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16 April 2009

Mr Michael Allen
EIS Project Manager – Northeast Business Park
Major Projects
Department of Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Mr Allen

**NORTH EAST BUSINESS PARK (NEBP):
FINAL COMMENTS ON THE ENVIRONMENTAL IMPACT STATEMENT (EIS)**

The Department of Environment and Resource Management (DERM) offers the following views for the Coordinator General's consideration in finalising his report on the above. This advice is provided after considering the EIS released for comment from 18 February 2008 to the 4 April 2008, the Supplementary EIS dated 1 July 2008 and further information provided to the EPA on 10 November 2008. The former Environmental Protection Agency provided comments on the EIS in a letter dated 11 April 2008 and further comments in a letter dated 12 September 2008.

There are four main areas of concern with the proposed development:

- The environmental risks associated with the dredging, including increased potential for Lyngbya blooms, changes to hydrology and water quality, and the impact on habitat and species at the Caboolture River mouth
- The requirement under the South East Queensland Regional Coastal Management Plan for the proposal to demonstrate that it provides a net gain of coastal resources
- The lack of planning context for the proposed development site that is relevant to the location of residential development and the construction of a marina and associated dredged channel, to provide a context for the assessment of this project at this location
- The proposed loss of remnant vegetation areas given that the majority of the site is already cleared

Detailed discussion on these matters is included in the attachment and summarised below.

Dredging

There are a number of environmental risks associated with dredging a new navigation channel in the Caboolture River, including:

- The Caboolture River catchment has been linked with blooms of the toxic algae *Lyngbya majuscula* (Lyngbya) in Deception Bay and dredging of the river may contribute to further outbreaks
- Changes to hydrology may impact on bank stability and adjacent habitats, e.g. wader bird roost sites and mangroves, sediment transport and tidal patterns
- Impact on water quality
- Impact on sand flats at the Caboolture River mouth through disturbance of species and habitat, e.g. shorebird roosting and feeding areas.

There is expected to be an increase in boat traffic as a result of the improved navigability following dredging and construction of the marina, which will potentially exacerbate the impacts.

These risks could be mitigated through adherence to relevant legislation and policies, such as policy 2.4.7 Algal Blooms of the South East Queensland Regional Coastal Management Plan, the adoption of an environmental management plan (EMP) for the dredging, and through permit conditions.

It should be noted that any approval requiring capital or maintenance dredging in the river would need to address the issue of an enduring dredge-spoil management site, designed and operated to handle dewatering, stockpiling, and transport to an appropriate land-based disposal area, e.g. secure land fill. The site would need to be planned strategically, i.e. in the context of surrounding uses to avoid future nuisance (e.g. odour and air pollution) to existing or future residents and users of the area and incorporate adequate buffers to adjacent and nearby properties. The EMP should be negotiated with DERM, Queensland Primary Industries and Fisheries and Moreton Bay Regional Council. Such a plan of management would need, firstly, to address the hierarchy of disposal options, viz. return of suitable material to the active coastal/river systems, dewatering and use for landfill and lastly, land disposal; secondly it would need to consider such aspects as water quality; air quality; and management of the buffer.

As you are aware, the Moreton Bay Marine Park Zoning Plan requires that any development dredging of the Caboolture River takes place in a designated works area and that it is necessary to demonstrate that the proposal will be of public benefit. The amendment to the zoning plan to allow the works area will require approval by the relevant Minister and tabling in Parliament.

Only three designated works areas have been designated in the Moreton Bay Marine Park since it commenced in 1997. These cover Toondah Harbour, Weinam Creek and the duplication of the Houghton Highway. These areas provide significant transport links, public ferry terminals and public facilities.

Although the NEBP dredging is different in nature to the previously designated three works areas, an assessment of the necessity for the activity for public benefit considered social, environmental and financial aspects of the proposal. The justification in the EIS covered some aspects, such as improved navigable access and safety for the boating community, job creation and improved centralisation of maritime industry services.

The public benefit was also weighed against potential environmental impacts from the dredging, in particular influence on Lyngbya, changes to tidal prism, and effects of changes at river mouth. The net benefit under the State and regional coastal management plans was also considered.

Based on the information provided, the NEBP Caboolture River dredging provides an identifiable benefit that can accrue to a section of the public. This view has regard for the management and mitigation measures to be implemented to minimise and manage environmental impacts as a requirement of undertaking the dredging.

Net Gain of Coastal Resources

The DERM does not consider that the information provided in the EIS documentation relevant to coastal resource values supports the conclusion that the project will lead to a net gain of coastal resources. It is DERM's view that the proponent needs to expand its off-site rehabilitation and environmental protection activities that will lead to further gains in coastal resource values to counteract those affected by the development proposal.

Planning

The DERM is concerned that neither the urban footprint nor justification for most of the elements proposed for the development is reflected or countenanced in the draft SEQ Regional Plan 2009-2031, the SEQ Infrastructure Plan and Program 2006-2026, or the draft companion document, the SEQ Natural Resource Management Plan 2009-2031. As the former is the pre-eminent plan to guide land use and development, it requires all government decisions to accord with it. The project also does not accord with the Infrastructure Plan and Program, which is designed to ensure that development is appropriately serviced in a timely manner.

This has meant that DERM has had to assess the NEBP project in isolation of any strategic planning instrument that identifies the proposed site as suitable for either a marina or residential development.

Given the fact that the project was submitted for consideration prior to the release of the first regulatory regional plan, there has been time to address the need for marine industry, business/commerce, residential land, and recreational opportunities together with marine and land-based infrastructure in the context of the regional planning work. If justified, such strategic planning would have considered where and when it should be developed and either included the necessary infrastructure requirements on the plan and program, or deferred a decision pending a strategic investigation.

However, if the area is to be countenanced for urban development, DERM would prefer that the SEQ Regional Plan is amended to show the wider area as an investigation area. The planning work should then mirror that undertaken for the North East Gold Coast and, similarly, it should extend offshore to examine the need for marine infrastructure and associated/consequential infrastructure and major works, such as long term dredging and recreational boating facilities.

The planning investigation would need to have regard for all environmental outcomes and targets applicable to the area, including e.g. those specified in the SEQ Coastal and Moreton Bay Marine Park Zoning plans. It would be expected that both

complementary plans, viz. the SEQ Infrastructure Plan and Program and the SEQ Natural Resource Management Plan, would need to be reviewed/ revised in concert with such a planning investigation.

Vegetation

The DERM recommends the following actions for the protection of remnant vegetation and public space areas:

- Protect, including by scheme amendment, all remnant, endangered regional ecosystem vegetation communities on the site
- Protect all vegetation adjacent to the Bruce Highway in the area described as Lot 2 on SP 169551
- Surrender to the State the area shown as 'public area' adjacent to the Caboolture River and Lot 2 SP 169551
- Designate the surrendered areas as public open space with the specific management aim of rehabilitating and protecting both areas' nature conservation and/or riparian values; and providing for low key, open space recreation on the former. Management should be negotiated with the Moreton Bay Regional Council. The DERM would not oppose its day-to day management by a body corporate, subject to a formal plan of management and agreement negotiated between the parties.

While this vegetation protection advice may differ from that provided previously by the former DNRW in its responsibilities under the Vegetation Management Act, DERM also has responsibilities for administering the Nature Conservation Act 1992 and biodiversity planning.

Further matters and DERM comments and recommendations are provided in the attachment. Recommendations have been included in the event that the Coordinator-General recommends that the project proceed.

If you have any questions regarding the comments provided please contact me on 3227 6273 or email Stuart.Cameron@epa.qld.gov.au.

Yours sincerely

Stuart Cameron
Director – Assessment
Environmental Services