

Ref CTS 06227/10

6 MAY 2010

Ms Julie Dennett
Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Dennett

I refer to previous letters submitted by the Minister for Natural Resources, Mines and Energy and Minister for Trade dated 21 April and 23 April 2010 to the Senate Committee which made a submission and responded to questions on notice. The Senate Committee has requested responses to further questions on notice. The Minister has requested that I respond on his behalf and these are provided below.

While these questions have been responded to, the Queensland Government again advises that it is unclear how these questions assist the Committee in its evaluation of the Bill before the Committee.

Response to additional question on notice from Senator Barnett:

'Attachment E, which is briefing note CTS 02637/09 described as "Minister's decision to proceed to Governor-in-Council" advises the Minister: "It is proposed there be some changes to the declaration proposals to reflect some issues raised in the consultation process". Thus, the final declarations must have been made by the Minister between April 1, after he signed CTS 02637/09, and April 2, when Governor-in-Council considered the declarations. Please provide a copy of the instrument signed by the Minister by which the Minister declared the areas to be wild river areas, in accordance with Sections 7 & 15 of the Wild Rivers Act.'

The reference in the Attachment E briefing note is to highlight for the Minister that changes from the declaration proposal were made as a result of the consultation process, but this was subject to his decision to approve the changes. On 1 April 2009, the Minister signed the final decision to seek approval by Governor-in-Council to declare the Archer, Stewart and Lockhart Basins as wild river areas.

Response to additional question on notice from Senator Boswell:

“With reference to “Summary Information on development approvals in wild river areas to April 2010” tabled by the Queensland government during the hearings:

- 1. Provide a detailed list of all of those Wild River related activities for which an application could not be accepted or an application is taken not to have been made and provide a brief description of each activity and how the prohibition comes about.*
- 2. Of the 173 applications listed in the table it is noted that 141 of the applications relate to mining. Of the other 32 applications, how many also relate to mining projects?*
- 3. How many of the 173 applications related to new greenfield development proposals rather than an addition to or compliance by already existing developments?*
- 4. How many of the 173 applications related to the Archer, Lockhart and Stewart Basin wild river areas and what was the nature of these applications?*
- 5. Of the Vegetation Management applications approved within a High Preservation Area, what was the nature of the clearing?”*

Response to Question 1: I refer you to the Minister's letter of 21 April 2010 which in Attachment D provides an outline of how requirements of a wild river declaration relate to new development activities. Schedule 1 of the *Sustainable Planning Act 2009* and *Sustainable Planning Regulation 2009* sets out those activities which are prohibited, assessable or self assessable in a wild river area. This legislation can be accessed at the Queensland Legislation website:
<http://www.legislation.qld.gov.au/OQPChome.htm>.

Response to Questions 2, 3 and 4:

The information provided at the Cairns Senate Hearing on 13 April 2010 clearly indicates that development activities are not prevented in wild river areas. Of the three Environmentally Relevant Activities listed in the tabled information, one of the applications relates to mining.

Response to question 5:

The nature of the vegetation clearing can be for any of those purposes provided for within the scope of section 22A of the *Vegetation Management Act 1999*. I refer you to the Minister's original submission to the Committee of 21 April 2010.

Response to additional question on notice from Senator Boswell:

Senator Boswell's office have raised the point that Attachment A to the submission is not actually a gazettal notice, so answer to question no 1 cannot really refer to that attachment.

Are you able to supply a copy of the gazettal notice please? Or is it in fact attachment F in the original submission?

As stated in the Minister's letter of 23 April 2010, the document 'A' was a draft version of the gazettal notice which accompanies the material being approved by Governor-in-Council. I have attached the version of the notice which was gazetted.

Should you have any further enquiries, please do not hesitate to contact
Policy Advisor of Minister Robertson's office on telephone

Yours sincerely

John Bradley
Director-General

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*Wild Rivers Act 2005***WILD RIVER DECLARATION NOTICE (No 01) 2009****Short title**

1. This notice may be cited as the *Wild River Declaration Notice (No 01) 2009*.

Notice of declaration [s.16 of the Act]

2. Notice is given that the Governor in Council has approved Wild River Area Declarations for the Archer Basin, Lockhart Basin and Stewart Basin.

The *Archer Basin Wild River Declaration 2009*, *Lockhart Basin Wild River Declaration 2009* and *Stewart Basin Wild River Declaration 2009* take effect from 3 April 2009.

ENDNOTES

1. Made by the Governor in Council on 2 April 2009.
2. Published in the Gazette on 3 April 2009.
3. Laid before the Legislative Assembly on...
4. The administering agency is the Department of Environment and Resource Management.

*Land Act 1994***REOPENING OF TEMPORARILY CLOSED ROAD NOTICE (No 11) 2009****Short title**

1. This notice may be cited as the *Reopening of Temporarily Closed Road Notice (No 11) 2009*.

Reopening temporarily closed road [s.107 of the Act]

2. It is declared that the areas of land comprised in the former Road Licences mentioned in Schedules 1 to 8 are reopened as road.

SCHEDULE**Central West Region, Emerald Office**

1 An area of about 6.48 ha intersecting Lot 14 on DSN906, and shown as Lot A on AP12288, being the land contained within former Road Licence No. 221313, (parish of Moodewarra). (2009/000449)

Central West Region, Mackay Office

2 An area of about 4857 m² abutting the southern boundary of Lot 3 on RP747929, being the land contained within former Road Licence No. 5230, (parish of Ossa). (2009/001775)

Central West Region, Rockhampton Office

3 An area of about 37.75 ha described as Lot 1 on RL7898 as shown on RA3428, being the land contained within former Road Licence No. 7898, (parish of Riverston). (2008/006671)

North Region, Innisfail Office

4 An area of about 6071 m² abutting the north western and western boundaries of Lot 15 on SP217242, the western boundary

of Lot 14 on SP217242 and the north western boundary of Lot 13 on SP217242 and separating Lot 27 on RP702610 from Lot 14 on SP217242, being the land contained within former Road Licence No. 3122, (parish of Mourilyan). (2008/006968).

North Region, Atherton Office

5 An area of about 4.047 ha separating the north eastern boundary of Lot 47 on CP903627 from part of the western boundary of Lot 191 on SP113999, being the land contained within former Road Licence No. 2956, (parish of Ravenshoe). (2008/007013)

6 An area of about 1.518 ha separating part of the south western boundary of Lot 1 on RP715215 from the north eastern boundaries of Lots 200, 201, 209 and 210 on CWL430, being the land contained within former Road Licence No. 3558, (parish of Ravenshoe). (2008/007013)

South East Region, Ipswich Office

7 An area of about 5940 m² abutting the south eastern boundary of Lot 1 on RP188551, being the land contained within former Road Licence No. 7812, (parish of Taylor). (2009/001817)

South West Region, Warwick Office

8 An area of about 8410 m² abutting the north eastern boundaries of Lots 11-14 and 19-27 on ML2302 and the north western boundaries of Lots 11 and 27 on ML2302 and shown as Lot A on AP14863, being the land contained within former Road Licence No. 230335, (parish of Gilbert). (2009/002099).

ENDNOTES

1. Published in the Gazette on 3 April 2009.
2. Not required to be laid before the Legislative Assembly.
3. The administering agency is the Department of Environment and Resource Management.

*Land Act 1994***OBJECTIONS TO PROPOSED ROAD CLOSURE NOTICE (No 11) 2009****Short title**

1. This notice may be cited as the *Objections to Proposed Road Closure Notice (No 11) 2009*.

Application for road closure [s.100 of the Act]

2. Applications have been made for the permanent and temporary closure of the roads mentioned in the Schedule.

Objections

3.(1) An objection (in writing) to a proposed road closure mentioned in the Schedule may be lodged with the Regional Service Director, Department of Environment and Resource Management, at the regional office for the region in which the road is situated.

(2) Latest day for lodgement of objections is 14 May 2009.

(3) Any objections received may be viewed by other parties