

Koala Recovery Plan released

The koala is listed as a vulnerable species under the NSW *Threatened Species Conservation Act 1995*. It is not listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. Koalas were formerly widespread in NSW. Remaining populations are concentrated on the central, mid-north and north coasts, and west of the divide in the northern part of the state. Small and isolated populations also occur on the south and far south coasts, and on the tablelands of the Great Dividing Range. This recovery plan establishes a landscape-scale conservation framework using existing legislative mechanisms for koala

conservation and management. The plan provides a framework for localised koala recovery efforts throughout NSW. The recovery actions are aimed at updating and facilitating the implementation of existing legislation to improve outcomes for conservation of koalas and their habitat; identifying areas of koala habitat and prioritising on-ground management actions; identifying research actions; and increasing awareness in the community, as well as within local, state and Commonwealth government bodies regarding the management and conservation of koalas. The recovery plan is available at: <http://www.environment.nsw.gov.au/resources/threatenedspecies/08450krp.pdf>

QUEENSLAND

Scott Sellwood

Water - On 12 September the Queensland government announced plans to permanently gift 10.6 billion litres of unallocated water from the Qld Murray-Darling catchment to the Commonwealth to help save the Murray.

Fisheries - The *Fisheries Act 1994* was amended in September 2008 to limit indigenous fishing rights to non commercial uses, overcoming a 2006 Court of Appeal decision which upheld the right of a traditional fisher to use commercial fishing nets.

Environmental Protection Act, 1994 - Changes to the *Environmental Protection Act 1994* remove the distinction between Level 1 and 2 Environmentally Relevant Activities (ERAs), except for mining and petroleum activities. New enforcement tools, in the form of clean up and cost recovery notices were also introduced. Offence provisions for environmental nuisance, air and water pollution, and fuel quality standards, have also been moved from the Regulations to the Act – which means higher penalties can be imposed.

Marine - Transport Operations (Marine Pollution) Regulation 2008 commenced on 1 September 2008. It contains obligations (with severe penalties for non-compliance) on ship owners and masters to exercise responsibility for the marine environment.

Great Barrier Reef - Following a report that highlighted the continued decline in water quality in the Great Barrier Reef and a Reef water quality summit in late October, the Queensland government announced it will introduce mandatory regulations on the use of agricultural chemicals in the catchments that feed into the Reef.

Moreton Bay - The reviewed Moreton Bay zoning plan has been released, banning fishing in green zones which cover 16% of the Bay (up from 0.5% current protection), an increase of 1% from the draft zoning plan. Conservation groups are concerned that 16% is insufficient and advocated for 30% green zones. An associated initiative is a five year ban on re-entry by commercial fishers who have their licences bought back by the Queensland government.

Fisheries - Indigenous customary use of fish traps has been recognised as a defence to certain offences under the *Fisheries Act*, except in certain prescribed waters.

Mining - The *Mines and Energy Legislation Amendment Bill 2008* tabled in October enacts the Government's decision to place a 20 year moratorium on oil-shale mining from the McFarlane

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deposit in the Whitsunday, and in any other area that can be declared under a Regulation. The Bill also gives power to Mining Registrars and the Minister to consider the public interest when approving, varying, conditioning mining activities under the *Mineral Resources Act* and allows a mining activity to be refused on the basis of the public interest. The Bill also enacts compensation for owners in Collingwood Park for subsidence that occurred due to underground coal mining activity.

Water - *The Water (Commonwealth Powers) Bill 2008* was tabled in Queensland Parliament on 7 October 2008. The Bill transfers certain state powers to the Commonwealth for management of the Murray Darling Basin, including water charging and entitlements and the use of Basin water resources for 'critical human water needs.

Transport - Amendments to the *Transport Planning & Coordination Act 1994* allow Queensland Transport to place conditions on development applications requiring the provision of infrastructure for active transport (cycling or walking) and to ensure these options are included in planning schemes.

Planning / Protection - Amendments to the *Urban Land Development Authority Regulation 2008* conferred planning control to the Queensland Government over 295ha at Fitzgibbon. The area is one of the last remaining areas of bushland in Brisbane and close to the Boondall wetlands. The Urban Land Development Authority has issued an interim management plan to require developers to provide low-cost, "eco-friendly" housing, despite the extensive loss of bushland and open space.

The proposed North Bank redevelopment has been cancelled by the Queensland government after vocal opposition by the heritage groups and the community.

New Planning and Environment Court Forms came into effect on 2 October 2008 and are available from www.courts.qld.gov.au/107.htm#pe.

Renewable Energy - The Queensland government announced it will set up an Office of Clean Energy within the Department of Mines and Energy to coordinate Queensland's renewable energy

options. A map identifying suitable wind farm sites is also being developed.

National Parks - Following the 2005 amendments which permitted horse riding in national parks (recovery), formal trails have been designated, under changes to the *Nature Conservation Act*, in a "SEQ horse riding trail network" within protected areas that were formerly forest reserves. An independent review and report on the impacts of horse riding in those areas must be completed by 2025 under these amendments.

The 160,000 ha McIlraith Range National Park in Cape York and 5000ha in the Bohle Plains area just outside Townsville were dedicated in October as national parks.

Environment Protection Regulation, 2008 - The new *Environmental Protection Regulation 2008* was enacted, coming into force on 1 January 2009. It replaces the 1998 Regulation, and updates the list of Environmentally Relevant Activities (ERA) by categorising them according to their potential to cause environmental harm (allotting an Aggregate Environmental Score) instead of the previous Level 1/ Level 2 distinction, for the purposes of fees and level of compliance focus. A new ERA for tunnel ventilation stacks has been included although 15 ERAs, including marinas, dredging and extracting, have been deleted. The new Regulation also transferred responsibility for environmental nuisance, incorporating an expanded definition that includes aerosols, fumes, light, noise, odour, particles or smoke, and less serious water pollution offences (putting rubbish, oil, paint, sediment etc into water) to local government.

Mining - In response to community concern over water use and the environmental impacts of saline evaporation ponds used by coal seam gas projects in the Surat and Bowen basins, the government announced in November it will regulate to phase out the use of these ponds and require remediation of existing ponds within 3 years, and make producers responsible for the treating and disposing of CSG water. A discussion paper is expected shortly.

Water - The *Water Regulation 2002* was amended in November to permit vegetation destruction in

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watercourse, lake or spring and to permit excavating and placing fill in a watercourse, lake or spring if, in relation to mining operations, the activity occurs in accordance with new guidelines. The guidelines have not been finalised. Further changes to the Regulation introduced new codes for self-assessable development that triggers *Water Act* approval.

The Queensland Development Code has been updated via an amendment to the *Building Regulation 2006*, with new water saving targets for new buildings applying from 1 January 2009. The Code can be viewed at www.dip.qld.gov.au/building/current-and-draft-parts.html

After wavering on the introduction of introduce purified recycled water into SEQ water supplies, the Premier has now confirmed on advice from the Qld Water Commission that it will be introduced as a 'last resort measure' only when dam levels drop below 40 per cent, rather than early 2009 as originally planned.

Planning and Development - The *State Development & Public Works Organisation Act* was amended in November to allow the Coordinator-General to enforce conditions it places on state significant projects through enforcement notices. Other changes were introduced regulating how a proponent applies for a declaration that their development is "state significant".

All aspects of development of the Northern Busway (Windsor to Kedron) and Airport Link toll-road were designated in November as "community infrastructure". This means these projects are

exempt from assessment against Brisbane City Council town planning scheme, City Plan 2000.

A Bill to replace the existing *Local Government Act* has been introduced into Queensland parliament. The Bill introduces a principles-based framework for decision making that allows individual local governments to choose processes that fit their particular context. More detail on this Bill once it is passed.

Land clearing - The vegetation clearing provisions of the *Cape York Heritage Act* came into force in late October 2008. Applications for land clearing for "special indigenous purposes" may now be made and will be assessed against a new clearing code, which is expected to be released in 2009 after extensive consultation.

National Parks - Protection of former forest reserves continued with the declaration of the 2677 ha Lockyer National Park, and the increase of 580ha to Tamborine National Park. The remaining parts of the Lockyer forest reserve and White Mountain forest reserve are now Lockyer National Park (Recovery) (7790ha) and Lockyer Resource reserve (612ha).

Energy - Retrofitting of an existing coal-fired power station at Biloela began in November 2008. The Callide Oxyfuel Project will trial technology which burns coal in oxygen and recirculated gases (rather than in air), said to create a concentrated stream of CO₂ which can be more easily captured, transported, and stored.

TASMANIA

Tom Baxter

Tasmania now has an Environmental Protection Authority

Legislation establishing an Environmental Protection Authority (EPA) for Tasmania commenced on 1 July 2008.

The *Environmental Management and Pollution Control Amendment (Environment Protection*

Authority) Act 2007 (Tas) provides for:

- The establishment of the Environment Protection Authority (under section 13 of the *Environmental Management and Pollution Control Act 1994* (Tas) (EMPCA)).
- The EPA to be part of Tasmania's Resource Management and Planning System.
- Membership of the EPA Board (specified in