

BRIEFING NOTE – MINISTER

**Subject Update on the Implementation of Coronial
Recommendations regarding Inquest into Quad Bike
Deaths**

Approval required by	Urgently	Reason	To enable timely public reporting for the period July to December 2017
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RECOMMENDATION

- It is recommended that the Minister:
 - **note** in 2015, the Office of the State Coroner (State Coroner) made recommendations to Government following an inquest into nine deaths caused by quad bike accidents
 - **note** the Department of Justice and the Attorney-General (JAG) reports publicly on the progress on coronial recommendations until the recommendations are implemented or a decision to not support the recommendations is made
 - **endorse** the Department of Environment and Science's (DES) response to Coronial Recommendation 2b (**page 5, Attachment 1**), which is the only recommendation requiring Ministerial approval, as all other recommendations are the responsibility of other departments
 - if endorsed, **sign** the back page of the JAG reporting template (**Attachment 1**)
 - **note** DES has advised the Office of Industrial Relations (OIR) that it no longer considers it has a role in supporting the implementation of Coronial Recommendation 2b
 - **note** that DES will write to OIR requesting that it be removed from the 'supporting DES' role for Coronial Recommendation 2b – also removing the need for future reporting by DES on this item.

BACKGROUND

- In 2015, the State Coroner released the findings of an inquest into nine deaths caused by quad bike accidents.
- The report includes 15 recommendations relating to improving quad bike safety, with many of these recommendations suggesting a range of government actions.
- OIR chairs the Inter-Departmental Committee (IDC) on quad bike safety, the members of which, among other things, work to progress responses to the State Coroner's recommendations.
- DES is a supporting department on one of the 15 coronial recommendations, which relates to investigations led by the Department of Innovation, Tourism Industry Development and the Commonwealth Games (DITIDCG) into whether it is appropriate to provide some limited standard of training for casual users of quad bikes in the tourism industry.
- Once endorsement of all recommendations is received by the responsible Ministers, OIR will coordinate with JAG to prepare a publicly available government progress report on the coronial recommendations.

KEY ISSUES

- Before JAG can release its forthcoming report on government actions on various coronial recommendations, the relevant Ministers of lead and supporting departments associated with individual recommendations must approve the proposed response.
- The attached reporting template was prepared by OIR in consultation with representatives of the IDC on quad bike safety. DES is a member of the IDC.
- As a strategy to try and mitigate quad bike deaths, Coronial Recommendation 2a seeks to facilitate the development of a nationally accredited quad bike training package, which once developed, would be mandated for completion by quad bike riders and side-by-side drivers through a certification or licensing scheme. This recommendation is led by OIR in the Department of Education, and supported by the Department of Transport and Main Roads.

- Coronial Recommendation 2b relates to whether, as part of the above mentioned scheme, there should be a more limited standard of training provided for casual users of quad bikes, such as people participating in quad bike tourism operations. Investigation of this recommendation is being led by DITIDCG, with DES and OIR listed as supporting departments.
- In relation to reportable action on Coronial Recommendation 2b, DITIDCG:
 - has undertaken research and preliminary scoping of existing industry materials and practices in other jurisdictions as they relate to the tourism industry
 - is using a Quad Bike Industry Reference Group to gauge the need for the development of similar material to support the quad bike tourism industry in Queensland
 - is working with OIR through the abovementioned Reference Group to publish a case study involving steps taken by Tangalooma Resort to reduce tourist quad bike incidents as a benchmark for Queensland tourism operators using such vehicles for work or recreation.
- The development of vehicle safety standards and safety training for users of quad bikes in the tourism industry is outside DES' expertise and portfolio responsibility as a land manager.
- Consistent with Coronial Recommendation 2a, it is DES' view that any training package for the tourism industry should be developed and accredited by a recognised expert in quad bike safety training, especially if it is to be part of a certification or licensing scheme as proposed by the State Coroner.
- Endorsement of the proposed update on the work undertaken and led by DITIDCG (**page 5, Attachment 1**) is recommended to allow OIR to progress its public reporting. However, DES representation on the IDC has indicated to OIR that it is no longer necessary for DES to continue as a supporting department in relation to Coronial Recommendation 2b. OIR is seeking a letter to confirm this arrangement.

FINANCIAL IMPACTS

- There are no financial impacts.

CONSULTATION

- Officer level discussions have occurred with OIR regarding the proposed removal of DES as a supporting department for Coronial Recommendation 2b. OIR has indicated a written request from DES seeking removal from that role would be appropriate in the circumstances.

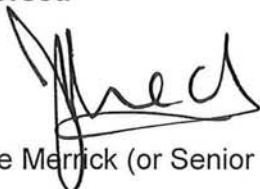
COMMUNICATIONS/MEDIA OPPORTUNITIES

- Not applicable.

FUTURE STEPS

- A letter to OIR will be prepared for signature by the appropriate DES Executive Director, requesting removal of DES as a supporting department for Coronial Recommendation 2b.

Endorsed

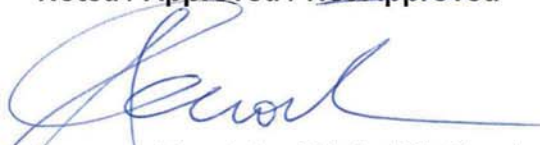


Jamie Merrick (or Senior Director on behalf of)

Director-General

12/1/18

Noted / Approved / ~~Not Approved~~



Leanne Enoch (or Chief of Staff on behalf of)
Minister for Environment and the Great
Barrier Reef, Minister for Science and
Minister for the Arts

15/01/2018

Minister or Director-General comments

Media release required: Yes ☐ No ☐

Subject STOP ORDER REQUEST, MAIN STREET, TAMBORINE MOUNTAIN

Approval required by Immediately

RECOMMENDATION

- It is recommended that the Minister:
 - note** the stop work order request from [Sch 4 - Personal Information] regarding Main Street, Tamborine Mountain;
 - decide** not to make a stop work order for Main Street, Tamborine Mountain as requested by [Sch 4 - Personal Information] and
 - sign** the reply letter to [Sch 4 - Personal Information] (**Attachment 1**).

BACKGROUND

- On 3 November 2017, [Sch 4 - Personal Information] wrote to the former Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef, urging a stop work order be placed on Main Street, Tamborine Mountain, located in the Scenic Rim Regional Council (SRRRC) area. (**refer CTS 30715/17 – Increased Development Main Street**).
- The Department of Environment and Science (department) is currently assessing the Queensland heritage register (QHR) application for Main Street, Tamborine Mountain; specifically a section of the road reserve containing five separate sections of grassed land, grassed areas, mature trees and basic amenities.
- The QHR application was made by a member of the local community, [Sch 4 - Personal Information] in response to the SRRRC's Main Street Master Plan 'Village Greens project', which involves landscaping part of the area under application.

KEY ISSUES

- The preliminary assessment from the department is that Main Street, Tamborine Mountain is unlikely to satisfy one or more cultural heritage criteria to be entered into the QHR as a place of state significance. (**Attachment 2**)
- The department recommended to the former Minister not to make a stop work order decision on top of the stop work order request made during the caretaker period. (**refer CTS 30715/17 – COS signed brief**)
- The SRRRC has commenced preliminary work on its Main Street Master Plan 'Village Greens project' and has advised the department that all mature trees will be retained.

ELECTION/CABINET/PUBLIC COMMITMENTS/LEGISLATION

- Under section 154 of the *Queensland Heritage Act 1992* (Heritage Act), the Minister may make an order if satisfied on reasonable grounds that a place is likely to satisfy one or more of the cultural heritage criteria and the work or activity would destroy or substantially reduce the cultural heritage significance of the place.
- A stop work order continues in force for 60 business days unless it is revoked earlier or when the Queensland Heritage Council (QHC) makes a decision about entering the place into the QHR.
- The Heritage Act sets out a staged process and timeframes for applications; the QHC, an independent statutory body, will decide whether the place should be entered in the QHR.
- This brief does not relate to an election commitment.

FINANCIAL IMPACTS

- N/A

CONSULTATION

- Heritage officers of the department have consulted with SRRC officers regarding the application process and a site visit was undertaken on Wednesday, 13 December 2017.

ADVANCE QUEENSLAND PROGRAM BOARD ASSESSMENT

- N/A

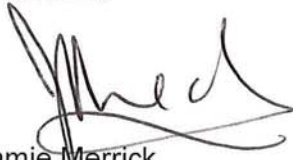
COMMUNICATIONS/MEDIA OPPORTUNITIES

- There has been some local media interest in the heritage register application, including an article in the *Tamborine Mountain News* on 21 November 2017 and a radio interview with Greg Christiansen, Scenic Rim Mayor on ABC Gold Coast on 22 November 2017.
- Media Services, Corporate Communications were advised of the QHR application at the time of its public notice on 16 November 2017.

FUTURE STEPS

- The department is scheduled to make a heritage recommendation on the QHR application for Main Street, Tamborine Mountain in late January 2018.
- A QHC decision on entering the place into the QHR is expected in late February 2018.

Endorsed


Jamie Merrick
Director-General
22/12/17

Noted / Approved / Not Approved


Leeanne Enoch (or Chief of Staff on behalf of)
Minister for Environment and the Great
Barrier Reef, Minister for Science and
Minister for the Arts
15/01/18

Minister or Director-General comments

Media release required: Yes ☐ No ☒

Electorate: Beaudesert



Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts

Ref CTS 31800/17

1 William Street Brisbane Qld 4000
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone +61 7 3719 7110

15 JAN 2018

Sch 4 - Personal Information

Dear Sch 4 - Personal Information

I refer to your email of 3 November 2017 to the former Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef requesting a stop work order for Main Street, Tamborine Mountain. I am pleased to be able to respond to you as the recently appointed Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts.

I appreciate your interest in conserving Scenic Rim's heritage. I have decided not to make a stop work order for Main Street, Tamborine Mountain, as I am not satisfied on reasonable grounds that the place is likely to satisfy one or more of the cultural heritage criterias contained in section 35 of the *Queensland Heritage Act 1992*, and that the work or activity proposed by Scenic Rim Regional Council would destroy or substantially reduce the cultural heritage significance of the place.

I am aware there is a current application to have Main Street, Tamborine Mountain entered in to the Queensland heritage register. The Department of Environment and Science will assess the application and make a heritage recommendation to the Queensland Heritage Council (QHC). The QHC, an independent statutory body, will decide if the place is entered into the Queensland heritage register.

I hope this information has been of assistance to you. Should you have any further enquiries, please contact Mr Sean O'Keeffe, Team Leader, Heritage, Department of Environment and Science on telephone (07) 3330 5837.

Yours sincerely

Leeanne Enoch MP

**Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts**

CTS No. 30715/17

CoS / Advisor ..

ndorsed

Date 15 / 11 / 17

Department of Environment and Heritage Protection

MINISTERIAL BRIEFING NOTE

SUBJECT: STOP ORDER REQUEST, MAIN STREET, TAMBORINE MOUNTAIN

☐ Approved ☐ Not Approved ☐ Noted ☐ Further information required (see comments)	Minister's Signature: _____ Date/...../..... Comments: _____
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Action Required by: Immediately**RECOMMENDATION**

- It is recommended the Minister:
 - note** the request from [Sch 4 - Personal Information] regarding Main Street, Tamborine Mountain;
 - decide** not to make an order for Main Street, Tamborine Mountain to stop any work or activity that may destroy or substantially reduce the cultural heritage significance of the place; and
 - sign** the reply to [Sch 4 - Personal Information] (attachment 1).

ISSUES

- On Friday 3 November 2017, [Sch 4 - Personal Information] wrote to the Minister of Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef, Dr Steven Miles MP, urging a stop order be placed on Main Street, Tamborine Mountain, located in the Scenic Rim Regional Council (SRRC) area. (refer CTS 30335/17)
- [Sch 4 - Personal Information] (a member of the local community) has made the request to prevent landscaping works on Main Street 'village green' occurring before a heritage register application for the site is processed.
- On Monday 30 October 2017, the Department of Environment and Heritage Protection (the department) received a heritage register application from a member of the community (who has chosen not to disclose their personal details) for Main Street, Tamborine Mountain.
- The application seeks to register a section of road reserve containing five separate sections of 'village green' land containing grassed areas, mature trees and some basic amenities.
- SRRC has undertaken a Main Street Master Plan for Tamborine Mountain, including a 'Village Greens project', which will involve landscaping part of the area under application (mature trees will be retained). The applicant advised on Thursday 1 November 2017 that barricades had been erected around the village green sections.
- SRRC have been sent the official notice of application; officer [Sch 4 - Personal Information] Coordinator of Land Use Planning, was advised on Thursday 2 November 2017 that an application has been received.
- The Main Street road reserve is not included in the SRRC local heritage register; the department is not aware of any local or state heritage significance assessment that has been undertaken on the site.
- The preliminary assessment of the department, based on historical research and survey plans, is that the use of land within wide road reserves for other purposes is a common practice and Main Street is unlikely to satisfy one or more cultural heritage criteria to be entered in the Queensland Heritage Register (QHR). (Attachment 2)
- It is nonetheless possible that further detailed research, comparative analysis and a site inspection may provide information that supports the place thresholding for entry of one or more of the cultural heritage criteria.

BACKGROUND

- Under s.154 of the *Queensland Heritage Act 1992* (Heritage Act) the Minister may make an order if satisfied on reasonable grounds that the place is likely to satisfy one or more of the cultural heritage criteria and the work or activity would destroy or substantially reduce the cultural heritage significance of the place.
- A stop order continues in force for 60 business days unless it is revoked earlier or when the Queensland Heritage Council (QHC) makes a decision about entering the place in the QHR.
- The Heritage Act sets out a staged process and timeframes for applications; The QHC will decide whether the place should be entered in the QHR.
- Under s.51(2)(b) of the Heritage Act, the QHC may have regard to other information it considers relevant to the application, when making its decision. There is scope within the timeframes for the assessment process to be accelerated.

A subsequent issue of a stop order can also occur during the timeframe of the application.

RISKS

- A decision to issue a stop order may be controversial.

COMMUNICATION

- On reasonable grounds it has been determined that the place is unlikely to satisfy one or more of the cultural heritage criteria; therefore, the Minister has decided not to issue a stop order for the Main Street, Tamborine Mountain.

ATTACHMENTS

Attachment 1. Letter to Sch 4 - Personal Information
Attachment 2. Main Street, Tamborine Mountain, Preliminary assessment

Author	Branch Endorsement	Division Endorsement	Director-General Endorsement
Name: Sean O'Keeffe Position: Team Leader Tel No: 3330 5837 Date Drafted: 08/11/17	Name: Fiona Gardiner Position: Director, Heritage Tel No: 3330 5872 Date Endorsed: 08/11/17	Name: Tony Roberts Position: EPP DDG Tel No: 3330 5990 Date Endorsed: 09/11/17	Name: Jim Reeves, DG, EHP Tel No: 3330 6298 Signed Date/...../....

COPY PROVIDED TO DG
10/11/17; DG TO RETURN 14/11/17

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RTI Act 2009

SECURITY CLASSIFICATION: UNCLASSIFIED
BRIEFING NOTE – MINISTER

Subject Proposed downgrade of Noosa River declared Fish Habitat Area at Elanda Point

Approval required by N/A

RECOMMENDATION

It is recommended that the Minister:

- **note** a request from [Sch 4 - Personal Information] to downgrade the Noosa River declared Fish Habitat Area (FHA) at Elanda Point to allow for a private commercial jetty
- **note** the Department of Environment and Science is waiting for further information from [Sch 4 - Personal Information] before any further assessment of the request can occur.

BACKGROUND

- Under Administrative Arrangements Order (No. 4) 2017, the Department of Environment and Science (DES) is responsible for declared FHAs.
- Under a Memorandum of Understanding, the Department of Agriculture and Fisheries (DAF) provides development assessment and compliance services for FHAs on behalf of DES.
- This arrangement has been in place since 2012 when FHAs were transferred from DAF to consolidate the conservation of marine and coastal habitat to the department responsible for marine parks.
- FHAs are a type of marine protected area declared under the *Fisheries Act 1994*, which seek to protect Queensland's important fish habitats from impacts of coastal development.
- There are 72 declared FHAs in Queensland comprising approximately 1.2 million hectares.
- FHAs have two levels of protection denoted by management levels 'A' and 'B', with 'A' being the higher level of protection.
- Development in a declared FHA can only be approved for 'prescribed development purposes' under the Fisheries Regulation 2008 (the Regulation).
- For a management 'A' area such purposes include those that support management or improvement of fish habitat or fishing, research, public safety, installation of temporary structures, buried infrastructure where suitable rehabilitation can occur, or maintenance of existing lawful structures.
- Management 'B' areas also allow for construction of permanent structures (including private structures) on tidal land or depositing material for beach replenishment.

KEY ISSUES

- On 31 January 2017, [Sch 4 - Personal Information] requested the former Department of National Parks, Sport and Racing (NPSR) amend the legislation to downgrade the management level of 2.6 hectares of the Noosa River declared FHA at Elanda Point.
- [Sch 4 - Personal Information] is seeking to construct a 76 metre long private commercial jetty, as part of a proposed redevelopment of the Elanda Point Education Centre and Adventure Park.
- The proposed jetty is inconsistent with the 'prescribed development purposes' under the Regulation and can only proceed if the Minister supports a legislative amendment to downgrade the management level (from 'A' to 'B'), or revoke part of the FHA at Elanda Point.
- Consistent with the *Operational Policy Fish Habitat Area selection, assessment, declaration and review*, [Sch 4 - Personal Information] was provided with Terms of Reference to complete a 'Downgrade Support Study', which included a requirement for public consultation.
- The public consultation process revealed that the proposed downgrade is opposed (93% of 188 written submissions) by community members, environment groups and Noosa Shire Council (NSC).

- In its role managing development in the Noosa local government area, NSC will be the assessment manager for any development application for the jetty, should the declared FHA amendment be approved.
- On 18 August 2017, following an assessment of the Downgrade Support Study, NPSR offered [Sch 4 - Personal Information] an opportunity to provide further detail on the proposal to determine if the downgrade is in the public interest, and to consider the likely impacts on the declared FHA.
- At a meeting held on 18 October 2017 between Queensland Parks and Wildlife Service (QPWS) officers, [Sch 4 - Personal Information] QPWS provided advice [Sch 4 - Personal Information] about the further detail required on the proposal.
- QPWS is awaiting this further information from [Sch 4 - Personal Information] before a recommendation can be made to the Minister on the proposed downgrade.

ELECTION/CABINET/PUBLIC COMMITMENTS/LEGISLATION

- The brief does not relate to an election commitment however, Ms Sandy Bolton MP, the newly elected independent Member for Noosa has been reported in the media as saying that as the Member for Noosa, one of her priorities is 'cleaning up and better managing the Noosa River'.
- Ms Bolton was previously a member of NSC that voted at an ordinary council meeting to oppose the proposed downgrade of the FHA to facilitate the jetty construction.
- During the election campaign, Labor candidate Mr Mark Denham was reported in the media as promising that the declared FHA would not be downgraded if he was elected as the Member for Noosa.

FINANCIAL IMPACTS

- There are no financial impacts.

CONSULTATION

- Consultation on the proposal was undertaken through public notification in newspapers and receipt of public submissions, and by direct notification to key stakeholders.

COMMUNICATIONS/MEDIA OPPORTUNITIES

- There has been local media interest in the proposal during 2017 and this may continue.
- Corporate Communications has coordinated departmental responses to requests from the media.

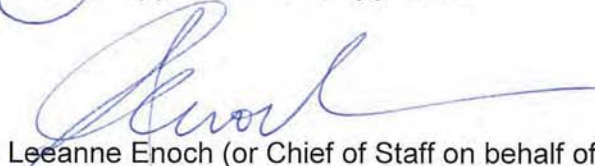
FUTURE STEPS

- QPWS will assess any further information provided by [Sch 4 - Personal Information] and provide a recommendation to the Minister on the proposed management level downgrade.

Endorsed


Jamie Merrick
Director-General
11 / 11 / 18

Noted / Approved / Not Approved


Leanne Enoch (or Chief of Staff on behalf of)
Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts
15 / 01 / 18

Minister or Director-General comments

Electorates: Electorate of Noosa

BRIEFING NOTE – MINISTER

Subject **Status update – Potential Nomination of a National Park for the Queen's Commonwealth Canopy**

Approval required by Not applicable

RECOMMENDATION

- It is recommended that the Minister:
 - **note** that the Honourable Anastacia Palaszczuk MP, Premier and Minister for Trade has asked the Department of Environment and Science (DES) to investigate a suitable national park for nomination to the Queen's Commonwealth Canopy (QCC)
 - **note** the progress DES has made to date (**Attachment 1**)
 - **note** that support from Traditional Owners, a prerequisite for nomination, has yet to be provided
 - **note** that Ms Linda Apelt, Agent-General for Queensland in the United Kingdom, Trade and Investment Queensland – Europe, Trade and Investment Queensland has expressed a strong desire for DES to expedite a nomination in time for consideration and subsequent announcement by His Royal Highness The Prince of Wales, during his visit to Queensland to attend the Gold Coast 2018 Commonwealth Games (GC2018) in April 2018.

BACKGROUND

The QCC Process

- The QCC is a flagship program in Her Majesty The Queen's name, which facilitates forest conservation in Commonwealth nations that are collectively showcased under the QCC banner.
- Following endorsement of the national conservation authority, Commonwealth nations can nominate projects that involve sustainable forest conservation, including the existing conservation and management of forest areas.
- The Department of the Premier and Cabinet (DPC) is responsible for liaising with the Royal Commonwealth Society, as well as the timing and location of any announcement, while DES is responsible for identifying a suitable national park and the nomination process.
- Assessment of nominations is undertaken by the Royal Commonwealth Society, in consultation with Cool Earth and the Commonwealth Forestry Association, to ensure the projects meet the criteria for QCC accreditation.
- National parks to be considered by DES for nomination include those with:
 - a substantial forested area
 - outstanding forest environments with significant natural (and possibly cultural) values
 - existing Aboriginal and Torres Strait Islander Traditional Owner engagement (and if possible, participation in the area's management)
 - relative proximity to a location to be visited by His Royal Highness during or after GC2018.
- QCC participation is free and there are no additional financial or regulatory obligations imposed by the initiative, which is essentially a promotional exercise that provides an opportunity to showcase Queensland's forest conservation efforts and generate positive publicity for the nominated area, including tourism promotion.
- Successful nominations are able to bear the QCC logo on all public references to the conservation area.

The Proposal for a Queensland Nomination

- On 17 February 2017, the former Agent-General for Europe and Sub-Saharan Africa, Trade and Investment Queensland sent an email to DPC suggesting the Premier announce a nomination for the QCC during her visit to London on 14 March 2017.

- Former Department of National Parks, Sport and Racing (NPSR) officers subsequently commenced work to identify a suitable park. This work ceased at the advice of DPC due to there being insufficient time to proceed with the nomination.
- On 13 September 2017, NPSR received advice from DPC that the Royal Commonwealth Society had asked if the Premier could now give consideration to announcing a nomination to the QCC during the visit of His Royal Highness to attend GC2018 in April 2018.

KEY ISSUES

- Projects nominated to the QCC must: recognise the rights of Aboriginal and Torres Strait Islander and local people in forest management; not be politically controversial or likely to attract adverse publicity; and have clear objectives that include sustainable forest conservation.
- With this criteria in mind, it is considered essential for Traditional Owners of any nominated national park to agree to the project nomination prior to its lodgement. This will also minimise the risk of the project becoming contentious or attracting adverse publicity.
- Based on the QCC and departmental criteria, the following national parks (in order of preference) were shortlisted for further consideration:
 - Daintree National Park
 - Grey Peaks National Park
 - K'gari (Fraser Island), Great Sandy National Park
 - Bulburin National Park.
- To date, Traditional Owners for Daintree National Park and Grey Peaks National Park have been contacted and declined the opportunity to be nominated for the QCC.
- The Traditional Owners of K'gari (Fraser Island), Great Sandy National Park have indicated that they are agreeable to further discussions on the possibility of a nomination, which will occur in early 2018.
- On 11 December 2017, Ms Tamara O'Shea, Director-General, NPSR discussed the process being undertaken to select a national park with Ms Apelt, highlighting the issues associated with obtaining Traditional Owner support.
- Ms Apelt expressed concerns about the lack of responsiveness of NPSR in identifying a suitable national park.
- Key actions undertaken by DES to date are outlined in **Attachment 1**.
- In an email from Ms Apelt to Ms O'Shea on 15 December 2017, she notes that the Australian Government is planning to dedicate the 20 Million Trees Program to the QCC. This program, which Ms Apelt notes includes land in the Daintree area, involves rehabilitation of land through tree planting activities funded by the Australian Government.
- On 18 December 2017, the Australian Government indicated the 20 Million Trees Program in the Daintree area is a 3.4 hectare project on former cane farm located on freehold land. This means that Native Title has been extinguished and no Traditional Owners consent is therefore necessary to include this land in a QCC nomination.
- In terms of identifying a proposed location on a Queensland national park, the next step will be to arrange for the Deputy Director-General, Queensland Parks and Wildlife Service (QPWS) to meet with representatives from the Butchulla Aboriginal Corporation RNTBC (BAC) to provide further information and a letter seeking support to progress with a nomination for an appropriately forested area on K'gari (Fraser Island), Great Sandy National Park (most likely Central Station).
- The timeframes for moving the nomination forward will be predicated on the willingness of BAC to progress this matter in a timely fashion.
- Traditional Owners of Bulburin National Park will also be contacted in relation to their interest in pursuing a nomination.
- If supported by the Traditional Owners, endorsement will be sought from the Honourable Josh Frydenberg MP, Minister for the Environment and Energy to progress the nomination for assessment. A Ministerial letter seeking in-principle support for the nomination process was sent on 26 October 2017 (**Attachment 2**). A response has not yet been received.

FINANCIAL IMPACTS

- As the proposed project nomination is an existing conservation area funded by the Queensland Government and managed by QPWS, no new costs would be involved.
- Participation in the QCC is free and there will be no financial or regulatory obligations imposed by the initiative.

CONSULTATION

- Officer level discussions have occurred with DPC regarding progress made in considering options for parks that could be nominated for the QCC program, and the issues around obtaining Traditional Owner consent.
- Discussions have occurred with Traditional Owner representatives of Daintree National Park, Grey Peaks National Park and K'gari (Fraser Island), Great Sandy National Park.

COMMUNICATIONS/MEDIA OPPORTUNITIES

- Could media be interested in this matter (negatively or positively)? Yes.
- Preliminary discussions have occurred with media and communications officers, only to the extent of bringing the matter to their attention and flagging potential for assistance should Traditional Owner consent for a candidate park be received.

FUTURE STEPS

- Further consultation will occur with BAC in mid-January 2018, seeking to obtain agreement for a QCC nomination on K'gari (Fraser Island), Great Sandy National Park.

Endorsed


Jamie Merrick (or Senior Director on behalf of)

Director-General

12/1/18

Noted / Approved / Not Approved


Leeanne Enoch (or Chief of Staff on behalf of)

Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts

15/01/18

Minister or Director-General comments

Media release required: Yes ☐ No ☐

Electorates: Electorate of Hervey Bay regarding the nomination of Fraser Island as a QCC site.

Timeline of key actions on the Queen's Commonwealth Canopy nomination

Date	Action
First request regarding Queensland's QCC nomination	
17/02/2017	Email from Mr Ken Smith (Agent-General, Europe and Sub-Saharan Africa, Trade and Investment Queensland) to Mr Dave Stewart, Director-General, Department of the Premier and Cabinet (DPC) suggesting that the Premier announce a nomination of a site, such as Daintree National Park, to the Queen's Commonwealth Canopy (QCC) during her London visit on 14 March 2017.
21/02/2017	Director-General teleconference with Mr Smith to discuss QCC nomination options, risks, timeframes and process.
21-28/02/2017	Internal consultation and discussions regarding suitable candidate areas for nomination to QCC.
1/03/2017	Ministerial briefing note, Matter To Note and letter to the Federal Minister for the Environment seeking in-principle support for proposed nomination prepared and sent.
2/03/2017	DPC officers advise that a QCC nomination announcement will no longer be possible during the Premier's visit to London. Work on the nomination subsequently ceased.
Second request regarding Queensland's QCC nomination	
13/09/2017	DPC contacted the former Department of National Parks, Sport and Racing (NPSR) and indicated that Mr Michael Lake (Director of the Royal Commonwealth Society) had asked the Premier to consider a Queensland dedication to the QCC for announcement during His Royal Highness The Prince of Wales' visit to Queensland for the Gold Coast 2018 Commonwealth Games in April 2018.
13/09 – 12/10/2017	QCC nomination scoping and planning to: <ul style="list-style-type: none"> • identify eligibility and nomination criteria, NPSR desirables and other requirements • plan timeline of events to meet the deadline of project dedication to QCC • shortlist candidate parks for potential QCC nomination incorporating advice provided by Native Title and Partnerships team in NPSR.
13/10/2017	Progress meeting to update DPC outlining candidate parks for further consideration, nomination timeline and key milestones, next steps, discussion of key issues - especially risks to the Queensland Government and the Queen's program if a nomination is made without Traditional Owner endorsement.
26/10/2017	Former Minister for National Parks endorsed progressing a suitable nomination for the QCC program and sent a letter to the Honourable Josh Frydenberg MP, Minister for the Environment and Energy seeking in-principle endorsement of Queensland's intention to nominate a project to the QCC program.
7/11/2017	The Caretaker Advisory Group advised consultation with Traditional Owners regarding QCC can continue during caretaker period.
11/11/2017-ongoing	Engagement with the Deputy Director-General, Queensland Parks and Wildlife Service to confirm potential QCC nominations and facilitate consultative discussions with Traditional Owners on behalf of NPSR, seeking endorsement of a proposed nomination.
10/11/2017	Email to Ms Linda Apelt (Agent-General for Queensland in the United Kingdom, Trade and Investment Queensland - Europe) from Director-General, NPSR, providing an update on departmental processes, progress and timeframes for a QCC nomination.
15/11/2017	Informal Traditional Owner response received that the potential Daintree National Park QCC nomination is unlikely to be supported.
22/11/2017	Letter to Mr Finn Pratt, (Secretary of Department of Environment and Energy, Australian Government) from Director-General, NPSR alerting him about a potential Queensland QCC nomination.
5/12/2017	Letter emailed to Ms Apelt providing an update on Traditional Owner consultations for potential QCC nomination.
11/12/2017	Confirmation advice received from Jabalbina Aboriginal Corporation that it cannot support QCC listing of Daintree National Park.
11/12/2017	Advice received from Mandingalbay Yindinji Aboriginal Corporation declining the potential Grey Peaks National Park QCC nomination.
11/12/2017	Former Director-General, NPSR provided QCC nomination progress update to Ms Apelt via teleconference.
11/12/2017	Consultation commenced regarding nomination of forest on Fraser Island with the Butchulla Aboriginal Corporation RNTBC (BAC). BAC has indicated at this stage it is receptive to continue discussions, which will occur during the second half of January 2018.



Hon Dr Steven Miles MP
Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef

1 William Street Brisbane Qld 4000
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone +61 7 3719 7330
Email environment@ministerial.qld.gov.au

Our Ref: CTS 28708/17

26 OCT 2017

The Honourable Josh Frydenberg MP
Minister for the Environment and Energy
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister

I am writing to seek your in-principle support for Queensland's intention to nominate one of Queensland's forested national parks as a Queen's Commonwealth Canopy (QCC) project. With your in-principle support, an announcement about the nomination can occur during His Royal Highness Prince Charles Philip Arthur George, Prince of Wales' royal visit to Queensland to attend the Gold Coast 2018 Commonwealth Games in April 2018.

The QCC is a flagship program which allows forest conservation in Commonwealth countries to be collectively showcased under the QCC banner and is intended to mark Her Majesty, The Queen's service to the Commonwealth, while conserving Indigenous forests for future generations. QCC accreditation will provide positive publicity for the area involved and for Australia's and Queensland's conservation efforts.

Mr Michael Lake CBE, Director, the Royal Commonwealth Society has written to the Honourable Anastacia Palaszczuk MP, Premier and Minister for the Arts, requesting that consideration be given to announcing a QCC dedication during the Prince of Wales' visit. I understand the Premier intends to write to Mr Lake indicating favourable consideration will be given to nominating one of Queensland's forested national parks for inclusion in the QCC.

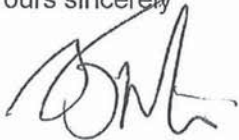
As part of the QCC nomination process, the 'endorsement of the applicable Government (at ministerial-level) and the national forestry/conservation authority' is required. Therefore, at this initial stage, I am seeking your in-principle support, as Minister for the Environment, of Queensland's intention to nominate a Queensland national park for accreditation under the QCC.

The national park will be selected on the basis of its significant forest conservation values, and the support of the Indigenous Traditional Owners of the area for its nomination. Once a suitable area has been confirmed, I will be able to provide you with a complete copy of the QCC nomination documentation, together with a formal request for your endorsement.

I would appreciate your early written confirmation of your in-principle support of Queensland's intention to nominate the conservation and sustainable management of a Queensland national park as a QCC project.

Should you have any enquiries about this matter, please contact Ms Danielle Cohen, Chief of Staff in my office on (07) 3719 7330.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DM', is written over the typed name.

DR STEVEN MILES MP

**Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef**

Published on DES Disclosure Log
RTI Act 2009

Subject Coral Abundance Innovation challenge

Approval required by 15 January 2018

RECOMMENDATION

- It is recommended that the Minister:
 - **note** the Department of Environment and Science (DES) is conducting an innovation challenge for coral abundance through the Advance Queensland Small Business Innovation Research (SBIR) initiative with the Department of Innovation, Tourism Industry Development and the Commonwealth Games (DITIDCG) and the Australian Department of the Environment and Energy (DoEE).
 - **note** that DES will be the challenge owner along with DoEE.
 - **note** that the former Director-General for the Department of Environment and Heritage Protection approved the challenge statement (**Attachment 1**) and endorsed the use of the SBIR process on 7 December 2017 (CTS No. 32020/17).

BACKGROUND

- Recent coral bleaching events have led to significant reductions in coral health and abundance in the northern and central sections of the Great Barrier Reef.
- While the importance of addressing the impacts of climate change and continuing to improve reef water quality is acknowledged, efforts to increase coral abundance in response to bleaching are now being explored.
- The Great Barrier Reef Ministerial Forum requested that an innovation challenge statement be developed by the Reef 2050 Independent Expert Panel (IEP) exploring actions to increase coral abundance, and that the challenge was to be progressed jointly by the Australian and Queensland Governments.
- The Australian and Queensland Governments agreed to work through the Queensland Government Advance Queensland SBIR initiative to progress the challenge.

KEY ISSUES

- A challenge definition workshop was held in October 2017 attended by key Reef 2050 IEP members, along with policy and technical officers from DES, DoEE, the Great Barrier Reef Marine Park Authority (GBRMPA) and the Australian Institute of Marine Science (AIMS).
- Following the workshop a refined challenge statement was developed (**Attachment 1**), which has been endorsed by all relevant agencies.
- It is the objective of the Queensland and Australian Governments to release the challenge statement to the market on 15 January 2018 (subject to Ministerial agreement), seeking a range of innovative solutions.
- The feasibility stage of the process will run from June–November 2018, with the proof of concept stage to occur from December 2018 to December 2019.

FINANCIAL IMPACTS

- Currently funding towards the SBIR coral abundance challenge is being sourced from the DoEE Reef Trust (\$1.5 million), the Advance Queensland SBIR program (\$375,000) and DES Queensland Reef Water Quality Program (\$125,000).

CONSULTATION

- The finalisation of the challenge statement involved consultation with the DITIDCG SBIR team, DoEE and GBRMPA.

COMMUNICATIONS/MEDIA OPPORTUNITIES

- The challenge will be promoted through a joint Queensland and Australian Government media release in January 2018.

Contact: Elisa Nichols
Executive Director, OGBR
Ph: 07 3330 5988
Date: 20/12/2017

Endorsed: Tony Roberts
Deputy Director-General, EPP
Ph: 07 3330 5990
Date: 03/01/2018

TR 4/1/18
Page 16 of 60

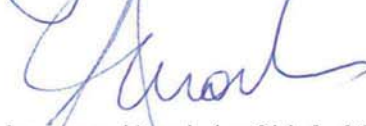
Endorsed



Jamie Merrick
Director-General

11 / 1 / 18

Noted / Approved / Not Approved



Leeanne Enoch (or Chief of Staff on behalf of)
Minister for Environment and the Great
Barrier Reef, Minister for Science and
Minister for the Arts

15 / 01 / 18

Minister or Director-General comments

Media release required: Yes ☐ No ☐

Att: Boosting coral abundance on the Great Barrier Reef challenge statement.

Boosting coral abundance on the Great Barrier Reef

Challenge Statement

The challenge is to quickly restore the ecological functions provided by the Great Barrier Reef through cost-effective methods which protect corals exposed to extreme temperatures and encourage the recovery of damaged reefs after heat wave and storm events.

The basis of this challenge is to develop solutions which support the protection, regeneration and recovery of coral populations on the Great Barrier Reef.

Challenge Imperative

The Great Barrier Reef is the planet's greatest living wonder, globally recognised as a World Heritage site. Like many other reefs around the world, it is under severe pressure from climate change. In 2016, coral bleaching led to significant reductions in coral health and abundance in the northern sections of the Great Barrier Reef. In 2017 bleaching occurred in the central section of the Great Barrier Reef, with the full extent of the damage still to be determined. However, there is an opportunity to develop technological solutions which enhance the natural recovery processes of the Great Barrier Reef's corals. Innovative solutions may help maintain a functioning, coral abundant reef ecosystem for the long term.

The Great Barrier Reef is a World Heritage site of extreme ecological, cultural and economic significance. The users and stewards of the Great Barrier Reef include industries, government agencies, science leaders, traditional owners and the public. There is a need for all stakeholders to contribute solutions. Towards this end, the Australian and Queensland governments are jointly investing approximately \$200 million annually in the Reef's health.

Of all surveyed Australians 77% feel that the Reef is part of their identity, and 81% feel it is the responsibility of all Australians to protect it. More than 70 Aboriginal and Torres Strait Islander Traditional Owner clan groups maintain heritage values for their land and sea country and demonstrate continuing connections with the Great Barrier Reef.

The economic and social significance of the Great Barrier Reef cannot be overstated, with an estimated 69,000 people employed by industries associated with Great Barrier Reef. Fisheries provide hundreds of millions of dollars of revenue while tourism based on the Reef is estimated to provide around \$6 billion each year. Maintaining coral cover on the Reef, indeed any reef, is extremely important.

Current efforts include protecting the integrity and resilience of coral reefs by improving water quality and taking actions to mitigate climate change. Solutions to this challenge will supplement these efforts by providing methods to boost coral abundance on the Great Barrier Reef, helping to preserve this truly unique ecosystem now and into the future.

New, innovative methods are sought to achieve one or more of the following outcomes to improve coral abundance:

1. Address the impacts of coral bleaching:

One of the most significant challenges to sustaining functional coral reefs is the fact that ocean temperatures will continue to increase until climate change is adequately addressed. Climate mitigation is a long term goal, and in the meantime innovative methods are required to secure healthy coral ecosystems on the Great Barrier Reef. Innovative methods could include ways to:

- reduce the exposure of coral to physical stressors that cause coral bleaching
- build the resilience of corals to allow them to 'bounce back' following bleaching events

2. Enhance coral recruitment:

In 2016 an estimated 29% of shallow water corals across the Great Barrier Reef was lost as a result of bleaching. Following a reef disturbance (e.g. bleaching or cyclone damage), fast growing coral species, such as plate and staghorn corals, have shown they can rapidly restore the important three dimensional reef structures needed by other coral reef species. Coral restoration is not enough to preserve full biodiversity but retaining a coral-dominated system and habitat structure will allow thousands of coral-dependent species to avoid displacement or extinction. Methods used to achieve high coral abundance need to be cost-effective and could include:

- boosting the success of coral larvae (baby corals) and/or transplanted and cultivated corals settling and surviving
- promoting the settlement of coral larvae
- stabilising dead coral rubble generated by recent bleaching or cyclone impacts in order to enhance coral settlement and re-growth of reef corals

The challenge is complex and difficult given the scale of the problem. There is an estimated 26,000km² of coral dominated reefs across the Great Barrier Reef Marine Park, and to address this challenge, solutions will need to be innovative, and deliver a step-change in ambition and scale of reef recovery.

Solutions to this challenge will ultimately be a step towards developing a healthy reef by reversing the trajectory of coral decline to one of coral abundance, and ensuring all the users of the Reef can enjoy it for generations to come.

Challenge Context

The Stakeholders Involved

The Challenge Owner is the Queensland Department of Environment and Science (DES) supported by the Australian Department of Environment and Energy (DoEE). Additionally, the Great Barrier Reef Marine Park Authority (GBRMPA) have a direct interest in maintaining the complex structure of reefs and coral communities in the park.

The Great Barrier Reef is part of Australia's national identity, and has iconic natural value globally. The Reef is also a place of great significance to its Traditional Owners, the first nation peoples of the area. Other key stakeholders include international, Australian and Queensland tourism operators; coastal Queensland communities; and recreational and commercial fishers. The global community has a role to play in slowing and reversing coral loss on the Great Barrier Reef.

The Current Situation

Reef-building corals are fundamental to the biology and ecology of the Great Barrier Reef. In addition to supplying biological diversity to the Reef in themselves, the three-dimensional structure built by coral provides habitat to many thousands of other species. It is this biodiversity which supports the outstanding universal value of the Reef and recreational, fishing and tourism industries along most of the Queensland coastline.

The scale of the coral cover decline in the northern Great Barrier Reef since 2013 is unprecedented, due to mortality caused by two severe cyclones, an ongoing crown-of-thorns starfish outbreak and the severe coral bleaching events of 2016. The outcome of the intense coral bleaching event of 2017 which impacted the central region of the Great Barrier Reef is not yet fully known.

Current methods such as regrowing and replacing corals on damaged reefs are expensive, labour-intensive and currently only feasible at scales of tens of square metres. It is difficult to effectively scale-up this type of solution given that the Great Barrier Reef Marine Park is 344,000km², extends 2,300 km along the Queensland Coast and has at least 3,000 distinct reefs.

Solution Design Parameters

Solutions to this challenge may build on existing technologies and strategies, but a step change in scale is required. Understanding drivers for rapid reef regeneration will be important to enhance abundance of corals on the reef. This process could be aided by coral aquaculture and other innovations. Solutions will also need to allow for input and perspectives from industry, Aboriginal and Torres Strait Islander groups, science and the community at large.

Consideration also needs to be given to where on the Great Barrier Reef recovery operations might be most successful (e.g. possible climate change refuges). Understanding where, when and how local conditions might support regeneration of reefs after bleaching will be important and may identify specific resilient reefs, or conditions that enhance resilience or lead to lower exposure to heat stress. These regions of reefs may be suitable as priority sites for active recovery efforts.

When designing a solution to this challenge, respondents are expected to keep the needs of multiple potential end users of the Reef in mind, including regulators, tourism operators, recreational and commercial fishers and all local and international visitors.

Technical Considerations

Any successful solution to this challenge will need to give appropriate consideration to:

- how costs would be reduced, as compared to current solutions, or kept low
- how existing infrastructure could be used, where appropriate
- lessons from previous experiences and existing programs
- the longevity of the solution
- any associated risks to the Reef and its stakeholders
- the feasibility of prototyping and implementing the solution on the Reef
- solutions scalability
- [if addressing the impacts of coral bleaching] demonstrating an ability to be self-sustainable after establishment

- finding a balance between slower growth, more resilient corals and *Acropora* sp. coral which are the first to die as a result of heat stress, but also the first to regenerate.

Solutions which address the issue of failed coral recruitment should consider how high-yielding sites could be selected which provide the optimal conditions for recruitment.

Design Benefits

Any successful solution to this challenge will need to support and improve ecological function and diversity on the Reef through increased coral abundance, particularly in areas that will benefit the most from these improvements, such as reefs which are sources of re-seeding for other reefs and tourism hot-spots.

Successful solutions will also consider how the innovation will:

- support the benefits humans derive from the reef (ecosystem services)
- support social, economic and cultural value of the Reef

Solutions which address the impacts of coral bleaching should provide direct support for coral, by delivering one or more of the following:

- enhancing the survival of one or all coral life history stages (larvae, juveniles and adults)
- facilitating the uptake of heat tolerant symbionts by juvenile and post stressed corals
- supporting the nutritional needs of corals, for example, by reducing heat stress to symbiotic algae
- improving environmental conditions for corals
- identifying refuges, or opportunities to enhance or create climate change refuges for coral ecosystems
- decreasing the duration of seasonal heat stress on coral
- supporting improved coral response to changes to the broader ecosystem, which may be a result of extreme weather, changes to the substrate and increased sedimentation levels

Solutions which are focused on stimulating coral recruitment should deliver one or more of the following:

- enhanced settlement and survival of larval and juvenile corals
- enhanced condition of coral to improve reproductive efforts
- reduced predation and mortality of gametes post spawning
- facilitate successful spawning or brooding in coral stock
- facilitate coral ability to compete with algae for space
- improved connectivity (gene flow) of isolated coral populations
- alternative distribution methods for recruits, including potential automation of the solution or aspects of the solution

Commercial Opportunities

The Small Business Innovation Research (SBIR) aims to provide commercial opportunities for applicants, while at the same time, solving Queensland Government challenges via an innovative procurement process.

Successful applicants will receive funding to research, develop and test their idea. At the end of the process, applicants have the potential to secure a contract with the Queensland Government. Additionally, intellectual property developed within the SBIR is retained by the party who developed it, allowing applicants the potential to access broader commercial opportunities.



In addition to immediate opportunities for selected applicants, a successful solution may be adapted for use in other reef systems around the world. Additionally, solutions may be adaptable to a range of sectors including scientific tourism, commercial coral collecting and sales, and other innovative collaborative arrangements.

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RTI Act 2009

CTS No. 32020/17

Department of Environment and Heritage Protection
DIRECTOR-GENERAL BRIEFING NOTE

SUBJECT: BOOSTING CORAL ABUNDANCE INNOVATION CHALLENGE

☒ Approved ☐ Not Approved ☐ Noted ☐ Further information required (see comments)	Director-General Comments:	Date 7.12.17
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Action Required by: Thursday 7 December 2017 to allow the challenge statement to be presented to the Small Business Innovation Research (SBIR) panel for approval the following week.

RECOMMENDATION

- It is recommended the Director-General:
 - approve** the Boosting Coral Abundance on the Great Barrier Reef Challenge Statement (**Attachment 1**).
 - endorse** the Department of Environment and Heritage Protection (EHP) conducting an innovation challenge for coral abundance through the Advance Queensland SBIR initiative with the Department of Science, Information, Technology and Innovation (DSITI) and the Australian Department of the Environment and Energy (DoEE).
 - note** that EHP will be the challenge owner along with DoEE.

ISSUES

- An SBIR challenge definition workshop was held in October 2017 and included the attendance of key Independent Expert Panel (IEP) members, along with policy and technical officers from EHP, Queensland Parks and Wildlife Services (QPWS), DoEE, the Great Barrier Reef Marine Park Authority (GBRMPA) and the Australian Institute of Marine Science (AIMS).
- Following the workshop a refined challenge statement was developed, which included edits made by EHP, DoEE and GBRMPA (**Attachment 1**).
- It is the objective of the Australian and Queensland Governments to release the challenge statement to the market in January 2018, seeking solutions.
- EHP will be the co-owner of the challenge, together with the DoEE. In addition, GBRMPA will be involved throughout the process including; as a member of the evaluation panel.
- The feasibility stage of the process will run from June-November 2018, with the proof of concept stage to occur from December 2018 to December 2019.

BACKGROUND

- Coral bleaching events over the past two summers have led to significant reductions in coral health and abundance in the northern and central sections of the Great Barrier Reef.
- While the importance of addressing the impacts of climate change and continuing to improve reef water quality is acknowledged, efforts to increase coral abundance in response to bleaching events are now being explored.
- The Great Barrier Reef Ministerial Forum recommended a draft innovation challenge statement be developed by the Reef 2050 IEP exploring actions to increase coral abundance, and to be progressed jointly by the Australian and Queensland Governments.
- The Australian and Queensland Governments agreed to work through the Queensland Government Advance Queensland SBIR initiative to progress the challenge.

RISKS

- There are no risks associated with this brief.

FINANCIAL IMPLICATIONS

- Currently funding towards the SBIR coral abundance challenge is being sourced from the DoEE Reef Trust (\$1.5 million), the DSITI SBIR program (\$375,000) and EHP Queensland Reef Water Quality Program (\$125,000).
- Sch 3 prov 2(1)(b)

CONSULTATION

- The finalisation of the challenge statement involved consultation with the DSITI SBIR team, DoEE and GBRMPA.

COMMUNICATION

- It is proposed that the challenge be promoted through a joint Queensland and Australian Government media release in January 2018.

Y909

ATTACHMENTS

Attachment 1. Boosting coral abundance on the Great Barrier Reef challenge statement

Author Name: Ben Hammill Position: Principal Project Officer Tel No: 07 3330 5760 Date Drafted: 1/12/2017	Branch Endorsement Name: Scott Robinson Position: A/ED OGBR Tel No: 07 3330 5031 Date Endorsed: 4/12/17	DDG Endorsement <i>with att.</i> Name: Elisa Nichols Position: A/DDG EPP Tel No: Sch 4 - Signatures Signed Date <i>5.12.17</i>
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BRIEFING NOTE – MINISTER

Subject **Appointment of member Councillor Peta MacRae to the Riversleigh Community and Scientific Advisory Committee**

Approval required by 8 February 2018 (to provide for Councillor MacRae's participation in the next RCSAC meeting on 6 March 2018).

RECOMMENDATION

- It is recommended that the Minister:
 - **Endorse** the appointment of Cr Peta MacRae to the Riversleigh Community and Scientific Advisory Committee (RCSAC) as representative of the Mount Isa City Council.
 - **Sign** the attached letter to the Premier seeking approval to appoint Councillor Peta MacRae to the RCSAC (**Attachment 1**) and include details of Committee members (**Attachment 2**).
 - **Sign** the letter of appointment to Councillor MacRae (on receipt of the Premier's approval), (**Attachment 3**) and **include** the Terms of Reference for the Committee (**Attachment 4**).

BACKGROUND

- The RCSAC provides advice to the Queensland and Commonwealth Ministers and managing agencies, on the presentation and conservation of the Australian Fossil Mammal Sites - Riversleigh World Heritage area, located within the Mount Isa Local Government Area.
- The RCSAC includes membership of a representative of Mount Isa City Council and the council's previous nominee, Ms Angi Matveyeff, resigned from the RCSAC on 7 August 2017 (ref CTS 23084/17).
- The Queensland Cabinet Handbook instructs that "*Ministers are required to raise all proposed appointments, regardless of whether they are significant or not, with the Premier in writing before the appointments are made*" (p.54).

KEY ISSUES

- On 19 September 2017 the Mount Isa City Council nominated Councillor Peta MacRae to take the place of Ms Matveyeff as an Advisory Committee member (ref CTS 26760/17) and Councillor MacRae is recommended for appointment.
- In line with the requirements of the Queensland Cabinet Handbook, the Premier is to be provided with details of existing, proposed and outgoing members of government bodies, including the new member's Curriculum Vitae (part of **Attachment 2**).
- Also in line with these requirements, appropriate background checks have been undertaken and Councillor MacRae has completed an *Appointment to Government Body – Personal Particulars* form which identified no concerns that would preclude her appointment.

PUBLIC COMMITMENTS

- This brief does not relate to an election commitment.
- Under the Intergovernmental Agreement on World Heritage, the State is responsible for the appointment of a property-specific Advisory Committee for each World Heritage listed site, with members appointed by the responsible Queensland Minister.

FINANCIAL IMPACTS

- Under a contractual agreement between the Queensland and Australian Governments the Advisory Committees and their Executive Officers are funded by the Australian Government.

COMMUNICATIONS/MEDIA OPPORTUNITIES

- N/A

FUTURE STEPS

- Following approval of the Premier, the Minister is requested to forward the attached letter of appointment to Councillor MacRae (**Attachment 3**) and include the Committee terms of reference (**Attachment 4**).
- Opportunities for the Minister to open the next, or a future, meeting of the RSCAC will be included in the media forward timetable.

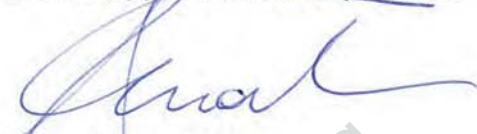
Endorsed



Jamie Merrick
Director-General

12/1/18

Noted / Approved / Not Approved



Leeanne Enoch MP
(or Chief of Staff on behalf of)
**Minister for Environment and the Great
Barrier Reef, Minister for Science and
Minister for the Arts**

15/01/18

Minister or Director-General comments

Media release required: Yes ☐ No ☒

Electorates: Traeger



Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts

Ref CTS 33039/17

16 JAN 2018

1 William Street Brisbane Qld 4000
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone +61 7 3719 7140
Email environment@ministerial.qld.gov.au

The Honourable Anastacia Palaszczuk MP
Premier and Minister for Trade
PO Box 15185
CITY EAST QLD 4002

Dear Premier

In accordance with the Queensland Cabinet Handbook, I am writing to seek your endorsement for the appointment of Councillor Peta MacRae, as member representing the Mount Isa City Council, to the Riversleigh Community and Scientific Advisory Committee (RCSAC).

Under the Intergovernmental Agreement on World Heritage, the State is responsible for the appointment of a property-specific Advisory Committee for each World Heritage listed site. The role of RCSAC is to provide advice to the Australian and Queensland Government Ministers responsible for World Heritage, and to the management agencies on matters relating to the conservation and presentation of the values of the Australian Fossil Mammal Sites – Riversleigh World Heritage property.

A personal particulars form has been completed by Councillor MacRae and there were no reasons declared by the proposed nominee as to why they should not be appointed to the RCSAC. The proposed appointee is not listed on the Queensland Register of Lobbyists. Details of existing, proposed and outgoing members, including their brief biographies, is included in Enclosure 1.

The RCSAC has been in place for over a decade due to a long standing agreement between the Queensland and Australian Governments, with funding of the property Executive Officer and Committee operational costs provided by the Australian Government. Committee members are entitled to receive reimbursement for reasonable out-of-pocket and travel expenses associated with attending meetings and special assignments. The term of Councillor MacRae's appointment will align with the existing Committee term and will end on 16 October 2019.

If you require any further information, please contact Ms Narelle Sutherland, Acting Director, Conservation Biodiversity Programs, Department of Environment and Science by email at narelle.sutherland@ehp.qld.gov.au or on telephone (07) 3330 5827.

Yours sincerely

Leeanne Enoch MP
**Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts**

Subject Stop Work Order Request in Response to Two
Development Applications in Lutwyche, Brisbane -
A004628058 and A004756525.

Approval required by: 16/01/18

RECOMMENDATION

- It is recommended that the Minister:
 - **note** the stop work order request from Mr Jonathan Fisher, Chief Executive Officer, National Trust of Australia (Queensland) (NTA(Q)) in response to two development applications in Lutwyche, Brisbane - A004628058 and A004756525 (**Attachment 1**)
 - **note** that the Department of Environment and Science (DES) advises that the request for the stop order is outside the scope of the *Queensland Heritage Act 1992* (Heritage Act) stop order provisions
 - **decide** not to make a stop order as requested by Mr Fisher
 - **sign** the reply letter to Mr Fisher (**Attachment 2**).

BACKGROUND

- On 22 December 2017, Mr Fisher wrote to the Minister requesting a stop work order be issued for Brisbane City Council (BCC) development applications A004628058 and A004756525 in Lutwyche, Brisbane.
- Development application A004628058 was made on 13 April 2017 and was for material change of use and building works for a retirement facility—the approval was granted for material change of use only (approved on 18 October 2017).
- Development application A004756525 was made on 25 September 2017 and was for the demolition of an outdoor sports and recreation, education establishment and the partial demolition and relocation of a pre-1911 dwelling (approval pending).
- Mr Fisher has requested the stop work order on the basis that he believes the proposed eight-storey retirement facility development will have an unacceptable level of impact on the heritage significance of the state heritage-listed 29 Conon Street, Lutwyche (Conon).
- The stop order request also highlights that development application A004628058 is code assessable and not impact assessable, therefore no public notification was undertaken and argues that the stop order is required to allow for public consultation.

KEY ISSUES

- The stop work order provisions in the Heritage Act provide for an order to be issued to stop unauthorised work to a state heritage place or to stop a place of potential state heritage significance being destroyed.
- Under section 154 of the Heritage Act, the Minister may make an order to stop work or an activity at a place that is not a state heritage place, if satisfied on reasonable grounds that:
 - a place is likely to satisfy one or more of the cultural heritage criteria and the work, or
 - the activity would destroy or substantially reduce the cultural heritage significance of the place.
- As the stop work order request from Mr Fisher is outside the provisions set out in the Heritage Act, the Minister has no legal basis to issue a stop order.
- Under Part 8, Division 2, Subdivision 1, section 15(2) of the Planning Regulation 2017 (Planning Regulation), assessment of development on land adjoining a state heritage place applies to material change of use applications only. The development proposed in development applications A004628058 and A004756525 does not adjoin the heritage register boundary for Conon and was code assessable (**Attachment 3**).
- The proposed eight-storey retirement facility will have a significant detrimental impact on Conon and measures should be taken by BCC to minimise and mitigate the impact.

- There is value in DES working with the owner to review the current heritage register entry and boundary to ensure it adequately captures the heritage significance of the site.

ELECTION/CABINET/PUBLIC COMMITMENTS/LEGISLATION

- This brief does not relate to an election commitment.

FINANCIAL IMPACTS

- N/A

CONSULTATION

- In November 2017, heritage officers of DES were contacted by Dr John Slaughter (Conon owner) regarding his concerns about the impact of the proposed retirement facility development on Conon.
- Ms Fiona Gardiner, Heritage Director, DES provided a letter of support for Dr Slaughter to include in his submission to the BCC.
- Heritage officers have also explained to Dr Slaughter and NTA(Q) officers that the proposed retirement facility development does not adjoin the heritage register boundary of Conon. Therefore, it does not trigger clause 15(2) of the Planning Regulation and the Minister is unable to issue a stop work order for the development.

COMMUNICATIONS/MEDIA OPPORTUNITIES

- A media release on behalf of the Minister was issued on 23 December 2017 in response to media enquiries from Nine News, Brisbane and ABC Radio Brisbane.
- Both media organisations ran stories about the NTA(Q)'s request for the State Government to issue a stop work order for a development proposed next to Conon on 23 December 2017.

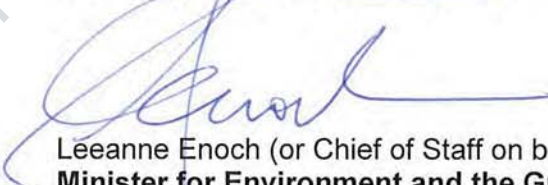
FUTURE STEPS

- DES heritage officers will offer to work with Dr Slaughter to undertake a review of the Heritage register entry, including the boundary of Conon.

Endorsed


 Jamie Merrick
 Director-General
 12/1/18

Noted / Approved / Not Approved


 Lëanne Enoch (or Chief of Staff on behalf of)
 Minister for Environment and the Great
 Barrier Reef, Minister for Science and
 Minister for the Arts
 16/1/18

Minister or Director-General comments

Media release required: Yes ☐ No ☒

Electorate: Clayfield

22 December 2017

Ms Leanne Enoch
Minister for the Environment and the Great Barrier Reef
GPO Box 2454
BRISBANE QLD 4001
environment@ministerial.qld.gov.au

Dear Ms Enoch,

Re: Request for a Stop Order under *Queensland Heritage Act, 1992*

The National Trust of Australia (Queensland) requests that you make a Stop Order, under Division 3, Section 154, of the *Queensland Heritage Act, 1992* for two approved development applications at Lutwyche, Brisbane (DA #A004628058 and DA #A004756525). The two Development Applications relate to the property addresses of:

- 32 LAURA ST LUTWYCHE QLD 4030;
- 33 LAURA ST LUTWYCHE QLD 4030;
- 36 LAURA ST LUTWYCHE QLD 4030;
- 36A LAURA ST LUTWYCHE QLD 4030;
- 37 LAURA ST LUTWYCHE QLD 4030;
- 39 LAURA ST LUTWYCHE QLD 4030;
- 30 THALIA CT CORINDA QLD 4075; and
- 39 LOWERSON ST LUTWYCHE QLD 4030.

We request a Stop Order be placed on the development to prohibit work from starting for the stated activity contained in the two Development Applications.

The proposed activity at the site, which is owned by Retire Australia Pty Ltd, comprises an 8-story retirement facility which will have an unacceptable level of impact on the heritage significance of the nearby property Conon.

The National Trust of Australia (Queensland) believes that Brisbane City Council's method of approving this development via code assessable development and involving no notification or public consultation should not have occurred and we recommend that a Stop Order be made by the Minister to allow time for impact assessment, consultation and subsequent sympathetic re-design of the retirement village.



National Trust of Australia (Queensland) is dedicated to the protection, conservation and celebration of environmental, built and cultural heritage.

Brisbane Office: 19/25 Mary Street, Brisbane, QLD 4000 | Tel: + 61 7 3223 6666
E: heritage@nationaltrustqld.org | W: nationaltrustqld.org.au/qld
ABN 85 836 591 486 | Charity Number CP5350

The following letter sets out the background to the proposed works and the National Trust of Australia (Queensland's) position in more detail.

Significance of Conon

Conon is listed on the following heritage registers:

- Register of the National Trust of Australia (Queensland);
- Schedule 1 (Heritage Register) of the Brisbane City Plan;
- Queensland Heritage Register; and
- The former Register of the National Estate.

The property is one of the earliest surviving houses in Brisbane and is uniquely set within a large garden setting. The Queensland Heritage Register citation for Conon recognises its significance as follows:

Criterion A: The place is important in demonstrating the evolution or pattern of Queensland's history.

Conon is significant historically as **one of the earliest houses in the Lutwyche area (our emphasis)** demonstrating the housing type of that time and of first wave of residential construction in the area. Evidence of later changes and additions to the house are clearly apparent in the surviving fabric.

Criterion B: The place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage.

Conon has significance as a rare survivor of an 1860s house with an early garden in Brisbane. **The scale of the garden and the setting of the house within the more recent suburban fabric of Lutwyche adds to that significance(our emphasis).**

Criterion D: The place is important in demonstrating the principal characteristics of a particular class of cultural places.

The early core provides important evidence of mid-19th century masonry construction. In its present form it exemplifies the evolving house, extending from a modest mid-19th century core into a substantial late-19th century residence, with a cohesive and intact front façade. The changes reflect the changing fortunes and expectations of its original and later owners.



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Criterion E: The place is important because of its aesthetic significance.

Conon sits within a substantial garden which makes a major contribution to the aesthetic significance of the place. The site is surrounded by later suburban houses but the house and its garden retain a nineteenth century ambience. More recent development is not apparent from within the site and outward views are protected (our emphasis).

Criterion H: The place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history.

Conon is significant for its association for almost 70 years with the McLennan family, who played an important role in the development of Brisbane in the second half of the 19th century and for its later association with Neil O'Sullivan, at one time Federal Attorney General.

Background to the Development

In November 2005, Brisbane City Council released the Draft Lutwyche Road Corridor Neighbour Plan. The provisions within the plan had potential to heavily impact on the heritage significance of Conon. Numerous submissions were made at the time, including (but not limited to):

- The National Trust of Australia Queensland;
- Dr and Mrs Slaughter (owners of Conon);
- Garden History Association; and
- Windsor Historical Association.

Letters of reassurance were written to the owners stating that the significance of Conon would be amply provided for in the Plan. These letters were from:

- Graham Quirk, Deputy Mayor Brisbane City Council; and
- Stirling Hinchliffe MP, Minister Infrastructure and Planning (both letters attached).

Mr Stirling Hinchliffe's letter in particular stated that:

All development (other than a house) adjoining the Conon to be **subject to impact assessment**.

The Queensland Heritage Register for Conon was based on the size of the landholding at the time of listing. The owners subsequently purchased an adjoining block, which was originally part of the Conon Estate and contain rare and significant elements of the place (specifically the original grass lawn court).



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The new block, part of the original estate and directly adjoining the proposed development, was not included in the Queensland Heritage Register listing as it was not in common ownership at the time of listing in 1992. An attached letter from Fiona Gardiner, Director of Heritage for the Department of Environment and Heritage states that:

If the heritage listing boundary was being considered now it would certainly include the tennis court, as original nineteenth century lawn tennis courts are significant and extremely rare in Queensland.

The Development

Earlier this year, Brisbane City Council approved via Code Assessable Development the proposed 8-storey retirement village on the property adjoining Conon. Unfortunately, heritage provisions were not triggered because the QHR listed boundary is not "adjacent" to the development site (under the Heritage Act, it has to be adjacent for the development to impact assessable). The grass lawn court has an adjoining boundary – but because it was owned by someone else when the QHR listing took place, it was not included in the heritage listed boundary.

Because the development was considered code assessable, there was no public notification of the project and the owners of Conon were not informed, nor were any other adjoining neighbours. There was no Statement of Heritage Impact prepared, thus the development was not designed to be sympathetic to Conon.

The development comprises a very large 8-storey retirement facility (see attached design drawings) with most of the bulk and height on the side adjoining Conon. It will be clearly visible from inside the house and from within the grounds. It will tower behind the main elevation of Conon and significant views within the garden will be lost and overshadowed.

Fiona Gardiner, in her letter (attached) further states that:

The 8-storey height of the proposed retirement facility will have significant detrimental impact on the Conon and every measure should be taken to minimise and mitigate the impact.

The following drawings, prepared by Allom Lovell in 2008, illustrate the visual impact of an 8-storey development adjacent to Conon.



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Figure 1: Visual impact of an 8-storey building with an insufficient setback from Conon.



Figure 2: Visual impact of an 8-storey building with an insufficient setback and no steeped design.



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Recommendations

The National Trust of Australia (Queensland) encourages careful development with good design - we showcase the results of this with our annual Heritage Awards. We understand that most developments are balancing a myriad of issues and constraints and we welcome a collaborative approach with developers to assist with refining their designs so that the significance of our heritage is not adversely impacted by development.

We are not opposed to a retirement facility being built on the proposed site. However, we believe that the proposed development should have been impact assessable so that the significance of Conon and its setting is retained and not negatively affected.

We request the Stop Order be prepared with the aims of:

- A thorough and robust Heritage Impact Statement be prepared by a qualified and suitably experienced heritage consultant;
- Community consultation be undertaken;
- A re-design of the project occurs, post Impact Statement, which provides an adequate buffer between the development and Conon and which steps the development back from the common boundary, so that the higher levels are further away from the significant setting and view lines.

We look forward to your response. Please do not hesitate to contact me should you wish to discuss this request in more detail.

Yours sincerely,

Sch 4 - Signatures

Jonathan Fisher
Chief Executive Officer

Cc'd:

- Minister for Planning
- Brisbane City Council Lord Mayor
- Councillor Fiona King, Marchant Ward
- Brisbane City Council Director of Planning
- Chair - Queensland Heritage Council

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- Director Heritage – Department of Environment and Heritage Protection
- Director – Australian Institute of Architects, QLD Chapter
- President Australia ICOMOS
- Dr and Mrs Slaughter
- President – Royal Historical Society of Queensland

Attachments:

- Letter - Graham Quirk, Deputy Mayor Brisbane City Council;
- Letter - Stirling Hinchliffe MP, Minister Infrastructure and Planning;
- Letter – Fiona Gardiner, Director Heritage, Department of Environment and Planning.



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Department of
**Environment and
Heritage Protection**

Ref 600346

15 November 2017

Development Services
Brisbane City Council
GPO Box 1434
Brisbane Qld 4001

Development Services

I write in support of the submission of Dr John Slaughter of *Conon* 29 Conon Street Lutwyche in relation to development applications A004628058 and A004756525.

Conon is an extremely rare house dating from the 1860s, sitting within a garden that retains its nineteenth century character. *Conon* is one of the earliest houses in the Lutwyche area and demonstrates the pattern of development of Queensland's history. The historical, aesthetic, architectural and social significance of *Conon* has been publicly recognised since 1982 when it was listed by the National Trust of Queensland. *Conon* is a state heritage place and was entered into the Queensland heritage register in August 1992, at the commencement of the *Queensland Heritage Act 1992*. The cultural heritage significance of *Conon* to the State of Queensland is demonstrated by it meeting five of the cultural heritage criteria being A, B, D, E and H.

The aesthetic significance (criterion E) of *Conon* relates to it being a nineteenth century suburban villa in a garden setting and the statement of significance states:

Conon sits within a substantial garden which makes a major contribution to the aesthetic significance of the place. The site is surrounded by later suburban houses but the house and its garden retain a nineteenth century ambiance. More recent development is not apparent from within the site and outward views are protected.

In my experience it is very rare for both the inward and outward views of a property to be recognised as part of a statement of significance.

Dr and Mrs Slaughter have been outstanding custodians of *Conon* for over 40 years and they have conserved and maintained both the house and the garden. They have worked assiduously to reclaim and reinstate the garden and retain its nineteenth century ambiance. The heritage listing boundary for *Conon* was determined in 1992 and does not include the original tennis court to the north of the house, which was not in the ownership of Dr Slaughter at the time. If the heritage listing boundary was being determined now it would

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400 George Street Brisbane
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certainly include the tennis court, as original nineteenth century lawn tennis courts are significant and extremely rare in Queensland.

In this circumstance the trigger of material change of use on land adjoining a state heritage place would have applied and submissions would have been able to be made in relation to the retirement facility. The eight storey height of the proposed retirement facility will have a have significant detrimental impact on *Conon* and every measure should be taken to minimise and mitigate the impact.

Should you have any further enquiries, please do not hesitate to contact me on telephone 3330 5873.

Yours sincerely

Sch 4 - Signatures

Fiona Gardiner
Director Heritage



OFFICE OF THE
LORD MAYOR
Brisbane

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157 Ann Street
Brisbane 4000
Tel 07 3403 4400
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LORDMAYOR@brisbane.qld.gov.au
Postal
GPO Box 2287
Brisbane Qld 4001 Australia

11 June 2010

Dr John Slaughter
Alexandra
201 Wickham Terrace
BRISBANE QLD 4000

Dear Dr Slaughter

Thank you for your letter of 17 May 2010 about your property at 29 Conon Street, Lutwyche.

Council is aware of the heritage significance of *Conon* and will ensure that this is appropriately acknowledged during the planning process.

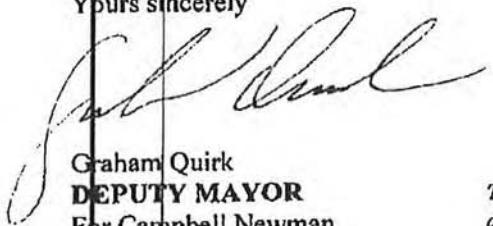
Council received two submissions made on your behalf during the Public Notification period in November-December 2009. These have been considered together with other submissions received during that period. I am told that after a review of the issues raised in your submissions, Council elected not to make any changes to the plan. Council officers are of the opinion that the current provisions within the draft plan, in addition to existing local and Queensland Government controls, will adequately respond to the heritage and amenity values of *Conon*.

I also wish to reassure you that eight story buildings are not allowed immediately adjacent to *Conon*. This is because the site is outside the Lutwyche Centre precinct, and provisions in the plan require development to 'step down' to land outside a precinct. *Conon* was removed from the growth precinct specifically to address concerns raised on your behalf by Allom Lovell in June 2008. Additionally, development of eight stories can only be achieved under the Neighbourhood Plan on properties exceeding 3500m², which excludes much of the land immediately surrounding *Conon*.

I would like to take this opportunity to let you know that Council is anticipating the gazettal of the Lutwyche Road Corridor Neighbourhood Plan within three months and, at that point, it would become part of City Plan 2000.

Thank you for writing to me with your concerns.

Yours sincerely


Graham Quirk
DEPUTY MAYOR
For Campbell Newman
LORD MAYOR

The Lord Mayor is currently away from the office and has asked that I sign on this occasion to avoid further delay.

Ref: LM 5824-2010



Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts

Ref CTS 00034/18

1 William Street Brisbane Qld 4000
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone +61 7 3719 7110
Email environment@ministerial.qld.gov.au

17 JAN 2018

Mr Jonathan Fisher
Chief Executive Officer
National Trust of Australia (Queensland)
19/25 Mary Street
BRISBANE QLD 4000

Dear Mr Fisher

Thank you for your letter of 22 December 2017 requesting a stop work order for development applications A004628058 and A004756525 submitted to the Brisbane City Council.

I appreciate the interest that the National Trust of Australia (Queensland) (NTA(Q)) takes in ensuring Queensland's cultural heritage is conserved. I would also like to acknowledge the ongoing work of NTA(Q) in raising issues that affect the owners of heritage properties.

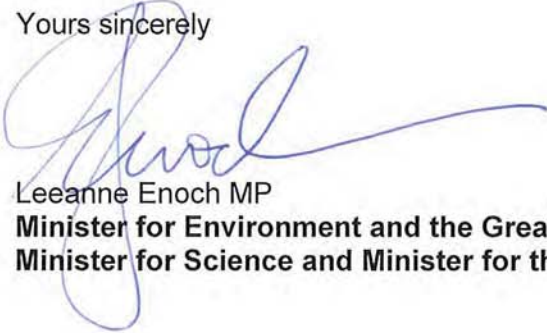
I have decided not to make a stop work order for the proposed development under the above-mentioned development applications. The stop work order requested is outside the provisions set out in the *Queensland Heritage Act 1992* (Heritage Act). These stop work order provisions are to stop unauthorised work to a state heritage place or to stop the destruction or substantial reduction of a place of potential state heritage significance.

The proposed development of an eight storey retirement facility is not occurring immediately adjacent to 29 Conon Street, Lutwyche Conon. As such, the proposed development did not trigger section 15(2), assessable development—development on or adjoining a Queensland heritage place of the Planning Regulations 2017.

I am advised that the boundary of Conon could be reviewed and potentially extended to capture the significance of the broader site. A larger heritage register boundary may provide better protection in the future for Conon and possibly reduce the impacts of any future adjoining development. I have requested that heritage officers from the Department of Environment and Science work with the owners of Conon, to review the current Queensland heritage register entry and boundary.

If you require any further information, please contact Ms Fiona Gardiner, Director, Heritage, Department of Environment and Science by email at fiona.gardiner@ehp.qld.gov.au or on telephone (07) 3330 5873.

Yours sincerely

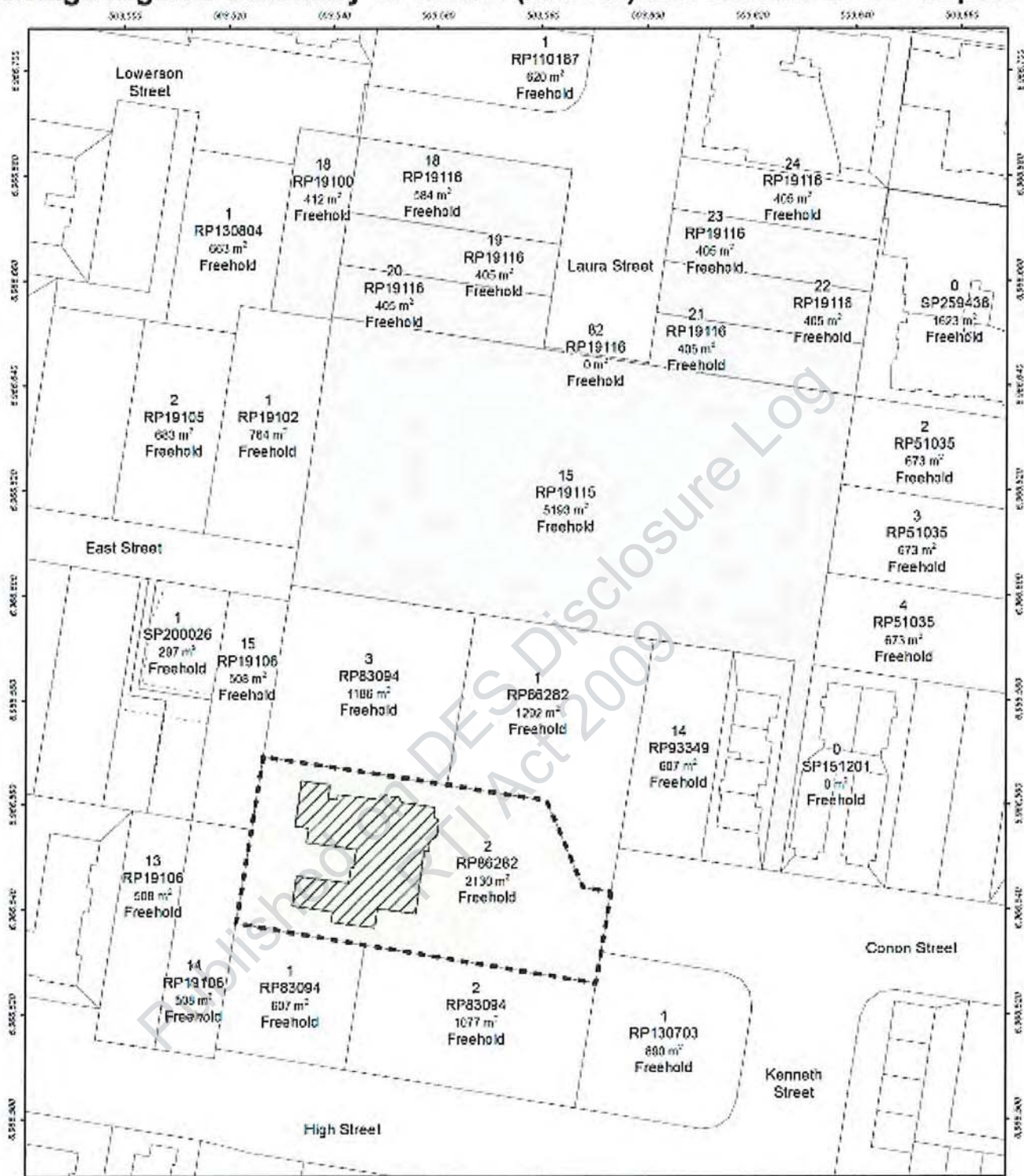
A handwritten signature in blue ink, appearing to read 'Leeanne', with a long horizontal flourish extending to the right.

Leeanne Enoch MP

**Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts**

Published on DES Disclosure Log
RTI Act 2009

Heritage register boundary of Conon (600346) and the site of development



0 15 30 45 60 Meters

1:1,000

Map 1

Map Projection: Transverse Mercator (MGA) zone 58

Horizontal datum: Geocentric Datum of Australia 1984 (GDA84)

Map Production: Heritage, Department of Environment and Heritage Protection 2 January 2018

Accuracy Statement: Due to varying source, accuracy or currency of data layers used in this map, the spatial locations of features may not coincide when overlaid.

Disclaimer: This map has been produced for the purposes of information and discussion. While the map has been prepared with care, neither the Queensland Government nor the Department of Environment and Heritage Protection or its officers or its staff, accept any liability for any decisions or actions taken by individuals or organisations on the basis of this map.

Heritage boundary overview

Legend

Heritage register boundary

Building footprint

Site of development

Cadastre

Parcel

Easement



Queensland Government

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SECURITY CLASSIFICATION: UNCLASSIFIED

DOT POINT BRIEFING NOTE – MINISTER

Protection of koalas

Points of relevance

- **Point 1** – The Queensland Government remains focused on reducing excessive tree clearing. In the 2017 election, the government committed to introducing legislation to protect remnant and high conservation value non-remnant vegetation. This will have benefits for wildlife including koalas, climate and the Great Barrier Reef.
- **Background:** In 2015, the Government committed to reinstating vegetation management laws to save the Great Barrier Reef, and to reduce carbon emissions. In March 2016, the Government introduced the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 (the Bill) into Parliament which would have prohibited broadscale clearing of remnant vegetation for high value and irrigated high value agriculture, and re-regulated the clearing of high value regrowth vegetation on freehold and indigenous land. The Bill was defeated in Parliament.
- **Point 2** – The Queensland Government will continue to protect significant habitat areas throughout South East Queensland through the *Planning Act 2016*.
- **Background:** Queensland has the strongest koala habitat protection legislation in Australia. Significant koala habitat areas are already protected through the *Planning Act 2016*. Where koala habitat is permitted to be cleared, habitat trees must be offset at a ratio of 3 new trees for every one removed as per the *Environmental Offsets Act 2014*.
- **Point 3** – The Queensland Government will work with stakeholders on implementing the recommendations an independent Koala Expert Panel report.
- **Background:** The Koala Expert Panel was appointed in 2016 to provide recommendations to Government on the most appropriate and realistic measures to reverse the decline in the koala populations in Queensland. These recommendations will be used to inform and implement a new koala conservation strategy.
- **Point 4** – The Queensland Government will finalise and implement updated koala habitat mapping for South East Queensland based on applying improved modelling techniques to new survey data and updated mapping.
- **Background:** The Department of Environment and Science is currently finalising a year-long remapping project involving updated data from surveys, consultation with local governments and robust modelling methodology which considers threats and future opportunities for koala populations.
- **Point 5** – The Queensland Government will continue to review and improve koala related policies under the *Nature Conservation Act 1992*. These policies relate to the safety and wellbeing of koalas such as the releasing of rehabilitated koalas back into the wild, translocation and sequential clearing.
- **Background:** The Koala Expert Panel identified that improvements need to be made to certain policies that govern koala welfare and conservation issues. Several policies are undergoing preliminary reviews to ensure they will promote best practice koala conservation.

SECURITY CLASSIFICATION: UNCLASSIFIED

DOT POINT BRIEFING NOTE – MINISTER

CONFIDENTIAL – FOR MINISTER’S INFORMATION ONLY

The final report of the Koala Expert Panel has yet to be publicly released. Refer to CTS 00564/18.

Published on DES Disclosure Log
RTI Act 2009

SUBJECT: Proposed Wangetti Trail

Points of relevance

- The proposed Wangetti Trail is a multi—use trail linking between Cairns and Port Douglas, covering approximately 76 kilometres (6 days walking, 2-3 days mountain bike riding) and estimated to cost in the order of \$20 - \$30 million to construct.
- The majority of the proposal is in the Macalister Range National Park, which is on Queensland Parks and Wildlife Service (QPWS) estate, and includes parts of the Wet Tropics World Heritage Area.
- The key drivers behind the project are the Cairns Regional Council (CRC) and Douglas Shire Council (DSC) (the proponents), who through a \$50,000 funding from the Federal government last year commissioned a Concept Plan.
- It is also understood that Mr Daniel Gschwind, CEO of the Queensland Tourism Industry Council, has petitioned strongly for support for the project.
- The Concept Plan provided a broad picture of the Wangetti Trail, without details of the exact location of the track or how it will be managed, and with many unexplored issues around tenure, Wet Tropics World Heritage approvals, Native Title, management structure, funding and ongoing maintenance responsibilities.
- The proponents are currently seeking funding estimated at \$900,000 to undertake a full feasibility and design investigation.
- Funding for trail construction is estimated between \$21 million (Concept Plan) to \$30 million (QPWS estimate) has not been resolved at this stage.
- It is highly likely that the proponents will approach the state government for capital funding support.
- Possible State government funding options for consideration:
 - Sport and Recreation Services (SRS - Department of Housing and Public Works) offers grants up to \$1.5 million under the Get Playing Plus Program, which is scheduled to open again in February 2019.
 - Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) may have opportunities for the proponents to apply for infrastructure grant funding under the Maturing the Infrastructure Pipeline Program.
 - QPWS (Department of Environment and Science) could consider partial capital funding in the development of its annual capital works program, noting however that this program is currently overcommitted and would be assessed against state-wide priorities.
- A concept stakeholder meeting is scheduled in Cairns on Thursday 18 January 2018 to discuss the next stage of the project and potential funding sources.
- Meeting attendees include:
 - Ms Cynthia Lui MP, Member for Cook.
 - Mr Michael Healy MP, Member for Cairns.
 - Mr Daniel Gschwind, CEO of the Queensland Tourism Industry Council, Queensland's peak tourism industry body with more than 3,000 regional members.
 - Mr Glen Jacobs, Director, World Trail Pty Ltd.
 - Mr Dylan Jefferies, World Trail Pty Ltd.
 - Mr Denis Donaghy, Director, Destination Cairns Marketing Pty Ltd.
 - Mr Martin Lambert, Director, Otium Planning Group Pty Ltd (representing CRC and DSC).
 - Mr James Newman, Executive Director, Northern Parks and Forests, QPWS.
 - Ms Alison Webb, Regional Director, Northern Region, QPWS.
 - Mr Ian Lowth, Regional Manager, Far North, SRS.

Risks

- Funding for both the track construction (estimated \$20 - 30 million) and annual maintenance (estimated \$1.3 - \$2.6 million annually) have not been addressed.
- The proposed indicative alignment and construction parameters of the track cross multiple tenures, resolution of which could take many years.
- The proposed trail crosses over the highway at several points, meaning safe egress will need to be addressed.
- An appropriate management regime will need to be determined, given the multi-tenure arrangement, which could be a single agency model or a partnership management model.

DOT POINT BRIEF – MINISTER

- Clarification is required over user fees, bookings and revenue opportunities associated with the trail and how these could be imposed over a multi-tenure arrangement.
- Addressing Native Title and cultural heritage matters will be critical.
- Wet Tropics Management Authority (WTMA) approval will be required, given a large part of the proposed trail is within a world heritage area.
- Given the scale of the proposal and likely public interest, the development will, or is likely to have a significant impact on world heritage values which will also trigger a detailed assessment under the Commonwealth's Environment Protection and Biodiversity Conservation Act.
- The concept plan suggests that there will be private accommodation opportunities in the national park, along with on-trail campsites for up to 200 people on elevated platforms and on-trail lodges designed and operated by private tourism operators. Ecotourism facilities on National Park require careful consideration and approvals under the *Nature Conservation Act 1992*.
- Maintenance of an extensive track network in high rainfall location, with steep terrain and remote access will present challenges.
- Ongoing maintenance costs are estimated by QPWS officers to be from \$1.3 million and \$2.6 million.
- It is critical that the management structure developed ensures that the operating model is self-sufficient, so that the maintenance costs of the track and associated infrastructure are not borne by the State.

Sch 4 - Deliberative Process

SECURITY CLASSIFICATION: UNCLASSIFIED

DOT POINT BRIEFING NOTE – MINISTER

Subject Brush-turkey

Points of relevance

- Sch 4 - Personal Information Warrego Crescent, Murrumba Downs, has concerns about a possible trip hazard from a brush turkey mound on an adjacent council property of Acacia Park. The paths in the Acacia Park are being littered with debris.
- Sch 4 - Personal Information claims that the brush turkey regularly visits her garden and destroys it.
- The Australian brush-turkey is a native animal protected in Queensland under the *Nature Conservation Act 1992* (the Act). It is illegal to interfere with a brush-turkey and or its breeding place without authorisation under that Act. The Act recognises in some situations human-wildlife conflict can arise, in which it may be necessary to manage wildlife to minimise damage or loss of property, or to protect human health or wellbeing.
- In those cases, the Act makes provision for the landowner or an agents to be issued with an authority (a damage mitigation permit) to remove and relocate native birds that are nesting on their property.
- The Department of Environment and Science's role as regulator of the wildlife sections of the Act is to assess and approve applications for damage mitigation permits to mitigate negative interactions with wildlife.
- Moreton Bay Regional Council as the landholder can decide if it wishes to take any action. If it did decide to act then it can either apply for a damage mitigation permit or employ one of the permitted commercial business under a fee for service arrangement.
- Applicants for a damage mitigation permit must be able to demonstrate that they have the necessary knowledge and experience to conduct this activity humanely. For more information about DMPs please visit <www.ehp.qld.gov.au/licences-permits/plants-animals/native_animal_management>.
- The department promotes community awareness about living with native animals, giving people the knowledge to safely coexist with birds. For more information please visit the department's website at <www.ehp.qld.gov.au/wildlife/livingwith/brushturkey>.

Department of Environment and Science

MINISTERIAL BRIEFING NOTE

SUBJECT: CONSERVATION MANAGEMENT ISSUES – Crocodiles and flying-foxes

☐ Approved ☐ Not Approved ☐ Noted ☐ Further information required (see comments)	Minister's Signature: _____ Date/...../..... Comments: _____
--	--

Action Required by: Monday 18 December

RECOMMENDATION

- It is recommended the Minister:
 - note** the following information.

ISSUES

Crocodiles:

- Estuarine crocodiles are protected native animals (classified as vulnerable under the *Nature Conservation Act 1992*) (NC Act) that are potentially dangerous.
- Crocodiles are managed under the Queensland Crocodile Management Plan (QCMP) which provides for the removal of all crocodiles in specific areas of high human use, and the removal of declared 'problem' crocodiles across their range.
- The Plan established six zones, from central to far north Queensland, and across the remainder of the state, and defines the management intent for each zone.
- The management intent is based on the likelihood and risk of interactions between crocodiles and people, and considers human activities in these areas.
- The other two elements of the QCMP are the CrocWise education program and the 3-year \$2.07m survey and monitoring program for crocodile population data and trends.
- The department acts to educate the public on how to be safe ('CrocWise') in crocodile habitat while managing potentially dangerous interactions between crocodiles and humans and ensuring the conservation of crocodiles in the wild.
- There is a ministerial CrocWise round table meeting held quarterly in north Queensland.
- A report card on the first year of the crocodile survey program will be completed by the end of 2017, which will summarise the key waterways surveyed and techniques employed and used to inform the development of population abundance and distribution trends over the coming two years.
- There is likely to be an increase in the sightings of crocodiles over the festive season as the number of people undertaking outdoor activities increases. Crocodile attacks gain significant coverage in the media, which influences the perception that crocodile numbers are increasing.
- The role of the department in relation to fatalities caused by crocodiles is to assist the Queensland Police Service with the retrieval of remains and the capture of the responsible animal. The department operates under an Incident Control system in such situations.

Flying-foxes:

- Flying-foxes can cause community concern as a result of their roosting in urban areas and predating on crops – generally fruit.
- Under the current flying-fox roost management framework local governments have an 'as-of-right' authority to manage flying-fox roosts (where flying-foxes camp and breed) within designated Urban Flying-Fox Roost Management Areas (UFFMAs) provided its actions are consistent with the *Code of Practice – Ecologically sustainable management of flying-fox roosts* (the Code) under the NC Act.
- Where a local council or landholder seeks to manage a roost outside an UFFMA a permit is required.
- Where flying-foxes are predating on crops, and non-lethal control methods are not successful, fruit growers can apply for a damage mitigation permit (DMP) for the lethal control of flying-foxes.
- About 200,000 little red flying-foxes began roosting at Charters Towers on 7 December 2017. The flying-fox population has since decreased and on 13 December 2017 was estimated at around 100,000 animals. Charters Towers' Lissner and Bicentennial Parks, Kennedy Regiment Swimming Pool and Kindergarten have been closed due to the influx of flying-foxes and the impacts of their noise and droppings. Mr Robbie Katter MP has been in the media several times asking for the State Government to take immediate action to decrease the flying-fox numbers in Charters Towers.
- A small percentage of flying-foxes carry the Australian Bat Lyssavirus (ABLV). ABLV is closely related but not identical to rabies virus, which causes a serious and usually fatal disease in humans.
- Queensland Health advises the low risk of contracting a virus can be reduced by avoiding any contact with flying-

foxes. In the rare event a person is bitten or scratched by a bat, there is a post-exposure vaccination to minimise the possibility of transmission of ABLV. DES does work with Queensland Health and the Department of Agriculture and Fisheries on ABLV matters as they arise.

- DES recently became aware of 14 spectacled flying-foxes from Port Douglas which were positively exposed to C3 ABLV. DES paid for the flying-foxes to be vaccinated.

BACKGROUND

Crocodiles:

- As at 14 December 2017, DES had received 662 crocodile sighting reports in 2017, with 77 estuarine crocodiles having been removed from the wild as follows: 22 from the Cairns Regional Council area, 22 from the Cassowary Coast, one from Yarrabah, four from Townsville, eight from the Douglas Shire, two from Mackay, six from Mareeba Shire, three from Hinchinbrook Shire, one from Livingstone Shire, one from Mornington Island, two from Weipa, three from Cook Shire, one from Northern Peninsula Area and one from Cloncurry Shire.
- In 2016, 594 crocodile sightings were reported to DES, with 80 crocodiles being removed from the wild – 54 from Cairns, seven from Douglas Shire, six from the Cassowary Coast, three from Townsville, three from Hinchinbrook Shire, and seven from other parts of the State.
- Crocodile sightings are reported to DES's CrocWatch number - 1300 130 372, and the department records and investigates all crocodile reports received. There is an officer on call 24 hours a day to receive calls.
- A fundamental study is underway with the Public Service Commission looking at people's views of crocodiles with an aim to eventually improve our CrocWise messaging.

COMPARISON TABLE - REMOVALS PER YEAR				
YEAR	Saltwater Crocodiles	Saltwater Crocodiles	Saltwater Crocodiles	Saltwater Crocodiles
	REMOVALS – Cairns Regional Council	REMOVALS – Cassowary Coast Regional Council	REMOVALS – Douglas Shire	REMOVALS - Total across State
2013	20	5	2	36
2014	35	10	2	62
2015	19	2	4	36
2016	54	6	7	80
2017 (current as at 14/12/2017)	22	22	8	77

Flying-foxes:

- DES is working with CSIRO on a little red flying-fox research project, which includes investigating requirements for alternative roost sites.
- Little red flying-foxes are being collared in Charters Towers to investigate where they go and why they go there.
- Recent results of this work suggest little red flying-foxes are nomadic and move long distances between roosts on a regular basis i.e. of five flying-foxes collared two weeks ago in Charters Towers, only one individual remains. The rest have travelled up to several hundred kilometres away to other roosts and feeding grounds.
- Flying-foxes use smell to identify each other and to communicate. There is a common misconception that the smell causes respiratory issues. Flying-fox roosts can also be noisy, especially if the roost is disturbed, so nearby residents may find it difficult to sleep.
- The Cairns library flying-fox roost has also been controversial and DES is currently assessing a development application to remove 15 trees from the Cairns CBD hotel grounds and the impact this will have on the flying-fox roost.

RISKS

- Nil

FINANCIAL IMPLICATIONS

- \$850,000 has been allocated for on ground work at Charters Towers following the CSIRO research. DES is currently investigating options for creating/restoring alternative roost sites around Charters Towers and working with the Charters Towers Regional Council (CTRC) to develop a Lissner Park Flying-fox Management Strategy. Some of the money will be spent on on-ground works in Lissner Park.

Author Name: Christine Armbruster Position: Admin Officer Tel No: 3330 5145 Date Drafted: 15/12/2017	Branch Endorsement Name: Rebecca Williams Position: ED, CBOB Tel No: 3330 5212 Date Endorsed: 18/12/2017	Division Endorsement Name: Nick Weinert Position: A/DDG CSS Tel No: 3330 5017 Date Endorsed: 18/12/2017	Director-General Endorsement Name: Jim Reeves, DG, EHP Tel No: 3330 6298 Signed Copy provided to Jim Reeves Date 18/12/17
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SECURITY CLASSIFICATION: UNCLASSIFIED
BRIEFING NOTE – MINISTER

Subject Crocodile Monitoring Program

Approval required by 19 January 2018

RECOMMENDATION

It is recommended that the Minister:

- **Note** this brief about the Department of Environment and Science's crocodile survey program.

BACKGROUND

- In early 2017, the Queensland Government introduced its enhanced Queensland Crocodile Management Plan (QCMP), delivering a program focused on removing 'problem' estuarine crocodiles from the wild while maintaining viable populations of these animals in the wild.
- The Department of Environment and Science's (DES) crocodile management program has three complementary components:
 - Crocodile management – including removal of problem animals from the wild based on their threat to people
 - Crocwise – public safety messaging about how to stay safe in Croc country
 - Crocodile monitoring – of estuarine crocodiles across their range over three years.
- In April 2017, DES embarked upon a three-year crocodile monitoring program that will determine the size distribution and abundance of the estuarine crocodile populations and changes over time and across their range.
- This is the most comprehensive crocodile monitoring program in Queensland for 15 years, with previous state-wide surveys occurring in 1979, 1984-89, 1994-98 and 2000-03.

KEY ISSUES

- The DES \$2.07 million, three-year crocodile monitoring program involves surveying of over 2000 km of waterways across some 50 river systems – from Maryborough in the south, northwards along the east coast, across Cape York Peninsula and into the Gulf of Carpentaria.
- The surveys involve vessel-based spotlighting and helicopter surveys in river systems which were previously surveyed.
- The results of these historical surveys will be compared with those of the current program and will allow crocodile population trends to be determined over time and across their range.
- In 2017, 1328 km of waterway, across 26 river systems, were surveyed by vessel-based spotlighting, and 925 km of waterway across 8 river systems (referred to as the Populated East Coast river systems) by helicopter between Port Hinchinbrook and the Daintree River.
- A report card suitable for release to the public on the 2017 survey will be prepared by the end of January 2018.
- In mid-2018, a more detailed project report including initial technical analysis of the 2017 survey data will be prepared for internal departmental use.
- As it will take three years to survey all of the designated rivers across Queensland and to analyse the results in relation to historical data, an analytical report on the results of the program will not be published until the end of the three-year program.

ELECTION/CABINET/PUBLIC COMMITMENTS/LEGISLATION

- This brief relates to a 2015 election commitment to review and improve the approach to crocodile management introduced by the LNP Newman Government.

• Sch 3 prov 2(1)(b)

FINANCIAL IMPACTS

- The survey program is fully funded.

COMMUNICATIONS/MEDIA OPPORTUNITIES

- There has been media interest in the survey to date and it is likely that there will be interest in the report card.

FUTURE STEPS

- Surveys will be conducted over the next two years to accurately determine the size, distribution, abundance and trends of the estuarine crocodile population in Queensland.

Endorsed



Tony Roberts
A/Director-General
(or Senior Director
on behalf of)
18/1/18

Noted / Approved / Not Approved

Leeanne Enoch (or Chief of Staff on behalf of)
Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts
/ /

Minister or Director-General comments

Electorates: coastal electorates north of Maryborough

KERRIDGE Andrea

From: JOHNSTON Peta
Sent: Tuesday, 9 January 2018 1:55 PM
To: DLO DES
Cc: TRACEY Alena
Subject: Requests: updated brief

Hi Andrea,

Please see request below from the A/CoS – can you please arrange for 3 separate ministerial briefs for noting to be prepared (I am assuming that the Environment division will look after these) and sent up for the DG/Minister by 19 January 2018.

Once DG has approved, I would like to see these before they go into the Minister's Office.

If you have any questions please let me know.
 Thanks

Peta Johnston
 Senior DLO
 Department of Environment and Science

From: Angus Sutherland [mailto:Angus.Sutherland@ministerial.qld.gov.au]
Sent: Tuesday, 9 January 2018 12:48 PM
To: Peta Johnston <Peta.Johnston@dsiti.qld.gov.au>
Subject: updated brief requests.

Hi Peta,

Can you organise for the department to provide updated briefs on the following please:

s.73 - Irrelevant Information

2. Crocodile survey – I understand that this is a three year survey but do we have an updated brief or interim results?

s.73 - Irrelevant Information

Happy to discuss.

Cheers
 Angus

Angus Sutherland
 Acting Chief of Staff
Office of the Hon. Leeanne Enoch MP

Minister for Environment and the Great Barrier Reef,
 Minister for Science and Minister for the Arts



Queensland
 Government

Sch 4 - Personal Information
 Angus.Sutherland@ministerial.qld.gov.au
 1 William Street Brisbane 4000 | GPO Box 5078 Brisbane QLD 4001

SECURITY CLASSIFICATION: UNCLASSIFIED

DOT POINT BRIEFING NOTE – MINISTER

Subject Sch 4 - Personal Information does not agree with the government's crocodile management strategy

Points of relevance

- Sch 4 - Personal Information contacted the Minister's office on 12 January 2018 at 3:11 pm with concerns about a dead crocodile in the Mulgrave River
 - o attracting other crocodiles to the area;
 - o a terrible smell from the decomposing crocodile; and
 - o the public safety issue of a number of crocodiles in the Mulgrave River.
- Department of Environment and Science (DES) wildlife officers previously spoke to Sch 4 - Personal Information by phone on 20 December 2017 following his call to Cairns City Council, and also called again at 11:45 am on 15 January 2018 to follow up his recent phone call to the Minister's office.
- Sch 4 - Personal Information concerns relate to a crocodile carcass reported to DES in early December 2017, in the Mulgrave River, that appeared to have been shot – this is currently under investigation by DES as an offence under the *Nature Conservation Act 1992*.
- Wildlife officers were unable to remove the crocodile carcass from the river at the time due to the highly advanced stage of decomposition presenting staff safety considerations around removing a very large crocodile that could fall apart.
- However they were able to carefully manoeuvre the carcass to an area away from the boat ramp (>1.5 km) and residences along the river, so that it could decompose naturally.
- Cairns-base wildlife officers have telephoned Sch 4 - Personal Information to explain to him why the carcass could not be removed from the water and also offered information about crocodile management in the Mulgrave River under the Queensland Crocodile Management Plan – that is, that the Mulgrave and Russell rivers are in Zone E (General Management Zone) under the Plan – meaning that any crocodile displaying dangerous behaviour is targeted for removal by the department.
- The presence of the crocodile carcass is unlikely to have attracted new crocodiles to the area from far away, but may have attracted resident crocodiles for one to two weeks – Sch 4 - Personal Information did not describe actually seeing other crocodiles at the carcass.
- It is unlikely that the carcass will now retain any material which would be edible to other crocodiles, given the carcass has been in the water for over a month.

Sch 4 - Personal Information

SECURITY CLASSIFICATION: UNCLASSIFIED

DOT POINT BRIEFING NOTE – MINISTER

Subject **Toondah Harbour / Ramsar** - nature and scope of proposal, relevance to portfolio, contentious issues, issues relating to bird life, issues relevant to local council.

Points of relevance

Ramsar site and Department of Environment and Science obligations

- Queensland has 5 internationally listed Ramsar wetland sites: Moreton Bay, Shoalwater and Corio Bays, Currawinya Lakes, Great Sandy Strait and Bowling Green Bay.
- The Commonwealth Government is the administering authority for the Ramsar Convention.
- The Queensland Government (through the Department of Environment and Science) is responsible for recommending Ramsar sites and preparing formal Ramsar documentation.
- The Ramsar Information Sheet describes the ecological character of a site and is used to assess impacts of proposed developments.
- The Moreton Bay Ramsar Information Sheet is being updated by the department so that the ecological character of the site is properly described.
- A draft document has recently been compiled and will be used to consult with relevant local government, Traditional Owners, technical experts and Queensland Government departments.
- The site includes habitat for the critically endangered Eastern Curlew.

Nature and scope of proposal

- The proposed Toondah Harbour development (by the Walker Group) is partly situated within the Moreton Bay Ramsar listed wetland site and is a Priority Development Area (PDA) under the *Economic Development Act 2012*.
- In August 2016 the Deputy Premier and then Minister sent a letter to the Commonwealth Minister for the Environment and Energy supporting the project.
- Departmental officers are working with Economic Development Queensland (within the Department of State Development, Manufacturing, Infrastructure and Planning), who are leading discussions with the Australian Government regarding Toondah Harbour.
- The project has been referred for assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* for significant impacts on listed threatened and migratory species and wetlands of international significance and deemed a controlled action. There will be an impact on some 50 ha from the Ramsar area as a result of the proposed development.
- As part of the assessment process, the Commonwealth Government may consider amending the Ramsar site boundary to accommodate the Toondah Harbour redevelopment.
- Any such boundary amendment is required to demonstrate that the change is in the 'urgent national interest' and that additional areas of habitat are included in the Ramsar site.
- The project is subject to an environmental assessment and this assessment will be available for public comment.
- Birdlife Australia met with Ministerial advisors in 2017 to discuss its report on Key Biodiversity Areas in Danger – highlighting the Toondah Harbour development in Moreton Bay as a significant threat to the critically endangered Eastern Curlew.

SECURITY CLASSIFICATION: UNCLASSIFIED

DOT POINT BRIEFING NOTE – MINISTER

Subject Climate Foundation: Marine Permaculture Proposal

- Dr Brian von Herzen and Mr Malcolm Prouse of the Climate Foundation met with Mr Jamie Merrick, Director-General, Department of Environment and Science (DES) and Ms Elisa Nichols, Executive Director, Office of the Great Barrier Reef on 11 January 2018.
- The Climate Foundation also briefed officers from the Great Barrier Reef Marine Park Authority, Department of Agriculture and Fisheries, Australian Institute of Marine Science and DES in meetings organised by the Biofuels team in the Department of State Development, Manufacturing, Infrastructure and Planning on 9 and 10 January 2018.
- The Climate Foundation presented its proposal for a research and development project to trial a marine permaculture array system in Queensland waters including the Great Barrier Reef.
- A marine permaculture array is a floating platform suspended in deep water. The macro-algae (seaweed) is attached to the platform and a pump structure sits beneath it to draw up cool, nutrient rich waters to grow the seaweed.
- The system is being trialled in international waters (the Indian Ocean) and won an Australian Aid Blue Economy Challenge in 2016.
- The Climate Foundation has obtained grant money to continue with its work and is seeking fund matching of up to \$5 million from other partners including the Queensland Government to enable the trialling of four additional sites, preferably in Australia.

Proposed Benefits

- Algae (for example, seaweed and plankton) farming is an effective way of sequestering carbon from the marine environment.
- Harvested seaweed is an important human and animal food source and can also be converted to liquid fertiliser, biofuel and nutraceuticals.
- Seaweeds can also be important fish habitat sites.
- The Climate Foundation contends that its marine permaculture system would support algal biotech in Queensland and leverage the research coming out of Queensland research institutes and universities on algae bioremediation.
- Additionally, the Climate Foundation suggests that the arrays could be dragged close to corals during an ocean warming event to utilise the cooling properties of the deeper waters and reduce or prevent bleaching and coral mortality.

Sch 4 - Deliberative Process

SECURITY CLASSIFICATION: UNCLASSIFIED

DOT POINT BRIEFING NOTE – MINISTER

Sch 4 - Deliberative Process

Published on DES Disclosure Log
RTI Act 2009

Subject Meeting of Environment Ministers (MEM) – Out of Session

Approval required by 20 January 2018

RECOMMENDATION

- It is recommended that the Minister:
 - **support all** the recommendations as proposed in the papers;
 - **note** the following information and attached detailed briefs (**Attachments 8,13,19**); and
 - **sign** the attached response forms (**Attachments 7,12,18**).

BACKGROUND

- The MEM is a national forum of relevant ministers from each state and territory, which meets on an ad hoc basis to consider cross-jurisdictional policy issues.
- The MEM negotiates national arrangements for particular policy or regulatory issues, which may have an impact on the state's policy approach and Queensland is normally represented at ministerial level.
- The Senior Officials Group (SOG) supports and precedes MEM meetings. The Director-General, Department of Environment and Science (DES); and Tony Roberts, Deputy Director-General, Environmental Policy and Planning Division, typically represent Queensland on SOG.
- The next MEM meeting is yet to be confirmed, but is proposed for either 13 or 19 April 2018.

KEY ISSUES

- A MEM was scheduled for 15 December 2017 but was cancelled at the request of the Commonwealth Minister. It was agreed by senior officials that these three items (**Attachments 8, 13, 19**) should proceed Out of Session in order to confirm and keep the work progressing.
- DES officials have previously advised the MEM Secretariat in Canberra that Queensland's response would be delayed due to the Queensland 2017 election.
- There are no particular issues of concern with the votes and DES is recommending Queensland support all of them, although there will be a need for continuing discussion with jurisdictions on the approach of the Commonwealth to management of per- and poly-fluoroalkyl substances (PFAS) risks on its own land.
- The most recent SOG meeting held on 21 November 2017 considered the issues and supported their progression for Ministerial approval.
- Attached are the Secretariat prepared agenda papers relating to each of the issues and a detailed departmental brief on each issue. There is also a response form the Minister will need to sign (**Attachments 7, 12, 18**); DES will return the form to the Secretariat to complete the voting process.
- The three issues covered are:
 - endorsing the public release of the **PFAS National Environmental Management Plan** (PFAS NEMP), the Guide to the PFAS NEMP and the PFAS NEMP Consultation Summary Report. Queensland has been actively involved in developing the PFAS NEMP and supports its release. The PFAS NEMP is currently referenced in, and expected to be appended to, the 'Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination', currently due for consideration by the Council of Australian Governments (COAG) at its next meeting;
 - supporting the finalisation of a strategy and action plan for a **common national approach to environmental-economic accounting** and its publication; and
 - noting progress on the development of a **national standard for environmental risk management of industrial chemicals**.

RISKS

- There are no risks associated with this brief. The PFAS and national chemicals projects are ongoing and the strategy and action plan for a common national approach to environmental-economic accounting will not impose mandatory requirements, but will advocate for consistency in approach and allow jurisdictions to participate as their capacity and interests allow.

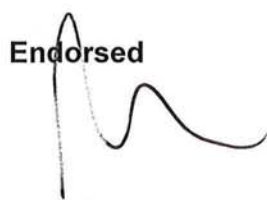
FINANCIAL IMPACTS

- Nil

ATTACHMENTS

- 1) MEM - OOS17 - 1 - PFAS – Agenda paper
- 2) MEM - OOS17 - 1 - PFAS – Attachment A
- 3) MEM - OOS17 - 1 - PFAS – Attachment B
- 4) MEM - OOS17 - 1 - PFAS – Attachment C
- 5) MEM - OOS17 - 1 - PFAS – Attachment D
- 6) MEM - OOS17 - 1 - PFAS – Attachment E - Agreed statement
- 7) MEM - OOS17 - 1 - PFAS – Attachment E - response form
- 8) MEM - OOS17 - 1 - PFAS – Attachment F - Department Brief
- 9) MEM - OOS17 - 2 - Environmental Economic Accounting– Agenda paper
- 10) MEM - OOS17 - 2 - Environmental Economic Accounting– Attachment A
- 11) MEM - OOS17 - 2 - Environmental Economic Accounting– Attachment B - Agreed statement
- 12) MEM - OOS17 - 2 - Environmental Economic Accounting– Attachment C - response form
- 13) MEM - OOS17 - 2 - Environmental Economic Accounting – Attachment D - Department Brief
- 14) MEM - OOS17 - 3 - COAG Chemical Reforms – Agenda paper
- 15) MEM - OOS17 - 3 - COAG Chemical Reforms – Attachment A
- 16) MEM - OOS17 - 3 - COAG Chemical Reforms – Attachment B
- 17) MEM - OOS17 - 3 - COAG Chemical Reforms – Attachment C - Agreed statement
- 18) MEM - OOS17 - 3 - COAG Chemical Reforms – Attachment D - response form
- 19) MEM - OOS17 - 3 - COAG Chemical Reforms – Attachment E - Department Brief

Endorsed



Tony Roberts
A/Director-General
(or Senior Director on behalf of)

19/1/18

Noted / Approved / Not Approved

Leeanne Enoch (or Chief of Staff on behalf of)
**Minister for Environment and the Great
Barrier Reef, Minister for Science and
Minister for the Arts**

/ /

Minister or Director-General comments

Media release required: Yes ☐ No ☒

Electorates: Statewide

SECURITY CLASSIFICATION: UNCLASSIFIED
BRIEFING NOTE – MINISTER

Subject **Final Decision on New Acland Mine Stage Three Expansion Project**

Approval required by 22 January 2018

RECOMMENDATION

It is recommended that the Minister:

- **Note** that a final decision on the environmental authority (EA) amendment application (the application) for the New Acland Coal Mine Stage Three Expansion Project (the project) is required to be made by a delegate from the Department of Environment and Science (DES) by 14 February 2018.
- **Note** that the decision will likely be subject to judicial review application regardless of whether the application is approved or refused.
- **Note** that in the event the application is approved, the EA will only take effect upon grant of the related mining leases. The subsequent decision regarding the approval or refusal of the related mining leases is required to be made by the Minister administering the *Mineral Resources Act 1989* (MR Act).

BACKGROUND

- New Acland Coal Pty Ltd (NAC) operates the existing New Acland Coal Mine, an open-cut, thermal coal operation located near the town of Acland, which is approximately 14 kilometres north-west of Oakey and 35 kilometres north-west of Toowoomba. The project proposes the expansion of the existing operation.
- The project was assessed through an Environmental Impact Statement (EIS) under the *State Development and Public Works Organisation Act 1971* and approved by the Queensland Coordinator-General on 19 December 2014.
- The project received approval from the Commonwealth Minister for the Environment and Energy under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) on 18 January 2017.
- DES approved the application and issued a draft EA on 28 August 2015, before it was subsequently referred to the Queensland Land Court where the matter was heard over a total of 99 days.
- On 31 May 2017, the Land Court handed down its recommendation to refuse the draft EA for the project and reject the associated mining lease applications.
- DES is now required to make a final decision to approve or refuse the EA amendment application for the project by 14 February 2018. This decision date cannot be extended.
- From 25 September 2017 through 3 January 2018, DES undertook a decision-making process to consider any relevant additional information and submissions. Legal advice determined the need for a stakeholder submission process to ensure natural justice is afforded to all stakeholders, including the proponent and the Land Court objectors.
- A total of 19 submissions were received during the submissions process. The process is now concluded and no further responses or submissions will be accepted by DES. This is to allow DES adequate time to consider the additional information and submissions.
- On 15 June 2017, NAC, the project's proponent, applied to the Supreme Court seeking judicial review of the Land Court's recommendation for refusal of the EA amendment application. The matter has been listed for a five day hearing from 1-23 March 2018.
- NAC's application seeks orders that the Land Court's recommendation be set aside and the matter be referred back to the Land Court for further consideration and determination.
- At the same time, NAC also applied to the Supreme Court for a stay of the Land Court's recommendation, however on 23 June 2017, the Supreme Court heard the stay application and declined to grant the stay.
- NAS has appealed the Land Court decision – due to be heard in March 2018.

KEY ISSUES

- The decision-making process established by DES has been the subject of criticism by some of the parties.
- The decision-making process places significant additional administrative burden on DES, due to the volume of additional material and submissions provided.
- Any party that is adversely affected by the final decision may seek judicial review of the decision under the *Judicial Review Act 1991*.
- It is likely that NAC will apply for judicial review if the final EA decision is refusal of the project. Conversely, it is likely that the Environmental Defender's Office, who are acting on behalf of Oakey Coal Action Alliance (one of the main objectors) will apply for judicial review if the final EA decision is approval of the project.
- If a judicial review application is made, it is likely that the final EA decision will be stayed pending the outcome of the judicial review of the final EA decision.
- The potential outcomes of a judicial review of the final EA decision are:
 - The judicial review application is dismissed and the final EA decision is upheld; or
 - The judicial review application is successful and the final EA decision is referred back to the administering authority for further consideration and determination.

ELECTION/CABINET/PUBLIC COMMITMENTS/LEGISLATION

- This brief does not relate to any Election/Cabinet/Public commitments or Legislation.

FINANCIAL IMPACTS

- There are no financial impacts.

CONSULTATION

- Advice on the matter has been provided by Crown Law and In-house Legal.

COMMUNICATIONS/MEDIA OPPORTUNITIES

- There has been significant media interest in the project, both positive and negative.
- The project presents employment opportunities for the region, but will have direct and indirect environmental impacts on what is primarily an agricultural area.
- Corporate Communications have been included in the progression of all ESR Alerts on this matter.

FUTURE STEPS

- Following the final EA decision, the Minister administering the MR Act will be required to make a decision to grant or reject the related mining leases.
- If the EA for the project is approved, it will not become effective until the related mining leases are granted.
- If a judicial review application is made against the final EA decision, DES will be required to participate in the judicial review process.
- If the EA for the project is refused, NAC may reapply for an EA to allow a similar or revised project, which would commence the *Environmental Protection Act 1994* assessment process from the beginning.

Endorsed


Jamie Merrick
Director-General
12/1/18

Noted / Approved / Not Approved


Leanne Enoch (or Chief of Staff on behalf of)
Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts
22/10/18

Minister or Director-General comments