

From: [REDACTED]
To: [Agriculture Resources and Environment Committee](#)
Subject: Submission to the Inquiry into North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013 (Bill)
Date: Monday, 28 October 2013 11:45:53 PM

Agriculture, Resources and Environment Committee
Parliament House, Brisbane QLD 4000
Email: arec@parliament.qld.gov.au

28/10/2013

Re: Submission to the Inquiry into North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013 (Bill)

Dear Members of the Agriculture, Resources and Environment Committee,

Thank-you for the opportunity to make a submission regarding this Bill. Despite the very short time available to review this Amendment Bill I have identified several issues of importance that I believe the Agriculture, Resources and Environment Committee should take into consideration.

The map accompanying the bill provided by Sibelco indicates that the Amendment Bill will see the complete removal of legislated buffers between the internationally significant Moreton Bay Ramsar listed wetland and mining disturbance areas. Current legislation (refer revised NSI Mine Path as approved by the Queensland Government on 6 July 2011) sees buffers of at least 25 meters between the Ramsar boundary and the mine path and buffers of 170 to 300 meters between the mine path and wetland mapping provided by DEHP. The bill amendment indicates that there is to be no buffer zone for the Moreton Bay Ramsar site with the map in the bill referring to the area of mining disturbance being "coincident with Ramsar Boundary". This directly contradicts the guidelines established under the Ramsar convention, under which Australia is a Contracting Party along with 168 other nations. Following the 7th, 8th 9th, and 10th meetings of the Conference of the Contracting Parties (held, respectively, in San José, Costa Rica, in May 1999, Valencia, Spain, in November 2002, Kampala, Uganda, in November 2005, and Changwon, Republic of Korea, October-November 2008) guidelines were developed on various matters adopted by the Parties at those and earlier conferences and were prepared as a series of handbooks to assist those with an interest in, or directly involved with, implementation of the Convention at the international, regional, national, subnational or local levels. Each handbook brings together, subject by subject, the various relevant guidances adopted by the Parties, supplemented by additional material from conference information papers, case studies and other relevant publications so as to illustrate key aspects of the guidelines. I refer the Agriculture, Resources and Environment Committee to the following guidelines relating to "Management units, zonation and buffer zones" found in Handbook 18 and in particular section 71 which states:

71. When the Ramsar site itself does not include a buffer zone, it is generally appropriate for management planning purposes to identify and establish such [a] buffer zone around the core wetland area defined within a Ramsar site or other wetland. The buffer zone should be that area surrounding the wetland within which land use

activities may directly affect the ecological character of the wetland itself, and the objective for land use within the buffer zone should be one of sustainable use through ecosystem management, consistent with the maintenance of the ecological character of the wetland. When a wetland site is composed of discrete sub-sites, a buffer zone should be defined for each, including, where appropriate, all the area between the sub-sites. (refer <http://www.ramsar.org/pdf/lib/hbk4-18.pdf>)

I believe the bill amendment directly contradicts this management guideline as agreed to by the contracting parties of the Ramsar convention.

In addition, wetland mapping available from DEHP (refer www.wetlandinfo.qld.gov.au) identifies that the palustrine wetland at Herring Lagoon extends outside the Ramsar boundary and into the area where mining disturbance can occur (Area A). This site is located on Mining Lease 1105 at the northern end of the mining disturbance area. This part of the Wetland extends past the Ramsar boundary and does not come under Category A or B environmentally sensitive area criteria. The area of mapped wetland extending past the Ramsar boundary is as low as 3.75m above sea level, and is directly connected to the greater 18 Mile Swamp wetland system. It would be highly inappropriate to allow mining disturbance to occur in proximity to this ecosystem.

Past performance in terms of protection of the Moreton Bay Ramsar listed wetland by the mining operation on North Stradbroke Island should also be taken into consideration by the committee. Analysis of historical aerial photography and mining lease data available from DNRM indicates that significant mining disturbance has occurred outside mining lease areas and within the Moreton Bay Ramsar listing area post Ramsar declaration in 1993. I understand these impacts form part of current investigations by the Commonwealth and also relate to criminal matters currently before the courts. I ask the committee to consider whether it is appropriate that buffers protecting internationally significant wetlands be removed and mining lease time-frames extended given these circumstances?

The Moreton Bay Ramsar system is protected under the EPBC Act. I was unable to identify any reference to the EPBC Act in the Bill or the explanatory notes. The EPBC Act regulates actions that will, or are likely to, have a significant impact on any matter of national environmental significance, which includes the ecological character of a Ramsar wetland. This includes relevant actions that occur outside the boundaries of a Ramsar wetland. As such it seems highly likely that the mining disturbance areas to be legislated under this Bill would be required to be referred to the Federal Minister and undergo an environmental assessment and approval process. I ask the committee to enquire as to whether this has occurred or at what stage it will occur.

I noted the request by Ms Trad, the Member for South Brisbane, for an improved map to be prepared by DNRM and provided to the Committee to show overlays of environmentally sensitive areas, Ramsar areas, native title holdings and mining leases during the Public Briefing on the Amendment Bill held on Wednesday the 23rd of October.

The map provided in response to Ms Trad's request does not show native title holdings or category A, B, and C environmentally sensitive areas. This information is essential for the committee and the broader public to adequately understand the impacts and/or protections provided through this bill amendment following removal of the mining footprint. I have submitted separate requests for the "environmentally sensitive areas" information from the DEHP website (http://www.ehp.qld.gov.au/licences-permits/maps_of_environmentally_sensitive_areas.php) on several occasions and despite there being up to a 24hr processing time these maps have not been provided. I

request that the committee ensure that these maps are provided to the committee and the broader community to allow for appropriate consideration and comment on this Amendment Bill.

Despite not being able to obtain maps of environmentally sensitive areas relating to the Bill I have been able to refer to the legislation and identify the relevant criteria for consideration. Upon review it is noted that remnant vegetation classified as “endangered” regional ecosystem is classed as being a category B environmentally sensitive area while “of concern” regional ecosystems are not protected. This bill amendment along with Regional Ecosystem mapping indicates that approximately 110Ha's of “Of Concern” [12.2.5](#) on mining lease 1105 and approximately 200Ha's of “Of Concern” [12.2.10](#) on mining lease 117 is located in areas where mining disturbance can occur (areas marked A or C on the map provided by Sibelco) and removes much of the protection provided by the current legislation (refer map of Revised NSI 2 Mine Path as approved by the Queensland Government on 8 July 2011).

I also request that the committee consider that category B environmentally sensitive areas also includes places of Cultural Heritage Significance. North Stradbroke Island is well known for its archaeological significance and a place containing a vast array of cultural heritage sites. I don't believe the possible impacts upon cultural heritage values have been appropriately considered in this bill as the bill and explanatory notes make no reference as to whether there will or won't be impacts upon cultural heritage values as a result of this amendment. I believe this is an important consideration worthy of mention given the landscape context along with Native Title & the ILUA with the Quandamooka people.

Once again, thank-you for the opportunity to provide comment and I hope my contributions are of value to the committee and welcome the opportunity to provide further comment on this bill with increased time-frames preferable.

Yours sincerely,

Joel Bolzenius

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P.S. As I send this maps of environmentally sensitive areas have arrived in my inbox!