

Submission No 3  
11.1.24  
14 August 2014



13 August 2014.

David Gibson MP  
Chair State Development, Infrastructure and Industry Committee  
By email [SDIIC@parliament.qld.gov.au](mailto:SDIIC@parliament.qld.gov.au)

### **Submission to Inquiry into the Regional Planning and Interests Regulation 2014 on behalf of Australia Zoo**

Dear Mr Gibson,

This submission is made on behalf of Australia Zoo and the Steve Irwin Wildlife Reserve Steering Committee. **It proposes the following recommendations.**

- **Nominate the Steve Irwin Wildlife Reserve in the text of the Regulations as has been done in the Act. and**
- **Retain the current mapping as part of the Regulations after the mapping has been published in the CYRP. and**
- **Quarantine SIWR (and other iconic areas to be protected) from the proposed Cape York Regional Plan annual review process.**
- **Clarification be provided in the Act or the Regulations which binds the assessing agency and the Chief Executive to reject an application which falls under Clause 15(2)(a) of Schedule 2 of the Regulations**

In the first instance we wish to thank Parliament for enacting s11 of the Regional Planning Interests Act 2014 which nominates the Steve Irwin Wildlife Reserve (SIWR) as a Strategic Environment Area (SEA) in accordance with representations made by us to your Committee last year to the Regional Planning Interests Bill 2013.

We note that Section 4 of the Regulation prescribes SEAs by reference to maps which are currently published on the dsdip website, and that the SIWR is identified there as an "SEA – Designated Precinct". My understanding is the mapping now contained in the Regulations will be uplifted on to the Cape York Regional Plan (CYRP).

Notwithstanding our following supporting comments in relation to the

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protection given to SIWR in the Regulations, we make the comment that there is a possibility of changes to the mapping in the future either by amendment or omission. We note that the Deputy Premier issued a media release on May 14 this year to the effect that the CYRP will undergo an annual amendment process. This appears to us as a somewhat more reactive process than applies to the normal term of a Regional Plan (well over 5 years). We note also that this process does not appear to be referenced in the Regulations.

We are however heartened by other comments made by the Deputy Premier in a media release of 11 March 2014 which states *"the Queensland Government says it will not overturn a mining ban in the Steve Irwin Wildlife Reserve on Cape York in the state's far north"* and *"He says the mining ban will not be reversed"*.

It is clear that the Government's intention is to ban mining on SIWR and it has done this by protection under a SEA as described in the Regulations by mapping.

We therefore respectfully suggest that the Government can consolidate its position by applying one or all of the following recommendations"

- Nominate SIWR in the text of the Regulations as it has done in the Act. and
- Retain the current mapping as part of the Regulations after the mapping has been published in the CYRP. and
- Quarantine SIWR (and other iconic areas to be protected) from the proposed CYRP annual review process.

In terms of supporting comments, we wish to acknowledge and applaud the thorough nature of the "environmental attributes" for Cape York SEAs contained in Section 6 and Schedule 1 of the Regulations. It is very pleasing to observe an understanding of, and recognition given to the interconnectivity of hydrology, riparian features, wetlands, wildlife corridors and habitat as each and all contributing to the environmental structure needed to protect natural water quality and terrestrial ecosystems.

We also acknowledge and support the provisions of Clause 15(2)(a) of Schedule 2 which specifically classify all mining as an "unacceptable use" in a designated precinct in the Cape York SEA. These provisions mean that mining applications will not be able to offer a satisfactory "prescribed solution".

Whilst these provisions have drawn public statements from the mining company that there will be a "major effect" on its SIWR

tenements, and that it will now pursue other opportunities, we remain concerned as to the workability of the assessment process as follows.

The assessing agency's function under Section 41 of the Act is to assess the application and it must "consider" the criteria prescribed under the Regulation.

Under Section 42 of the Act the assessing agency may give the Chief Executive a response to the application. However, under section 47 of the Act, it is the Chief Executive that must consider and decide each assessment application. The Chief Executive (under Section 49 of the Act) must consider any criteria for the decision prescribed under a Regulation, but the Chief Executive may also consider any other matter the Chief Executive considers relevant.

Despite clearly stated intentions by the Government otherwise, **there is still no outright prohibition on mining activities**. That is, under the Act and the Regulation, the assessing agency and the Chief Executive are required to "consider" the criteria but there is nothing that binds the Chief Executive to rejecting an application.


We make a further recommendation as follows:

- Clarification be provided in the Act or the Regulations which binds the assessing agency and the Chief Executive to reject an application which falls under Clause 15(2)(a) of Schedule 2 of the Regulations.

We wish to express our appreciation of the opportunity provided to us to make submissions and supplementary submissions to the RPI Bill 2013, and to this Inquiry. We feel that we have been treated fairly and equitably throughout this process.

We also wish to place on record our appreciation of access and understanding of the process as it relates to the CYRP (in progress) by James Ross Director Regional Planning, Department of State Development, Infrastructure and Planning.

We trust the recommendations contained in this submission can be accepted as a way to further ensure the intentions of the Government are carried out and the workability of the legislation is further clarified.

A handwritten signature in blue ink, appearing to read "Ken Hicks", is written over a horizontal dotted line.

Ken Hicks  
Consultant Planning and Property Manager Australia Zoo  
Chair Steve Irwin Wildlife Reserve Steering Committee.