



Hon Stephen Robertson MP
Member for Stretton



**Minister for Natural Resources,
Mines and Energy**

1 JUN 2004

Mr N J Laurie
The Clerk of the Parliament
Parliament House
Alice and George Streets
Brisbane Qld 4000

Dear Mr Laurie

I refer to your letter of 23 April 2004 forwarding a copy of a Petition lodged in the Queensland Legislative Assembly, requesting the House to call on the Minister for Natural Resources, Mines and Energy and the Minister for Sport to take all necessary action to prohibit removal of vegetation from areas of Crown Land at Macintosh Park and north and south of Narrowneck on the Gold Coast and prevent the further degradation and encroachment of these areas in connection with the Gold Coast Indy race and associated events.

The new *Vegetation Management and Other Legislation Amendment Act 2004* that commenced on 21 May 2004, clarifies when a permit is required to clear native vegetation on both freehold and State land. Where State land is held in trust by a local government and dedicated as a park for public use, the clearing of vegetation on this land will generally require a permit from my Department of Natural Resources, Mines and Energy under the provisions of the *Integrated Planning Act 1997*. This is the case regardless of whether it is a local government proposing to do the clearing or any other third party.

However, there are a few specific exemptions that allow certain clearing activities to occur on trust reserves without a permit. These exemptions are outlined in Schedule 8 of the *Integrated Planning Act 1997* and include clearing by the trustee (generally the local government) for essential management activities such as removing dangerous trees; clearing vegetation that is not remnant vegetation as shown on the regional ecosystem maps held by my department; and clearing for a routine activity that has prior approval of my department, for example clearing for weed control according to a pest management plan.

There are a number of other clearing activities that are exempt. However, these only relate to specified clearing activities undertaken by other third parties as required under other legislation such as the *Fire and Rescue Service Act 1990* and the *Electricity Act 1994*.

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The new vegetation clearing laws also affect when an application can be made for clearing. In order to lodge an application for clearing, a local government would either need to apply under the ballot for a clearing allocation or satisfy my department that the clearing was for an ongoing purpose as defined under the recently amended *Vegetation Management Act 1999*. For example, an application can continue to be accepted outside the ballot if it is for necessary built infrastructure and if there is no suitable alternative site for the infrastructure.

Applications are assessed against the performance requirements within the relevant regional vegetation management code. The performance requirements are based on the purposes of the amended *Vegetation Management Act 1999* including the conservation of remnant vegetation; maintenance of biodiversity and ecological processes; and ensuring clearing does not cause land degradation. An application must be approved if it meets each of the performance requirements within the code.

My department is not currently processing any applications for clearing lodged by Gold Coast City Council.

Thank you for bringing this matter to my attention.

Yours sincerely

STEPHEN ROBERTSON MP