

(copy)

Sent: Thursday, 21 January 2016 4:32 PM
To: Canavan, Matthew (Senator); O'Sullivan, Barry (Senator)


Subject: Land clearing correspondance 1 of 7 [SEC=UNCLASSIFIED]
Attachments: 150506 Letter from Wilderness Society.pdf; 150507 Letter from Hunt to Touchie Wilderness Society.pdf; 150604 Letter from JackieTrad.pdf; 150507 Letter Hunt to Lynham.pdf; 150605 Hunt letter to Minister Bill Byrne.pdf

Dear Senators,

Please find attached correspondence relating to land clearing. Due to the file size there will be 7 emails.

Kind regards,

Office of the Hon Greg Hunt MP | Minister for the Environment
Ph: 02 6277 7920

 Please consider the environment before printing this email



6 May 2015

The Hon Greg Hunt MP
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Email: Greg.Hunt.MP@aph.gov.au

Dear Minister

Land clearing in northern Queensland - request for immediate action

We are writing to request your urgent intervention to prevent further large scale land clearing from occurring in far north Queensland until you have decided whether or not the clearing is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 6 March 2015, The Wilderness Society (TWS) wrote to the Compliance and Enforcement Branch of your department to report a potential breach of the EPBC Act for failure of a proponent to refer to you the proposed clearing of over 30,000 hectares of remnant savannah woodland on Olive Vale/Fairview Stations.

Your department responded promptly on 6 March stating it was unaware of the proposed clearing and that it would investigate and keep us updated as to progress.

We wrote again to your department on 16 April 2015 stating that the leaseholder was preparing to commence clearing and, in those circumstances, time was of the essence in completing the department's investigation. We also indicated that, while we saw departmental action as most appropriate to protect matters of national environmental significance (MNES), the Wilderness Society would consider applying to the Federal Court for an injunction to prevent the imminent damage if a timely and suitable response from the Australian Government was not forthcoming. We received no reply to that correspondence.

On 4 May 2015, we again wrote to your department advising that clearing had commenced on the property and requesting that the Australian Government take immediate action to prevent further clearing from occurring. Based on satellite imagery, it appears clearing may have taken place at least six weeks after we first notified your department of the issue.

It is clearly unacceptable that land clearing be allowed to occur while a potential breach of the EPBC Act is being investigated. We are therefore seeking your urgent confirmation of what actions the Australian Government has taken or is now taking to prevent any further land clearing occurring at Olive Vale/Fairview.

We would appreciate similar confirmation of actions regarding four other land clearing projects¹ that we notified your department of between 23 February 2015 and 6 March 2015. Cumulatively, these

¹ Strathmore Station, Stage 1 and Stage 2; Kingsvale Station; and Blanncourt Station.

projects will destroy over 110,000 of remnant savannah woodland, will have significant biodiversity impacts and will generate approximately 9.6 million tonnes of greenhouse gas emissions. Your department has confirmed that none of these projects were ever referred for consideration of assessment under the EPBC Act.

With the end of the wet season in Northern Australia, land clearing is likely to be underway or about to start on all of these properties, with appalling consequences. For example, the land clearing currently occurring on Olive Vale/Fairview is in an area that is recognised as having world heritage quality natural and cultural values, as well as MNES². Additionally, intensive agriculture at this scale in this area will inevitably threaten the ongoing health of the pristine northern section of the Great Barrier Reef, through a combination of agricultural run-off and sedimentation.

Cumulatively, land clearing of this scale signifies an effective reversal of the ban on broadscale land clearing in Queensland, which was responsible for Australia being able to meet its international climate commitments in the mid-2000s. We estimate that, if allowed to proceed, these five projects alone will represent 1.7% of yearly annual emissions.

In that context, and as Minister responsible for both Australia's international climate and biodiversity commitments, you would appreciate that the substantial weakening of land clearing controls in Queensland over the last three years requires your serious attention and action. As a first priority, immediate action needs to be taken to prevent any further clearing on any of the properties currently under investigation by your department so as to mitigate any significant, and potentially irreversible, impacts.

We look forward to your earliest response.

Regards

Karen Touchie
Queensland Campaigner
The Wilderness Society

² The EPBC Protected Matters Report for the general area identifies 17 listed threatened species, 14 migratory species, as well as one nationally important wetland and 16 listed marine species.



Deputy Premier
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade

Our ref: D15/75454

Level 12 Executive Building
100 George Street
PO Box 15009 City East
Queensland 4002 Australia

The Honourable Greg Hunt MP
Minister of Environment
GPO Box 787
CANBERRA ACT 2601

Dear Minister *Greg,*

As you are aware, on 20 January 2015, the Queensland Government approved a development application for operational work for the clearing of native vegetation 'high value agriculture' on land at Olive Vale/Fairview Station (described as Lots 52 and 53 on CP887366).

As you may also be aware, I recently requested the Director-General of the Department of Infrastructure, Local Government and Planning undertake an investigation into this approval. The investigation has found the proposal deficient in the assessment of land suitability, with the applicant failing to supply correct technical information. In addition the investigation found errors in the assessment of financial viability, with the applicant's report including very optimistic indicators of the project's financial viability which could not be justified.

As a result, the proposed clearing cannot be justified as being for the purposes of High Value Agriculture and therefore fails under Section 22A of the *Vegetation Management Act 1999* and the associated guidelines when assessed on the basis of the information supplied by the applicant.

Given the above, I now refer the approval under section 69 of the *Environment Protection and Biodiversity Conservation Act 1999* for determination by you as Minister for a decision as to whether or not the action is a controlled action.

If you subsequently determine that it is a controlled action absent of the requisite approvals, I would expect that you would take the steps necessary to ensure its compliance.

I trust that you will investigate this development approval as a matter of urgency.

Yours sincerely

JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade



The Hon Greg Hunt MP
Minister for the Environment

05 JUN 2015

PDR: MB15-000445

The Hon Bill Byrne MP
Minister for Agriculture and Fisheries and
Minister for Sport and Racing
GPO Box 46
Brisbane Queensland 4001

Dear Minister

I refer to my letter of 4 June 2015 to the Hon Jackie Trad MP, Deputy Premier of Queensland, in relation to the clearing of native vegetation at Olive Vale/Fairview Station.

This letter was in response to a letter from Ms Trad on the same date indicating that land clearing permitted under Queensland *Vegetation Management Act 1999* at that property is not justified for the purposes of High Value Agriculture.

I must assert that given Ms Trad's acknowledgement that the actions on the property fail under Queensland law then, if a matter is inconsistent with Queensland law and as a responsible Minister, you may be in breach of your duties should you fail to enforce the relevant Queensland legislation.

The Australian Government has no power to enforce Queensland law, but the Queensland Government does, potentially including relevant legislation in your portfolio.

Notwithstanding this, I am advised that the Department of the Environment is currently making enquiries as to the applicability of the *Environment Protection and Biodiversity Conservation Act 1999* to the action which is currently occurring on Olive Vale/Fairview Station.

To that end, compliance officers, accompanied by a suitably qualified expert will make a thorough assessment of the works that are in train, during the course of next week. Commonwealth officers will be accompanied by officers from Queensland Parks and Wildlife Service and the Queensland Department of Environment and Heritage Protection.

Yours sincerely

Greg Hunt

cc The Hon Jackie Trad MP, Deputy Premier of Queensland
PO Box 15009, City East QLD 4002

Parliament House, Canberra ACT 2600 Telephone (02) 6277 7920 Greg.Hunt.MP@environment.gov.au



The Hon Greg Hunt MP
Minister for the Environment

Karen Touchie
Queensland Campaigner
The Wilderness Society
PO Box 5247 West End
QUEENSLAND 4101

PDR: MC15-018171

Dear Ms Touchie

A handwritten signature in cursive script, appearing to read 'Greg Hunt'.

I refer to your letter of 6 May 2015 in which you raise concerns about large scale land clearing of native vegetation for agricultural purposes in far north Queensland. I note your concerns in relation to this matter.

As land clearing is a matter for state governments, and this is a state process, I have written to the Hon Dr Anthony Lynham MP, Minister for State Development, Natural Resources and Mines, seeking an indication as to whether the state accepts these current agricultural projects or, if not, whether it proposes any action.

In addition, I have also asked my Department to indicate whether any matters of national environmental significance arise and whether there are any breaches of the federal *Environmental Protection and Biodiversity Conservation Act 1999*.

I have enclosed a copy of my letter to Minister Lynham for your reference.

Thank you for bringing this matter to my attention.

Yours sincerely

Greg Hunt



The Hon Greg Hunt MP
Minister for the Environment

07 MAY 2015

PDR: MC15-018171

The Hon Dr Anthony Lynham MP
Minister for State Development, Natural Resources, and Mines
GPO Box 15216
BRISBANE QLD 4002

Dear Minister 

I have had the following matters raised with me regarding land clearing on five projects:

- Crystalbrook Station (inland from Cairns),
- Strathmore Station (Gulf of Carpentaria),
- the Etheridge Integrated Agriculture Project (Gulf Savannah region),
- Kingvale & Olive Vale-Fairview Stations (Laura region)
- Blanncourt Station (Georgetown region).

As land clearing is a matter for state governments, and this is a state process, I would be grateful if you could indicate whether the state accepts the current proposal or, if not, whether any action is proposed.

In addition, I have also asked my Department to indicate whether any matters of national environmental significance arise and whether there are any breaches of the federal *Environment Protection and Biodiversity Conservation Act 1999*.

I would be grateful for a reply as a matter of urgency.

Yours sincerely

Greg Hunt

cc. Minister Miles, Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef, GPO Box 2454 BRISBANE QLD, 4001




The Hon Greg Hunt MP

Minister for the Environment

04 JUN 2015

MC15-023839

Ms Jackie Trad MP
Deputy Premier of Queensland
PO Box 15009 City East
QUEENSLAND 4002 Australia

Dear Deputy Premier 

I refer to your correspondence, received 4 June 2015, in which you request that clearing of native vegetation at Olive Vale and Fairview (Lots 52 & Lot 53 CP: 887 336) be referred pursuant to section 69 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Your request to have this matter referred under section 69 of the EPBC Act does not fulfil the requirements for such a referral under the Act, therefore I am unable to act on this request as it currently stands.

More importantly, however, I must assert that given your own acknowledgement the actions on these properties fail under Queensland law then, if a matter is non-compliant with Queensland law, and as the responsible Minister, you would be in breach of your duties should you fail to enforce them.

The Australian Government has no power to enforce Queensland law, but you do. As you have determined the action is in breach of Queensland state law, not only is there no impediment to act under your own law, my advice is that there is a clear and immediate duty to do so.

Notwithstanding this, I have instructed the Department of the Environment to investigate the applicability of the EPBC Act to the land clearing which is currently occurring on Olive Vale and Fairview.

To that end, compliance officers, accompanied by a suitably qualified expert will make a thorough assessment of the works that are in train, during the course of next week. Commonwealth officers will be accompanied by officers from Queensland Parks and Wildlife Service and the Queensland Department of Environment and Heritage Protection. I would strongly encourage you to monitor the outcome of this joint investigation by the Australian and Queensland Governments.

I urge you to immediately comply with your own law. My understanding of Queensland law is that if, as Minister, you fail to do so, this would be a serious matter.

Yours sincerely

Greg Hunt



The Hon Greg Hunt MP

Minister for the Environment

05 JUN 2015

PDR: MB15-000445

The Hon Dr Anthony Lynham MP
Minister for State Development and
Minister for Natural Resources and Mines
PO Box 15216
City East Queensland 4002

Dear Minister

I refer to my letter of 4 June 2015 to the Hon Jackie Trad MP, Deputy Premier of Queensland, in relation to the clearing of native vegetation at Olive Vale/Fairview Station.

This letter was in response to a letter from Ms Trad on the same date indicating that land clearing permitted under Queensland *Vegetation Management Act 1999* at that property is not justified for the purposes of High Value Agriculture.

I must assert that given Ms Trad's acknowledgement that the actions on the property fail under Queensland law then, if a matter is inconsistent with Queensland law and as a responsible Minister, you may be in breach of your duties should you fail to enforce the relevant Queensland legislation.

The Australian Government has no power to enforce Queensland law, but the Queensland Government does, potentially including relevant legislation in your portfolio.

Notwithstanding this, I am advised that the Department of the Environment is currently making enquiries as to the applicability of the *Environment Protection and Biodiversity Conservation Act 1999* to the action which is currently occurring on Olive Vale/Fairview Station.

To that end, compliance officers, accompanied by a suitably qualified expert will make a thorough assessment of the works that are in train, during the course of next week. Commonwealth officers will be accompanied by officers from Queensland Parks and Wildlife Service and the Queensland Department of Environment and Heritage Protection.

Yours sincerely

Greg Hunt

cc The Hon Jackie Trad MP, Deputy Premier of Queensland
PO Box 15009, City East QLD 4002

Parliament House, Canberra ACT 2600 Telephone (02) 6277 7920 Greg.Hunt.MP@environment.gov.au

Sent: Wednesday, 10 June 2015 12:47 PM
Subject: FW: Letter re clearing of native vegetation at Olive Vale Station on Cape York Penn.
[SEC=UNCLASSIFIED]
Attachments: ACF to Env Minister re Cape York.pdf

ACTION: Minister Reply

NOTES (if required): for signing on Monday

Sent: Wednesday, 10 June 2015 12:38 PM
To: Greg.Hunt.MP
Subject: Letter re clearing of native vegetation at Olive Vale Station on Cape York Penn.

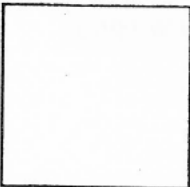
Dear Minister

Please find a letter attached on the (Cape York clearing.)

We look forward to your response to the attached request.

Best regards,

Paul Sinclair



Paul Sinclair
Director of Campaigns
Australian Conservation Foundation
Level 1 - 60 Leicester Street, CARLTON VIC 3053, Australia

www.acfonline.org.au
[@AusConservation](#) [facebook](#)

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AUSTRALIAN CONSERVATION FOUNDATION

Change today for
a sustainable future

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10 June 2015

The Hon. Greg Hunt MP
Minister for the Environment
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister

The clearing of native vegetation at Olive Vale station on Cape York Peninsula will have a significant impact on matters of national environmental significance (MNES).

We seek your urgent intervention in the ongoing clearing as there is a real and quantifiable likelihood that the proposal to clear over 30,000 hectares will cause the decline of a number of species including the Red Goshawk and the Buff-breasted Button-quail.

ACF has deep concerns about the integrity of the process that allowed the Olive Vale proposed development proceeded to clearing without seeking approval under Commonwealth law. The area includes approximately 14 threatened species¹, a range of migratory species and the Marina Plains Lakefield Aggregation – a nationally important wetland.

Over 32,000 hectare of land was approved for clearing by the Queensland Government without acknowledgement of MNES and without any referral to the Commonwealth's Department of Environment as required under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

ACF has received independent scientific advice that both the Buff-breasted Button-quail and the Red Goshawk are highly likely to occur on the property and in the areas subject to clearing.²

We believe that the loss of habitat for these two threatened species will:

- Lead to a long-term decrease in the population size, particularly the Buff-breasted Button-quail,
- Reduce the area of occupancy for both species,

¹ EPBC Protected matters search tool results, vetted for extremely unlikely candidates (i.e. koala).

² Personal communication, June 2015, naturalist and published ornithologist Lloyd Nielsen.



AUSTRALIAN CONSERVATION FOUNDATION

Change today for
a sustainable future

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twitter [@acfonline.org.au](https://twitter.com/acfonline.org.au)

- Contribute to a cumulative fragmentation already exacerbated by past clearing in southern Cape York,
- Destroy critical habitat, particularly for the Buff-breasted Button-quail,
- With known nest site of the Red Goshawk within 15 kilometres of Olive Vale, disrupt breeding cycles on local populations,
- Destroy a significant amount of habitat resulting in decline of populations.
- Result in the degradation of habitat through changes in grass species including the invasive species such as Grader Grass *Themeda quadrivalvis*, a highly invasive introduced species capable of changing grassland habitats, and increasing the risk of Gamba Grass *Andropogon gayanus*, a weed of national significance, spreading,
- That clearing is contrary to the National Recover Plans for both species.

The clearing of habitat for both the Buff-breasted Button-quail and the Red Goshawk is, in this instance a clear breach of the *EPBC Act 1999*.

We recommend the Commonwealth Minister for Environment intervene in this matter by:

- Bringing an immediate halt to the clearing.
- Issuing the appropriate penalties to the proponent for failing to comply with EPBC requirements.
- Require the proponent to comply with the EPBC Act by making the standard referral and commissioning the necessary assessments.

Thank you for your consideration of this request.

Yours sincerely,

Dr Paul Sinclair
Director of Campaigns

For more information please contact ACF's Northern Australia program officer, Andrew Picone

DOC1215-024966



Min No. C
Division
D. O. W. P.
RECEIVED 18 JUN 2015 Environment
Minister
 Covering E...
 V. P. Reps...
 Minister Rep...
 Advise...
 ...

12 June 2015

Hon Greg Hunt MP
Minister for the Environment
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister,

Re: Clearing at Olive Vale Station and compliance with the EPBC Act

BirdLife Australia is a highly respected science-based conservation organisation with more than 85,000 supporters across the country, including 13,000 Queenslanders. We have over 30 local branches around the country and a very active network of volunteers throughout Queensland.

A number of our Queensland members are deeply concerned about the commencement of large-scale vegetation clearing on Olive Vale Station at Cape York. We understand that the clearing is likely to have a significant impact on EPBC listed bird species.

I have been advised by our members, including a Buff-breasted button-quail and Red Goshawk expert, that suitable habitat for these threatened species is already being cleared without any referral under the *Environment Protection and Biodiversity Act 1999* (EPBC Act).

As you'd be aware, Cape York supports a significant array of biodiversity and habitat suitable for a great range of endemic species. Given the substantial level of clearing that is apparently planned for Olive Vale Station (up to 30,000 hectares) and the likely significant impact on EPBC listed species, we request that you intervene to prevent any further clearing until the proposal is properly considered under the Act.

I look forward to hearing from you on the outcome of this important matter.

Sincerely,

Samantha Vine
Acting Chief Executive



The Hon Greg Hunt MP

Minister for the Environment

05 JUN 2015

PDR: MB15-000445

The Hon Steven Miles MP
Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef
GPO Box 2454
Brisbane Queensland 4001

Dear Minister

I refer to my letter of 4 June 2015 to the Hon Jackie Trad MP, Deputy Premier of Queensland, in relation to the clearing of native vegetation at Olive Vale/Fairview Station.

This letter was in response to a letter from Ms Trad on the same date indicating that land clearing permitted under Queensland *Vegetation Management Act 1999* at that property is not justified for the purposes of High Value Agriculture.

I must assert that given Ms Trad's acknowledgement that the actions on the property fail under Queensland law then, if a matter is inconsistent with Queensland law and as a responsible Minister, you may be in breach of your duties should you fail to enforce the relevant Queensland legislation.

The Australian Government has no power to enforce Queensland law, but the Queensland Government does, potentially including relevant legislation in your portfolio.

Notwithstanding this, I am advised that the Department of the Environment is currently making enquiries as to the applicability of the *Environment Protection and Biodiversity Conservation Act 1999* to the action which is currently occurring on Olive Vale/Fairview Station.

To that end, compliance officers, accompanied by a suitably qualified expert will make a thorough assessment of the works that are in train, during the course of next week. Commonwealth officers will be accompanied by officers from Queensland Parks and Wildlife Service and the Queensland Department of Environment and Heritage Protection.

Yours sincerely

Greg Hunt

cc The Hon Jackie Trad MP, Deputy Premier of Queensland
PO Box 15009, City East QLD 4002

Parliament House, Canberra ACT 2600 Telephone (02) 6277 7920 Greg.Hunt.MP@environment.gov.au



Deputy Premier
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade

Our ref: D15/75454

Level 12 Executive Building
100 George Street
PO Box 15009 City East
Queensland 4002 Australia

Hon Greg Hunt MP
Minister of Environment
GPO Box 787
CANBERRA ACT 2601

Dear Mr Hunt *Greg,*

I refer to your letter dated 4 June 2015 about the approved development application for operational work for the clearing of native vegetation 'high value agriculture' on land at Olive Vale/Fairview Station (described as Lots 52 and 53 on CP887336).

As discussed with you recently, I have obtained legal advice on this issue, and can confirm that unfortunately there is no head of power under the *Sustainable Planning Act 2009* to revoke, suspend or re-assess the development approval.

As previously advised, I will be referring the matter for determination by you as Minister in accordance with section 69 of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). As you are aware, I have a genuine and real concern of the potential for this to impact on matters of national environmental significance.

I note your instruction to officers of your department to investigate the applicability of the EPBC Act. I can confirm that I have also instructed officers from the Queensland Parks and Wildlife Service and the Department of Environment and Heritage Protection to assist and support this investigation in any way possible.

I trust that you will attend to this issue as a matter of urgency.

Yours sincerely

JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade

**The Hon Greg Hunt MP****Minister for the Environment**MB15-000456
12 June 2015

Ms Jackie Trad MP
Deputy Premier of Queensland
PO Box 15009 City East
QUEENSLAND 4002 Australia

Dear Deputy Premier

I refer to your correspondence, received 11 June 2015, regarding clearing of native vegetation at Olive Vale and Fairview (Lots 52 & Lot 53 CP: 887 336) and your intention to see the matter referred pursuant to section 69 of the *Environment Protection and Biodiversity Conservation Act 1999*. I also note your advice regarding Queensland being unable to properly administer in this instance its own legislation (*Sustainable Planning Act 2009*).

While noting your comment that there is no head of power for you to suspend or re-assess this particular development approval, I would suggest that, where there is a failure in the ability of a Government to enforce its own laws, then there is a *prima facie* case for that law to be changed. I would be surprised if there were not laws in Queensland, beyond the *Sustainable Planning Act 2009*, under which this matter should be considered before it is referred beyond Queensland's jurisdiction.

Notwithstanding the efficacy of Queensland law, I strongly suggest you and your Government's relevant authorities await the outcome of the investigations currently being conducted by Queensland and Commonwealth officials before referring this matter to the Commonwealth. I am advised that preliminary advice from the ecological expert is expected to be available later this month.

Importantly, I am advised the landholder is cooperating closely with officials and has advised works on the site will cease, except where some clean-up is required on land already cleared. I also understand that, following the Commonwealth warrant activity on the property this week, the landholder is currently discussing the content of a voluntary referral with my department.

I must reiterate my earlier statement that, as you have determined this action is in breach of Queensland state law, not only is there no impediment to act under your own law, my advice is that there is a clear and immediate duty to do so.

Thank you for writing on this matter.

Yours sincerely

Greg Hunt



The Hon Dr Anthony Lynham MP
Minister for State Development and
Minister for Natural Resources and Mines

Level 17 QMEC Building
61 Mary Street Brisbane QLD 4000
PO Box 15216 City East
Queensland 4002 Australia

Our Ref MO/15/1315
CTS 13275/15
Your Ref PDR: MB15-000445

24 JUN 2015

The Honourable Greg Hunt MP
Minister for the Environment
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 5 June 2015 about clearing of native vegetation at Olive Vale/Fairview Station.

Since the Honourable Jackie Trad MP, Deputy Premier of Queensland, tabled her review of decision-making in relation to clearing at Olive Vale/Fairview Station, the Department of Natural Resources and Mines has implemented arrangements to ensure that there is the necessary technical and administrative rigour in the decision making processes associated with future applications for this type of clearing. My department will also be progressing policy and legislative reviews to give effect to the Queensland Government's election commitment to restore Queensland's vegetation protection laws to reduce the clearing of native vegetation.

I appreciate the efforts by your department in working collaboratively with Queensland government officials to assess implications of the clearing actions at Olive Vale/Fairview Station in relation to the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*.

Yours sincerely

Dr Anthony Lynham MP
Minister for State Development and
Minister for Natural Resources and Mines




The Hon Greg Hunt MP
Minister for the Environment

MC15-024966

Ms Samantha Vine
Head of Conservation
Birdlife Australia
Suite 2-05, 60 Leicester Street
CARLTON VIC 3053

14 JUL 2015

Dear Ms Vine 

I refer to your letter of 12 June 2015 in relation to land clearing at Olive Vale Station, Cape York, Queensland. I regret the delay in responding.

I note your concerns about the potential for the clearing to impact on threatened bird species on the property. I can assure you that I take this matter very seriously. Compliance officers from the Department of the Environment have been investigating current and proposed clearing at the property with a site inspection undertaken in early June.

Following that inspection, and consultation with the Department, the landholder agreed to cease clearing on the property until such time as the balance of the clearing, approximately 30,000 ha, can be formally assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act). I am advised that a referral under the Act is expected to be submitted within the next month or so.

Once the referral is submitted, there will be a 10 business day period during which members of the public can make comment on the proposal. I encourage you to monitor the Department's website, should you wish to provide comments on the referral.

Thank you for writing on this matter.

Yours sincerely

Greg Hunt



The Hon Greg Hunt MP
Minister for the Environment

MC15-024357

Dr Paul Sinclair
Director of Campaigns
Australian Conservation Foundation
Level 1, 60 Leicester Street
CARLTON VIC 3053

Dear Dr Sinclair

I refer to your letter of 10 June 2015 in relation to land clearing at Olive Vale Station, Cape York, Queensland.

Compliance officers from the Department of the Environment have been examining current and proposed clearing at the property. A site inspection was undertaken in early June.

Following that inspection, and consultation with the Department, the landholder agreed to cease clearing on the property until such time as the balance of the clearing, approximately 30,000 ha, has been formally assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act). I am advised that a referral under the Act is expected to be submitted within the next month or so.

Once the referral is submitted, there will be a 10 business day period during which members of the public can make comment on the proposal. I encourage you to monitor the Department's website, should you wish to provide comments on the referral.

Thank you for writing on this matter.

Yours sincerely

Greg Hunt



The Hon Greg Hunt MP

Minister for the Environment

MC15-035358

The Hon Jackie Trad MP
Deputy Premier
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade
PO Box 15009
CITY EAST QLD 4002

17 SEP 2015

Dear Deputy Premier

A handwritten signature in cursive script, appearing to read "Jackie", written over the typed name "Dear Deputy Premier".

I refer to your correspondence of 2 September 2015, concerning broad scale clearing of native vegetation on the Olive Vale/Fairview Station.

I note your advice that the Queensland Government is incapable of intervening or stopping the clearing of "high value agriculture" land under the *Vegetation Management Act 1999* (Qld).

Having regard to Queensland Government's inability to intervene, officers from the Commonwealth Department of the Environment have investigated the matter and engaged with the landholder to ensure that the provisions of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) will be complied with. This intervention has resulted in the cessation of all damaging works on the property and a commitment by the landholder to refer the proposal for assessment under the EPBC Act.

Thank you for writing on this matter.

Yours sincerely

Greg Hunt



Deputy Premier
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade

Our ref: MC15/3476

Your ref: MB15-000456

Level 12 Executive Building
100 George Street
PO Box 15009 City East
Queensland 4002 Australia

2 SEP 2015

The Honourable Greg Hunt MP
Minister for the Environment
Parliament House
CANBERRA ACT 2600

Dear Minister *Greg*,

Thank you for your letter of 12 June 2015 about the (approved development application for the clearing of native vegetation (for 'high value agriculture') on land at Olive Vale/Fairview Station) (described as Lots 52 and 53 on CP887336).

I would like to take this opportunity to respond to an assertion in your correspondence that may have arisen from a misinterpretation or misinformation on your behalf. The vegetation clearing that recently commenced on the Fairview Station did not break any State laws and, as such, there has been no failure by the Queensland Government to enforce its own laws. The Olive Vale approval to clear the land is a lawful approval; one which cannot be revoked. Notwithstanding its lawfulness, I believe that the approval to clear vegetation on Fairview Station was a bad decision brought about by bad policy and inappropriate legislative amendments given effect by the former Queensland LNP Government.

The Queensland Government is now reviewing these laws and policies as a matter of priority and will address the issues in the manner it deems appropriate.

As the matter may have involved a controlled action under the Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) I, as Minister for Planning and in accordance with Section 69 of the EPBC Act, thought it prudent to bring the matter to your attention.

Whilst Section 69 of the EPBC Act permits me to voluntarily refer such a concern to you, I note that the landholder (Mr Paul Ryan) wrote to you confirming his intention to refer the matter for an approval under Section 75 of the EPBC Act. I therefore intend to await the outcome of these investigations and any subsequent referrals by (Mr Ryan) prior to deciding whether to refer the matter to the Federal Government. I am advised that once the referral is received by you under the EPBC Act, (Mr Ryan) is prohibited from continuing the relevant activity until the decision process concludes.

The Queensland Government trusts that you, as Federal Minister for the Environment, will consider this matter in the spirit in which it was raised and that you will act appropriately and in accordance with the EPBC Act.

Thank you for your cooperation in relation to this important issue.

Yours sincerely

JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade

cc: The Honourable Anastacia Palaszczuk MP, Premier and Minister for the Arts

The Honourable Bill Byrne MP, Minister for Agriculture and Fisheries and Minister for Sport and Racing

The Honourable Dr Anthony Lynham MP, Minister for State Development and Minister for Natural Resources and Mines

The Honourable Dr Steven Miles MP, Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef

MC15-042040
DOC 21



3 November 2015

The Hon Greg Hunt MP
Minister for the Environment
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Email: Greg.Hunt.MP@aph.gov.au

Dear Minister

Land clearing on Olive Vale/ Fairview Station, Cape York - request for urgent update on status re EPBC Act.

I write seeking an urgent update on land clearing on Olive Vale/Fairview Station, Cape York, and whether you have decided this is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As you know, earlier this year The Wilderness Society (TWS) wrote to you and your department on several occasions regarding the proposed clearing of over 32,000 hectares of remnant savannah woodland on Olive Vale/Fairview Stations, which had commenced.

Your department initially responded indicating it was unaware of the proposed clearing and that it would investigate and keep us updated as to progress. We have not received any further updates to that initial correspondence.

I understand that the clearing was voluntarily referred to your department in June 2015, for assessment under the EPBC Act. However, I have not received any further information about this.

I am therefore seeking an urgent indication of what actions the Australian Government, via your office or your department, has taken or is currently taking to assess any further land clearing occurring at Olive Vale/Fairview.

Kind regards

Dr Tim Seelig
Queensland Campaigns Manager
The Wilderness Society

The Wilderness Society Queensland Inc.
PO Box 5427 West End, Queensland 4101, Australia
Telephone: 07 3846 1420
Email: brisbane@wilderness.org.au
ABN 68 871 152 328



The Hon Greg Hunt MP
Minister for the Environment

MC15-042040

Dr Tim Seelig
 Queensland Campaigns Manager
 The Wilderness Society
 PO Box 5427
 WEST END QLD 4101

17 DEC 2015

Dear Dr. Seelig

I refer to your letter of 03 November 2015 requesting an update on land clearing on Olive Vale/Fairview Station in Cape York, Queensland. I regret the delay in responding.

As you may be aware, officers from the Department, accompanied by an expert ecologist and botanist, inspected the property in June 2015. I am advised that evidence and expert advice obtained by the Department in the course of their enquiries indicated that initial clearing up to and the inspection was unlikely to have resulted in a significant impact on any matters of national environmental significance which are protected under the *Environment Protection and Biodiversity Conservation Act 1999*.

Based on these enquiries I am advised that the proposed clearing of an additional 30,000 hectares could be a controlled action which would need to be referred for assessment under the EPBC Act. The landholder has agreed to voluntarily cease further clearing until such time as they hold all appropriate environmental approvals.

I am advised that the landholder is currently preparing a referral and I expect that it will be submitted for assessment when they have sought advice and drafted the appropriate management plans. Once the referral is submitted there will be an opportunity to provide feedback to the Department as part of the normal assessment process.

I understand that this property is not the only area subject to broad scale clearing approved by the Queensland Government. The Department is currently examining information relating to a range of other approvals granted by the Queensland Government to determine if any have the potential to have either contravened, or require approval, under the Act.

Thank you for writing on this matter.

Yours sincerely

Greg Hunt



DOC 24

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The Hon. Greg Hunt MP
Minister for the Environment
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

12 January 2016

Dear Minister, *Dear Greg.*

On behalf of WWF-Australia, I would like to convey our sincere thanks to you for issuing warning notices to recipients of approvals for so-called high value agriculture clearing in Queensland. We believe the notices will help reduce current rates of panic clearing occurring across the State.

As you are aware, these approvals extend over native forests of vital or critical habitat for many species listed as threatened under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. As detailed in our recent report, *Bushland destruction rapidly increasing in Queensland*,¹ larger approvals such as that for Olive Vale station on Cape York would destroy substantial areas of habitat for Northern Quolls, Red Goshawks, the Crimson Finch, and the Buff-breasted Button Quail, a species so elusive and rare it has never been photographed.

There are at least 56 approvals for over 110,000 hectares of intact habitat throughout Queensland. If all these approvals are exercised, the impact on threatened species is sure to be significant, particularly when cumulative effects are considered. Moreover many approvals fall in the Reef catchment, raising new significant water quality risks. The National Greenhouse Gas Inventory also reports a 33% increase in net LULUCF emissions in 2015 over the previous year.

WWF would like to seek your guidance on this issue in coming weeks. While we are pressing the State to deliver its vegetation commitments, WWF is also working with key stakeholders on a bid to the *Emissions Reduction Fund* to protect species, the Reef and the climate. While these measures will help, new initiatives are likely to be needed to meet Commonwealth and State targets for emissions reduction, Reef water quality and threatened species protection.

Yours sincerely, *Best wishes.*

~~Dermot O'Gorman~~
CEO
WWF-Australia

¹ ATTACHED and available at <http://www.wwf.org.au/qldlandclearing>