

Balkanu

Cape York Development Corporation P/L

A.B.N. 67 075 711 198

18th June 2010

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir / Madam

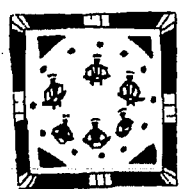
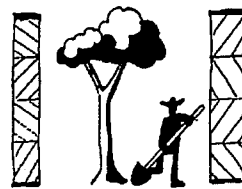
Prevention of Community Vegetable Gardens within Wild River High Preservation Areas

I refer to Questions from Senators at the Cairns sittings of the Legal and Constitutional Affairs Legislation Committee inquiry into the Wild Rivers (Environmental Management) Bill 2010 in relation to opportunities which are impacted by Wild River declarations.

I attach for the information of Senators a section of correspondence received on 17 May 2010 by Balkanu Cape York Development Corporation from Mr John Bradley, Director General of the Department of Environment and Resource Management. The section of the correspondence attached relates to Community Vegetable Gardens and has serious implications for indigenous people whose residences such as outstations have been included in the 1km High Preservation Area either side of a declared Wild River, and serious implications for indigenous people who intend to establish an outstation within a High Preservation Area.

The essence of Mr Bradley's argument is that a community vegetable garden within a High Preservation Area is only permissible if it does not involve clearing of vegetation. It is difficult to imagine circumstances on Cape York where a community vegetable garden could be established without some clearing of vegetation.

High Preservation Areas have in almost all declarations been declared to the maximum of 1km either side of a declared wild river and its major tributaries - with no scientific justification. The best soils for community gardens are within this area.



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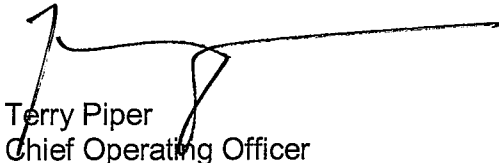
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I also attach for the Committee's information a State Government document obtained under Freedom of Information which identifies, for example, that Running Creek has a riparian area of 50m either side of the creek. Running Creek was gazetted as a Wild River on 3 April 2009, with a High Preservation Area declared at the maximum possible width of 1km either side of the creek- a buffer zone of 950 metres beyond the riparian area!

We and other individuals and organizations who made submissions to the Senate inquiry, such as the Anglican Diocese of Brisbane, have concluded that the Wild Rivers legislation has serious implications for Indigenous people and economic development on Cape York.

Yours sincerely



Terry Piper
Chief Operating Officer
Balkanu Cape York Development Corporation

attachment

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Sect 1.

	Name		
Characteristic	Archer River	Stewart River	Running Creek
Ave Riparian Veg Width (m)	300	100	50
Channel Form	Braided and Wide	Confined	Confined
Flow Characteristics	Perennial	Ephemeral	Perennial
	Highly Variable	High Velocity	High Velocity
	Mod Velocity		
Geology	Alluvial Channels	Alluvial	Alluvial
	Banks to South		
	Quartzose Sand		
	Bauxite to North		
	Small tribs clayey sandstone		
Additional Notes		In some reaches,	
	Riparian Zone 200m each	riparian zone?? up to	
	side for much of length,	600m on one side, in	
	however in some places 50m	others, 100m or less	
	on one side and 500m on	each side. Mid reaches	
	other. Multiple channels and	much wider riparian	
	many small feeder streams,	zone. More confined	
	floodrunners and lagoons	above Little Stewart	
	especially in lower reaches.	River. Station Creek	
		Riparian Zone approx	
		150m each side, Little	
		Stewart riparian	
		width about 80m each	
		side	

Sect 2

Massey Creek	Breakfast Creek	Balcutha Creek	Claudia River	Lockhart River
300	100	150	400	400
Confined with Breakouts	Confined	Confined	Very Confined	Mainly confined
Perennial High Velocity	Perennial High Velocity	High Velocity		
Alluvial	Alluvial	Alluvial	Volcanic HW	Alluvial Clayey Sandstone Hills Muscovite HW
In places, riparian zone 700-800m on one side and 300m on other, still lots of flood runners, Narrowest parts- 180m each side, more confined	Narrower riparian zone -many reaches with riparian zone less than 100m wide. Wider riparian zone in upper reaches		Riparian Zone up to 400m each side, upper reaches greater than 1000m. No floodrunners, distributaries etc.	Riparian Zone in upper reaches (before Eden Ck) greater than 1000m each side

Secr 3.

Eden Creek	Nesbit River/Leo Creek	Chester River/Scrubby Creek	Rocky River
200	250/100	300/250	300
Confined	Confined/ Multiple Channels	Confined/Confined	Confined
		Perennial	Perennial
	Aluvial Granite HW	Alluvial Granite HW	Alluvial Some Quartz Sandy gravelly Metomorphic HW
	Nesbit has wide sandy channel. Mid- upper reaches riparian zone approx 370m each side. Upper reaches highly variable, narrowest 70m each side but up to 300m each side	Chester Riparian Zones up to 600m each side in lower reaches (restricted). Mid reaches Riparian Zone approx 130m often virtually only on one side. Upper reaches 200m and greater. Scrubby riparian zone 400-500 m each side for many reaches but reducing to 180m in parts	Lower reaches riparian zone approx 300m each side, mid reaches 280m each side, Upper reaches 300-1000m each side with much less contrast between riparian zone and surrounding catchment.

To provide access and parking for commercial tours to visit an historic or cultural site:

- An application can be made to the department to clear vegetation for a road, vehicular track or for the construction of necessary built infrastructure.
- This activity must be in accordance with the Wild Rivers Code.

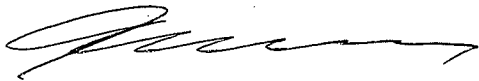
Community vegetable gardens

- Throughout Queensland, under the VMA, an application cannot be made to clear native vegetation for agriculture unless the development is for a 'Special Indigenous Purpose'.
- Clearing can be considered as a "Special Indigenous Purpose" if the Minister is satisfied that certain considerations under the Cape York Peninsula Heritage Act are applicable. In relation to clearing of a minor nature, such as clearing a small area for subsistence farming, this could be considered as being for a Special Indigenous Purpose if it is undertaken on Aboriginal land, Aurukun Shire lease land or DOGIT land in the Cape York Peninsula Region and if it does not involve clearing in an endangered or of concern regional ecosystem. Larger scale native vegetation clearing may also be considered as being for a Special Indigenous Purpose if the Minister considers that a more extensive range of conditions set out in the Cape York Peninsula Heritage Act have been satisfied. Notably, clearing for a "Special Indigenous Purpose" cannot be approved if proposed in a Wild Rivers HPA.
- If the community vegetable gardens do not require clearing of vegetation, up to two hectares of land can be cultivated to grow agricultural products for the domestic needs of between 10 and 50 occupants of that land, without any wild river requirements.

It is important to note that the Wild Rivers Act provides a process for a person to seek approval for development that would otherwise be prohibited in a HPA.

Should you have any further enquiries, please do not hesitate to contact Mr Scott Buchanan, Project Director (Wild Rivers) of the department on telephone 3225 1023.

Yours sincerely



John Bradley
Director-General