



Hon Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Our ref: WR21/36565

Your ref: A793975

14 December 2021

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

Dear Mr Laurie

Thank you for your letter of 22 November 2021 regarding petition 3572-21 received by the Queensland Legislative Assembly on 16 November 2021 about the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning (the department).

The e-petition appears to be referring to the Planning and Environment Court appeals relating to the Cleanaway, Landtrak and Austin BMI landfill applications in Ipswich. I will take this opportunity to clarify the Chief Executive's role in these proceedings.

The *Planning Act 2016* establishes the Chief Executive of the department as the decision maker for the State Assessment and Referral Agency (SARA). SARA was a referral agency for the three above mentioned applications subject to the appeal. Ipswich City Council was the assessment manager and overall decision maker for these applications.

As Ipswich City Council did not approve the development applications, the landfill companies lodged appeals in the Planning and Environment Court. SARA joined these appeals to ensure state interests were protected given that issues of contention in the appeals involved matters of SARA's jurisdiction. As per the usual process for a Planning and Environment Court appeal, SARA retained independent experts in the fields relevant to SARA's assessment (i.e. traffic, noise, air quality, groundwater, surface water and ecology) to provide expert evidence to the court. The independent advice provided by these experts was that the state assessment requirements for the proposals could be met subject to the imposition of reasonable and relevant development conditions.

In relation to this, it is important to note:

- expert witnesses have a duty to assist the Court and prepare reports and answer questions honestly and impartially
- the council assesses the applications against broader criteria than SARA, given their role as assessment manager
- the department has had no involvement in the other issues in the trials, such as economic need and town planning, as these are not aspects of SARA's statutory jurisdiction
- SARA has not put forward a view about whether the applications can or should be approved – this involves broader considerations than those within SARA's jurisdiction
- SARA's involvement in the proceeding is to protect state interests and to assist the Court relative to SARA's referral agency jurisdiction. SARA does not 'take sides' in an appeal but provides evidence to the court in support of its state interest jurisdictions.

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The Planning and Environment Court matters about these landfill proposals concluded in August 2021 and the parties are awaiting the Court's decision.

I would like to thank the petitioners for raising this matter with me and I trust this information is of assistance in clarifying that the Chief Executive's role in the proceedings was impartial, appropriate and consistent with statutory jurisdiction.

Yours sincerely



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