



Speech by

Hon. D. WELLS

MEMBER FOR MURRUMBIDGE

Hansard 19 August 2003

MARINE PARKS AMENDMENT BILL

Hon. D. M. WELLS (Murrumbidgee—ALP) (Minister for Environment) (3.12 p.m.): I move—

That the bill be now read a second time.

The objective of this bill is to introduce specific amendments, drafted so as not to set a precedent for other areas, to the Marine Parks Act 1982 to permit dredging and related disposal of spoil for the proposed Bluewater development, 15 kilometres north-west of Cairns. The objective of the bill will be achieved by enacting amendments to the Marine Parks Act 1982 to enable dredging in Half Moon Creek and Half Moon Bay and related disposal of spoil with strict environmental conditions. In January 1991 the Governor in Council gave provisional approval, under the Canals Act 1958, for a canal development for the Earl Hill South project— now Bluewater—at Trinity Park. Rezoning and subdivision into canal lots were approved in 1996. Subsequent approvals were given in 1998 by the then Department of Environment under the Environmental Protection Act 1994 for dredging and the Beach Protection Act 1968 to excavate a sand bar at the mouth of Half Moon Creek.

In December 2001 the zoning plan for the Trinity Inlet/Marlin Coast Marine Park was commenced. The location of the proposed dredging for the Bluewater development falls within the boundaries of the marine park. The point I wish to highlight is that the approvals necessary for this development had been issued prior to the commencement of the Trinity Inlet/Marlin Coast zoning plan in December 2001. Half Moon Creek and other adjacent areas were partly dredged in 1992 to provide access to the canals. However, further dredging at the creek mouth and annual maintenance dredging is required if the development is to have all-tide boating access. Under current legislative provisions, permits are required for dredging in the estuarine conservation zone and the general use zone of the Trinity Inlet/Marlin Coast Marine Park.

In April 2003 the developer applied for a marine park permit to allow about 1,115 metres of dredging in the estuarine conservation zone and later amended this application to include about 950 metres of dredging in the general use zone to include all areas previously approved under the Canals Act 1958. On 27 June 2003 the Environmental Protection Agency refused the application because the proposal did not meet the requirements of the Marine Parks (Trinity Inlet/Marlin Coast) Zoning Plan 2001 and the Marine Parks Regulation 1990.

The government subsequently considered the issue on 7 July 2003 and resolved to allow the Bluewater development as proposed by Consolidated Properties—the actual applicants being Norwood Street Project Pty Ltd and Cairns Blue Pty Ltd—to proceed. On 9 July I accompanied the Premier on a visit to the Bluewater site where we announced the government's intention to ensure that the pre-existing approvals were given effect— provided the developers applied best practice environmental management measures to minimise impact on the marine park.

The creation of the marine park was never intended to frustrate or negate pre-existing approvals. The development had nearly all the permits and approvals before a new conservation zone— a marine park— was added to the equation. Bluewater was a peculiar case requiring a one-off solution. The only option to allow the development to proceed was to introduce specific amendments to marine parks legislation. However, these would be drafted so as not to set a precedent for other areas. I would like to make it clear that since the introduction of the coastal plan by this government there

have been no new canal developments authorised. Indeed, there have been no new canal developments authorised during this term of parliament. This is not a new canal development.

I now turn to the amendments. A new section 31 has been inserted to permit a limitation on application of the regulation and zoning plan. This section allows both capital and maintenance dredging and related disposal of spoil to occur for the Bluewater development without requiring further permission under the Marine Parks Act 1982. These limitations will remain in force until the deed is cancelled or expires. Section 31 also provides a mechanism to manage maintenance dredging by entities other than the developer in the future. New permit conditions will be in place to require strict environmental management requirements, including conditions such as water quality monitoring, acid sulfate soils management to the most current standards, disposal of fine sediments onto land rather than sea and retention of marine sands within the active beach zone.

Also, a deed of agreement has been signed which among other matters imposes time limits for the development, an enforceable mechanism to guarantee the provision of \$835,000 of community and environmental activities, as well as providing certainty for the developer. The deed is, in essence, a contract between the government—represented by the Environmental Protection Agency—the developer and Cairns City Council. The deed was signed yesterday, 18 August 2003. The deed is a 'use it or lose it' document outlining time limits for the development to proceed. For the benefit of honourable members, I seek leave to table a copy of that deed.

Leave granted.

Mr WELLS: The specific environmental and community activity contributions that are required from the developer within two years include—

- \$300,000 funding to Cairns City Council intended to achieve a net reduction in load from the Marlin Coast sewage treatment plant to Half Moon Creek;
- \$150,000 for rehabilitation and conserving land to the north of Reed Road and the base of Earl Hill;
- \$200,000 for walking and cycling tracks and an educational interpretive centre, a public car park and interpretive signage;
- \$100,000 for walking and bike tracks linking Trinity Beach Road, Captain Cook Highway and Reed Road;
- \$50,000 to support local volunteer environmental groups;
- \$20,000 for commissioning an independent study on rehabilitation and conservation of feather palms; and
- \$15,000 to assist in fish re-stocking.

This comes to a total of \$835,000 of contributions to the environment and community activities in the area. The deed also outlines a process for the amendment of current approvals and their transfer from the existing landowner, TNN Cairns Pty Ltd, to the developer, Consolidated Properties.

In terms of consultation, the government received much comment from the community, interested parties and local government following the original decision of the Environmental Protection Agency regarding the marine park permit. In making its decision to allow the development to proceed, the government was cognisant of the overwhelming community view that the project should proceed while still ensuring high standards of environmental management.

The member for Barron River, the Parliamentary Secretary to the Premier and Minister for Trade in Far North Queensland, has liaised with the regional community and stakeholders and there has been targeted consultation with various representatives. The Bluewater proponents support the proposed legislation. They have been closely involved in the resolution of the issue, in particular throughout the drafting of the deed. I have tabled a copy of the deed of agreement for the information of honourable members. I commend the bill to the House.