



Stirling Hinchliffe MP
Member for Stafford



E-MAILED
Queensland
Government

Parliamentary Secretary
to the Deputy Premier and
Minister for Infrastructure and Planning

Our ref: TN129332 / MC08.1027

Your ref: 1021-08

10 JUL 2008

Mr Neil Laurie
Clerk of the Parliament
Email: TableOffice@parliament.qld.gov.au

Dear Mr ~~Laurie~~ *Neil*

I refer to my earlier response to petition number 1021-08 about a parcel of land owned by the Scout Association at Victoria Point. I would like to advise you that incorrect information supplied in that response has since been identified.

I have sent a revised response and apology directly to the principal petitioner Ms Rosemary Skelly. I have enclosed a copy of my revised response for your information.

Yours sincerely

STIRLING HINCHLIFFE MP
Parliamentary Secretary to the Deputy Premier and
Minister for Infrastructure and Planning

Encl (1)

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au



Stirling Hinchliffe MP
Member for Stafford



**Queensland
Government**

Our ref: BN360.08/TN133006

Your ref: 1021-08

Parliamentary Secretary
to the Deputy Premier and
Minister for Infrastructure and Planning

10 JUL 2008

Ms Rosemary Skelly
Principal Petitioner
13 Portmarnock Drive
Victoria Point QLD 4165

Dear Ms Skelly

I refer to an email from Mr John English MP, Member for Redlands, received 25 June 2008 and your letter dated 25 June 2008 in reply to my response to petition number 1021-08, regarding bushland owned by the Scout Association at Victoria Point and concerns over the potential loss of this bushland through redevelopment.

I would like to apologise for my earlier response of 17 June 2008 and advise you that following Mr English's email, immediate steps were undertaken to rectify erroneous information provided by the Department of Infrastructure and Planning about the existence of a development application over the site.

The information contained in that response was based on an incorrect assumption that the concerns raised in the petition primarily related to a development application on, or near, the Scout Association land. In the course of their investigations, Departmental officers identified a development application for the Thornlands Integrated Employment and Residential Community on nearby land. Whilst not adjoining the Scout Association land, the two sites are connected by a bushland corridor. It was incorrectly assumed by the that the concerns raised in the petition related to the development of this land, the potential for the bushland corridor to be developed and the subsequent and eventual redevelopment of the Scout Association land.

Mr Graeme Bolton, a Director within the Department of Infrastructure and Planning, has telephoned you to offer his apologies and to gain a better understanding of your concerns. Based on these discussions, I would like to offer the following response to your petition.

From your petition and discussions referred to above, I note you would like the State to purchase the Scout Association land to protect it from possible future redevelopment. The State does not generally purchase sites such as these unless there are significant environmental or economic interests to the State or region. In most instances, the provision and maintenance of community parks and bushland is the responsibility of the local council, in this case the Redland City Council. You may wish to present your petition to Council requesting they purchase this land for the protection and enjoyment of the community.

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au

Alternatively, the Environmental Protection Agency (EPA) may have options for the acquisition of land for protected areas. I have forwarded your petition and a copy of my response to the Honourable Andrew McNamara MP, Minister for Sustainability, Climate and Innovation, for consideration and direct reply to you.

Notwithstanding your request for the State to purchase this land, there are a number of other statutory requirements and powers that offer substantial protection of this land from redevelopment.

The current zoning of the Scout Association land under the Redland City planning scheme is Conservation. The purpose of the Conservation zone, amongst other outcomes, is to ensure uses and other developments identify, protect and provide for the long-term management and enhancement of the environmental values associated with this zone. Any development application over this land would have to not only identify how it achieves the purpose of the zone, but would also be required to demonstrate how it complies with a number of other development codes and overlay provisions that deal with acid sulfate soils; bushfire hazard; bushland habitat; flood, storm, and drainage constraints; road and rail noise constraints; State koala policy; and waterways, wetlands and Moreton Bay constraints.

In addition to these local planning provisions, a number of State based statutory requirements would also be triggered in the redevelopment of the site. These include, amongst possible others, provisions within the *Vegetation Management Act 1999* (VMA). The VMA regulates the clearing of vegetation on freehold land, in order to preserve remnant endangered and 'of concern' regional ecosystems, as well as areas declared to be of high nature conservation value, or vulnerable to degradation. Whilst mapping from the EPA for the site includes "2003 remnant not of concern regional ecosystem", it does include a "VMA Essential Habitat Area for species of wildlife listed as endangered, vulnerable, near threatened or rare under the *Nature Conservation Act 1992*".

Similarly, the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a framework to protect and manage, amongst other things, nationally and internationally important flora, fauna and ecological communities, when they are defined in the EPBC Act as matters of national environmental significance. Therefore, any proposed redevelopment of this site is also likely to trigger "matters of national environmental significance" due to its location in relation to Moreton Bay, an international Ramsar wetland site.

In addition to these regulatory requirements applying to the redevelopment of the land, the Deputy Premier has a number of reserve powers available under the *Integrated Planning Act 1997* (IPA). These powers allow him to intervene, or achieve specific outcomes, in development applications that have the capacity to adversely impact matters of significant economic or environmental interest to the State or region.

These include "call-in" powers that allow the Deputy Premier to assume control of a development application to assess and decide it in place of the original assessment manager (normally council). A recent example of the use of this reserve power was the refusal of a master planned tourist resort on environmentally sensitive land at Kin Kin, in the Noosa hinterland. Other reserve powers include Ministerial Direction powers that allow the Deputy Premier to direct the assessment manager to decide or apply conditions to a development application to achieve a particular outcome, without having to assume full control of the development application. A recent example of the use of this power was the Ministerial Direction to preserve the social fabric associated with those elements of the Regent Theatre not covered by State heritage legislation.

Should the Redland City Council move to amend its planning scheme by way of re-zoning the land to a zone more sympathetic to development, any such amendment must be examined and approved by the Deputy Premier in accordance with Schedule 1 of the IPA. This process includes requirements for public consultation on the proposed amendment and a whole-of-government review of the proposed changes for compliance with State based legislation and policies by agencies such as the EPA, the Department of Natural Resources and Water and the Department of Primary Industries and Fisheries.

As you can appreciate, these statutory requirements and reserve Ministerial powers are complementary in ensuring the environmental values of the site are taken into consideration in future management and planning decisions relating to the site.

I trust this information is of assistance to you.

Yours sincerely



STIRLING HINCHLIFFE MP
Parliamentary Secretary to the Deputy Premier and
Minister for Infrastructure and Planning



Stirling Hinchliffe MP
Member for Stafford



**Queensland
Government**

Parliamentary Secretary
to the Deputy Premier and
Minister for Infrastructure and Planning

Our ref: TN129332 / MC08.1027

Your ref: 1021-08

17 JUN 2008

Mr Neil Laurie
Clerk of the Parliament
TableOffice@parliament.qld.gov.au

Dear Mr ~~Laurie~~ *Neil*

Thank you for providing me with a copy of the wording of petition number 1021-08 regarding a parcel of land owned by the Scout Association at Victoria Point.

I have responded directly to the principal petitioner Ms Rosemary Skelly and a copy of my reply is attached for your information.

Yours sincerely

STIRLING HINCHLIFFE MP
Parliamentary Secretary to the Deputy Premier and
Minister for Infrastructure and Planning

Enc. (1)

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au



Stirling Hinchliffe MP
Member for Stafford



**Queensland
Government**

Parliamentary Secretary
to the Deputy Premier and
Minister for Infrastructure and Planning

Our ref: TN129332 / MC08.1027

17 JUN 2008

Ms Rosemary Skelly
Principal Petitioner
13 Portmarnock Drive
Victoria Point QLD 4165

Dear Ms Skelly

The Clerk of the Parliament, Mr Neil Laurie has forwarded a copy of the wording of your petition, lodged with the Legislative Assembly of Queensland on 11 March 2008, to the Honourable Paul Lucas MP, Deputy Premier and Minister for Infrastructure and Planning, about a parcel of land owned by the Scout Association at Victoria Point. The Deputy Premier has asked me to respond on his behalf.

The regulation of development and assessment of individual development applications in Redland City is primarily regulated by the Redland Shire *Integrated Planning Act 1997* (IPA) planning scheme. Under the IPA, any person wishing to undertake assessable development of land must apply to Council, which is required to assess each application on its merits against the requirements of the planning scheme. If the application is in conflict with the planning scheme, the IPA requires Council to refuse the application, unless there are sufficient planning grounds on which to justify an approval.

The development application lodged in relation to this parcel of land is currently with Council and is yet to be decided.

Intervention by the State Government in the development assessment process prior to or following a decision by the local government is only intended on occasions where an interest of economic or environmental significance to the state could be significantly affected by a decision of the local government. Given these are reserve powers, decisions on their use are not taken lightly. At this stage, with the application still in the information request stage, it is not considered appropriate for the Deputy Premier to use his reserve powers in this particular case.

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au

As well as the local planning scheme, the *South East Queensland Regional Plan 2005-2026* (SEQ Regional Plan) provides a planning framework to manage future growth and development of SEQ in the most sustainable way, while protecting and enhancing the region's natural environmental and community's quality of life. The SEQ Regional Plan protects more than 80 per cent of the region from urban development. The inclusion of land in the Urban Footprint however does not imply that all these lands can be developed for urban purposes. Areas of significant environmental and conservation value will remain protected by existing legislation and policy.

I trust this information is of assistance to you. If you require any further information, please call Mr Andrew Foley, Principal Planner, Planning Group, Department of Infrastructure and Planning, on 3237 1750 who will be pleased to assist.

Yours sincerely



STIRLING HINCHLIFFE MP
Parliamentary Secretary to the Deputy Premier and
Minister for Infrastructure and Planning