

Our Ref: BNE1401-2
BNE2007/4962
E/07/01089
Your Ref: 766-07

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to your letter of 7 February 2007 to the Honourable Geoff Wilson MP, Minister for Mines and Energy, forwarding notification of a petition received by the House on 6 February 2007 concerning activities at Lot 306, Johns Road, Noosa. The matter has been referred to me for response.

Prior to, and following, the tabling of this petition by Mr Glen Elmes MP, Member for Noosa, the Environmental Protection Agency (EPA) has investigated and taken appropriate enforcement action to address the main concerns identified relating to those matters within its jurisdiction.

In April 2006, Noosa Washed Sand Pty Ltd commenced extraction at Lot 306, Johns Road, under an existing Development Approval held by Noosa Earthmovers Pty Ltd. It was the performance of Noosa Washed Sand whilst conducting sand extraction that led to community concern and subsequent action by the EPA.

There is an existing approval under the *Environmental Protection Act 1994* (EP Act) permitting extraction at Lot 306, Johns Road, up to 100 000 tonnes per annum. In late October last year, the EPA commenced an investigation into allegations against the then operator of the site that he had exceeded his permitted extraction level and was also causing environmental harm. During a full compliance inspection in early December 2006, the EPA was sufficiently concerned at the potential for environmental harm that it issued an Environmental Protection Order (EPO) for immediate works to be undertaken to prevent sediment entering the nearby environmentally significant habitats. The EPO included the requirement to re-establish a vegetated buffer zone that had been removed without permission.

Following the eviction of Noosa Washed Sand from the site on 17 January 2007, the EPO was reissued to the Registration Certificate and Development Approval holder, Noosa Earthmovers, and the landowner, Mr Michael Sherrin. Compliance with the EPO has now been achieved.

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The EPA is finalising its investigation into the failure by Noosa Washed Sand to comply with the EPO issued to it, and for providing false and misleading information to the EPA under a statutory notice.

Since 17 January 2007, there has been no further extraction activity at Lot 306, Johns Road. Noosa Earthmovers has committed to prepare an Environmental Management Program (EMP) under the EP Act, to be negotiated with the EPA, to address several outstanding conditions relating to sediment and erosion control and rehabilitation of the buffer zones surrounding the lease. The EMP must be in place before Noosa Earthmovers will be permitted to recommence sand extraction under its existing valid approval.

I hope this information is of assistance.

Yours sincerely

Lindy Nelson-Carr MP
Minister for Environment and Multiculturalism