not the jurisdiction of the department nor related to coastal management.

Suggested response

- The majority of the applicant's concerns are related to security and town planning issues which are not the jurisdiction of the department under the Coastal Act. Nonetheless, the department has engaged the council extensively in relation to these matters. It is the position of the council that these concerns are not warranted (**Attachments 5 and 6**).
- As per section 112 of the Coastal Act, in considering land surrender, the department need only consider "*how surrender of the land would avoid or minimise detrimental impacts on coastal management*".

Legal

- In a letter dated 4 December 2012, Thompson Lawyers acting on behalf of the applicant, requested the department provide a Statement Of Reasons (SOR), which may be used in a Statutory Order of Review under the *Judicial Review Act 1991* (JRA), in relation to its consideration of a land surrender condition (**Attachment 7**). In response, the department's In-House Legal team explained that the department was not required to provide a SOR (**Attachment 8**), indicating that the applicant may not have grounds to apply for a Statutory Order of Review as per section 20 of the JRA.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Sara Cuthbertson Position: Environmental Officer Tel No: 5583 2144 Date: 13 February 2013	Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 6335 Date: 19 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 20 February 2013	Name: Andrew Chesterman DG, EHP Tel No: 3330 6298 Date:

MINISTER'S COMMENTS

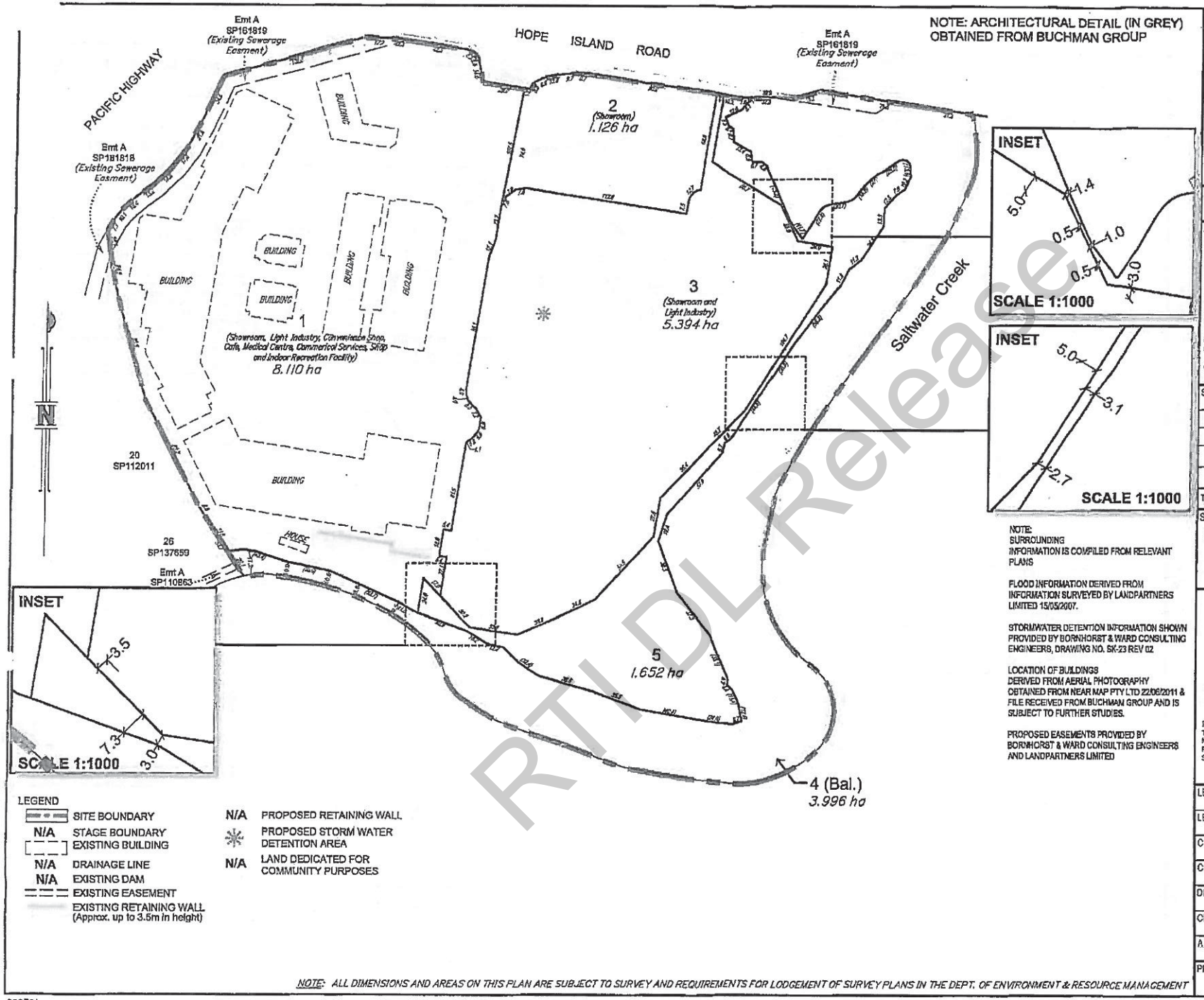
ATTACHMENTS

- Attachment 1 – Plans of subdivision.
- Attachment 2 – Infrastructure Agreement.
- Attachment 3 – Hazard Maps.
- Attachment 4 – Ecological Maps.
- Attachment 5 – Council Letter of Support.
- Attachment 6 – Council Correspondence.
- Attachment 7 – Letter from Thompsons Lawyers.
- Attachment 8 – Letter from the department's In-house Legal.

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Sara Cuthbertson Position: Environmental Officer Tel No: 5583 2144 Date: 13 February 2013	Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 6335 Date: 19 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, EHP Tel No: 3330 6298 Date:

File Ref: PST1513



NOTE: ARCHITECTURAL DETAIL (IN GREY) OBTAINED FROM BUCHMAN GROUP

NOTE:
SURROUNDING INFORMATION IS COMPILED FROM RELEVANT PLANS

FLOOD INFORMATION DERIVED FROM INFORMATION SURVEYED BY LANDPARTNERS LIMITED 15/05/2007.

STORMWATER DETENTION INFORMATION SHOWN PROVIDED BY BORNHORST & WARD CONSULTING ENGINEERS, DRAWING NO. SK-23 REV 02

LOCATION OF BUILDINGS DERIVED FROM AERIAL PHOTOGRAPHY OBTAINED FROM NEAR MAP PTY LTD 22/06/2011 & FILE RECEIVED FROM BUCHMAN GROUP AND IS SUBJECT TO FURTHER STUDIES.

PROPOSED EASEMENTS PROVIDED BY BORNHORST & WARD CONSULTING ENGINEERS AND LANDPARTNERS LIMITED

LEGEND

SITE BOUNDARY	
N/A	STAGE BOUNDARY
	EXISTING BUILDING
N/A	DRAINAGE LINE
N/A	EXISTING DAM
	EXISTING EASEMENT
	EXISTING RETAINING WALL (Approx. up to 3.5m in height)
N/A	PROPOSED RETAINING WALL
	PROPOSED STORM WATER DETENTION AREA
N/A	LAND DEDICATED FOR COMMUNITY PURPOSES

CLIENT
MACPRO PROPERTIES

PROJECT
PROPOSED RECONFIGURATION OF LOT 112 ON SP191057
STAGE 1

LOCAL AUTHORITY
GOLD COAST CITY COUNCIL

NOTES
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(ii) The dimensions, areas, number of lots, size and location of improvements & flood information (if shown) are approximate only and may vary.

(iii) This plan may not be copied unless these notes are included.

STAGE	No. OF LOTS	NEW ROAD	AREA OF PARK	TOTAL AREA
TOTAL	5	-	-	20.276 ha

SCALE BAR
50 0 100m
SCALE 1:2500 (A3)

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LEVEL DATUM	N/A
LEVEL ORIGIN	N/A
CONTOUR INTERVAL	N/A
COMPUTER FILE	304908F6
DRAWN LFB/TLA	DATE 19/12/2012
CHECKED -	DATE -
APPROVED	DATE
PLAN NUMBER BRSS3049.008-011	SHEET 1 OF 3 ISSUE K

SRSRT

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREMENTS FOR LODGEMENT OF SURVEY PLANS IN THE DEPT. OF ENVIRONMENT & RESOURCE MANAGEMENT

060701

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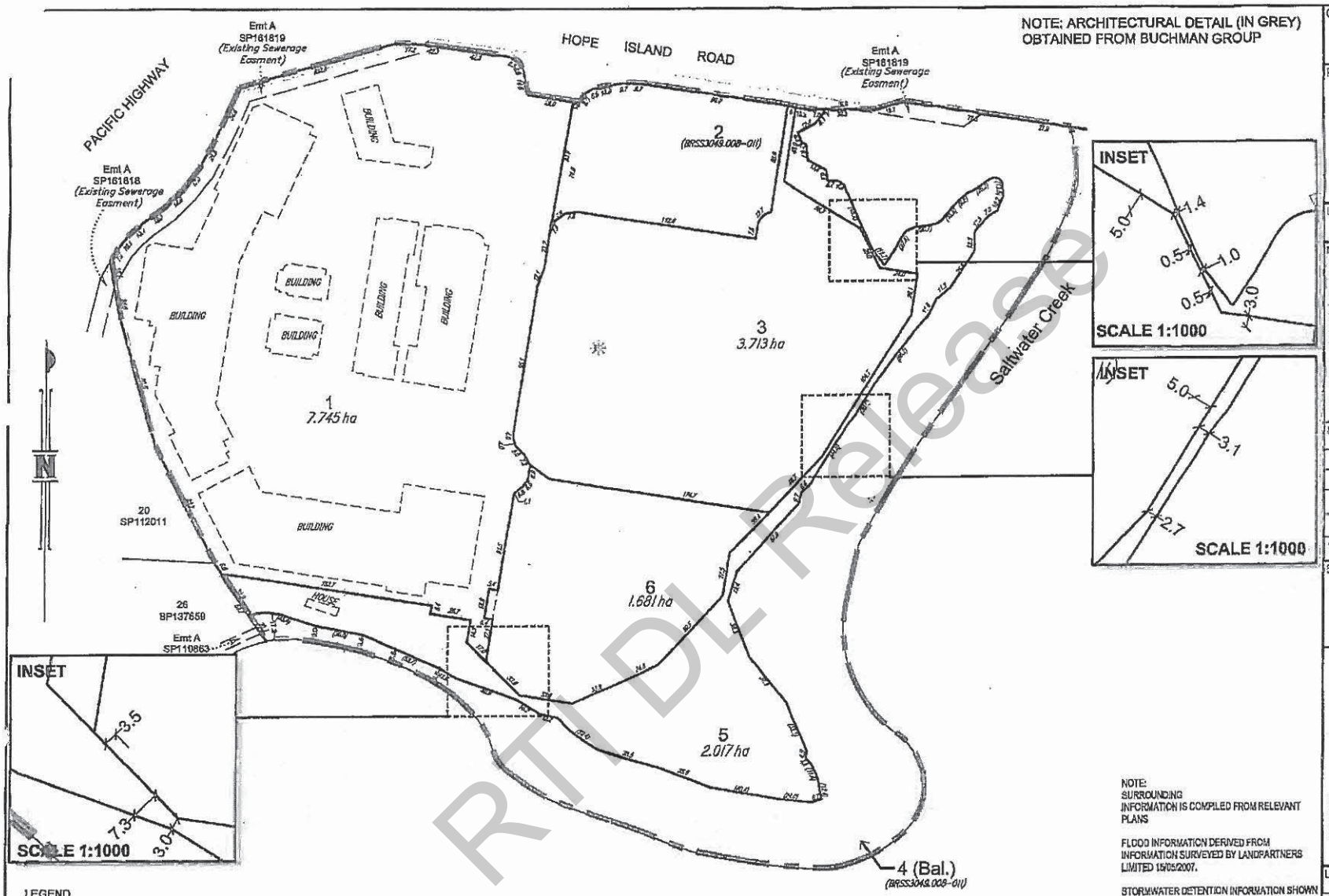

NOTE: ARCHITECTURAL DETAIL (IN GREY) OBTAINED FROM BUCHMAN GROUP

LEGEND

- SITE BOUNDARY
- N/A STAGE BOUNDARY
- EXISTING BUILDING
- N/A DRAINAGE LINE
- N/A EXISTING DAM
- EXISTING EASEMENT
- EXISTING RETAINING WALL (Approx. up to 3.5m in height)
- N/A PROPOSED RETAINING WALL
- PROPOSED STORM WATER DETENTION AREA
- N/A LAND DEDICATED FOR COMMUNITY PURPOSES

NOTE:
SURROUNDING INFORMATION IS COMPILED FROM RELEVANT PLANS

FLOOD INFORMATION DERIVED FROM INFORMATION SURVEYED BY LANDPARTNERS LIMITED 15/05/2007.

STORMWATER DETENTION INFORMATION SHOWN PROVIDED BY BORNHORST & WARD CONSULTING ENGINEERS, DRAWING NO. SK-23 REV 02

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PROPOSED EASEMENTS PROVIDED BY BORNHORST & WARD CONSULTING ENGINEERS AND LANDPARTNERS LIMITED

CLIENT
MACPRO PROPERTIES

PROJECT

PROPOSED RECONFIGURATION OF LOT 112 ON SP191057
STAGE 2

LOCAL AUTHORITY
GOLD COAST CITY COUNCIL

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STAGE	No. OF LOTS	NEW ROAD	AREA OF PARK	TOTAL AREA
TOTAL	6	-	-	20.276 ha

SCALE BAR
50 0 100m

SCALE 1:2500 (A3)

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ISO 9001:2008 FS 32302

LEVEL DATUM	N/A		
LEVEL ORIGIN	N/A		
CONTOUR INTERVAL	N/A		
COMPUTER FILE	304908F7		
DRAWN	LFB/TLA	DATE	19/12/2012
CHECKED	-	DATE	-
APPROVED		DATE	

PLAN NUMBER BRSS3049.008-012 SHEET 1 OF 3 ISSUE J

SRS&T

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREMENTS FOR LODGEMENT OF SURVEY PLANS IN THE DEPT. OF ENVIRONMENT & RESOURCE MANAGEMENT

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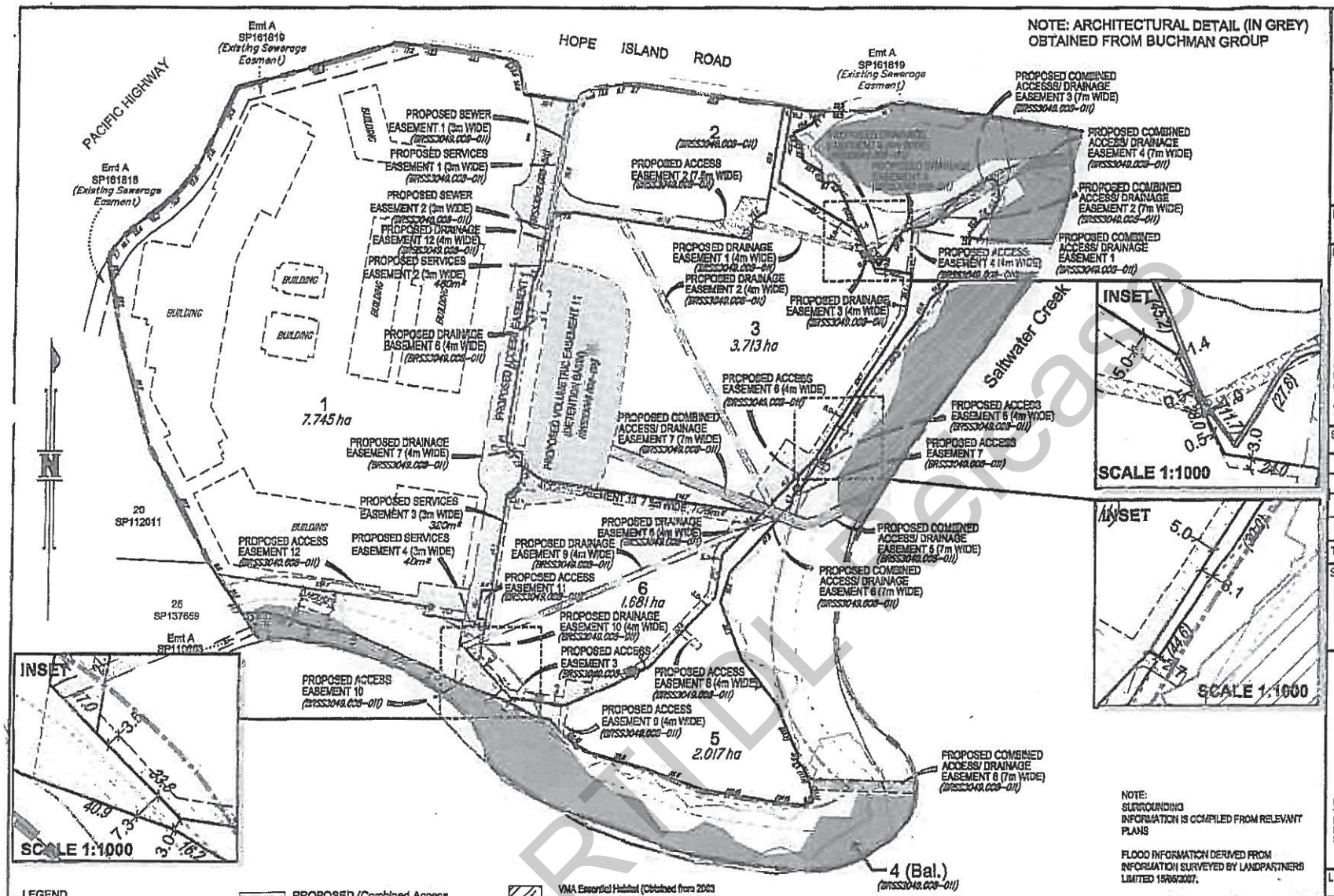

LEGEND

- SITE BOUNDARY
- N/A STAGE BOUNDARY
- EXISTING BUILDING
- N/A DRAINAGE LINE
- N/A EXISTING DAM
- EXISTING EASEMENT
- EXISTING RETAINING WALL (Approx. up to 3.5m in height)
- PROPOSED (Sewer) EASEMENT
- PROPOSED (Services) EASEMENT
- PROPOSED (Combined Access & Drainage) EASEMENT
- PROPOSED (ACCESS) EASEMENT
- PROPOSED (DRAINAGE) EASEMENT
- EXISTING CAR PARKING (AS SEEN IN LOT 1 ON SHEET 3)
- PROPOSED NOMINAL CAR PARKING (AS SEEN IN LOT 2 & 3 ON SHEET 3)
- N/A PROPOSED RETAINING WALL
- PROPOSED STORM WATER DETENTION AREA
- N/A LAND DEDICATED FOR COMMUNITY PURPOSES
- VMA Essential Habitat (Obtained from 2003 Regional Ecosystem Map, search dated 10th May 2007)
- Remnant Vegetation
- Agreed DA Riperian Buffer Zone
- 25.5m Setback from Creek
- M.H.W.S. 40m Setback
- M.H.W.S. (Mean High Water Spring) - 0.58M AHDD Extent of H.A.T.
- H.A.T. (Highest Astronomical Tide) - 0.68m AHDD
- 40m Offset to Top of Bank (Approx. location)

NOTE: SURROUNDING INFORMATION IS COMPILED FROM RELEVANT PLANS

FLOOD INFORMATION DERIVED FROM INFORMATION SURVEYED BY LANDPARTNERS LIMITED 15/05/2007.

STORMWATER DETENTION INFORMATION SHOWN PROVIDED BY BORNHORST & WARD CONSULTING ENGINEERS, DRAWING NO. SK-23 REV 02

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PROPOSED EASEMENTS PROVIDED BY BORNHORST & WARD CONSULTING ENGINEERS AND LANDPARTNERS LIMITED

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CLIENT
MACPRO PROPERTIES

PROJECT
PROPOSED RECONFIGURATION OF LOT 112 ON SP191057
STAGE 2

LOCAL AUTHORITY
GOLD COAST CITY COUNCIL

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STAGE	No. OF LOTS	NEW ROAD	AREA OF PARK	TOTAL AREA
TOTAL	6	-	-	20.278 ha

SCALE BAR
50 0 100m

SCALE 1:2500 (A3)

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ISO 9001:2000 FS 39803

LEVEL DATUM	N/A
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CONTOUR INTERVAL	N/A
COMPUTER FILE	304908F7
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CHECKED -	DATE -
APPROVED	DATE
PLAN NUMBER BRSS3049.008-012	SHEET 3 OF 3 ISSUE J

SRSRT

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502 Hope Island Road, Helensvale
Proposal for Infrastructure Agreement for Creek Land

Legal Framework

1 An Infrastructure Agreement (**IA**) may be entered into between the land owner, DEHP and/or GCCC.

2 An IA is available as the Creek Land would qualify as 'Infrastructure' as defined under SPA.

3 An IA attaches to land and binds successors in title. An IA is also legally enforceable being an agreement made under Statue.

4 An IA is a broad and flexible document which is almost unconstrained as to its possible contents. The contents of an IA are therefore almost entirely subject to the agreement of the parties.

5 To the extent the IA is inconsistent with the obligations relating to the Creek Land under the development approvals for the Stage 1 or Stage 4 land, the IA prevails.

Benefits of an IA

6 The IA can provide a mechanism for the Creek Land to remain in private ownership but remain subject to controls including an agreed land management plan (LMP) which meets the requirements of the DEHP, GCCC and the land owner and which ensures the ecological values of the land are maintained and enhanced.

7 The cost of maintaining the Creek Land is met by the land owner and not by either the State or GCCC.

8 We understand DEHP is concerned about compliance by future land owners. The IA will be contained in any Standard Town Planning Certificate obtained over the property. Obtaining such a certificate commonly occurs in the purchase of commercial properties. While it is not necessary, an IA can also contain provisions which require assignment of the IA to any incoming purchaser which will ensure future owners are fully cognisant of their responsibilities. That said, the failure to assign would not impact upon the enforceability of the IA.

9 An IA, being an agreement made under Statute, is attached a relatively high level of importance both under the legislation and by the market.

10 An IA would resolve the difficulties around existing and proposed private infrastructure being located in public land as the Creek Land would remain in private ownership but clear parameters could be set around maintaining the existing infrastructure and limiting further infrastructure to meet agreed ecological outcomes.

11 Specifically we propose the include the following features in the IA:

11.1 Reporting:

The land owner must provide reports for GCCC/DEHP to review on reasonable notice which records the works completed on the land and includes any 'incident reports' which have an adverse environmental impact on the Creek Land.

11.2 Breach:

If the land owner fails to meet the standards required in the LMP, then DEHP may issue a breach notice which provides the land owner a reasonable period of time to remedy the matter (at the land owner's cost).

If the land owner fails to remedy the breach, then the DEHP may undertake the remedial work itself (or using GCCC as its agent) at the land owner's cost.

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If there a three instances of the land owner failing to remedy breaches within a two year period and DEHP undertaking remedial work, then the IA can require the land owner to surrender the land.

11.3 Maintenance

The IA can include provisions for maintenance, maintenance access and controlling access to the Creek Land proposed under the LMP.

RTI DL Release

Coastal Hazard Areas Map
Erosion Prone Area

Requested By: SARA.CUTHBERTSON@EHP.QLD.GOV.AU
Date: 29 Nov 12 Time: 13.46.11

Centered on Lot on Plan:
112 SP191057

Selected Land Parcel

Indicative Erosion Prone Area 2100 *
(including projected climate change impacts to 2100)

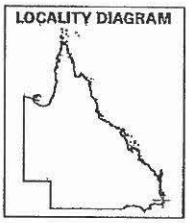
- Erosion due to storm impact and long term trends of sediment loss and channel migration
- Erosion and permanent tidal inundation due to sea level rise

* The erosion prone areas shown on this map are indicative of the erosion and inundation extent that may occur with climate change impacts up to 2100.

- Coastal Management District
- Coastal Zone

Queensland Government

LOCALITY DIAGRAM



This scale bar is approximate only
Horizontal Datum: Geocentric Datum of Australia 1994 (GDA94)
This product is current as at the date it was created. Some changes may occur

1. The areas shown on this map are indicative of the extent of erosion and permanent inundation defined by the declared erosion prone area plans. Only the declared erosion prone area plans should be used for development assessment. To determine the actual position of the erosion prone area a registered surveyor or geotechnical consultant may be required if there is any doubt. Erosion prone area plans for each local government area and a comprehensive description of their determination are available from the Department of Environment and Resource Management website at www.derm.qld.gov.au

2. The erosion prone area includes the impact of climate change to 2100 including a sea level rise of 0.8m

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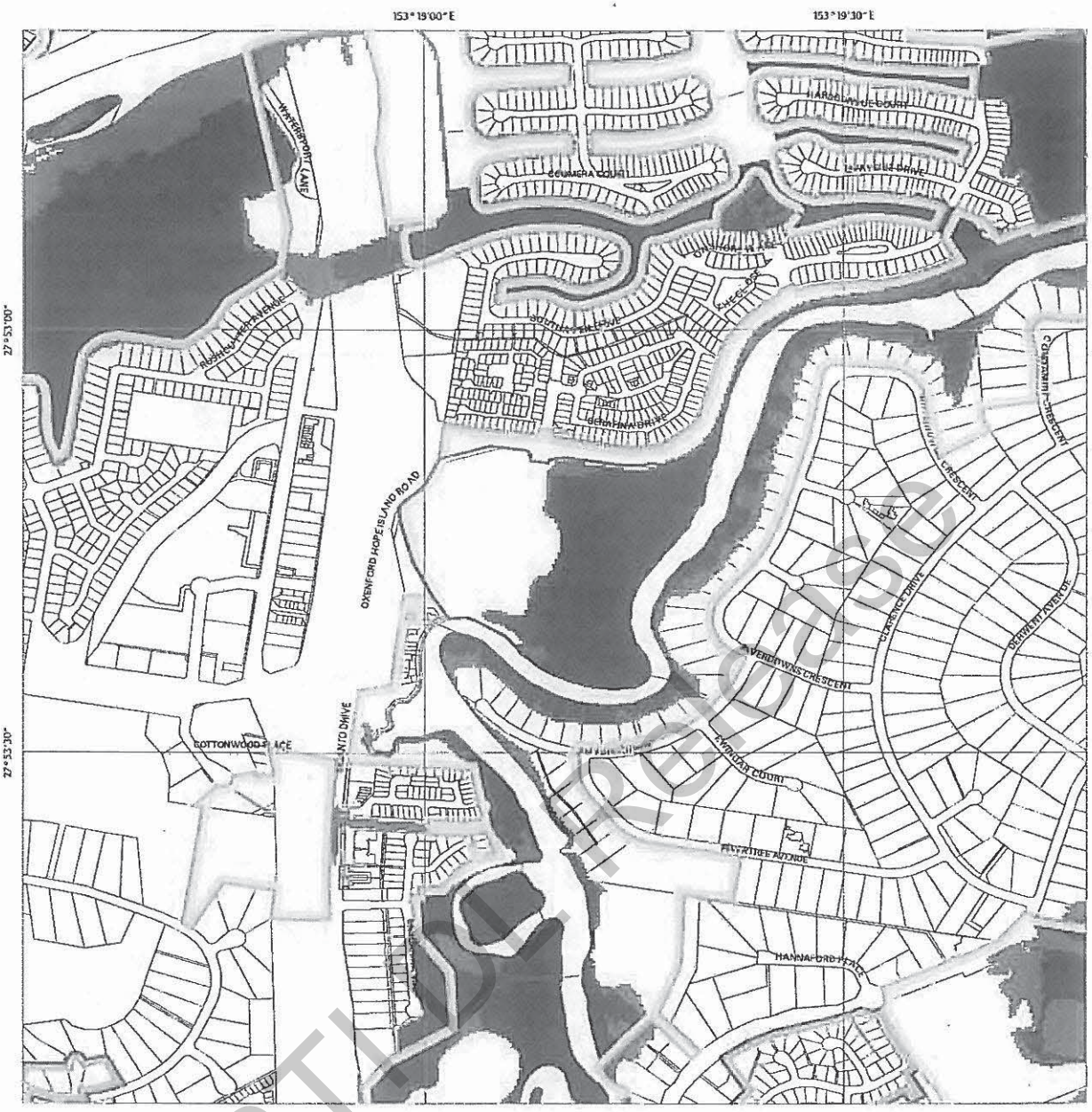


RTI Release

Coastal Hazard Areas Map
Storm Tide Inundation Area

Requested By: SARA.CUTHBERTSON@EHP.QLD.GOV.AU
Date: 29 Nov 12 Time: 13.46.12

Centered on Lot on Plan:
112 SP191057

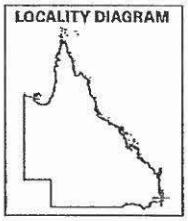
Selected Land Parcel

Storm Tide Inundation Area
(including projected climate change impacts to 2100)

- High hazard area (greater than 1.0m water depth)
- Medium hazard area (less than 1.0m water depth)
- Coastal Management District
- Coastal Zone

Queensland Government

LOCALITY DIAGRAM



1. A default storm tide inundation level of 1.5 m HAT in South East Queensland regional planning area and 2.0 m HAT for the remainder of Queensland is used where storm tide inundation levels including climate change have not been determined locally. The default level uses a sea level rise factor of 0.8m to 2100.

2. The high hazard area may be subject to permanent inundation by sea level rise - refer to the Erosion Prone Area map.

3. The map should be used as a guide only. Field surveys are recommended to verify feature boundaries.

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Queensland Coastal Plan

Requested By: SARA.CUTHBERTSON@EHPQLD.GOV.AU
Date: 11 Feb 13 Time: 09.30.56

Centered on Lot on Plan:
112 SP191057

- Selected Land Parcel
- Coastal Zone
- Coastal Management District
- Coastal Building Lines

Coastal Dependant Development

- Port Area
- Aquaculture Development Area
- Maritime Development Area

Queensland Government

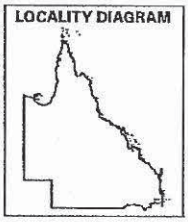
This map shows areas where policies of the Queensland Coastal Plan apply.

This map is produced at a scale relevant to the size of the lot on plan selected and should be printed as A4 size in portrait orientation.

For further information or assistance with interpretation of this product, please contact the Department of Environment and Resource Management at coastal.support@derm.qld.gov.au.

For Coastal Hazard Areas and other Queensland Coastal Plan mapping please refer to the relevant DERM website links.

LOCALITY DIAGRAM



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Queensland Coastal Plan

Areas of Ecological Significance

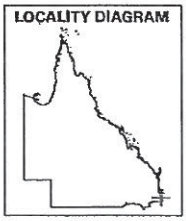
Requested By: SARA.CUTHBERTSON@EHP.QLD.GOV.AU
Date: 11 Feb 13 Time: 09.30.59

Centered on Lot on Plan:
112 SP191057

- Selected Land Parcel
- Coastal Management District
- Coastal Zone
- Areas of High Ecological Significance
- Areas of General Ecological Significance
- Strategic Rehabilitation Areas
- Dugong Protection Areas
- Fish Habitat Areas
- General Use Marine Park Zone
- Habitat Protection Marine Park Zone
- Estuarine Conservation Marine Park Zone
- Conservation Park Marine Park Zone
- Buffer Marine Park Zone
- Scientific Research Marine Park Zone
- Marine National Park Marine Park Zone
- Preservation Marine Park Zone

Queensland Government

LOCALITY DIAGRAM



This scale bar is approximate only
Horizontal Datum: Geocentric Datum of Australia 1994 (GDA94)
This product is projected and is not suitable for measuring purposes

This map shows areas where policies of the Queensland Coastal Plan apply.

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For Coastal Hazard Areas and other Queensland Coastal Plan mapping please refer to the relevant DERM website links.

Disclaimer : The information presented on this project is distributed by the Queensland Government for land use planning, development assessment and natural resource management purposes.

The mapping is derived from a number of data sources of varying scale. Consideration of the effects of mapped scale is necessary when interpreting data. Digital line work should be used as a guide only. Field surveys are recommended to verify feature boundaries prior to making development applications.

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Date: 23 January 2013
Contact: Monique Anderson
Location: Implementation and Assessment, Nerang Branch
Telephone: (07) 5582 8468
Your reference: 336067/SPCC03495611
Our reference: PN297902/02/DA7
ROL201100180

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135 Bundall Road Surfers Paradise
Fax: +61 7 5581 6346
833 Southport Nerang Road Nerang
Fax: +61 7 5596 3653

Attention: Sara Cuthbertson

Department of Environment and Heritage Protection
PO Box 4244
Robina Town Centre QLD 4230

RTI DL Release

Dear Sir/Madam

LETTER OF SUPPORT CONSIDERATION OF LAND SURRENDER CONDITION

Application Type:	**Development Permit for Reconfiguration of a Lot to subdivide one (1) lot into six (6) freehold lots in two (2) stages**
Application Number:	**ROL201100180**
Property Description:	**LOT112 on SP191057**
Property Location:	**502 Hope Island Road, Helensvale**

I refer to the abovementioned Reconfiguring a Lot application and the letter correspondence received by Gold Coast City Council (the assessment manager) dated 30 November 2012 from the Department of Environment and Heritage Protection (DEHP) stating that the DEHP as per section 111 of the *Coastal Protection and Management Act 1995 (Coastal Act)*, give notice that the chief executive (DEHP) is considering including in its Concurrence Agency response a land surrender condition for an area within 40 metres of the foreshore for coastal management purposes. Please be advised that as the assessment manager Gold Coast City Council Officers support such a land surrender condition as suggested by the DEHP.

Further to the coastal management purposes identified by the DEHP, it is considered appropriate through this Reconfiguring a Lot application that the applicant be required to dedicate to Council as open space an area of the subject site adjoining Saltwater Creek in accordance with the requirements of the 'Our Living City' Gold Coast Planning Scheme 2003 v1.2. The purpose of the dedication would be to obtain the area of open space in accordance with the Planning Scheme designation of the area within the Open Space Precinct (9) of the Oxenford Local Area Plan, and to continue the public open space network along Saltwater Creek and continue the management of the area along Saltwater Creek through the one authority.

It is noted that the adjoining parcel of open space to the south of the subject site along Saltwater Creek, and further allotments to the south along Saltwater Creek, are currently maintained under public ownership and managed by Council's Natural Areas Management Unit (NAMU.) Council Officers consider it logical to seek dedication of an open space buffer to Saltwater Creek, as a continuation of the existing open space buffer area located south. The area of dedication would be maintained and managed by NAMU in order to ensure the significant ecological integrity of the riparian and foreshore vegetation of the Saltwater Creek is maintained.

It is noted that the applicant requests that the subject area be retained in private ownership. The applicant has advised that the area can be appropriately managed through private ownership and such will resolve ecological and the applicants security concerns. The applicant has been advised that based on the information provided Council Officers do not consider these reasons significant planning justification to retain the area in private ownership.

Contacting us
Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Monique Anderson telephone (07) 5582 8468.

Yours faithfully

sch4p3(3) Prejudice the protection of an in

Emma McGregor
SUPERVISING PLANNER
For the Chief Executive Officer

RTI DL Release

Correspondence from Gold Coast City Council's Open Space Planner, Nicole Glenane received by the Department of Environment and Heritage Protection on 29 November 2012

Re: Support of land surrender of an area within 40 metres of the foreshore for coastal management purposes in relation to the application to reconfigure a lot at 502 Hope Island Road, Helensvale (Lot 112 on SP191057).

The following is an excerpt from the above mentioned correspondence:

Reference is made to the above mentioned Reconfiguration of a Lot (ROL) application Council are currently in receipt of.

Further to our meeting held 23 October 2012, please see below comments in support of dedication of the buffer to Saltwater Creek for Open Space and Environmental purposes:

Desktop analysis:

Vegetation Management Act (VMA) 1999

The subject site is mapped as containing remnant vegetation defined as 'least of concern' and 'of concern'. Regrowth mapping identifies the site as containing high value regrowth vegetation 'of least concern' and 'of concern'.

Previous approvals over subject site

- *It is noted that the site is the subject of a previous Court Consent Order (No. 385 of 2005). The conditions within the consent order required the rehabilitation of a twenty five (25) metre Riparian area along the full length of the Saltwater Creek waterway and the submission of a landscape application for the approval of these works. To date, no evidence exists of submission of these documents.*

Open Space and Environmental Assessment comments:

- *Part of the subject site, being a variable 20 metre (minimum) to 60 metre wide buffer along the full length of Saltwater Creek located along the sites southern boundary, is designated within the Gold Coast City Council's 'Public Open Space Precinct' (Precinct 9) of the Oxenford Local Area Plan (LAP). Refer to LAP Map attached for further detail. It is considered appropriate through this ROL application that the applicant dedicate the mapped 'open space buffer area' along Saltwater Creek to Council as public open space in accordance with the requirements of the Oxenford LAP.*
- *The mapped 'open space buffer area' adjoins an existing parcel of open space along Saltwater Creek to the west of the subject site (being Lot 501 SP110863). This western open space area is maintained under public ownership and managed by Council's Natural Areas Management Unit (NAMU). Council Officers consider it logical to seek dedication of an open space buffer to Saltwater Creek at the subject site, as a continuation of the existing open space buffer area located west. The purpose of the dedication would be to secure the area of open space in accordance with the Oxenford LAP and surrounding public open space network and to continue the management of the area along Saltwater Creek under public ownership.*
- *Saltwater Creek provides a significant ecological linkage between the Nerang Forest Reserve, Coombabah Lake and the Coomera River. The Coomera River forms part of a major linkage in the Citywide Nature Conservation Network. The riparian and foreshore vegetation along the Saltwater Creek are important for providing ecological connectivity, bank stability and improved water quality. In the case of the subject site, it is considered important that Council manage the riparian and foreshore vegetation contained within the open space buffer area along Saltwater Creek, to ensure the*

RTI DL Release

major ecological linkage of which Saltwater Creek contributes to, is maintained effectively.

- *The applicant proposes to create Lots 4 and 5 with boundaries bisecting identified vegetation communities. Environmental Assessment officers hold concern with regard to the management of one vegetation community over two (2) independent titles. The creation of a boundary through a vegetation community raises potential clearing rights through nominated vegetation communities. For these reasons, it is considered the amalgamation of proposed Lots 4 & 5, or the movement of the boundary of proposed Lot 4 to follow the agreed riparian buffer zone (as nominated on the submitted plan being BRSS3049.008-012) would provide an acceptable environmental outcome in line with Performance Criterion (PC) 33 of the Oxenford LAP. Council have requested the applicant address the above mentioned matter within any future response to Council's information request.*

In summary, Council officers recommend the following:

- *That the applicant dedicate to Council as public open space (Natural Drainage Reserve), the variable 20 metre to 60 metre wide buffer identified along the full length of Sandy Creek along the southern boundary of the subject site. The requirement for dedication falls in accordance with the subject sites designation within the Public Open Space Precinct of the Oxenford LAP, as well as ecological requirements as recommended by the Department of Environment and Heritage Protection (DEHP).*
- *That the public open space area be maintained and managed by Council's Natural Areas Management Unit in order to ensure the significant ecological integrity of the riparian and foreshore vegetation of the Saltwater Creek is maintained. Effective management of these environs will further ensure the protection of the strategic ecological connection between the Nerang Forest Reserve, Coombabah Lake and Coomera River.*

Should you wish to clarify any matters contained above, please do not hesitate to contact Nicole Glenane on telephone (07) 5582 8658.

Best Regards,
Nicole Glenane
Open Space Planner
Implementation & Assessment

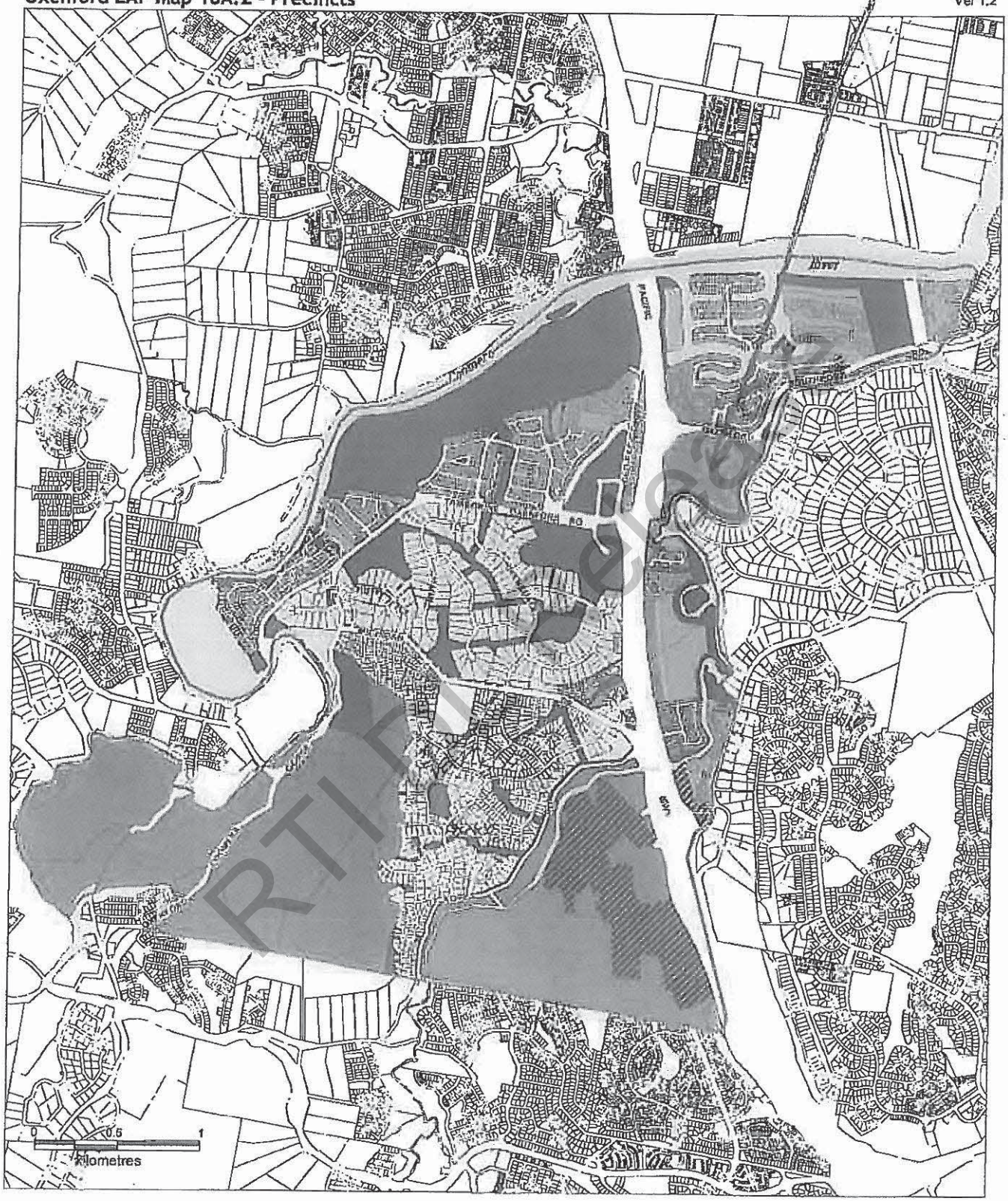
Gold Coast City Council
***Ph:** (07) 5582 8658 **Fax:** (07) 5582 9075*
Mob: [redacted]
PO Box 5042 Gold Coast Mail Centre Qld 9729
www.goldcoastcity.com.au

RTI DL Release

Lot 112
SP190057

Oxenford LAP Map 18A.2 - Precincts

Ver 1.2



Legend

- PRECINCT 1 - TOURISM AND ENTERTAINMENT
- PRECINCT 2 - PACIFIC BUSINESS CORRIDOR
- PRECINCT 3 - [illegible]
- PRECINCT 6 - OXENFORD GATEWAY
- PRECINCT 7 - [illegible]
- PRECINCT 9 - PUBLIC OPEN SPACE
- PRECINCT 4 - [illegible]
- PRECINCT 10 - COMMUNITY PURPOSES
- PRECINCT 5 - [illegible]
- SEE TABLE OF DEVELOPMENT
- PRECINCT 8 - [illegible]
- LOCAL AREA PLAN BOUNDARY

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Based on Cadastral Data provided with the permission of the Department of Natural Resources and Water (current as at July 2008).

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N

Gold Coast City Council

GDA

RTI Disclosure

CTS No. 02966/13

sch4p3(3) Prejudice the

Chief of Staff ...OK
Dated 1 / 3 / 13
Approved Not Approved Noted
Further information required
Minister.....
Dated 01/03/13.

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE
05/03/2013, time TBA
Councillor Steve Jones and Mr Jamie Simmonds

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Flood Recovery and Related Waste Disposal Issues within Lockyer Valley Regional Council**

BACKGROUND

- Councillor Steve Jones, Mayor of the Lockyer Valley Regional Council and Mr Jamie Simmonds, Executive Strategy Advisor of the council have requested a meeting with the Minister to discuss flood recovery and related waste disposal matters.
- The council was significantly and negatively impacted by both the January 2011 and the more recent ex-Tropical Cyclone Oswald disaster events.
- Both these events placed considerable operational waste management demands on the council in terms of the rate, type and the total quantity of waste arising and needing to be managed.
- The handling, collection and disposal of this additional flood generated waste would be above that ordinarily projected to have to be managed by the council.
- Increased waste types requiring management included household, industrial, commercial and agricultural wastes.
- The management of waste by the council during the recent recovery phase has included:
  - the continued disposal of Municipal Solid Waste to an approved landfill facility located within the council.
  - providing an additional household waste collection service (through JJ Richards & Sons) to manage increased household waste, with routine collection service resumed after one week
  - additional quantities of acceptable wastes at its own Gatton Landfill Facility, including mud and silt from road clean up
  - solid flood debris, construction and demolition waste being taken to the Laidley Landfill and Transfer Station Facility for disposal
  - managing increased volumes of waste at its other transfer stations prior to transportation and disposal to landfill.
- In the short term, the council waste facilities and operations appear to have managed and coped well with the immediate increase in waste arising from the recent event. However, the long term resource and financial detail and implications are not known.
- EHP has a good working relationship with council officers that manage operational waste disposal matters (refer to Consultation section below).
- EHP has indicated its preparedness to participate in any Local Disaster Management Group (LDMG) or any community flood recovery forums that may be planned.
- EHP has been advised by the council that a LDMG for the 2013 disaster event has not been activated to date.

CURRENT ISSUES

- The potential flood recovery and related waste management issues that may be raised are reasonably anticipated to surround the availability of support (financial or otherwise) as well as environmental concerns and are likely to include:
  - the additional resources and associated costs needed by the council to properly manage the increased waste arising from the flooding in all operational areas – collection, transportation and disposal
  - the additional waste has taken up void space within current landfill facilities effectively shortening the projected life span of a site
  - resources for the earlier than anticipated capping of landfills together with the planning and

Rec'd - ODG
27 FEB 2013

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Richard Oakley Position: Principal Environmental Officer Tel No: 3381 7555 Date: 21 February 2013	Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 6335 Date: 22 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date: 28.2.13.

development of future landfill facilities may need to be brought forward
- the investigation and clean up of any remaining potentially contaminated sites and the management of any wastes that may arise from them (public health concerns over potential contamination following flooding of schools, parks and other public areas)
- the cost of having to process the large quantities of green waste that remain with little or no commercial value or outlet for the end product.

Consultation

- EHP has and continues to liaise on a range of waste management issues with the relevant council officers namely:
  - Mr Mike Lisle, Manager, Waste, Health and Regulatory Services.
  - Mr Peter Driemel, Assistant Manager, Waste, Health and Regulatory Services.

MINISTER'S COMMENTS

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Richard Oakley Position: Principal Environmental Officer Tel No: 3381 7555 Date: 21 February 2013	Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 6335 Date: 22 February 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:

CTS No. 07600/13

sch4p3(3) Prejudice

Chief of Staff..... OK
Dated 18/04/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 18/04/13

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Mushroom Exchange - Compliance with current approval conditions for Environmentally Relevant Activities (ERAs)**

BACKGROUND

- The member for Forde, Mr Bert van Manen MP on behalf of Costa Exchange has requested a meeting with Minister Powell to discuss the following challenges facing Costa Exchange, at its North McLean mushroom farm operation:
  - Breaches of the approval conditions regulating two ERAs.
  - Non-compliance with building regulations.
  - Sourcing potential land for the relocation of the mushroom substrate production.
- The proposed relocation of the mushroom substrate production is not due to the Department of Environment and Heritage Protection requirements; hence it is not a departmental matter.
- The non-compliance to building regulations is also not a matter for the department.
- The breaches of the approval conditions for regulating the ERAs for this site is a matter for the department.

CURRENT ISSUES

- Costa Exchange currently holds an approval for ERA 34 (Mushroom growing substrate manufacture) and ERA 63 (Sewage treatment) at its North Maclean site.
- The department regulates the approval conditions under the *Environmental Protection Act 1994*.
- Current breaches of the approval conditions confirmed by departmental officers are those relating to the management of stormwater and wet weather storage on site.
- Departmental officers are investigating the offsite discharge to determine if any enforcement action will be taken against Costa Exchange.
- To secure compliance with its conditions, the department requires Costa Exchange to better manage wastewater at the site so that the stormwater and wet weather dams are not overtopping and discharging into an adjacent private property.
- The events of January and February 2013 were not the first occurrences where there have been offsite discharges of wastewater and contaminated stormwater from the Costa Exchange site.
- The department has numerous reports and observations of these dams overflowing off site after rainfall as far back as 2010.
- Costa Exchange have been asked on numerous occasions to remedy the situation.
- This wastewater and stormwater issue is easily and quickly rectifiable and should not require significant funding to achieve.
- The department notes that Mr Hamley, in his letter dated 4 April 2013, states that any potential site would also be subject to ERA licencing requirements. This is not necessarily the case.
- If the new site is already in a sewered area, there will be no requirement for ERA licencing because there will be no ERAs conducted on site.
- ERA 34, Mushroom growing substrate manufacture, manufacturers of compost for mushroom growing was removed as part of the Green Tape reform.
- Mr Hamley also claims that the water quality test results have not been made available to Mushroom Exchange. These results were made available to Mushroom Exchange at the first opportunity, as soon as the officer involved returned from leave and training.
- A summary of results provided to Mushroom Exchange on 16 April 2013 (**Attachment 1**) indicate gross faecal coliform contamination and elevated nutrients in water discharging from the property. This may present a health risk to neighbours if not addressed and remains subject to departmental investigation

Author	Cleared by	Cleared by	Recommended:
Name: Kimberley Marian Position: Environmental Officer Tel No: 3330 5527 Date:15 April 2013	Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 4465 Date: 17 April 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 17/4/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 17.4.13

PTI DL Release

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – Mushroom Exchange water quality results

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Kimberley Marian Position: Environmental Officer Tel No: 3330 5527 Date:15 April 2013	Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 4465 Date: 17 April 2013	Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION **CTS No. 03996/13**

Environmental Services and Regulation: RESPONSE TO MINISTER'S OFFICE REQUEST

REQUEST DATE: **4 March 2013**

ISSUE: **Client believes that the Department of Environment and Heritage Protection assessment is unfair**

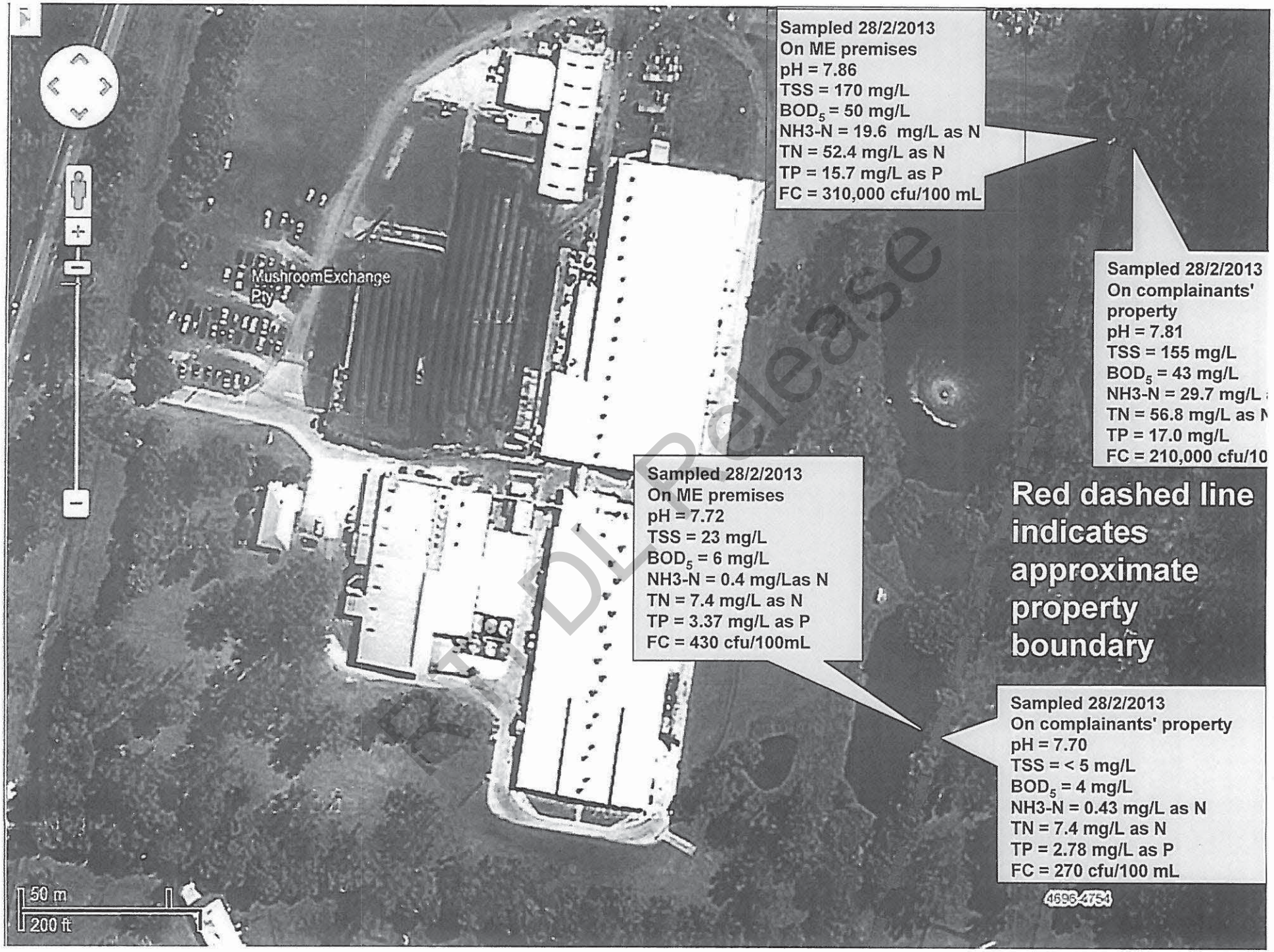
CUSTOMER FOCUSED RESPONSE:

- The department investigates complaints into alleged offences within its jurisdiction. The department takes its regulatory responsibilities very seriously and takes appropriate enforcement action where there is non-compliance.
- Enforcement options include: penalty infringement notices, direction notices or clean-up orders, environmental protection orders and transitional environmental programs. For extreme cases there is prosecution. The level of enforcement response is proportional to the severity of the non-compliance. Additionally, officers of the department are able to exercise their discretion regarding whether or not enforcement should be taken after considering all of the circumstances.
- The department is still investigating this matter and will take into account all appropriate issues, including, the history at the site, level of environmental impact as a result of an offence and the weather conditions at the time, in accordance with the department's enforcement guidelines.
- Departmental officers will also continue to work constructively with Costa Mushroom Exchange to rectify issues on site as soon as practicable, so as to minimise the risk and any occurrence of environmental harm.

BACKGROUND:

- Costa Mushroom Exchange grows mushrooms on a commercial basis. Its operations at the North Maclean site include the manufacture of the growing medium and treatment of the waste produced on site.
- Costa Mushroom Exchange currently hold a development approval for ERA 34 (mushroom substrate manufacture) and ERA 63(2a) (sewage treatment) for the North Maclean site.
- Officers of the department have met with Costa Mushroom Exchange on a number of occasions to discuss various contraventions of the development approval. The meetings also discussed suggested solutions to the problems facing Costa Mushroom Exchange.
- Previously, departmental officers have noted two main areas of concern on the site: the treated effluent irrigation area is being overloaded and stormwater is not being managed effectively on site.
- To secure compliance, the department required Costa Mushroom Exchange to relocate the treated effluent irrigation equipment (which has been completed) and to more effectively manage stormwater at the site to ensure stormwater dams do not overtop into the neighbouring property when it rains.
- Mushroom Exchange has repeatedly been made aware of the departments concerns.

RTI DL Release



FOI DL Release

CTS No. 07075/13

sch4p3(3) Prejudice the

Chief of Staff OK
Dated 12/04/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 14/04/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **2013 Premier's Sustainability Awards**

TIMEFRAME

- Approval of this briefing note is required by 10 May 2013 to enable publication of the 2013 Premier's Sustainability Awards catalogue to proceed on time.

RECOMMENDATION

It is recommended that the Minister: see amendments

- **approve** the attached "Message from the Minister" (see attachment 1) for inclusion in the 2013 Premier's Sustainability Awards catalogue to be distributed at the awards' presentation dinner.
- **forward** the attached "Message from the Premier" to the Premier's Office for their approval.

BACKGROUND

- The 2013 Premier's Sustainability Award winners will be announced on Friday 14 June 2013 at the Brisbane Convention and Exhibition Centre.
- This event will be attended by over 400 people, including sponsors, business and community leaders, as well as media representatives and special guests.

CURRENT ISSUES

- An awards catalogue is being developed for use as a promotional tool at the awards presentation.
- The catalogue will contain a "Message from the Minister" (see attachment 1) and a "Message from the Premier" (see attachment 2 for draft message).
- The catalogue will also include a brief description of all nominations that have been received across the 8 award categories.
- In addition, the catalogue will also contain advertisements from the awards' sponsors.
- Up to 500 copies of the catalogue will be printed for distribution at the awards presentation.

CONSIDERATIONS

- *Budget*: Payments received from awards' sponsors and ticket sales to the awards presentation ensure that this event is cost neutral. Winners of each award category will receive $2,500 towards their initiative and ongoing commitment to sustainable practices.
- *Key Communication Messages:* The Queensland Government acknowledges and rewards excellence in sustainability and technical innovation. By rewarding the leaders in sustainable practices, the Queensland Government is ensuring continued growth to support our sustainable economic development.

Rec'd - ODG - 9 APR 2013

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1 – Message from the Minister
- Attachment 2 – Message from the Premier

Author	Cleared by	Cleared by	Recommended:
Name: Rebecca Ellero Position: Senior Comms Officer Tel No: 3339 5873 Date: 4 April 2013	Name: Kerry Position: ED, Tel No: 3339 Date: sch4p3(3 12/4/13 Comms	Name: Danielle Anderson Position: DDG, Corporate Comms Tel No: 3339 580 Date: 14/4/13	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date: 10.4.13

RTI DL Release

File Ref: KEEPER 2074821

DRAFT message from the Minister

Sustainable business practices have an important role to play in helping to protect Queensland's diverse environment and healthy lifestyle. They can also be an important catalyst in supporting the long-term economic development of the state.

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The 2013 Premier's Sustainability Awards provides an important opportunity to congratulate those in business and the community that lead the way in developing and implementing sustainable practices.

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This year these awards have attracted an extremely high calibre of entrants—Queenslanders proud to showcase projects that reduce energy and water use, and minimise waste.

In fact, nominations this year have increased by 50 per cent compared to last year, with award entrants coming from as far away as Thursday Island off Cape York.

I warmly congratulate all of this year's nominees, finalists and winners for demonstrating how easy it can be to incorporate sustainability practices into everyday community and business decisions.

Your efforts deserve to be celebrated.

I sincerely thank all of the 2013 Premier's Sustainability Award sponsors Australian Country Choice, Bendigo Bank, Carlton and United Brewers, Coles, Mitchell Builders, Network TEN, QUT, Thiess and Xstrata. In addition, I would also like to extend my thanks to two other supporters of this year's awards program, the Department of Tourism, Major Events, Small Business and the Commonwealth Games, as well as CitySmart, Brisbane City Council's Sustainability Agency.

Without your continued support the Premier's Sustainability Awards would not attract such high quality entries.

I wish all 2013 Premier's Sustainability Awards nominees the best of luck and look forward to hearing about your innovative projects.

Andrew Powell
Minister for Environment and Heritage Protection

RTI DL Release

DRAFT Message from the Premier

I am delighted as Premier to champion an awards program that recognises and rewards excellence amongst talented Queenslanders.

I congratulate all this year's nominees in the Premier's Sustainability Awards– those actively working to improve environmental performance and encourage sustainable practices and behaviour across business and the greater community.

Every awards nomination showcases a different approach to reducing our impact on the environment and protecting our unique Queensland lifestyle.

But they all have something in common—a recognition that it is possible to balance long-term economic development with responsible environmental practices and management of our natural resources.

I am impressed with the calibre of this year's entries and welcome the opportunity as a government to work with you to further develop and implement new sustainable business practices that better protect the health of our environment.

Your leadership is inspiring and sets a fine example for all of us to follow.

On behalf of the Queensland Government, I congratulate every entrant in this year's awards for their efforts in going the extra mile.

Campbell Newman, Premier of Queensland

RTI DL Release

CTS No. 03173/13

sch4p3(3) Prejudice the

Chief of Sta... OK
Dated 1/3/13
Approved Not Approved Noted
Further information required
Minister.....
Dated 9/03/13

Department of Environment and Heritage Protection
MINISTERIAL BRIEFING NOTE

TO: **Minister for Environment and Heritage Protection**

SUBJECT: **Commonwealth funding for the Wet Tropics Management Authority**

RECOMMENDATION

It is recommended that the Minister:

- **note** that the chairperson of the Wet Tropics Management Authority has written to the Commonwealth seeking a funding commitment for the future operations of the Authority.
- **Sign** the attached letter to the Hon Tony Burke MP, supporting the funding request.

BACKGROUND

- The Commonwealth and Queensland co-invest in management of the Wet Tropics World Heritage Area through the Wet Tropics Management Authority.
- A four year funding commitment from the Commonwealth ceases at the end of the current financial year and it is necessary to seek another funding commitment from 2013/14 onwards.

CURRENT ISSUES

- The Commonwealth, through its *One Land – Many Stories: Prospectus of Investment* published in late 2012, stated that it, "*will directly negotiate with relevant World Heritage property managers for funding for existing commitments, such as the management of the Wet Tropics of Queensland World Heritage Area and the Tasmanian World Heritage Area...*".
- This commitment is welcome, signalling that for the Wet Tropics World Heritage Area, the Commonwealth will allocate funds 'off the top' of the Caring for Our Country program, avoiding the requirement for the Authority to enter into a competitive bidding round.
- Associate Professor Peter Valentine, Chairperson of the Wet Tropics Management Authority has written to the Hon Tony Burke MP, Minister for Sustainability, Environment, Water, Population and Communities seeking confirmation of the Commonwealth's commitment (Attachment 1).
- Assoc Professor Valentine points out that Commonwealth funding for the Authority has remained static for some years and seeks a small increase on past levels of support from $2.7M p.a. to $3M p.a. to compensate for some of the inflationary losses experienced.
- He also seeks a multi-year commitment and urges finalisation of any funding agreement in advance of the forthcoming federal election.
- In support of his request, Assoc Professor Valentine highlights some of the achievements of the Authority over the past several years and provides the Minister with a copy of the Authority's recently completed strategic plan to indicate how any funding provided would be directed (Attachment 2).
- The State also invests in the World Heritage Area through funding from the EHP portfolio ($1.8M in 2012/13) that is appropriated to the Wet Tropics Management Authority and in turn allocated to the Queensland Parks and Wildlife Service for on-ground works, through a service agreement.
- While the Commonwealth has not made the State co-investment a formal condition of its current funding support, Commonwealth officials have indicated that they expect that the State would continue to appropriate funds to the Authority, consistent with the *Wet Tropics Management Scheme Intergovernmental Agreement*.
- The forthcoming Wet Tropics Ministerial Council Meeting scheduled for 20 May 2013 (subject to confirmation) provides an opportunity for dialogue between Ministers about future funding support for the Authority.

RTI DL Release

2 6 FEB 2013

Author	Cleared by	Cleared by	Recommended:
Name:	Name: Andrew Maclean	Name:	Name: Andrew Chesterman
Position:	Position ED WTMA	Position: [DDG]	DG, DEHP
Tel No:	Tel No: 07 4052 0501	Tel No:	Tel No: 3330 6298
Date:	Date: 20 Feb 2013	Date:	Date: 26.2.13

CONSIDERATIONS

- *Budget*: Failure to achieve continuing substantial Commonwealth support for the Authority from 2013/14 forward would create severe dislocation for the Authority, likely affecting the wider DEHP budget, at least until a transition can be managed.
- *Legislation:* The general nature of Commonwealth and State support for the Authority is described in the Management Scheme Intergovernmental Agreement for Wet Tropics of Queensland, which is incorporated as Schedule 1 of the *Wet Tropics World Heritage Protection and Management Act 1993*.

MINISTER'S COMMENTS

ATTACHMENTS

1 Assoc Professor Peter Valentine's Letter to Minister Burke
2 Wet Tropics Management Authority Strategic Plan
3 Draft letter to the Hon Tony Burke MP

RTI DL Release

Author	Cleared by	Cleared by	Recommended:
Name: Position: Tel No: Date:	Name: Andrew Maclean Position ED WTMA Tel No: 07 4052 0501 Date: 20 Feb 2013	Name: Position: [DDG] Tel No: Date:	Name: Andrew Chesterman DG, DEHP Tel No: 3330 6298 Date:

Hon Andrew Powell MP
Minister for Environment and Heritage Protection

QUEENSLAND GOVERNMENT

Ref CTS 03173/13

4 MAR 2013

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Telephone +61 7 3239 0844
Facsimile +61 7 3224 2496
Email environment@ministerial.qld.gov.

The Honourable Tony Burke MP
Minister for Sustainability, Environment, Water
Population and Communities
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2601

Dear Minister Tony

I am advised that Associate Professor Peter Valentine, chairperson of the Wet Tropics Management Authority has recently written to you seeking continuing commonwealth funding support for the Wet Tropics World Heritage Area. I am writing to support his request.

Queensland and the Commonwealth have collaborated for many years in the management of the Wet Tropics World Heritage Area. Central to this collaboration has been the work of the Wet Tropics Management Authority, which I hope you will agree plays a valuable regional leadership and coordination role and which depends on commonwealth funding support.

Within the context of its mandate, the Authority has demonstrated that it is quick to adapt to emerging commonwealth and state policy priorities relevant to the Wet Tropics. Recent examples are its support for National Heritage listing for cultural values; leadership in implementation of the National Landscapes program and partnerships in rainforest research and communications projects.

I am eager to ensure that our two governments maintain their joint commitment to implementing the World Heritage Convention in the Wet Tropics of Queensland through support for the work of the Authority. Queensland will continue to provide substantial funding support for the Wet Tropics through the Environment and Heritage Protection portfolio and other Queensland government agencies.

I would be grateful for your early decision on this matter. Should you have further enquiries, please contact my Chief of Staff, Mr Troy Collings on 3239 0844.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection

RTI DL Release

Enquiries:
Phone: Andrew Maclean
Your Ref: 07 4052 0501
Our Ref:

WET TROPICS MANAGEMENT AUTHORITY

19 February 2013

The Hon Tony Burke MP
Minister for Sustainability, Environment, Water, Population and Communities
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

RTI DL Release

Dear Minister

Funding support for the Wet Tropics World Heritage Area

Like all in the Wet Tropics community, I was very pleased to read in *One Land – Many Stories: Prospectus of Investment* that the Commonwealth intends to continue funding support for the Wet Tropics World Heritage Area. As we approach the end of a four year funding commitment made by your predecessor the Hon Peter Garrett MP, this announcement is a very welcome development and on behalf of the Wet Tropics community, I thank you for this indication of your continued support.

As a World Heritage Area, the Wet Tropics is by definition one of Australia's – and the World's – most important landscapes. I know that you personally appreciate its astonishing biodiversity, its enormous scientific importance and, as recognised by your recent National Heritage listing, its important Indigenous cultural heritage values. Sustainable management and presentation of the World Heritage Area also makes a vital contribution to the tourism economy of Far North Queensland and to the lifestyle of the half million residents of its hinterland. Management of the Wet Tropics World Heritage Area must now and in the future represent global best practice, in keeping with its global significance.

Each year, I provide you with the annual report of the Wet Tropics Management Authority that highlights the Authority's work and achievements. As you consider Commonwealth support for the Authority over the next funding cycle, I would like to draw your attention to some of our particular achievements over the last four years:

conserving...sharing...enriching

1st Floor, 15 Lake Street, PO Box 2050, Cairns Qld 4870
ph: (07) 4052 0555 fx: (07) 4031 1364
web: www.wettropics.gov.au e: wettropics@wtma.qld.gov.au
ABN: 50 264 108 752

- The Authority ensured effective protection of the Outstanding Universal Value of the Wet Tropics World Heritage Area through administration of Queensland legislation for the Area and advice and support for Commonwealth officials in the administration of the *Environment Protection and Biodiversity Conservation Act 1999*
- Recognising the particular biosecurity risks facing the Wet Tropics World Heritage Area, the Authority has worked to elevate policy attention to invasive pests such as Yellow Crazy Ant and to a suite of tropical weeds that could seriously affect the Outstanding Universal Value of the Wet Tropics
- Consistent with its role in the Wet Tropics Regional Agreement, the Authority provided advice and support for Rainforest Aboriginal people in their pursuit of National Heritage listing of the Wet Tropics for its Indigenous cultural heritage
- The Authority provided regional leadership in establishing the Wet Tropics as one of Australia's National Landscapes and continues to work with industry and community partners on implementation
- Capitalising on its links with the regional community and the scientific research community, the Authority developed and secured funding support for a climate adaptation project on the Atherton tablelands that will build the resilience of the Area to anticipated climate change impacts
- The Authority played an important regional leadership role in implementation of Commonwealth environmental research through the CERF and NERP programs and in associated knowledge brokering activities
- In support of SEWPAC, the Authority assisted Pacific Island states in the development of environment and heritage projects
- Community support for the Wet Tropics World Heritage Area was mobilised by a wide variety of Authority-led community engagement and information activities
- The Authority has pursued an active leadership role in a variety of forums in support of World Heritage – its support for the Australian Committee for IUCN in the delivery of the World Heritage Symposium in Cairns last year is a recent example.

I hope that you will agree that these are very positive achievements and services that align closely to the joint priorities of the Commonwealth and Queensland and have created real value for the Wet Tropics community.

The Authority is constantly looking for ways to create maximum value from the resources provided by the Commonwealth and Queensland. Framed by the obligations of the World Heritage Convention, the Authority has developed a new strategic plan for the five years from 2013 – 18 (enclosed). This outlines the priority areas of attention for the Authority in its continuing work in support of the Wet Tropics World Heritage Area and its communities.

RTI DL Release

It is important that I ensure you are informed of the overall funding position of the Authority. Prior to 2005/06, base Commonwealth support for the Authority was around $3.2 million per annum but in that year was reduced to $2.7 million per annum and has since remained constant. As of 2012/13, this represents a reduction in funding in real terms of about $600,000 per annum compared to the 2005/06 level, significantly limiting the capacity of the Authority to meet the full scope of its various obligations. While I am very aware of the severe constraints on Commonwealth expenditure at present, I urge you to find a way to increase the Authority's base grant to at least $3 million per annum, which would go around half way towards restoring earlier funding levels.

Minister Garrett's decision to allocate funds over a four year term provided very valuable security to the Authority, greatly assisting in matters such as the management of human resources, contracting and partnerships. I would ask you to consider a similar long-term commitment for any future funding.

I am very conscious that our current funding cycle ends in only four months and that 2013 is a federal election year. If at all possible, I would be very pleased to have a grant agreement finalised before the end of the current financial year, in order to avoid the complexities of caretaker arrangements and to provide for a smooth transition from one year to the next.

Minister, your very evident interest in the Wet Tropics World Heritage Area is a source of great encouragement for the Authority and Wet Tropics communities. I take this opportunity to thank you for your support and to assure you that all at the Authority look forward to the challenge and privilege of managing this outstanding landscape into the future.

Should you wish to discuss this matter, please contact Mr Andrew Maclean, Executive Director of the Authority on 07 4052 0501.

Yours sincerely

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Assoc Professor Peter Valentine
Chairperson

Cc: Hon Andrew Powell MP
Minister for Environment and Heritage Protection, Queensland

RTI DL Release