



# BIEPA News

## Editorial

**Wonders of the Wallum - 2014**  
**31st August, See Page 2.**



Dear Readers, August heralds the *Annual Sunshine Coast Spring Wildflower Festival* and this year BIEPA's **Wonders of the Wallum** walk gives us cause to honour past BIEPA members, without whom we would not have our new location. On Sunday, 31st August BIEPA and Wallum Action Group (WAG) will be excited to celebrate and guide you through the new location in Bribie Island's most recently

designated National Park - formerly Lots 402/403. We will honour Len Baglow and Jack Baker with this change in location due to urban development at the old one. In 1998 these two tenacious and caring BIEPA members led the court battle to prevent council rezoning Lots 402/403 for canal development. The win was with the help of the Environmental Defenders Office. (*History - Pages 3&4*)

**BRIBIE ISLAND  
 ENVIRONMENTAL  
 PROTECTION  
 ASSOCIATION INC**  
[www.biepa.org](http://www.biepa.org)

**SPECIAL POINTS OF INTEREST:**

Next BIEPA Meeting will be Monday 25th August, 7:00pm at the Bribie Island Library.

**GUEST SPEAKER:** To be announced.

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## MBRC DRAFT PLANNING SCHEME (UPDATE).

BIEPA has received a verbal response from the Mayor's office to our request for a two month extension of the deadline for submissions, and for proper consultation workshops to be held in each Division. There will be no extension for public consultation, but late submissions will be accepted until the 31st August. It seems other groups and citizens too, are not happy with the consultation process and the State Government has joined the fray. Queensland Deputy Premier, writes to MBRC

Mayor: "The plan is a draft that was prepared by your Council and which you must now explain and justify to your community ..... Indeed that is why the State Government sets a statutory requirement for you to notify and consult your community before major changes can be made to your planning scheme....." More next month.....



# WONDERS OF THE WALLUM

## Sunshine Coast Spring Wildflower Festival - Bribie Island

### SUNDAY 31st AUGUST 2014 - 8:00am to 11:00am

BIEPA welcomes you to Bribie Island for our 2014 *Wonders of the Wallum* Spring Wildflower Walk. Join other wildflower enthusiasts for a morning in the Wallum. NOTE: NEW VENUE!

- Where:** Cotterill Av, Bongaree, Bribie Is.
- GPS:** Cnr Cotterill Av & Protea Dve
- UBD:** MAP 53 H16
- Recommended Attire:** Hat, long pants & sleeves, sturdy hiking-walking shoes.
- Bring:** sunscreen, cameras, binoculars (for birds) and refreshments.
- Information:** Diane: 0438 111 163  
www.biepa.org



Once the low plains and sandy seaside hills and dunes of South East Queensland were alive with the noise of frogs, insects and chattering birds and were covered with Wallum - a mosaic of low shrubby woodlands and heath. Now, relatively small remnants of Wallum heath remain in mainland South East Queensland. Fortunately, some areas are preserved in National Parks and Conservation Parks, but the Wallum heaths are battling to survive in tact. Recreation, waste dumps, weeds and drainage water from surrounding suburbia threaten the fragile plant species and dogs, cats and toads harass the ground-dwelling wildlife. Bribie is fortunate to still have some wonderful pockets of Wallum. Sadly, this past year, we had to change our Walk-in-the-Wallum venue due to the loss of this "host of lilac Vanilla Lilies" (photo) and other remnant Wallum to a developer's bulldozer.

### ALSO LOST.....



## MAJOR COURT WIN FOR BIEPA - LOTS 402/403 (HISTORY)

*By Len Baglow, then President BIEPA.*

On September 22, 1998 Justice Robin of the District Court in Queensland announced that an appeal by BIEPA against a rezoning decision of Caboolture Shire Council had been upheld. The victory was particularly sweet because BIEPA took on the Council and the developer in Court without the benefit of a Barrister or Solicitor in the Court. Even many of our supporters thought we were mad and that we didn't have a hope. Our great thanks to the EDO office which gave us encouragement that we could win as well as lots of practical legal advice in the preparation of our case.

The case involved a 37.31 ha block of land on Bribie Island known as Lot 402. Lot 402 formed part of a larger block on Bribie Island that had the highest conservation rating, (according to the Caboolture Shire's Atlas of Natural Assets), of any block in the Caboolture Shire. It was effectively a mosaic of Eucalyptus open forest, Melaleuca quinquinervia open forest/woodland, Banksia aemula woodland and wet wildflower heath. It drained into Shirley Creek which in turn drained into the Pumicestone Passage.

The battle for this block had been going on for years. The developer first applied in the late 1980s. Even at that time the majority of the land fell within the Open Space designation of the Strategic Land Use Plan. At the time of the 1993 review of the Caboolture Shire Strategic Plan there was intense lobbying by the developer and most significantly by the Lands Department to have the block placed totally in the urban zone.

In its submission on the Strategic Plan, BIEPA strongly supported the public open space designation for this and the adjacent blocks. The Council of the day decided to re-

tain the majority of Lot 402 in public open space but agreed to a request by the Department of Lands that a clause be added stating that *"In the Bongaree to Woorim area the extent of the Open Space designation may be subject to review and parts may, in any future Strategic Land Use Plan, be indicated as residential after more detailed planning and assessment is undertaken."*

Jural No. 11 Pty Ltd lodged a development application to change the planning scheme with respect to the land.

Without waiting for a "future Strategic Land Use Plan" a new group of Councillors advised by new town planners and encouraged by the Department of Natural Resources decided to approve the application and change the designation of the majority of Lot 402 to the urban designation.

When our formal objections were ignored, we somewhat reluctantly decided to lodge an appeal in the Planning and Environment Court.

### **HINTS AT WINNING IN COURT WITHOUT A BARRISTER OR SOLICITOR:**

#### **1. Make sure you have a good clear legal case to begin with.**

Get legal advice on this before, you begin. Having a strong moral case is not the same as having a strong legal case. You also, will need good legal advice along the way concerning the process of Court and the various protocols that need to be adhered to. We used the Environmental Defenders Office for this.

#### **2. Be prepared to put in a huge number of person hours into the project.**

You need a team. One person cannot do it by himself or herself. We had the initial team of 2 in court - supported by a wider team of about 10 who helped with various tasks - supported by another 20 who gave practical support - supported by another 70 who gave financial help. Because it is a team effort you must spend time on team issues to ensure that your

effort doesn't fragment and you become unfocussed.

#### **3. Find good expert witnesses.**

These are the linchpins of any case. Without good expert witnesses you cannot win. Expert witnesses are more important than barristers. We had five - four of them gave of their time freely and the fifth at a greatly reduced rate.

#### **4. Early on develop a clear idea about what the case is about and stick to it.**

The law (particularly the opposing Barristers and Solicitors) has a way of confusing even the most simple of issues. Incorporate your clear idea of your argument in your Notice of Appeal. Get legal assistance to write this Notice of Appeal.

#### **5. Beg, borrow or steal (even rent or buy) a photocopier.**

Courts generate huge amounts of paper. We estimate we made over 10,000 copies.

#### **6. Manage your anxiety.**

Running your own case in court is like teaching yourself to fly by reading the manual. It can be done. We've proven it, but it is hair raising. The other solicitors will attempt to tire, harass and intimidate you. Be calm. (We got five intimidatory fares in one day) If in doubt get legal advice. The other side will certainly hint that you will be up for Court costs. Cheek out what the costs provisions are before you begin and then stay calm and continue to prepare your case.

#### **7. Early on try and get clear what the order of the case will be.**

It does make a difference as to whether you are presenting first, second or last.

#### **8. Visit the Court before your case begins and watch other similar cases.**

You can feel your anxiety level dropping as you get more used to the Court.

#### **9. Prepare your Opening Submission and fatal submission well.**

Ideally, have them typed out before hand so that you can hand them to the Judge. Easier

## BIEPA COURT WIN HISTORY (CONT'D)

said than done but vitally important. Good written submissions help to counter the advantage that Barristers have because they are good on their feet. A good solid written submission, that you have also made orally to the Court, is hard to shake. In our case the order of final submissions was the reverse of the order of the opening submissions. (Just to confuse the uninitiated). Also in our case Justice Robin gave us an opportunity to reply to the final submissions of the opposition. This caught us by surprise and we didn't take up the opportunity. In the end it didn't make any difference, but in an other case it might have.

### **10. Purchase copies of the court transcripts each day.**

These are invaluable in examination and cross-examination and in preparing the final submission. They are expensive at \$2.40 a page. We bought about 250 pages. Overall, including all expenses, the Case cost us about \$4,500.

### **11. Make sure you have 5 copies of every piece of evidence you will need to present well before you are in the Court - one for the Judge, one for the witness, one for the Council, one for the developer, and one for you, (One of the reasons you need the photocopier).**

Develop a system so that you can find them when you need them. In court have a small team to record the Exhibit numbers the Judge gives to your pieces of paper and every other piece of paper that is presented in evidence.

### **12. As part of your Court team have at least one runner who can do last minute photocopying, look for lost witnesses and generally ensure that your pieces of paper are there when you need them.**

### **13. Get advice from a solicitor**

### **and barrister on the techniques of presenting in Court.**

EDO Solicitor Jo Bragg, Solicitor Lesley King and Barrister Mark Hinson helped us greatly.

### **14. Spend time with your expert witnesses so they know exactly what is being asked of them.**

Ensure that they are well acquainted with the particular site. When the expert witness reports are ready, check that there are no minor errors, and check also that the various reports form a coherent whole. Before Court, prepare the witnesses for questions you are going to ask, and ask them what areas they feel you should ask them about. Never ask a question, even of your own witnesses, to which you don't know the answer that will be given. (We did this only once during the hearing -never again). Prepare your witnesses for hostile questions from the opposing barristers. One of the opposing barristers in our case had a standard technique of making his third question a shouting accusation. The accusation seemed to have little relevance but seemed to have been intended to unsettle the witness. Think about the more serious questions that the opposition will ask and have your witnesses prepared.

### **15. The point of your expert witnesses is to give evidence to prove your case.**

Don't try and prove your case through the opposition's expert witnesses if you do not have an expert in the same field. All you do is give them extra time to talk about their own case. In cross-examination look for mistakes and errors in fact, inconsistencies and faults in logic. However, primarily use your own expert witnesses to attack the opposition's expert witnesses.

### **16. Throughout the case Justice Robin and his associate were tremendously courteous. This was reassuring for complete new-chums in the Court.**

### **17. Presenting statistics in Court is not easy.**

In hindsight we should have had our figures from the Australian Bureau of Statistics certified. (This costs \$100) The ABS actually advised us not to certify as the figures we were using were from standard documents. However, the situation became complicated when the Council on a couple of occasions used ABS figures from an entail facility that were wrong. In this situation it was not easy to convince a Judge that our figures were right and the opposition's figures were wrong. It would have been much simpler if our figures had been certified.

### **18. Retain a sense of humour.**

[Len Baglow, together with Jack Baker, ran the Appeal on behalf of Bribie Island Environmental Protection Association] Reproduced with permission from Environmental Defenders Office Newsletter Issue 15 December 1998 pages 7 to 10 and Len Baglow of The Bribie Island Environmental Protection Association.



You will recall that we mourned the passing of Jack Baker in our March 2013 BIEPA News. Jack's wife, Lois, and family scattered part of his ashes in Port Moresby, New Guinea, where he was a Patrol Officer ... the rest were spread on Lots 402/403. Jack and Len have left a lasting legacy on Bribie Island - this pristine Wallum heath and wetland - a real sanctuary protecting our unique flora and fauna. They (and their tenacious BIEPA team) truly were Caring for our special habitat and its residents.

## BIEPA MANAGEMENT COMMITTEE 2014 - 2015



**TOP: BIEPA stall at Rotary Markets.**

**BOTTOM: Our friends from Take Action for Pumicestone Passage (TAPP)**

At the May 2014 Annual General Meeting, we bid farewell to the 2013 - 2014 Management Committee and elected the new Committee. Some decided not to stand again and some agreed to put their names forward for re-election. Happily most vacant positions were filled. The position of President remains vacant, but the new Committee is happy to function until someone suitable agrees to assume the task. Members at the AGM were unanimous in their appreciation for all the hard work the retiring committee members put in during their tenure. **(See *President's Report below for a summary of the last year's achievements.*)** BIEPA could not have had such a successful year without the invaluable contribution of those retiring - Richard Proudfoot as President; John Harden as Vice President, Fiona McGill as the BIEPA News Editor, Rotary Market stall co-ordinator

and Ian Bell for his wealth of knowledge and experience in environmental issues. Thanks!

It is also important that we acknowledge BIEPA members who are less visible in what they contribute to the ongoing viability of BIEPA. We especially thank Elspeth Barclay for co-ordinating BIEPA's book sales out of different outlets on the Island. Our income from book sales is steady. Then we have our water-monitors who go out each month testing their respective "water holes" for the SEQ Catchments research data base. Thanks to our guest speaker co-ordinator, John Oxenford. And, of course, thanks to the membership for your support and offers to volunteer on projects,. Without you, no BIEPA!

New committee: David Percival, Lia Saint-Smith, Diane Oxenford, Therese Puffett, Kathleen Catalan, Kay McIntosh, Ron Watson.

## BIEPA 2013/2014 President's Report

### Richard Proudfoot

The last 12 months has been extremely challenging for the environment of Australia. We have many and varied examples of this at the local, state and federal levels. In our immediate vicinity (the Moreton Bay and Sunshine Coast regions), BIEPA members have witnessed environment-destroying activities such as the clearing of wetlands and wallum scrub in the name of development, proposed eco-resort and zipline in the Kondalilla national park, continuing degradation of the water quality of Moreton Bay, the discovery of the invasive fish, tilapia, in Buckleys Hole, the proposed West-Petrie bypass (a freeway through prime koala habitat) and the proposed off-road motor bike trail to be established in pristine wet sclerophyll forest on Steve Irwin Way.

All this guarantees reduced bird and native animal numbers in our region. It also continues to degrade this part of our state as an environmentally likable destination. BIEPA and its members continue to strive to present our environment in a positive way. We strive to make it known to governments at all levels that many of their policies are not OK. We have also seen our members' knowledge on regional ecological matters grow through the wonderful array of guest speakers we have had in the last year. BIEPA understands that our members are our heart and soul. Which is why we have undertaken many activities to increase our membership. It has been an incredibly successful year in terms of new members. We also recognise that BIEPA alone is not sufficient to argue against bad environmental policy in our region. This is why we have increased our effort to engage with other like-minded groups in our region and increased our reach by networking. As president, I would like to acknowledge the exceptional success of many of the BIEPA activities in the last twelve months and especially thank everyone who has contributed in some way to these successes. I can't list them all but here are some of the BIEPA activities and achievements, in no particular order, which have made a positive impact on our environment in 2013/14:

## President's Report 2013/2014 (cont'd)

- Wildflower Walk  
Our walk in August 2013 was once again extremely well patronised with close to 100 people participating.
- Rotary Markets  
We had a stall at about a dozen market days in Brennan Park over the past 12 months. These stalls make a big contribution because we have gained extra members as a result and also we get income from the sale of our BIEPA books and our fluffy birds and turtles.
- Surge in new members  
We have had at least fourteen new members join in the last year.
- Successful workshop by Aidan Ricketts on community engagement and activism  
BIEPA engaged the environmental lawyer and academic Aidan Ricketts to conduct a workshop on how to better work with our community with the aim of achieving the common good of a Bribie Island that remains a desirable place to live and also an attractive destination for tourists.
- Promotional Opportunities  
BIEPA had a market stall at various events that occurred in the Region. At each of these well-patronised events, it was a great opportunity to publicise BIEPA and we know from the source of some of our enquiries that our presence did make a difference. Some of these events included:
  - World Environment Day
  - Bribie Festival
  - Towards Tomorrow Sustainability Fair
  - Is Everyone Here community festiva
- Exceptional guest speakers  
Feedback from our members indicated that our line-up of guest speakers over the past twelve months has been outstanding.
- Newsletter success  
Our newsletter is widely circulated, widely read and judging from feedback, much anticipated. It is one of the 'outward' faces of BIEPA and does a terrific job.
- Media Releases  
There have been several hard-hitting and well-received media releases in the local and regional press over the last twelve months.
- Affiliation with Moreton Bay Eco Alliance  
BIEPA was instrumental in setting up the Moreton Bay Eco Alliance and continues to be an active supporter and contributor.
- NPAQ hosting led to BIEPA president being invited onto the NPAQ council  
BIEPA's successful hosting of the National Parks Association of Queensland last year led to an invitation to the BIEPA president to sit on the NPAQ Council.
- Green Army project  
BIEPA lodged an application to sponsor a federal government Green Army project. Our application was successful and we will see this project commence later this year.
- We hosted the Wild Bribie Exhibition with the Library  
BIEPA members worked closely with the MBRC library to host a very successful exhibition at the Bribie Seaside Museum called Wild Bribie. The event was well attended and very much appreciated.
- Our book products have increased to three and sales continue to be buoyant  
In addition to our previously published books (Bribie Birds and Wildflowers of Bribie Island), we released a third member called The Annotated Checklist of the Birds of Bribie Island. All three books continue to have steady sales.

Overall, it has to be said that BIEPA had an outstanding year. Its not easy and often our outcomes are not widely known but it is rewarding to be acknowledged by our peers whether they be other concerned members of the community or other environmental groups. I wish BIEPA well and long may it continue to promote and protect the environment of Bribie Island.

## PLANT OF THE MONTH - *Boronia falcifolia*

As we are celebrating all things Wallum this month, it is apt that our Plant of the Month is a Wallum flower. And the reason for the choice will become apparent as you read on. Last week, on a reconnoitre in our new *Wonders of the Wallum* location, excitement grew in anticipation of the varied display of flowers the rains promise after such a dry period. It was difficult choosing which plant to celebrate this month, but after a little search on the internet, up popped an article written by Barbara Henderson whose knowledge of Australia's Native flora, especially Wallum, is legendary. Barbara had teamed up with Colin Campbell for an episode on ABC's "Gardening Australia" on Wallum wild-flowers. Enjoy her account of the experience here:

<http://anpsa.org.au/APOL23/sep01-3.html#photo4>

Like us all, Barbara has been seduced by the *Wonders of the Wallum*. She will bend your ear on the Wallum at any opportunity. One of her favourite stories is about when she was a little girl living on Bribie, rambling in her beloved Wallum heathland. She and her friends would gather arms full of wild *Boronia* and sell bunches to the tourists arriving at the Bongaree jetty by boat.

*Boronia falcifolia* is a small shrub of up to 75cm with 4-lobed pink flowers & slender sickle-shaped leaflets, usually in groups of 3. It flowers spring and summer and is common in moist Wallum heathland.

The genus *Boronia* is one of the best known of all Australian plants. There are approximately 95 species, and all but

one, occur only in Australia. Most species are found in SW Australia. FAMILY RUTACEAE (Rue Family)



Right: Photo by Barbara Henderson



*Boronia falcifolia*  
photo taken  
14/08/2014  
Lot 402/403

## BIRD OF THE MONTH - WELCOME SWALLOW (*HIRUNDO NEOXENA*)



Hanging out at Woorim Beach



Babies anticipating lunch at Buckley's Hole Bird Hide

Full of the joy of life, Australia's most widespread swallow, the Welcome Swallow, can be seen fluttering, swooping and gliding in search of flying insects in most habitats, between city buildings, over farmland, in deserts, wetlands, forests and grasslands. Sometimes they occur at sea - their name, "Welcome" Swallow, comes from sailors who knew that the sight of them meant land was close. Welcome Swallows have successfully adapted to the human environment and build their mud nests in all sorts of places, which puts them at our mercy. They are metallic blue-black above, light grey below on breast and belly, and rust on the forehead, throat and upper breast. They have long forked tails with white spots on individual feathers. The female incubates the eggs, but both parents feed the young. **"Welcome" to Bribie Island !!**

**B.I.E.P.A.**

[www.biepa.org](http://www.biepa.org)



*Caring for our special habitat and its residents*

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**MANAGEMENT COMMITTEE**

David Percival	Vice President
Lia Saint-Smith	Treasurer
Diane Oxenford	Secretary
Therese Puffett	Committee
Kay McIntosh	Committee
Kathleen Catalan	Committee
Ron Watson	Committee

**WILDLIFE CONTACTS**

**Bribie & District Wildlife Rescue,**  
Ph: 0400 836 592

**Aust Zoo Wildlife Hospital,**  
Ph: 1300 369 652

**Turtles: Diane: 3410 0757;**  
**Val: 3410 8192; Ann: 3410 1771**

**QPWS: marine strandings:**  
**1300 130 372**

**Wildlife Hotline: RSPCA:**  
**1300 ANI MAL**

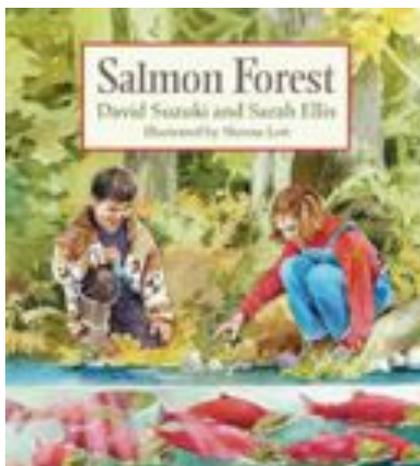
**Snakes: Qld Wildlife Solutions,**  
**Geoff: 0414 962 688 (Fee charged)**

**BOOK OF THE MONTH (Children's)**

**"Salmon Forest"**

David Suzuki & Sarah Ellis

David Suzuki and Sarah Ellis's charming and informative text, illustrated with Sheena Lott's exquisite watercolours, magically evokes the spirit and mystery of Canada's West Coast rain forest. There's a lot going on between this book's attractive covers: Take an autumn walk in the woods with Kate and her dad and find out why this rain forest is called the salmon forest and how the salmon and the trees need each other. It is a lesson in biology and ecology. You will also meet fat slugs and squawking gulls and a bear, hungry for some fish. You will encounter a native family who provide a glimpse of their culture's salmon fishing tradition. David Suzuki is an internationally acclaimed scientist, environmentalist and broadcaster. He has written more than 30 books, including: *You Are the Earth* and *Eco-Fun*. More information: <http://www.davidsuzuki.org/>



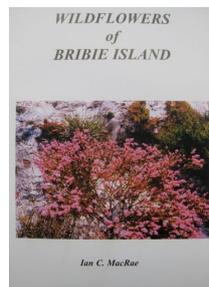
**Date Claimers**

- Aug 16** National Science Week
- Aug 25** BIEPA Meeting
- Aug 19** Keep Australia Beautiful Week
- Sept 01** SCEC Pumicestone Cruise for Halls Creek - Phone: 5441 5747
- Sept 01** National Wattle Day
- Sept** National Biodiversity Month
- Sept 07** Bushcare's Major Day Out
- Sept 07** National Threatened Species Day
- Sept 08** Sustainable House Day
- Sept 14** National Bilby Day
- Sept 16** International Day for Preservation of Ozone Layer
- Sept 20** World Parks Day
- Sept 22** World Car-Free Day

**BIEPA BOOKS FOR SALE**



**\$16:50**



**\$17:00**



**\$6:00**

**(All 3 books for \$25:00)**