



## Premier of Queensland

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Mr Innes Larkin

Dear Mr Larkin

Thank you for your email of 2 July 2012 about mining exploration in the Scenic Rim. I apologise for the delay in responding.

The Government is committed to ensuring that Queensland's resources are developed in a way that complements the economic future of other industry sectors, and finds the appropriate balance between growing our economy and protecting Queensland's environment.

While companies with a mineral development licence, such as that held by Allegiance Coal in the Scenic Rim, can continue to undertake activities, I reiterate my commitment to ruling out coal mining and coal seam gas extraction that is deemed inappropriate, in the Scenic Rim Regional Council area. In order to achieve this outcome it is critical that appropriate land use planning is undertaken in the area and that this process is managed in partnership with affected communities. It is this key task that the Government is now progressing.

The South East Queensland Regional Plan 2009–2031 (SEQRP) plays a key influence in land use planning in the Scenic Rim area. The purpose of the SEQRP is to manage regional growth and change in the most sustainable way to protect and enhance quality of life in the region.

A review of the SEQRP will guide decisions regarding where it may be appropriate or otherwise to conduct mining and coal seam gas extraction.

I firmly believe we will get the policy right for the Scenic Rim before potential conflicts in land use occur.

Thank you for bringing this matter to my attention.

Yours sincerely

CAMPBELL NEWMAN



## Premier of Queensland

31 MAY 2012

Mr Innes Larkin  
Spokesperson for Keep the Scenic Rim Scenic

Dear Mr Larkin

Thank you for your emails of 16 and 17 May 2012 about coal seam gas mining in the Scenic Rim area.

The contents of your correspondence have been noted.

This matter has been referred to the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines for consideration and reply direct to you.

Please be assured that the Minister will give your concerns his full consideration.

Again, thank you for contacting me.

Yours sincerely

CAMPBELL NEWMAN

I am happy to say that the CEO of Arrow does not set the policy of the government. We have made our position totally clear prior to the election - to oppose CSG development in Scenic Rim.



Queensland  
Government



# IUCN World Heritage Advice Note

## Environmental Assessment & World Heritage

*This Advice Note is intended to provide States Parties and other stakeholders with guidance on integrating natural<sup>2</sup> World Heritage Sites within Environmental Assessments (including Strategic Environmental Assessments and Environmental & Social Impact Assessments). Effective integration of World Heritage Sites in these processes is critical to ensuring that the potential adverse impacts of development proposals on a site's Outstanding Universal Value, and alternatives to these proposals, are fully considered in decision-making. Ultimately, the aim of Environmental Assessment is to equip decision-makers with the information necessary to preserve these exceptional sites for future generations.*

### 1. What are natural World Heritage Sites?

Natural World Heritage Sites are internationally recognized under the World Heritage Convention and are inscribed on UNESCO's World Heritage List. These sites rank amongst the world's most important natural areas. The UNESCO World Heritage Convention, ratified by 190 countries, provides a unique framework for securing the conservation of these exceptional places, recognized as being of Outstanding Universal Value to humanity (see Section 3).

World Heritage Sites include many household conservation names such as the Serengeti National Park, Galapagos, the Grand Canyon and the Great Barrier Reef, and are often a last refuge for threatened species, such as the Mountain Gorilla, Giant Panda and Orangutan. There are more than 200 natural World Heritage Sites covering over 260 million hectares, which equates to less than 1 % of the Earth's surface and over 10% of the planet's protected areas (in ha).

Many sites are increasingly faced with threats such as mining, major infrastructure projects, poaching, illegal logging, agricultural encroachment and climate change. Of the 217 natural World Heritage Sites, nearly 8% are on the List of World Heritage in Danger, 25% are affected by serious conservation issues, and the status of many of sites is currently not known.

These sites represent a commitment to future generations that the international community has a duty to uphold, as embodied in Article 6(1) of the World Heritage Convention which states that "...such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to cooperate." To find out more please see <http://whc.unesco.org/>.

### 2. Background on Environmental Assessments

Environmental assessments are intended to identify, evaluate, avoid and mitigate the potential environmental and social impacts of development proposals before a decision on their funding or

<sup>1</sup> This guidance note will be finalized following the 37<sup>th</sup> Session of the World Heritage Committee.

<sup>2</sup> For cultural sites there exist guidelines for Heritage Impact Assessment (HIA) which are available here [www.icomos.org](http://www.icomos.org). HIA can also be an integrated part of Environmental Assessments.

implementation is taken. Environmental Assessments are also intended to assess alternatives to development proposals, including the 'no project' option, in order to recommend the least environmentally damaging option to decision-makers.

The benefits of these assessments include:

- Early consideration of environmental and social issues in the design and planning processes;
- Greater certainty for local communities and developers over future development; and
- The capacity to achieve better environmental and social outcomes and address cumulative impacts at the landscape level.

There are two main types of Environmental Assessments:

1. **Strategic Environmental Assessment (SEA)**, which applies to policies, plans and programmes (i.e. multiple or very large projects) – SEAs have the advantage of assessing impacts at a strategic level and at a landscape scale before individual projects are decided upon. SEAs can also help identify economic alternatives, e.g. different routes for roads, so as to avoid impacts on a World Heritage Site; and
2. **Environmental and Social Impact Assessment (ESIA)**, which applies to individual projects – because ESIA's generally apply to individual projects that have already been designed, they often focus on assessing different design options for a particular project and are therefore not well suited to assess the cumulative impacts of multiple projects (existing and planned) at a landscape scale or to identify strategic alternatives.

Figure 1 below shows the hierarchical relationship between SEA and ESIA with higher levels of assessment informing subsequent ones. SEA's should support the preparation of an ESIA but do not remove the need for it.

Aside from SEA and ESIA, there exist a number of other environmental assessment tools with different names and differing legal requirements. As all Environmental Assessment tools are broadly similar in purpose and scope to either SEAs or ESIA's, the *World Heritage Impact Assessment Principles* outlined further below in Section 4.2 can be applied to them. Throughout this Advice Note, SEAs, ESIA's and other types of Environmental Assessment are collectively referred to as *Environmental Assessments*.

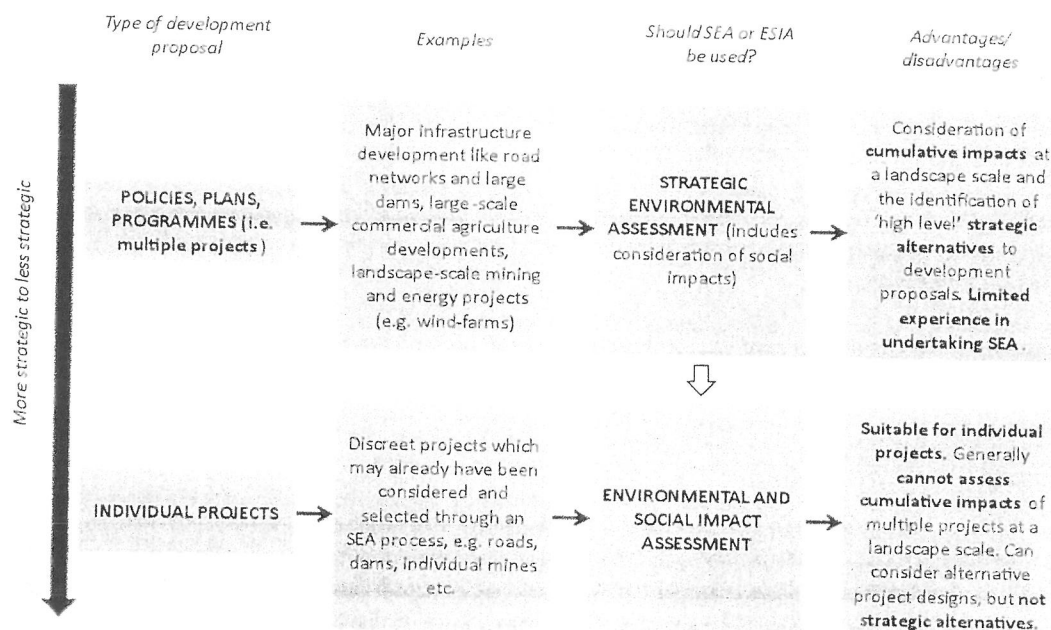


Figure 1: Diagram showing the relationship between SEA and ESIA, some of their advantages/disadvantages and when they should be applied. Note that the results of, and data used for, SEAs are intended to support ESIA's, but do not remove the need for it.

### 2.1 Environmental Assessment and land-use planning systems

Most countries have specific national legislation for Environmental Assessments (e.g. for Environmental and Social Impact Assessments, Strategic Environmental Assessment, Sustainability Appraisals etc). However, the principles and core steps of these assessments are similar and they are all an integral part of land-use planning systems.

Land use planning systems are evolving rapidly, but sometimes present characteristics which complicate the effective integration of natural World Heritage Sites in Environmental Assessments and decision-making. For example, many land-use planning systems have limited resources and staff capacity, there are barriers to communication across government agencies (e.g. the mining agency and the agency responsible for World Heritage Sites), processes for issuing development permits may be unclear, stakeholder consultation processes may be limited or non-existent, and there is often a lack of information available on World Heritage procedures (e.g. the requirement to inform the UNESCO World Heritage Centre of development projects affecting World Heritage Sites).

Often, proponents of developments may not know that a particular protected area is also a World Heritage Site as development projects may be under the responsibility of different government agencies. As a first step to effective screening and integration of these sites in Environmental Assessments, all natural World Heritage Sites should be registered in land-use planning information systems, along with their associated conservation and protection requirements.

While this Guidance Note is intended to provide general advice on some of the points above, it does not cover the integration of World Heritage Sites within wider land-use planning systems.

### 3. Background on World Heritage Status & Outstanding Universal Value

World Heritage Sites are inscribed on the World Heritage List because they are recognized as being of Outstanding Universal Value to humanity, in accordance with strict criteria, conditions of integrity, and requirements for protection and management.

Outstanding Universal Value is defined in the *Operational Guidelines*<sup>3</sup> as “...*natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity.*”

A site's Outstanding Universal Value is described in its *Statement of Outstanding Universal Value*, which can be found on the UNESCO World Heritage Centre website on the site description page<sup>4</sup>.

The three components of OUV for natural World Heritage Sites are briefly summarized below, and set out in full in the *Operational Guidelines*:

1. **Values:** There are four natural criteria which embody the values of the natural World Heritage Sites. These relate to superlative natural phenomenon and beauty (criterion vii), earth processes (criterion viii), ecosystems (criterion xi), and threatened species and their habitats (criterion x). Note that cultural sites are recognised under criteria i-vi, and mixed sites include both cultural and natural criteria. See Box 1 below for the full wording of the natural criteria.
2. **Integrity:** Integrity is a measure of ‘wholeness’ and requires assessment of the extent to which the site; i) includes all elements necessary to express its OUV; ii) is of adequate size to ensure the complete representation of features and processes which convey its significance; and iii) suffers from negative effects of developments and/or neglect.
3. **Protection and management:** Protection and management is intended to ensure that the site's Outstanding Universal Value and the conditions of integrity at the time of inscription are maintained and enhanced in the future. The key elements of protection and management are; i) long-term legislative, regulatory, institutional and/or traditional protection; ii) delineated and appropriate boundaries; iii) buffer zones and/or wider protection of the site from threats outside its boundaries and iv) effective management systems.

#### **Box 1: The four natural World Heritage criteria**

*(vii) to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;*

*(viii) to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;*

*(ix) to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;*

<sup>3</sup> Operational Guidelines to the World Heritage Convention: <http://whc.unesco.org/en/guidelines/>

<sup>4</sup> Statements of OUV can be found on World Heritage Site landing pages on the UNESCO World Heritage Centre website at the following address <http://whc.unesco.org/en/list/>. Note that the process of preparing these statements and that some sites do not yet have one.

(x) to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

#### 4. Preparing Environmental Assessments for developments affecting natural World Heritage Sites

##### 4.1 Notification of development proposals that may affect Outstanding Universal Value

All development proposals and/or concessions that could lead to development proposals which may affect the Outstanding Universal Value of a World Heritage Site should be submitted by States Parties to the World Heritage Committee via the UNESCO World Heritage Centre<sup>5</sup> (the Secretariat to the Convention) before a decision on their funding, permitting or implementation is taken by the State Party, in line with Paragraph 172 of the *Operational Guidelines*.

##### **Box 2: Paragraph 172 of the Operational Guidelines**

*"The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the outstanding universal value of the property is fully preserved."*

Proposals notified under Paragraph 172 of the *Operational Guidelines* should be submitted together with whatever documentation is available at the time of submission, e.g. project proposal, terms of reference for the Environmental Assessment, scoping document, draft Environmental Report. IUCN recommends that Environmental Assessments for development proposals affecting natural World Heritage Sites should, as a minimum, meet the *World Heritage Impact Assessment Principles* outlined below in Section 4.2.

Environmental Assessment reports for developments that will, or may, impact an natural World Heritage Site should include a separate chapter presenting clear conclusions on the proposal(s) potential negative impacts on all relevant aspects of Outstanding Universal Value, including on values, integrity and protection and management. Such conclusions should also consider social issues (displacement of populations, creation of new settlements, reduction of local people's livelihoods etc.

##### 4.2 World Heritage Impact Assessment Principles

The eight World Heritage Impact Assessment Principles below can be applied to all types of Environmental Assessments, including SEAs and ESIA's.

Environmental Assessments which do not meet these basic criteria are unlikely to constitute an adequate basis for decision-making.

<sup>5</sup> Contacts for the UNESCO World Heritage Centre can be found here <http://whc.unesco.org/en/world-heritage-centre/>

IUCN strongly recommends that for large-scale proposals, proposals including multiple projects or landscape-scale land use proposals, Strategic Environmental Assessments are undertaken, e.g. for major infrastructure development like road networks and dams, large-scale commercial agriculture developments, landscape-scale mining and energy projects (e.g. wind-farms), multi-sectoral development projects etc.

Environmental Assessments for proposals affecting natural World Heritage Sites should:

1. Take place as early as possible in the decision-making process in order to provide effective input to decision-makers and anticipate, avoid, and/or minimize negative impacts on the site's Outstanding Universal Value, or to stop a particular project as appropriate.
2. Identify and evaluate reasonable alternatives to the proposal in order to enable the selection of the option that is the least likely to damage the site's Outstanding Universal Value, including the 'no project' option.
3. Assess the likely environmental and social effects of the development proposal(s) on the Outstanding Universal Value of the site, including direct, indirect and cumulative effects. This assessment should consider the site's values, integrity and protection and management, as well as its connection to the wider landscape.
4. Identify adequate mitigation measures for any residual negative impacts on Outstanding Universal Value that cannot be further reduced and indicate how these measures will be implemented, who will implement them within what timeframe, and what resources are secured for their implementation.
5. Include a separate chapter on World Heritage impacts in the Environmental Assessment report, presenting clear conclusions on the proposal's potential negative impacts on Outstanding Universal Value.
6. Be publicly disclosed and subject to thorough public consultation in order to ensure that the relevant stakeholders are involved, including local communities, indigenous peoples, scientists, relevant government agencies, and non-governmental organizations. Feedback from consultation must be fully considered in the assessment of the project proposal.
7. Propose, implement and independently audit an environmental management plan detailing designing, operating, monitoring and restoration conditions, in relation to the site's Outstanding Universal Value. The developer must set aside funds from the outset to cover the costs of independent auditing of the implementation of the Environmental Management Plan at regular intervals.
8. Effectively integrate the conclusions of the assessment into the decision-making process, in order to ensure that the potential impacts of a development proposal(s) on a site's Outstanding Universal Value, as well as alternatives to the proposal(s), are fully considered in land-use planning decisions with the objective of preserving these exceptional sites for future generations.

#### ***4.3 Environmental Assessment steps and World Heritage – which questions should you ask?***

The diagram below illustrates the core steps in the Environmental Assessment process and the key questions that should be answered at each step concerning the potential impacts of a development proposal(s) on a World Heritage Site's Outstanding Universal Value:



*When is an Environmental Assessment needed for proposals affecting natural World Heritage Sites?*

*Which issues relating to Outstanding Universal Value should be assessed and who should be involved in the assessment?*

*What are the likely effects of the proposal(s) on Outstanding Universal Value?*

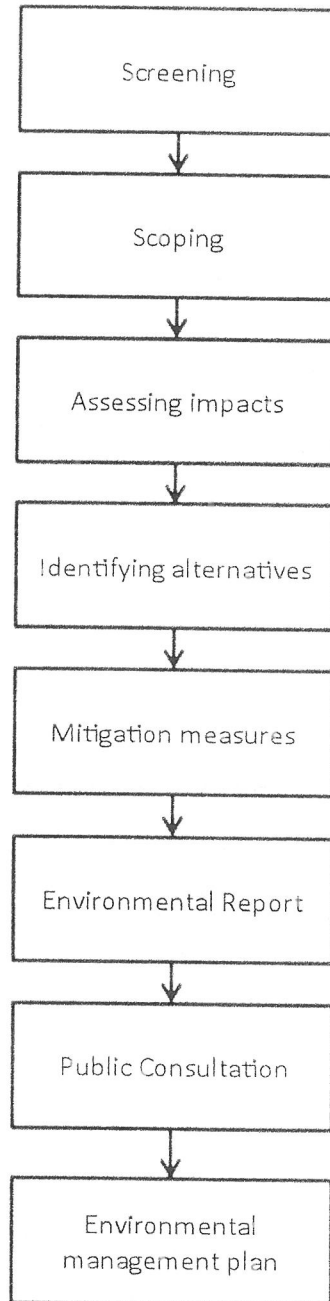
*What are the least damaging alternatives/ scenarios in relation to Outstanding Universal Value and can they be implemented?*

*How should measures to minimize residual negative effects on Outstanding Universal Value be identified and implemented?*

*What information should be provided to decision-makers on World Heritage impacts, when and in what format?*

*Which stakeholders should be consulted and how?*

*What type of plan should be implemented to manage and monitor any residual impacts on OUV by whom, with what funding and when?*



#### 4.4 Step by step guidance

Brief guidance is provided below on how to integrate World Heritage throughout the different steps of the Environmental Assessment process:

**Screening – When is an Environmental Assessment needed for proposal(s) affecting natural World Heritage Sites?**

- **All proposals that may adversely affect a natural World Heritage Site will require an Environmental Assessment**

Many countries have national environmental assessment regulations which specify different categories of projects which require appraisal. However, all proposals which may adversely affect a World Heritage Site, whether they are located within or outside its boundaries, should be subject to a comprehensive and rigorous environmental assessment process, such as an Environmental and Social Impact Assessment or Strategic Environmental Assessment, prior to considering whether to grant consents and licenses.

- **Proposals located outside World Heritage Site boundaries should also be considered**

Development proposals located outside the boundaries of a World Heritage Site may have serious negative impacts on Outstanding Universal Value depending on the nature and scale of the proposals. For example, a mining proposal located 30km away from a site may, depending on the terrain, have serious implications for the hydrology of a site and also cause secondary effects, such as demographic changes leading to unsustainable natural resource use (e.g. illegal hunting). World Heritage Sites, like other protected areas, are integral to the wider landscape and cannot be considered independently from wider ecosystem processes.

- **Strategic Environmental Assessments should be undertaken for large-scale or multi-sectoral development proposals**

IUCN strongly recommends that Strategic Environmental Assessments are undertaken for large-scale proposals, proposals comprised of multiple projects or landscape-scale land use proposals (e.g. large dams, multiple road development proposals, and large-scale commercial agriculture development). The cumulative impacts of these types of proposals may have a serious negative effect on OUV and are best assessed early on through a process that is designed to consider 'high-level' strategic alternatives. For example, multiple proposals for the development of a regional road network are best assessed through a single comprehensive SEA than through several project-specific ESIA's, which are unlikely to consider the cumulative effects of the proposals as a whole, or alternative routes for the road network. See Section 2 and Figure 1 for more detail on the difference between SEA and ESIA.

- **Mining and oil/gas projects are incompatible with World Heritage status**

The World Heritage Committee's position is that mineral and oil/gas exploration and exploitation projects (including associated infrastructure and activities) are incompatible with the Outstanding Universal Value of World Heritage Sites and should not be permitted within these sites.

Mineral and oil/gas exploration and exploitation outside World Heritage Sites should not have negative impacts on their Outstanding Universal Value. For more information see the *IUCN World Heritage Advice Note on Mining and Oil/Gas Projects*<sup>6</sup>.

**Scoping** – Which issues relating to Outstanding Universal Value should be assessed and who should be involved in the assessment?

- Many of the issues that should be included in the assessment can be identified by referring to the site's Statement of Outstanding Universal Value

An Environmental Assessment for a development proposal(s) affecting a natural World Heritage Site should assess likely impacts on the site's Outstanding Universal Value, including on values, integrity and protection and management. A site's OUV is described in its *Statement of Outstanding Universal Value*, which can be found on the UNESCO World Heritage Centre website on the site description page<sup>7</sup>.

- Social issues must also be assessed

Potential social issues that could impact a site's Outstanding Universal Value and local communities should also be carefully assessed. These should be identified in consultation with local communities.

- Consultation should begin at the scoping stage and the scoping document should be publically available

It is useful to consult stakeholders at the scoping stage as they can support the identification of issues that should be included in the assessment. These stakeholders may include government agencies, such as the agency responsible for World Heritage and/or protected areas, as well as non-governmental organizations, the site manager, community groups etc. Scoping documents should be publically available.

- Terms of reference and scoping documents and draft environmental reports should be submitted as early as possible to the World Heritage Centre

IUCN encourages early submission to the World Heritage Centre, as per Paragraph 172 of the *Operational Guidelines*, of terms of reference, scoping documents and draft Environmental Assessment reports as they offer early and effective opportunities to provide advice on the issues that should be considered in the assessment.

**Assessing impacts** – What are the likely effects of the proposal(s) on Outstanding Universal Value?

- All likely effects should be assessed, including direct, indirect and cumulative

An Environmental Assessment for a proposal affecting a natural World Heritage Sites should assess the likely effects of the proposal(s) on the site's Outstanding Universal Value, including direct,

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<sup>6</sup> [www.iucn.org/worldheritage](http://www.iucn.org/worldheritage)  
<sup>7</sup> <http://whc.unesco.org/en/list/>

indirect and cumulative effects. Potential social issues that could impact on the site's Outstanding Universal Value should also be carefully assessed.

**Identifying alternatives and scenarios – What are the least damaging alternatives/scenarios in relation to Outstanding Universal value and can they be implemented?**

- Alternative proposals/ development scenarios should be identified and assessed, including the 'no project' option and the least damaging options in relation to OUV

The Environmental Assessment should clearly identify and evaluate alternatives to development proposal(s), including the 'no project' option and the least damaging options in relation to OUV. This is one of the most important steps in the Environmental Process. The different development options/scenarios should be clearly communicated to decision-makers, and those that are least damaging in relation to OUV should be highlighted, including in some cases the 'no project' option. Very often, economically viable and feasible alternatives can be found to development proposal(s) that may be damaging to a World Heritage Site's Outstanding Universal Value. A detailed consideration and assessment of alternatives can enable the identification of these economically viable alternatives.

**Mitigation measures – How should measures to minimize residual negative effects on OUV be identified and implemented?**

- Mitigation measures should be identified for minor residual negative impacts on OUV that cannot be avoided

In some cases, there may be minor residual negative impacts on OUV that cannot be avoided by changing project design or by choosing a different project option or the 'no project' option. In such cases, adequate mitigation measures for any negative impacts on OUV that cannot be further reduced should be identified. The Environmental Assessment should indicate how these measures will be implemented, who will implement them within what timeframe, and what resources are secured for their implementation. Biodiversity enhancements should also be incorporated into plan, programme, project development as a matter of course in order to enhance OUV.

**The Environmental Report – What information should be provided to decision-makers on World Heritage impacts, in what format and when?**

- A separate chapter on World Heritage impacts must be included in the Environmental Assessment report, and a summary of this chapter reflected in the Executive Summary

This chapter should:

- Present clear conclusions on any likely negative impacts of a development proposal(s) on Outstanding Universal Value, including for both environmental and social impacts.
- Based on the identification and evaluation of all alternatives, recommend a preferred development proposal option/scenario, e.g. the least damaging options/scenarios in relation to OUV, the 'no project' option/scenario as appropriate.

- Outline how any minor residual negative impacts on OUV that cannot be avoided will be mitigated and monitored through a budgeted Environmental Management Plan.
- Clearly document how stakeholder views were taken into account within the assessment.

A summary of this chapter must be reflected in the Executive Summary of the assessment.

- All development proposals and their environmental assessments should be submitted to the World Heritage Committee via the UNESCO World Heritage Centre

All development proposals which may affect the Outstanding Universal Value of a World Heritage Site should be submitted by State Parties to the World Heritage Committee via UNESCO's World Heritage Centre before a decision on their implementation is taken, in accordance with Paragraph 172 of the *Operational Guidelines* to the Convention.

These proposals should be submitted together with the Environmental Assessment documentation available at the time of submission, e.g. project description, terms of reference, scoping document, draft Environmental Report etc.

#### Public Consultation – Which stakeholders should be consulted and how?

- Thorough public consultation is key

The assessment should be publicly disclosed as early as possible and subject to thorough public consultation via appropriate means, including at the scoping stage. The Environmental Report should clearly document how stakeholder views were taken into account within the assessment.

#### Environmental Management Plan - What type of plan should be implemented to manage and monitor any residual impacts on OUV by whom, with what funding and when?

- The Environmental Management Plan must relate to OUV

An Environmental Management Plan should be included in the Environmental Assessment report and should detail designing, operating, monitoring and restoration conditions relating to Outstanding Universal Value throughout the life cycle of the proposal. The Environmental Management Plan (EMP) should ensure that the measures necessary to assess and monitor residual adverse effects are in place and that remedial action is taken when impacts are worse than predicted.

- The implementation of this plan should be independently audited at regular intervals

The developer should set aside funds from the outset to cover the costs of independent third-party auditing of the implementation of the Environmental Management Plan at regular intervals. This budget should be specified in the EMP and verified by regulators.

## 5. IUCN's review process for Environmental Assessments related to World Heritage

Within its role as technical Advisory Role on nature to the World Heritage Committee, which includes evaluation of nominations for new natural sites, monitoring of the state of conservation of existing sites and capacity building, IUCN also provides technical comments on Environmental Assessments to support the work of the World Heritage Committee, and of States Parties to the World Heritage Convention.

IUCN's review process is outlined below:

### → For Terms of Reference and Scoping Reports

- Brief technical comments may be provided to States Parties on terms of reference and scoping documents that are officially submitted through the UNESCO World Heritage Centre under Paragraph 172 of the *Operational Guidelines*.
- IUCN strongly encourages early submission of terms of these documents, as they offer early and effective opportunities for engagement.

### → For draft Environmental Assessments

- IUCN may provide technical and strategic comments on draft Environmental Assessments to States Parties and to the World Heritage Committee, but does not systematically provide in-depth reviews.
- If an Environmental Report does not include a dedicated chapter on World Heritage impacts, including detailed conclusions on all three elements of Outstanding Universal Value – values, integrity and protection and management - IUCN will recommend that the assessment is not adequate and that it is amended to include such a chapter, before it is re-submitted to the World Heritage Centre for review.
- Technical comments on Environmental Assessments are incorporated into *State of Conservation Reports*, which constitute IUCN's and the World Heritage Centre's advice to the World Heritage Committee.
- **Independent reviews** can be commissioned through IUCN's network of environmental experts, and other appropriate and accredited independent advisers. IUCN encourages States Parties to undertake such independent reviews of developments that may impact World Heritage Sites. This can be particularly valuable where Environmental Assessments have been carried out by developers, to ensure that an independent view of the quality of the assessment has been provided.

If States Parties wish to commission an independent review of an Environmental Assessment, IUCN may be able to facilitate this advice by recommending consultants or advisers who can be commissioned by the State Party. However, States Parties are advised that the outcomes of such a review do not constitute IUCN's official position but the views and advice of the expert involved.

## Summary of Testimony

For many years the Queensland Government has been working without an upper house and in those years it has become apparent to me that there is a need for greater commonwealth oversight especially on areas of national significance like water resources, biodiversity, World Heritage properties and human health. In my belief greater commonwealth oversight is required in the following areas.

1. The approval process for the development of mining projects for the export of coal and CSG. Exploration for coal and CSG is not controlled in any way and thus the approval process is always going to be heavily weighted towards the resources industry. The only requirement for an exploration licence is enough money to buy it. These resources belong to the people of Australia and the commonwealth should have an overriding process to protect areas of national significance before starting the resource exploration journey. A process that allows criteria like nationally significant biodiversity, nationally significant water resources, and internationally significant world heritage properties to be applied first by the commonwealth before any exploration licencing can be considered by the Queensland Government is appropriate. In my experience with Keep the Scenic Rim Scenic the QLD State government cannot be trusted to be arbiter in areas where they are the major recipient of royalties from that resource.
2. The Queensland Governments policies and practices are inconsistent with Australia's obligations under international agreements. In my experience in the Scenic Rim, an area with 50% of Queensland's World Heritage Listed land based National Parks, if there is a resource company with an exploration licence, and a want to get that resource to the market then the Qld Government will be complicit in that action regardless of the international agreements that Australia has signed. It is my belief that the Queensland Government have a conflict of interest in allowing resource exploitation rather than discharging their full duty under the World Heritage Convention.
3. It is inappropriate for the Federal Minister for the Environment to delegate his approval powers to the Qld State Government under the EPBC act because it places at risk areas of national and international significance. In particular where there are issues relating to cross border cumulative effects or even projects that are cross border neither state will be effective in discharging the EPBC fully as they will neither have the capacity to fully explore the impacts nor the inclination. This became apparent through my experience with the proposed pipeline through the Gondwana Rainforests of Australia World heritage area.

## Introduction

Good afternoon I rise today to give evidence before this committee as the Spokesperson for Keep the Scenic Rim Scenic, a community group opposed to inappropriate development in the Scenic Rim and directly affected by the QLD government's inability to adequately manage its responsibilities relating to commonwealth government affairs.

To firstly give you my background I am Physical Education Teacher with a masters in Outdoor Education. Having taught in London, Brisbane and finally at Maroon Dam I took over management of my parents business "Mt Barney Lodge" in 2003. By 2006 we had purchased the business and in the years following have grown the business 800% as well as being recognised as Green Leaders by Ecotourism Australia proving that sustainable growth is achievable and that tourism can have a lasting positive impact for the region. In 2010 I was going about my business when I read a local newspaper story about mining in the Mt Barney region. I was horrified and immediately coordinated a meeting of local residents who were then tasked to oppose this development. Through the process of consulting the community we learnt that there was much more at hand than just a potential mine in Mt Barney in fact 80% of the Scenic Rim was covered by exploration permits of one sort or another, with CSG and Coal tenements actively being explored.

It became clear as I travelled around the region that our community was opposed to this style of development and would rather focus on the clear winners of agriculture and tourism. Throughout 2010 and 2011 KTSRS engaged with the State government and the mining companies in submissions and delegations to Community Cabinets, emails and letters however there was no recognition that this was inappropriate development and the advice was to let the process flow as not all exploration resulted in mining. This proposed action did not match the community expectations so we continued with our campaign.

In October 2011 KTSRS conducted an event called "Protesters on Peaks" where over 1000 people climbed the mountains and hills with banners to show their opposition to this style of development. Farmers mowed catch phrases into their fields, hay bales were arranged, and one man climbed 1100m with a banner, abseiled in the night to set it up and then ran down in the morning to be back in Brisbane to start work the next day. The images went world-wide and the pure beauty of the Scenic Rim was starting to galvanise people into action. But still this region with 50% of Qld's WHL National parks, the third most biodiverse region in Australia and the area with the highest number of endangered species in Australia was not getting any answers from the State Government.

In 2012 Arrow Energy started drilling for CSG in the Kerry Valley below WHL Lamington Nation Park. Keep the Scenic Rim Scenic was then instrumental in starting and maintaining a blockade of this drill



rig now famously called the Kerry Blockade. During this time 15 people were arrested, my wife and I included, and this was the first time that we received any indication from the State Government and the incoming LNP Candidate Campbell Newman that this was an inappropriate area for this style of development. Interesting that there was a state election in a couple of months as well.

To this date the political promise of no CSG or Coal Mining in the Scenic Rim has been kept but as the CEO of Carabella Resources pointed out at a community meeting there is no legislative impediment to his company fulfilling its exploration rights. Thus the community is forever left in limbo effectively waiting for a politician to change his mind, or get voted out and the party not recognise the promise.

## Body of Evidence

How does this experience lead me to give evidence here on the impact on commonwealth government affairs?

In the following three ways

1. Firstly with regards to the approval process for the development of mining projects for the export of coal and CSG. Exploration for coal and CSG is the first step towards the development of a resource and is not controlled in any way and thus the approval process is always going to be heavily weighted towards the resources industry. A process that allows criteria like nationally significant biodiversity, nationally significant water resources, and internationally significant world heritage properties to be removed first by the commonwealth before any exploration licencing can be considered by the Queensland Government is appropriate. In my experience with Keep the Scenic Rim Scenic the QLD State government cannot be trusted to be arbiter in areas where they are the major recipient of royalties from that resource. It is ludicrous to even propose that an area like the Scenic Rim should have to consider fighting mining but fight we had to. Lets go over the facts again
  - a. 50% of Qlds WHL Land based national parks are within the borders
  - b. Third most biodiverse region in Australia
  - c. Highest number of endangered species in Australia
  - d. Part of the largest tract of subtropical rainforest in the world, remnants from the ancient Gondwanaland.
  - e. 2<sup>nd</sup> largest carrot producing area in Queensland and
  - f. A thriving base for Ecotourism and nature based tourism

Why did I have to spend two years working full time on the campaign for KTSRS rather than working in my business?

Why did 15 people have to get arrested to show that we were serious about it being inappropriate?

Why did the QLD government not listen to our submissions and act on moral and ethical grounds to halt the exploration process before people had to get arrested and put in harm's way?

It is my experience that the QLD government needs commonwealth oversight to prevent the abuse of power that comes with the vested interest of royalties.

2. Secondly I believe the Queensland Governments policies and practices are inconsistent with Australia's obligations under international agreements. In my experience in the Scenic Rim, an area with 50% of Queensland's World Heritage Listed land based National Parks, if there is a resource company with an exploration licence, and a want to get that resource to the market then the Qld Government will be complicit in that action regardless of the international agreements that Australia has signed. In particular there was a proposal by Metgasco to run a gas pipeline through the World Heritage listed Gondwana Rainforests of Australia and this was not opposed in any way by the Queensland government. Even though it went straight through one of the last remaining colonies of the Eastern Bristlebird one of the iconic and rare birds of the GRA property. In my experience the Queensland Government have a conflict of interest in allowing resource exploitation rather than discharging their full duty under the World Heritage Convention. In fact in the IUCN World Heritage Advice note on 7<sup>th</sup> June 2013 it is stated on page 8.

*"The World Heritage Committee's position is that mineral and oil/gas exploration and exploitation projects (including associated infrastructure and activities) are incompatible with the Outstanding Universal Value of World Heritage Sites and should not be permitted within these sites.*

*Mineral and oil/gas exploration and exploitation outside World Heritage Sites should not have negative impacts on their Outstanding Universal Value."*

*Pg 8/9 IUCN World Heritage Advice Note – Environmental Assessment & World Heritage*

The recent changes by the QLD Government to the Mining act have made it even harder for the community to have a direct say in mining related activity which in my belief is clearly in contravention of the World Heritage Convention. In changes to Mineral and Energy Resources (Common Provisions) Bill 2014 the Coordinator General now has the power to remove objection rights to the Land Court for an Environmental Authority entirely for coordinated projects. Compared to the Advice Note which states proposals that may affect World Heritage sites "Be publically disclosed and subject to thorough public consultation" it seems that the QLD government is setting itself up to be the ultimate power for mining approvals without the communities consent if required.

3. Thirdly it is inappropriate for the Federal Minister for the Environment to delegate his approval powers to the Qld State Government under the EPBC act because it places at risk areas of national and international significance.

Water tables do not recognise state boundaries, rivers do not recognise state boundaries, World Heritage Listed National Parks do not recognise state boundaries and tourists looking to see these international treasures also do not recognise state boundaries.

If the Federal Minister for the Environment was to delegate his responsibilities for the EPBC to the states there will be holes in the process so big that a large mining truck could be driven through and rivers/water tables and world significant national parks will be compromised in their protection. Take for example the Gondwana Rainforests of Australia World Heritage property. It goes across two states with 27 different national parks, 7 nature reserves and several other crown reserves. How could the Queensland Government make decisions regarding the full impact of a mining project when they do not have all the relevant information before them? This process is designed to fail and sounds like it has been written by the mining industry.

The question that has to be asked is why are we so keen to go down the path of devolution of the EPBC? It surely is not the environment sector that is asking for this change, and I know that it is not the tourism sector that wants less protection of its iconic natural brands in Australia. So why? My experience with the proposed pipeline in WHL Gondwana Rainforests of Australia leads me to believe that the weakening of the EPBC will only benefit one industry in Queensland – The Resources industry. So it is my belief that it is irresponsible to devolve powers down to the Queensland Government when they clearly have vested interests in the royalties they receive from resource exploitation rather than applying Australia's obligations under international law.

So to summarise I strongly urge this committee to look carefully at the Queensland Governments with respect to the ability to maintain full control of Commonwealth Government Affairs and in particular with regards to the approval process of mining projects for the export of Coal and Unconventional gas, the Commonwealths obligations under international environmental law and the devolution of the EPBC.

Regards

Innes Larkin